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Texas Register

Volume 14, Number 34, May 9, 1989

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Texas Register

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

Governor—appointments, executive orders, and proclamations

Attorney General—summaries of requests for opinions, opinions, and open records decisions

Emergency Sections—sections adopted by state agencies on an emergency basis

Proposed Sections—sections proposed for adoption

Withdrawn Sections—sections withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date

Adopted Sections—sections adopted following a 30-day public comment period

Open Meetings—notices of open meetings

In Addition—miscellaneous information required to be published by statute or provided as a public service

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

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

In order that readers may cite material more easily page numbers are now written as citations. Example: on page 2 in the lower left-hand corner of the page, would be written "14 TexReg 2 issue date," while on the opposite page, page 3, in the lower right-hand corner, would be written "issue date 14 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, Room 245, James Earl Rudder Building, Austin. Material can be found using *Texas Register* indexes, the *Texas Administrative Code*, sections number, or TRD number.

Texas Administrative Code

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

How To Cite: Under the TAC scheme, each agency section 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 rule (27 indicates that the section is under Chapter 27 of Title 1; 15 represents the individual section within the chapter).



Texas Register Publications

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Texas Housing Agency

2302-Low Income Tax Credit Program 1989 Quarterly Report

State Board of Insurance

2302-Company Licensing

Railroad Commission of Texas

2303-Correction of Error

Texas Water Commission

2303-Notice of Technical Guidelines

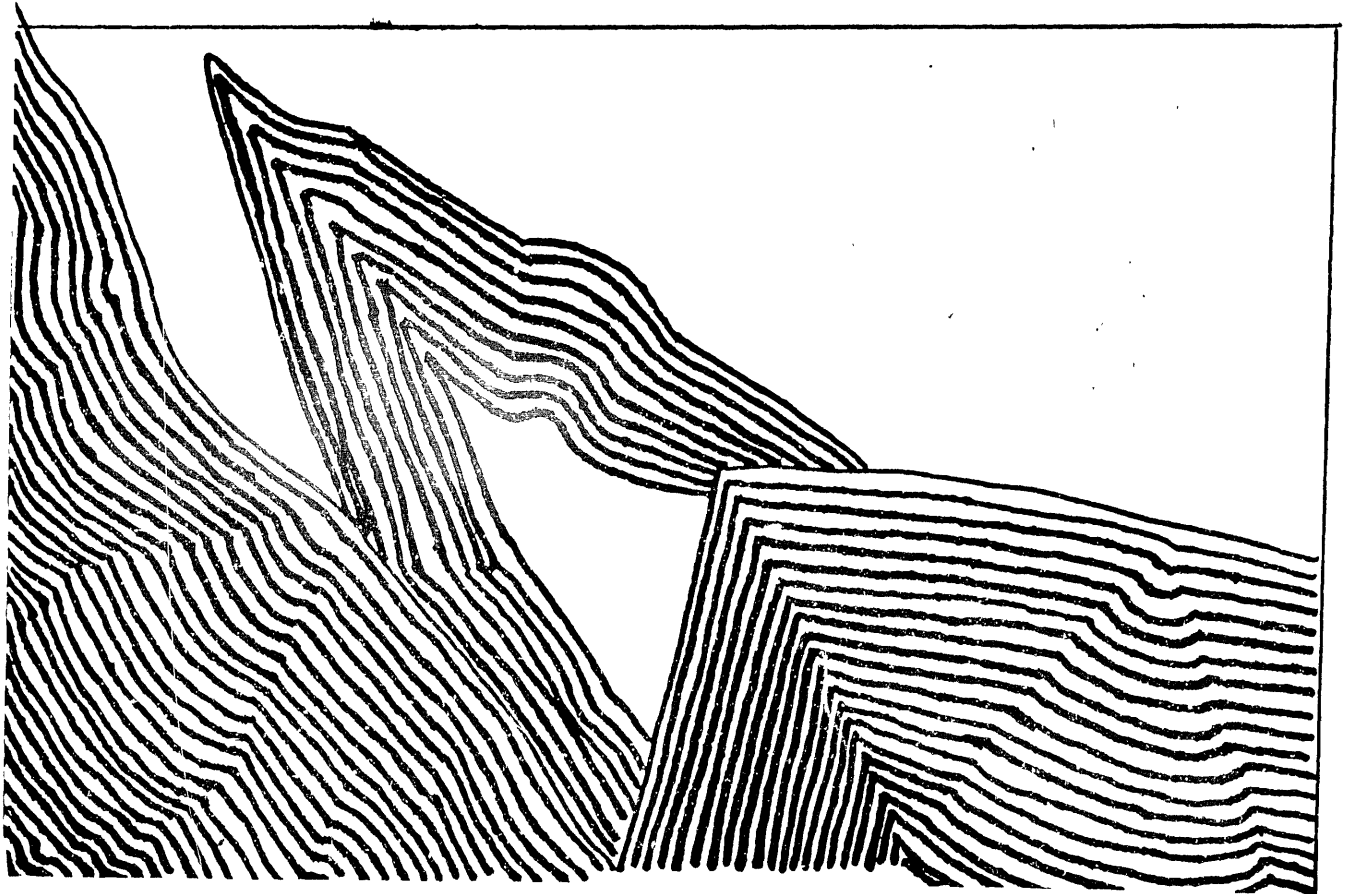
Texas Water Development Board

2303-Consultant Proposal Request

Profiles

A Guide to Texas State Agencies

2305-Texas Department of Agriculture



Name: Kristy Anderson

Grade: 6

School: Ditto Elementary, Arlington

TAC Titles Affected

TAC Titles Affected—May

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

TITLE 1. ADMINISTRATION

Part I. Office of the Governor

1 TAC §5.401—2153

TITLE 4. AGRICULTURE

Part I. Texas Department of Agriculture

4 TAC §18.33—2291

TITLE 7. BANKING AND SECURITIES

Part IV. Texas Savings and Loan Department

7 TAC §65.2—2154

7 TAC §65.12—2154

7 TAC §73.1—2155

TITLE 16. ECONOMIC REGULATION

Part I. Railroad Commission of Texas

16 TAC §5.186—2155

Part II. Public Utility Commission of Texas

16 TAC §23.61—2151, 2155

Part VIII. Texas Racing Commission

16 TAC §305.70—2289

TITLE 22. EXAMINING BOARDS

Part IX. State Board of Medical Examiners

22 TAC §186.3—2156

TITLE 25. HEALTH SERVICES

Part I. Texas Department of Health

25 TAC §§301.11-301.15, 301.17—2113

25 TAC §325.731—2151, 2139

TITLE 28. INSURANCE

Part I. State Board of Insurance

28 TAC §27.413—2111, 2151, 2139

TITLE 34. PUBLIC FINANCE

Part I. Comptroller of Public Accounts

34 TAC §3.319—2111

34 TAC §3.548—2140

Part IV. Employees Retirement System of Texas

34 TAC §81.7—2140

34 TAC §85.1—2111

Part IX. Bond Review Board

34 TAC §§181.3, 181.4, 181.5—2141

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Services

40 TAC §47.5901—2293

40 TAC §§49.514, 49.515—2143

40 TAC §§49.601-49.604—2143

40 TAC §§79.1701-79.1716—2144

40 TAC §§85.4050-85.4057—2148

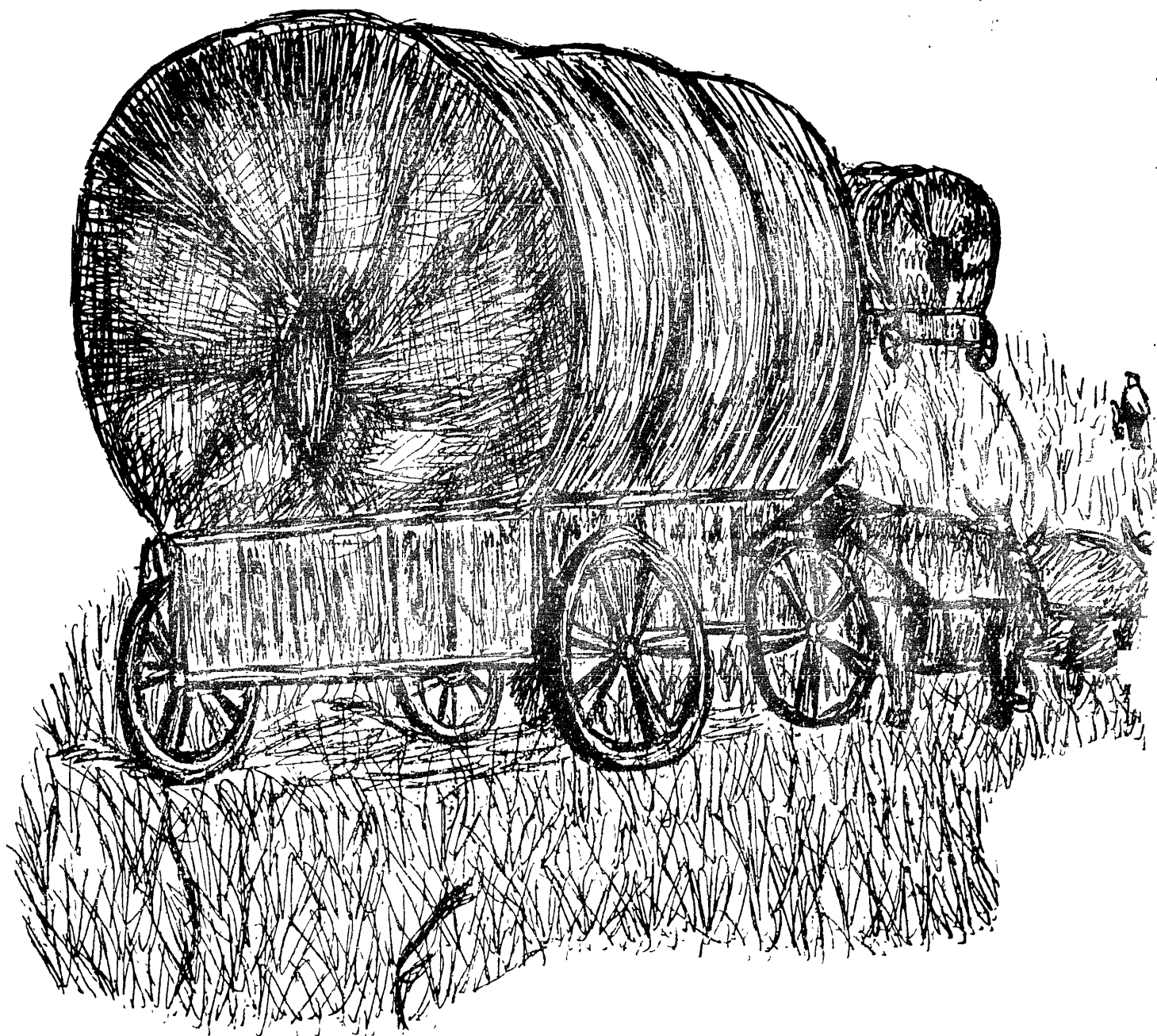
Part II. Texas Rehabilitation Commission

40 TAC §115.5—2156

Part IX. Texas Department on Aging

40 TAC §255.38—2293





Name: Orville Wilkinson

Grade: 10

School: Vernon High, Vernon

By Orville Wilkinson

The Governor

As required by Texas Civil Statutes, Article 6252-13a, §6, the *Texas 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 April 28, 1989

To be a member of the Statewide Health Coordinating Council for a term to expire September 3, 1990: Hey Heneman Williamson, 11502 Village Place Drive, Houston, Texas 77077. Mrs. Williamson will be replacing Elizabeth Ann Atiel of Dallas whose term expired.

To be a member of the Advisory Council on Community Affairs, for a term to expire January 31, 1991: Mark R. Wallock, Route 2, Box 305, Ski Lodge Road, McQueeney, Texas 78123. Mr. Wallock is being reappointed.

To be a member of the Texas State Board of Examiners of Professional Counselors for a term to expire February 1, 1995: Jane Louise Cook Guzman, 6007 Radbrook, Dallas, Texas 75220. Ms. Guzman will be replacing Dr. Jeanie Penley of Tyler whose term expired.

To be a member of the Texas Guaranteed Student Loan Corporation Board of Directors for a term to expire January 31, 1995: Anna V. Rash, 131 Regency, El Paso, Texas 79912. Mr. Rash will be replacing John Russell Schott of San Marcos, whose term expired.

To be a member of the Brazos River Authority Board of Directors for a term to expire February 1, 1990: Chauncey L. Bogan, 714 Shorewood, Seabrook, Texas 77586. Mr. Bogan will be filling the unexpired term of Kenneth K. Brimer, Jr. of Arlington who resigned.

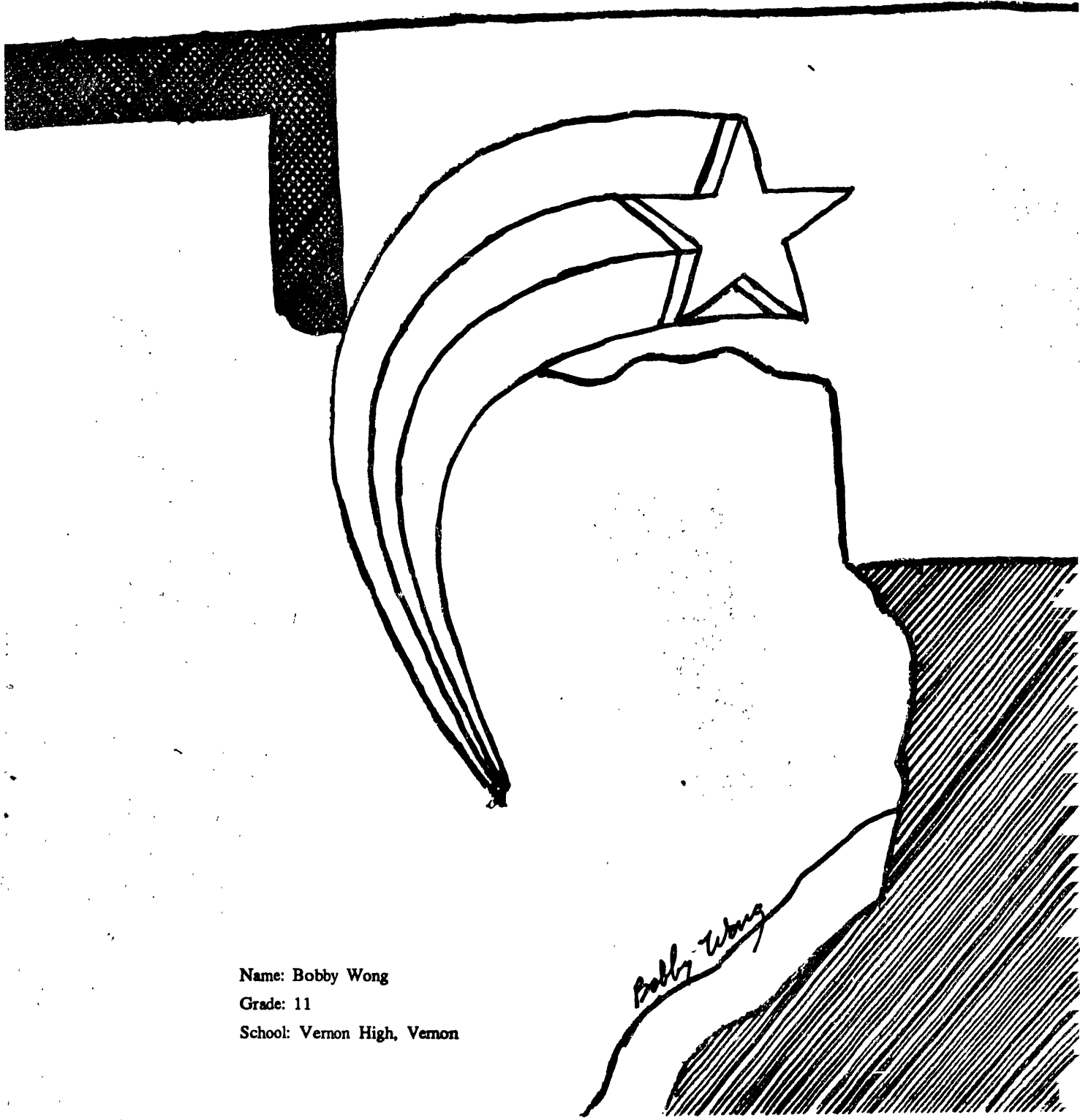
To be a member of the Texas Board of Architectural Examiners for a term to expire January 31, 1995: Cleveland Turner, III, 2214 Parkway, Amarillo, Texas 79109. Mr. Turner will be replacing Benjamin J. Lednicky of Houston whose term expired.

Issued in Austin, Texas on May 1, 1989.

TRD-8903839

William P. Clements, Jr.
Governor of Texas





Name: Bobby Wong
Grade: 11
School: Vernon High, Vernon

Attorney General

Description of Attorney General submissions. Under provisions set out in the Texas Constitution, the Texas Government Code, Title 4, §402.042 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 *Texas Register*. The Attorney General responds to many requests for opinions and open records decisions with letter opinions. A letter opinion has the same force and effect as a formal Attorney General Opinion, and represents the opinion of the Attorney General unless and until it is modified or overruled by a subsequent letter opinion, a formal Attorney General Opinion, or a decision of a court of record.

Requests for Opinions

(RQ-1695). Request from Honorable Ted Lyon, State Senate, Austin, concerning the authority of the State Property Tax Board to promulgate a new formula for calculating a school district rollback tax rate.

(RQ-1696). Request from Honorable Abelardo Garza, County Attorney, Duval County Courthouse, San Diego, concerning the authority of a county judge to sell prescription drugs to indigents for reimbursement by the county.

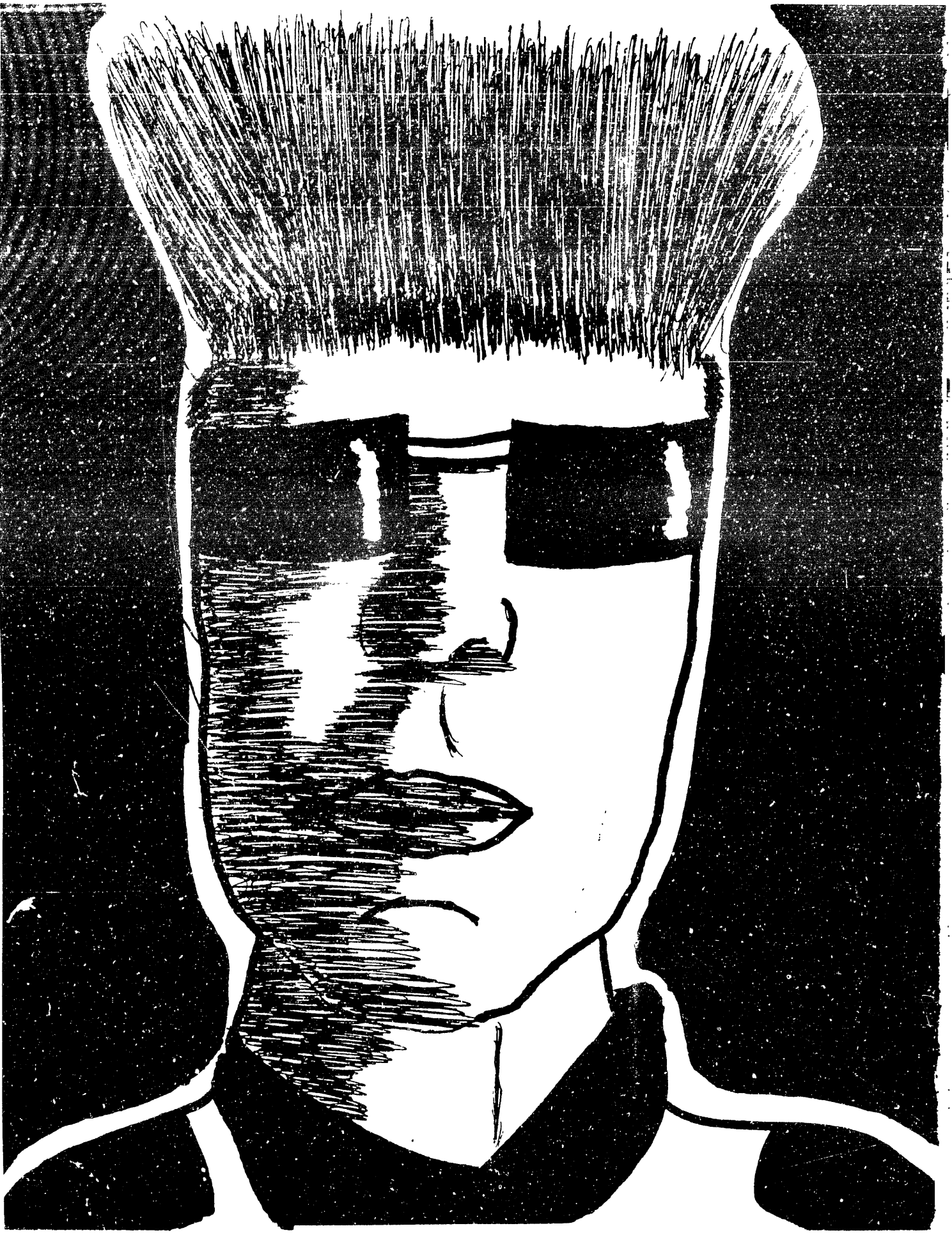
(RQ-1697). Request from Honorable Garry Mauro, Commissioner, General Land Office, Austin, concerning whether taxes accrue against real property held in the Veterans Land Fund after forfeiture in a contract of sale by the Veterans Land Board.

(RQ-1698). Request from Honorable Johnny W. Atkinson, District Attorney, Bailey County, Farwell, concerning the summoning of jurors for justice of the peace court.

(RQ-1699). Request from Honorable Wilhelmina Delco, State Representative, House of Representatives, Austin, concerning the confiscation of automobiles for driving while intoxicated under Texas Civil Statutes, Article 67011-1.

(RQ-1700). Request from Honorable Wilhelmina Delco, State Representative, House of Representatives, Austin, concerning the authority of a county to enact a leash law. TRD-8903872





Name: Chad Rushing

Grade: 8

School: Charles Young Jr. High, Arlington

Emergency Sections

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

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

TITLE 16. ECONOMIC REGULATIONS

Part VIII. Texas Racing Commission

Chapter 305. Licenses for Pari-mutuel Racing

Subchapter C. Racetrack Licenses

General Provisions

• 16 TAC §305.70

The Texas Racing Commission adopts on an

emergency basis new §305.70, concerning the payment of the annual license fee for a racetrack license. The section requires the payment of the fee within 10 business days after the date of the commission's orders granting or renewing the license.

The section is adopted on an emergency basis to expedite the receipt of revenue to offset the costs of evaluating the racetrack applications and conducting the administrative hearings on the applications.

The section is adopted on an emergency basis under Texas Civil Statutes, Article 179e, §30.2, which authorize the commission to adopt rules for conducting racing involving wagering for administering the Texas Racing Act.

§305.70. Payment of License Fee. An association shall pay the annual license fee for a racetrack license not later than 10 business days after the date of the commission's order granting or renewing the license.

Issued in Austin, Texas, on May 2, 1989.

TRD-8903882

Paula Cochran Carter
Legal Counsel
Texas Racing Commission

Effective date: May 2, 1989

Expiration date: July 31, 1989

For further information, please call: (512) 476-7223.





Name: Shane Dwyer

Grade: 8

School: Charles Young Jr. High, Arlington

Proposed Sections

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

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

TITLE 4. AGRICULTURE Part I. Texas Department of Agriculture

Chapter 18. Organic Food Standards and Certification

• 4 TAC §18.33

The Texas Department of Agriculture proposes an amendment to §18.33, concerning the composition of the Certification Review and Standards Advisory Committee under the Organic Food Standards and Certification Program which was adopted on an emergency basis on April 19, 1989, and appeared in the April 25, 1989, issue of the *Texas Register* (14 TexReg 1907). The department is in the process of establishing the Certification Review and Standards Advisory Committee, which will review current rules regarding the Organic Food Standards and Certification Program and propose amendments as needed to maintain the purposes of the program. The department believes that the expansion and change in the composition of the advisory committee will better ensure the integrity of the goals and purposes of the Organic Food Standards and Certification Program.

Susan Raleigh, director, Consumer Services Program, has determined that for the first five-year period the proposed section is in effect there will be no fiscal implications for state or local government or small

businesses as a result of enforcing or administering the section.

Imelda Martinez Escobar, attorney, Consumer Services program, 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 an accurate and improved system of representation regarding the composition of the Certification Review and Standards Advisory Committee. There is no anticipated economic cost to individuals who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Imelda Martinez, Escobar, Attorney, Texas Department of Agriculture, P.O. Box 12847, Austin, Texas 78711. All comments should be in writing and substantially comply with the Texas Administrative Code, Title 4, §1.4(b).

The amendment is proposed under the Texas Agriculture Code, Title 2, Chapter 12, §12.002, which provides the Texas Department of Agriculture with the authority to encourage the proper development of agriculture, horticulture, and related industries, and the Texas Agriculture Code, Title 2, Chapter 12, §12.016, which authorizes the department to adopt rules as necessary for the administration of the Code, §§12.001-12.015.

§18.33. Application for Permission to Use the Texas Department of Agriculture "Certified Organic" Logo or the Texas Department of Agriculture "Organic Certification Pending-Transitional" Logo.

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

(f) Certification Review and Standards Advisory Committee.

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

(3) The Certification Review and Standards Advisory Committee shall be made up of 10 [six] members, of which four [two] are organic producers; one is a processor of organic food, two are [one is a] technical advisors, agronomists, or horticulturists [technical advisor, agronomist, or horticulturist]; two are [one is a] representatives [representative] of consumers; and one is a retailer or distributor of organic food.

(4) (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 May 2, 1989.

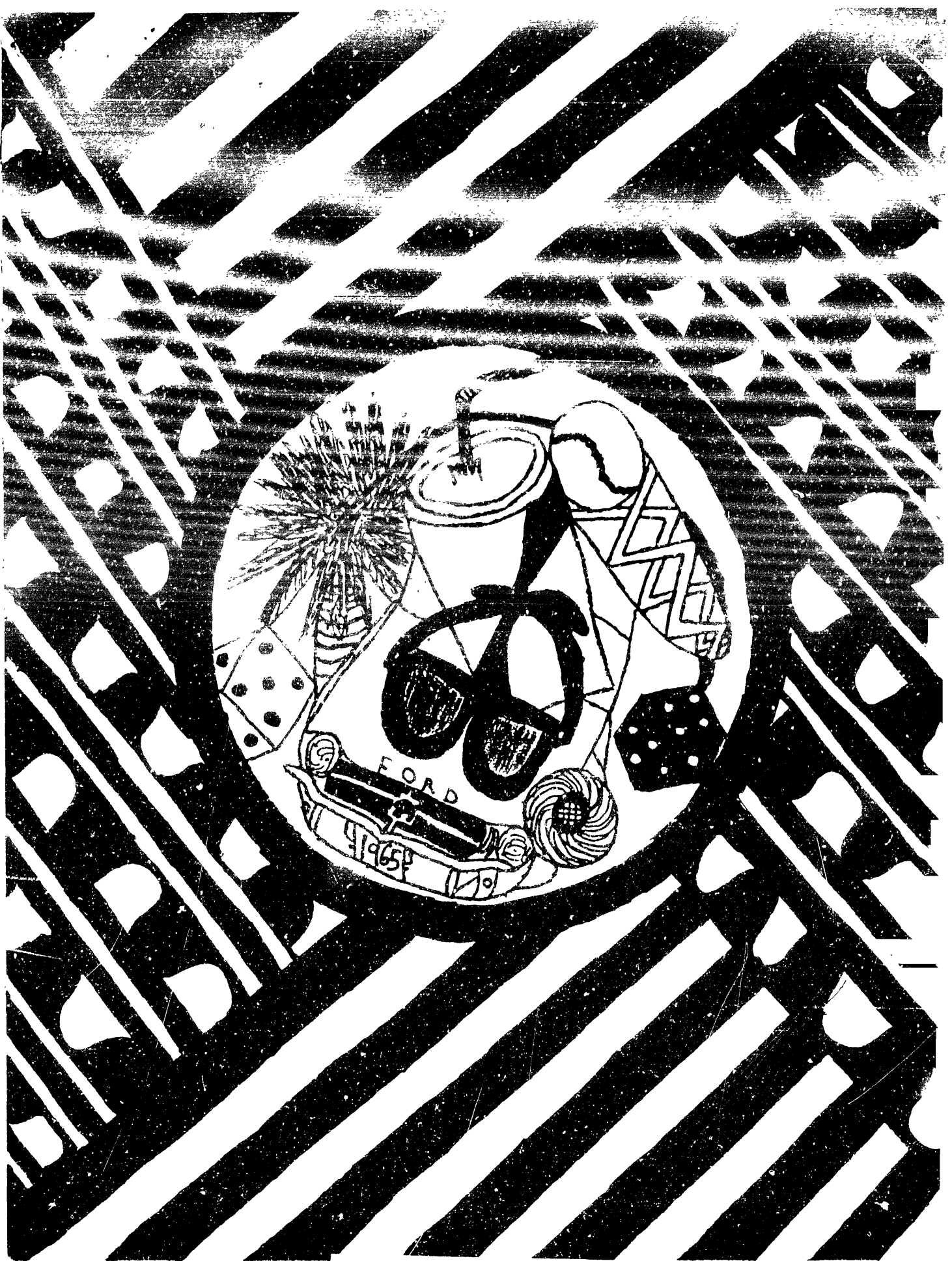
TRD-8903883

Dolores Alvarado Hibbs
Director of Hearings
Texas Department of
Agriculture

Earliest possible date of adoption: June 9, 1989

For further information, please call: (512) 463-7583.





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Grade: 8

School: Charles Young Jr. High, Arlington

Adopted Sections

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

If an agency adopts the section without any changes to the proposed text, only the preamble of the notice and statement of legal authority will be published. If an agency adopts the section with changes to the proposed text, the proposal will be republished with the changes.

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Services

Chapter 47. Primary Home Care

Support Documents

• 40 TAC §47.5901

The Texas Department of Human Services (DHS) adopts an amendment to §47.5901, without changes to the proposed text as published in the March 24, 1989, issue of the *Texas Register* (14 TexReg 1511).

The amendment is justified to allow the rate setting methodology to more adequately cover the cost of operation.

The amendment will function by allowing the rate setting methodology to determine the rate recommendation based on the weighted median of projected cost plus 4%.

The department received two written comments on the proposed amendment during the public comment period. A representative of the Visiting Nurse Association, Dallas, queried the intent of the amendment. It is the department's opinion that the amendment will more adequately address the cost of operation than the present use of the sixtieth percentile. Because provider costs have increasingly clustered around the sixtieth percentile, there is little difference between the sixtieth percentile and the weighted median. Under the amended section, the rates will more closely reflect the provider's cost of operation.

An additional comment from the Texas Association of Home Health Agencies supported the amendment but only if sufficient funds are available to enable the provider to purchase workers' compensation insurance. The department disagrees with the comment because the issue of insurance is outside the scope of the proposed amendment.

The amendment is adopted under the Human Resources Code, Title 2, Chapters 22 and 32, which provides the department with the authority 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 May 1, 1989.

TRD-8903850

Charles Stevenson
Acting Commissioner
Texas Department of
Human Services

Effective date: May 26, 1989

Proposal publication date: March 24, 1989

For further information, please call: (512) 450-3765.

Part IX. Texas Department on Aging

Chapter 255. State Delivery Systems

Statutes and Regulations

• 40 TAC §255.38

The Texas Department on Aging adopts new §255.38 with changes to the proposed text as published in the January 24, 1989, issue of the *Texas Register* (14 TexReg 494).

Publication of the new section is in accordance with the Older Americans Act, Title III, as amended, which requires each state receiving funds under this title to publish a funding formula for distribution of Title III funds prior to the beginning of each planning cycle.

The new section will provide information on the methodology used by the Texas Department on Aging to allocate federal funds to grantees, area agencies on aging, and other federal, state, and local agencies and groups which are interested in how the Older Americans Act funds are distributed throughout the state.

One commenter stated that changing the funding formula will adversely impact the development and continuation of the options for independent living initiative by limiting funds for this developmental program in their region.

One commenter questioned the meaning of the phrase "mandate of the Legislative Budget Board" regarding the implementation of the requirement to distribute funds on 100% formula based procedure.

Two commenters protested the implementation of a 100% formula based procedure, pointing out that it would reduce distribution of funds to their region by almost \$189,000 and take away meals for 564 elderly.

Three commenters suggested that a factor be developed which considered the number of square miles that have to be covered by grantee and subcontractor staff as a result of large geographical regions in various portions of the state.

Two commenters questioned the procedure which establishes an \$85,000 base for program funds, asking for the department's rationale for including a base amount in the funding formula for program funds.

Several commenters voiced disagreement with the statement that there is no anticipated economic cost to individuals who are required to comply with the section, pointing out that changing of the formula would result in the decrease of Title III funding in three regions with a concomitant increase in the remaining 25.

Two commenters voiced a suggestion that modification of the funding formula should await the results of the 1990 census data to provide a more current data base.

One commenter recommended making 50% adjustments in allocations to those regions out of parity for each of the next two years, suggesting that use of the 1990 census data, when it becomes available in 1992, may reveal additional departures from the formula which would make attainment of parity even more difficult.

Two commenters pointed out contradictions in the proposed rule relative to use of Title III funding to calculate the area agency administration portion of the allocation.

One commenter suggested that the state funding formula be changed to reflect an additional factor which considers the number of frail elderly in a planning and service area, since costs to this sector of the elderly population are increasing.

Commenting against the new section as proposed were the following: Permian Basin Regional Planning Committee, Seagraves Senior Citizen's Center, Andrews Senior Center, Texoma Regional Planning Commission, Alamo Area Council of Governments, South Texas Development Council, Texas Association of Area Agencies on Aging, Texas Association of Regional Councils, Houston/Galveston Area Council, Border Area Nutrition Council, and Ark-Tex Area Agency on Aging.

After review of the comments, the Texas Department on Aging has taken the following action: In the adopted version, the Texas Department on Aging has eliminated all language in the introductory comments regarding the mandate of the Legislative Budget Board to establish a firm date for achievement of parity. Paragraph (d)(1) has been rewritten to eliminate "and III allotment" to remove the contradiction between this paragraph and subparagraph (c). Subparagraph (f), relating to parity, has been completely deleted. The department's present policy is to await the publication of the 1990 census prior to reviewing the formula. The department took no action regarding the use of a square

mileage factor as a criteria in the development of a formula. The department believes that the formula should remain the same until the 1990 census data is received.

Relative to the question about the award of "\$85,000 base amount" for Title IIIB and C funds, these base amounts were components of the original formula adopted in 1981. In the development of the original formula, TDoA observed language in the Older Americans Act, §304(a)(1)(A), as a guide and adopted a base amount that no Area Agency on Aging shall be allotted less than one-half of 1.0% of the sum appropriated for fiscal year 1981.

The Texas Department on Aging wishes to thank all persons and organizations who contributed comments to development of the FY 1990-1992 Funding Formula and looks forward to their continued cooperation in providing services for the elderly of the State of Texas.

The new section is adopted under the Human Resources Code, Chapter 101, which provides the Texas Department on Aging with the authority to promulgate governing the operation of the department.

§255.38. Funding Allocation Formula for Title III Programs and Area Agencies on Aging.

(a) Title IIIB funds. Each area agency on aging will be awarded a base amount of \$85,000 of Title IIIB funds in accordance with the Older Americans Act as amended, paragraph 305(a)2(C), in the following manner.

(1) Each area agency on aging will be awarded a base amount of \$85,000 of Title IIIB funds. The remaining Title IIIB funds will then be allocated on the basis of each area agency on aging's proportionate share of three population factors. These factors are:

(A) total population aged 60 and over;

(B) total population aged 60 and over who are minorities; and,

(C) total population aged 60 and over who are living on incomes below the poverty level.

(2) The last two population factors are included in order to respond to the requirement of the Older Americans Act, paragraph 305(a)2(E), that state units give preference to providing services to older individuals with the greatest social and economic needs with particular attention to low-income minority individuals. Social need results from noneconomic factors which include physical and mental disabilities, language barriers and cultural or social isolation which restricts an individual's ability to perform normal daily

tasks, or which threatens his or her capacity to live independently, including that caused by racial or ethnic status. Economic need results from an income level at or below the poverty threshold established by the Bureau of the Census.

(3) After preliminary allocations of Title IIIB funds have been calculated, the administration funding adjustments described in subsection (d) of this section, concerning administration funding, will be made.

(b) Title IIIC funds. Allocation of Title IIIC funds will be accomplished by allocating the same base amount and using the same method outlined in subsection (a) of this section, concerning Title IIIB funds, with the following exceptions.

(1) If the statewide funding level for Title IIIC in fiscal year 1990 or fiscal year 1991 is equal to or greater than the formula for fiscal year 1988, then no area agency on aging will receive less than their fiscal year 1988 formula amount for Title IIIC.

(2) If the statewide funding level for Title IIIC in fiscal year 1990 or fiscal year 1991 is less than the funding level for fiscal year 1988, then no area agency on aging will receive less than their fiscal year 1988 formula amount minus the percentage of the statewide decrease from fiscal year 1988 or 1989.

(3) Area agencies on aging whose fiscal year 1988 formula amount for Title IIIC was greater than the amount that they would have received by strict application of the funding formula (base of \$85,000 and proportionate share of the three population factors, as described in subsection (a) of this section, concerning IIIB funding, will receive no additional funding above their fiscal year 1988 formula amount until the state wide funding level for Title IIIC is such that a strict application of the funding formula results in allocation amounts for such area agencies on aging which are greater than their fiscal year 1988 funding levels.

(4) After preliminary Title IIIC allocations for each area agency on aging have been calculated, the administrative funding adjustments described in subsection (d) of this section, concerning administration funding, will be made.

(c) Title IIID funds. Title IIID funds are specifically identified to fund in-home services for frail older individuals under a separate program established by the Older Americans Act, Title III, Part D. They are identified separately but not included in calculating administrative funding referred to in section (d) of this section concerning administration funding per, instructions contained in Administration on

Aging Regional Identical Memorandum Number 89-14, dated January 9, 1989.

(d) Administration funding. After the steps specified in subsections (a) and (b) of this section, concerning Title IIIB and IIIC funding, respectively have been taken to develop formula allocation figures for Title III awards to the area agencies on aging, an adjustment within the formula total will be made in order to assure that each area agency on aging has a minimum of \$65,000 available for administration costs. This adjustment will be accomplished in the following manner.

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

(2) Area agencies on aging whose administration funds are less than \$65,000 after the calculation in paragraph (1) of this subsection, will be allowed to use up to \$65,000 from the statewide formula allocation of 10% for administration costs.

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

(e) Notification of funding allocations. Prior to the beginning of each fiscal year, the Texas Department on Aging develops and distributes planning figures for Title IIIB, IIIC, IIID, and administration funding to grantees and area agencies on aging. When federal allocations are received from the Administration on Aging, the Texas Department on Aging issues a final notification of grant award which reflects actual Title III and administration funding.

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 April 27, 1989.

TRD-89-1884

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

Effective date: May 23, 1989

Proposal publication date: January 24, 1989

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



State Board of Insurance Exempt Filing

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

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

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

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

The State Board of Insurance has adopted an amendment to the Texas Automobile Manual. Rule 74., §E.2.a. of the Texas Automobile Manual has been amended to include a new subsection reading as follows.

(44) Academy of Driver Education, Inc. course requires certification issued on or after June 1, 1989 by Academy of Driver Education, Inc.

This amendment is effective June 1, 1989.

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

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

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

Issued in Austin, Texas on May 1, 1989.

TRD-8903855 Nicholas Murphy Chief Clerk State Board of Insurance

Effective date: June 1, 1989

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

The State Board of Insurance has adopted an amendment to the Texas Automobile Manual. Rule 74., §E.2.a. of the Texas Automobile Manual has been amended to include a new subsection reading as follows.

(42) Action USA Defensive Driving School course requires certification issued on or after June 1, 1989 by Action USA Defensive Driving School.

This amendment is effective June 1, 1989.

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

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

Issued in Austin, Texas on May 1, 1989.

TRD-8903856 Nicholas Murphy Chief Clerk State Board of Insurance

Effective date: June 1, 1989

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

The State Board of Insurance has adopted an amendment to the Texas Automobile Manual. Rule 74., §E.2.a. of the Texas Automobile Manual has been amended to include a new subsection reading as follows.

(43) Defensive Driving Schools of America, Inc. requires certification issued on or after June 1, 1989 by Action USA Defensive Driving School.

This amendment is effective June 1, 1989.

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

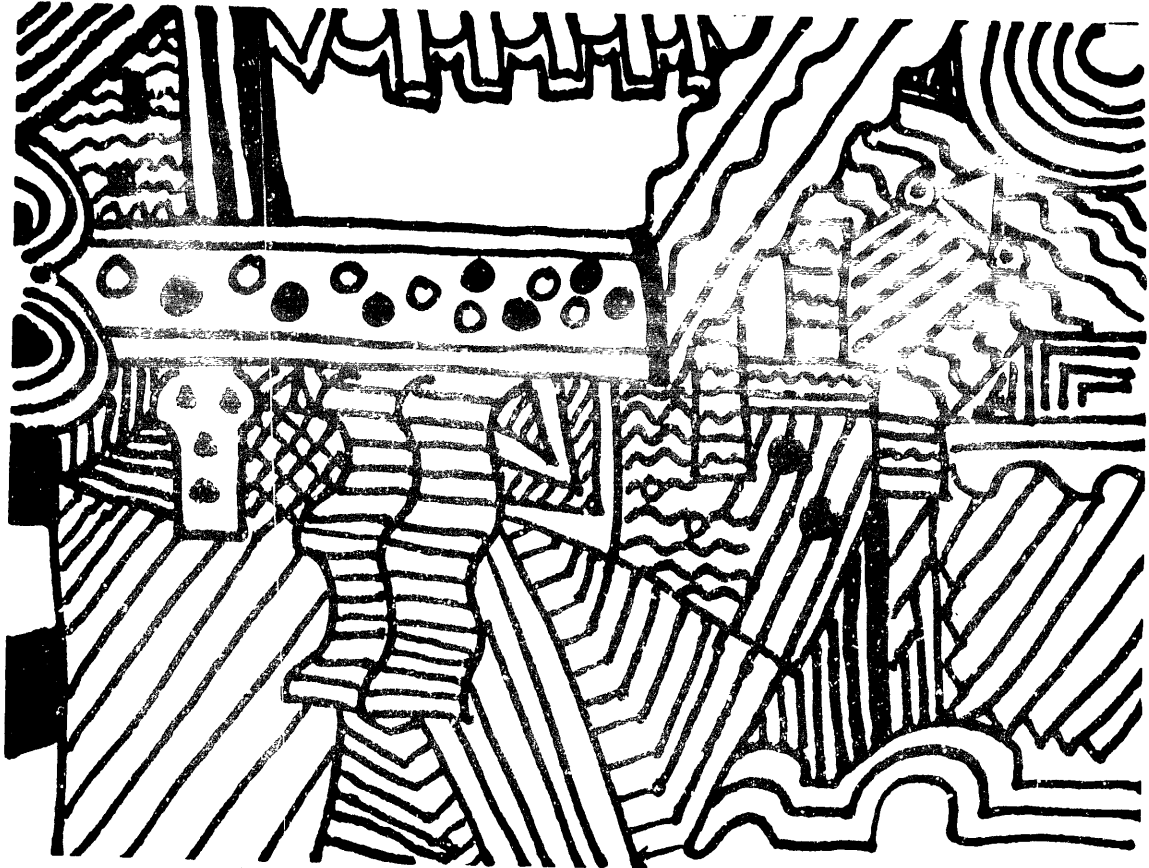
This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas on May 1, 1989.

TRD-8903857 Nicholas Murphy Chief Clerk State Board of Insurance

Effective date: June 1, 1989

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



Name: Maggie Dornier

Grade: 6

School: Ditto Elementary, Arlington

Open Meetings

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

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

Posting of open meeting notices. All notices are posted on the 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 agenda than what is published in the *Texas Register*.

Texas Department of Agriculture

The Texas Department of Agriculture will meet at the District Office, Expressway 83, two blocks west of Morningside Road, San Juan. Dates, times, and agendas follow.

Wednesday, May 17, 1989, 10:30 a.m. The department will hold an administrative hearing to review alleged violation of Texas Agriculture Code §103.001 by Bruce Smith Produce Sales as petitioned by San Miguel Valley Foods, Inc.

Contact: Dolores Alvarado Hibbs, P.O. Box 12847, Austin, Texas 78711, (512) 463-7583.

Filed: May 3, 1989, 10:53 a.m.

TRD-8903898

Wednesday, May 17, 1989, 1 p.m. The department will hold an administrative hearing to review alleged violation of Texas Agriculture Code, §103.001 by Triple S Distributing Company as petitioned by San Miguel Valley Foods, Inc.

Contact: Dolores Alvarado Hibbs, P.O. Box 12847, Austin, Texas 78711, (512) 463-7583.

Filed: May 3, 1989, 10:53 a.m.

TRD-8903897

Wednesday, May 17, 1989, 2:30 p.m. The department will hold an administrative hearing to review alleged violation of Texas Agriculture Code, §103.001 by Washington Produce as petitioned by San Miguel Valley Foods, Inc.

Contact: Dolores Alvarado Hibbs, P.O. Box 12847, Austin, Texas 78711, (512) 463-7583.

Filed: May 3, 1989, 10:53 a.m.

TRD-8903896

Wednesday, May 17, 1989, 4 p.m. The department will hold an administrative hearing to review alleged violation of Texas Agriculture Code, §103.001 by Tom Lange Company Inc. as petitioned by San Miguel Valley Foods, Inc.

Contact: Dolores Alvarado Hibbs, P.O.

Box 12847, Austin, Texas 78711, (512) 463-7583.

Filed: May 3, 1989, 10:53 a.m.

TRD-8903895

Thursday, May 18, 1989, 9 a.m. The department will hold an administrative hearing to review alleged violation of Texas Agriculture Code, §103.001 by Magnolia Fruit and Produce Company as petitioned by Thomas Distributing Company.

Contact: Dolores Alvarado Hibbs, P.O. Box 12847, Austin, Texas 78711, (512) 463-7583.

Filed: May 3, 1989, 10:53 a.m.

TRD-8903894

Thursday, May 18, 1989, 10:30 a.m. The department will hold an administrative hearing to review alleged violation of Texas Agriculture Code, §103.001 by Magnolia Fruit and Produce Company, Inc. as petitioned by Sun Valley Produce, Inc.

Contact: Dolores Alvarado Hibbs, P.O. Box 12847, Austin, Texas 78711, (512) 463-7583.

Filed: May 3, 1989, 10:53 a.m.

TRD-8903893

Thursday, May 18, 1989, 1 p.m. The department will hold an administrative hearing to review alleged violation of Texas Agriculture Code §103.001 by Sun Valley Produce as petitioned by Plantation Produce Company

Contact: Dolores Alvarado Hibbs, P.O. Box 12847, Austin, Texas 78711, (512) 463-7583.

Filed: May 3, 1989, 10:53 a.m.

TRD-8903892

Thursday, May 25, 1989, 10:30 a.m. The department will hold an administrative hearing to review alleged violation of Texas pesticide laws by Troy E. Vaught doing business as Palm Flying Service holder of commercial applicator license.

Contact: Bruce Fant, P.O. Box 12847, Austin, Texas 78711, (512) 463-7589.

Filed: May 3, 1989, 10:53 a.m.

TRD-8903891

Thursday, May 25, 1989, 1:30 p.m. The department will hold an administrative hearing to review alleged violation of Texas pesticide laws by C. L. Cloud, holder of commercial applicator license.

Contact: Bruce Fant, P.O. Box 12847, Austin, Texas 78711, (512) 463-7589.

Filed: May 3, 1989, 10:53 a.m.

TRD-8903890

Texas Air Control Board

Friday, May 12, 1989. The Texas Air Control Board will meet at 6330 Highway 290 East, Austin. Times, rooms, and agendas follow.

9 a.m. The Monitoring and Research Committee will meet in Room 332, to consider staff presentation on air toxics monitoring in Texas.

Contact: Bill Ehret, 6330 Highway 290 East, Austin, Texas (512) 451-5711, ext. 354.

Filed: May 2, 1989, 10:30 a.m.

TRD-8903876

9:30 a.m. The Regulation Development Committee will meet in Room 332 to review and consider to adopt control plans for sulfuric acid mist and total reduced sulfur and associated revisions to regulation II, control of air pollution from sulfur compounds.

Contact: Bill Ehret, 6330 Highway 290 East, Austin, Texas (512) 451-5711, ext. 354.

Filed: May 2, 1989, 10:30 a.m.

TRD-8903875

10 a.m. The Hearings Oversight Committee will meet in Room 332 to consider proposed rule regarding legislative continuances.

Contact: Bill Ehret, 6330 Highway 290 East, Austin, Texas (512) 451-5711, ext. 354.

Filed: May 2, 1989, 10:30 a.m.

TRD-8903874

10:30 a.m. The board will meet in the auditorium to approve minutes of the April 14, 1989 meeting; consider election of vice-chairman; hear public testimony, reports, and enforcement report; consider agreed enforcement orders and action on proposed rule; hear presentation on emission of toxic air contaminants; and consider new business.

Contact: Bill Ehret, 6330 Highway 290 East, Austin, Texas (512) 451-5711, ext. 354.

Filed: May 2, 1989, 10:30 a.m.

TRD-8903873

◆ ◆ ◆
Texas Board of Architectural Examiners

Friday, May 19, 1989, 9 a.m. The Texas Board of Architectural Examiners will meet in Suite 107, 8213 Shoal Creek Boulevard, Austin. According to the agenda, the board will approve minutes; hearings; rules and regulations; reinstatements; examinations; reciprocal registration; legislation; agreed orders; alleged violations; renewals; NCARB annual meeting; and intern development program.

Contact: Robert H. Norris, 8313 Shoal Creek Boulevard, Suite 107, Austin, Texas 78758, (512) 458-1363.

Filed: May 3, 1989, 3:49 p.m.

TRD-8903919

◆ ◆ ◆
Texas Cosmetology Commission

Sunday, May 21, 1989, 9 a.m. The Texas Cosmetology Commission will meet in the Radisson Plaza Hotel, 700 San Jacinto, Austin. According to the agenda, the commission will consider vote on emergency rules; discussion of new exams; current year budget balances; and rules and regulations revisions.

Contact: Laura Donges, 1111 Rio Grande, Austin, Texas 78701, (512) 463-3183.

Filed: May 3, 1989, 10:37 a.m.

TRD-8903889

◆ ◆ ◆
Texas Education Agency

Thursday, May 11, 1989, 3 p.m. The Committee on the Permanent School Fund of the Texas Education Agency will meet in Room 1-104, William B. Travis Building, 1701 North Congress Avenue, Austin. According to the agenda summary, the committee will consider orientation of the Investment Advisory Committee; report of the

study on the policies and procedures of the permanent school fund (PSF); review of PSF securities transactions; review of PSF investment portfolio; recommended PSF investment program for May; estimated funds from the PSF available for the May investment program; proposed amendment to 19 TAC §33.54. Investment of the PSF: committees; review of current legislation on public education in Texas; progress report on the conversion to the Depository Trust Company; report on the status of the contract for the investment advisor; report of the Ad Hoc Committee on Investment Practices of the PSF.

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

Filed: May 3, 1989, 3:59 p.m.

TRD-8903917

◆ ◆ ◆
State Employee Incentive Commission

Thursday, May 18, 1989, 10 a.m. The State Employee Incentive Commission will meet in Room 1-109, William B. Travis Building, Austin. According to the agenda, the commission will approve minutes of the April 20, 1989 meeting; consider employee suggestions; hear report on legislative matters and administrative activities; and consider new business.

Contact: Lora Williams, P.O. Box 12482, Austin, Texas 78711, (512) 475-2393.

Filed: May 4, 1989, 8:10 a.m.

TRD-8903924

◆ ◆ ◆
Texas Employment Commission

Wednesday, May 10, 1989, 8:30 a.m. The Texas Employment Commission will meet in Room 644, TEC Building, 101 East 15th Street, Austin. According to the agenda summary, the commission will consider prior meeting notes; internal procedures of commission appeals; consideration and action on higher level appeals in unemployment compensation cases on commission Docket 19; and set date of next meeting. The commission will also meet in executive session on Mary B. Freed and Tighe H. Freed v. Thrikield F. Thompson and the commission.

Contact: C. Ed Davis, 101 East 15th Street, Austin, Texas 78778, (512) 463-2291.

Filed: May 2, 1989, 2:50 p.m.

TRD-8903877

◆ ◆ ◆
Texas Department of Health

Friday, May 12, 1989, 11 a.m. The On-

Site Wastewater Treatment Research Council Workshop of the Texas Department of Health will meet in the Conference Room, Fifth Floor, Avante Building, 625 East 10th Street, Austin. According to the agenda summary, the council will discuss with City of Austin officials usage of the center for environmental research, 2210 South F.M. 973, Austin.

Contact: Stephen Tencza, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7293.

Filed: May 3, 1989, 4:18 p.m.

TRD-8903921

Friday, May 12, 1989, 1:30 p.m. The On-Site Wastewater Treatment Research Council of the Texas Department of Health will meet in the Conference Room, Center for Environmental Research Hornsby Bend Wastewater and Treatment Facility, 2210 South F.M. 973, Austin. According to the agenda summary, the council will approve minutes of prior meeting; hear department staff report; hear update on sunset review process, including pending legislation; discuss proposed research topics and related business not requiring council action.

Contact: Stephen Tencza, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7293.

Filed: May 3, 1989, 4:19 p.m.

TRD-8903922

Tuesday, May 23, 1989, 10 a.m. The Advisory Committee on Personal Care Homes of the Texas Department of Health will meet in Room T-607, 1100 West 49th Street, Austin. According to the agenda summary, the committee will introduce members; define committee's purpose; elect interim chairperson; consider long term care special task force report; discuss personal care home licensing standards revision; and discuss proposed state legislation.

Contact: Richard Butler, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7706.

Filed: May 3, 1989, 4:17 p.m.

TRD-8903920

◆ ◆ ◆
Public Utility Commission of Texas

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

Wednesday, May 10, 1989, 9 a.m. The commission will consider Dockets 8316, 8437, 8422, 8646, 8396, 8524, 8702, 5610, 6184, 7754, 8674, 7930, 8525, 8374, 8466, 8284, 8348, 8378, 8401, 8443, 8699, 8345, 8347, 8359, 8383, 8408, 8441, 8452, 8526, 8564, and 8689. The commission will also consider for final adoption substantive rule

§23.54 concerning private pay phone.

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

Filed: May 2, 1989, 3:05 p.m.

TRD-8903881

Wednesday, May 10, 1989, 2 p.m. The Administrative Division will discuss: approval of minutes of prior meeting, reports, discussion and action on budget and fiscal matters, report on status of lease, 71st legislative session, procedure to establish comment file, in-house continuing legal education seminars, report on possible conflict of interest of prudence or management audits, interim appeals, motions for rehearing and balloting process, §42 proceeding, electric utility fuel reconciliation proceedings, S. 46 and HR 681, congressional bills regarding utility bankruptcy, SEC proposed rule on non-utility diversification by intrastate public-utility holding companies, discussion of federal acid rain legislation and possible letter to Texas congressional delegation; staff recommendation for Wheeling Task Force membership, proposal for automated mapping system, recommendation of auditor and expert witness to conduct prudence review of Comanche Peak; management audit of Coleman Co. Electric Coop., management of nuclear power plant decommissioning funds, request for a management audit of west Texas utilities, and approval of FECA expenses relating to universal service fund. The commission will also meet in executive session to consider personnel and litigation matters.

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

Filed: May 2, 1989, 3:06 p.m.

TRD-8903880

Thursday, May 11, 1989, 10 a.m. The Hearings Division will consider Docket 8650-Petition of Central Power and Light Company for declaratory order.

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

Filed: May 2, 1989, 3:06 p.m.

TRD-8903878

Thursday, May 25, 1989, 10 a.m. The Hearings Division will consider Docket 8710-Application of Lipan Telephone Company to offer special calling features as a new optional service and to waive certain charges for promotional period.

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

Filed: May 2, 1989, 3:06 p.m.

TRD-8903879

Monday, July 17, 1989, 10 a.m. The Hearings Division will consider Docket 8702-

Application of Gulf States Utilities Company for authority to change rates.

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

Filed: May 3, 1989, 1:30 p.m.

TRD-8903905

Texas Rehabilitation Commission

Thursday, May 16, 1989, 10 a.m. The Texas Planning Council for Developmental Disabilities of the Texas Rehabilitation Commission will meet at the Embassy Suites Hotel, 300 South Congress Avenue, Austin. According to the agenda, the council will approve summary report; and review and approve preliminary 1990 report recommendations and 1990 report format.

Contact: Roger Webb, 118 East Riverside Drive, Suite 163, Austin, Texas 78704, (512) 445-8867.

Filed: May 3, 1989, 3:48 p.m.

TRD-8903918

University of Texas Health Science Center at San Antonio

Wednesday, May 17, 1989, 3 p.m. The Institutional Animal Care and Use Committee of the University of Texas Health Science Center at San Antonio will meet in Dental Dean's Conference Room 4.320R, 7703 Floyd Curl Drive, San Antonio. According to the agenda, the committee will approve minutes of the April 19, 1989 meeting; consider protocols for review; hear subcommittee reports; and consider other business including USDA proposed regulations.

Contact: Molly Greene, 7703 Floyd Curl Drive, San Antonio, Texas, (512) 567-3717.

Filed: May 4, 1989, 8:50 a.m.

TRD-8903931

Texas Water Commission

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

Thursday, May 4, 1989, 2 p.m. The commission submitted an emergency revised agenda to consider various matters within the regulatory jurisdiction of the commission. In addition, the commission will consider items previously posted for open meeting and at such meeting verbally postponed or continued to this date. With regard to any item, the commission may take vari-

ous actions, including but not limited to scheduling an item in the entirety or for particular action at a future date or time. The emergency status was necessary is required prior to discussion by the Senate Natural Resources Committee.

Contact: Beverly De La Zerda, P.O. Box 13087, Austin, Texas 78711, (512) 475-2161.

Filed: May 3, 1989, 4:11 p.m.

TRD-8903916

Monday, May 15, 1989, 9:30 a.m. The commission will consider various matters within the regulatory jurisdiction of the commission. In addition, the commission will consider items previously posted for open meeting and at such meeting verbally postponed or continued to this date. With regard to any item, the commission may take various actions, including but not limited to scheduling an item in the entirety or for particular action at a future date or time.

Contact: Beverly De La Zerda, P.O. Box 13087, Austin, Texas 78711, (512) 475-2161.

Filed: May 2, 1989, 11:11 a.m.

TRD-8903868

Monday, May 15, 1989, 10 a.m. The commission will consider various matters within the regulatory jurisdiction of the commission. In addition, the commission will consider items previously posted for open meeting and at such meeting verbally postponed or continued to this date. With regard to any item, the commission may take various actions, including but not limited to scheduling an item in the entirety or for particular action at a future date or time.

Contact: Beverly De La Zerda, P.O. Box 13087, Austin, Texas 78711, (512) 475-2161.

Filed: May 2, 1989, 11:11 a.m.

TRD-8903871

Monday, May 15, 1989, 10 a.m. The commission will consider various matters within the regulatory jurisdiction of the commission. In addition, the commission will consider items previously posted for open meeting and at such meeting verbally postponed or continued to this date. With regard to any item, the commission may take various actions, including but not limited to scheduling an item in the entirety or for particular action at a future date or time.

Contact: Beverly De La Zerda, P.O. Box 13087, Austin, Texas 78711, (512) 475-2161.

Filed: May 2, 1989, 11:11 a.m.

TRD-8903870

Texas Youth Commission

Thursday, May 11, 1989. The Texas

Youth Commission will meet in Suite 322, 8900 Shoal Creek Boulevard, Austin. Times and agendas follow.

9 a.m. The commission will consider juvenile justice system issues orientation for new board members.

Contact: Ron Jackson, 8900 Shoal Creek, Austin, Texas.

Filed: May 3, 1989, 3:05 p.m.

TRD-8903909

Noon. The commission will consider **Wende Advisory Committee** expenditure recommendations, adoption of management response to audits, and approval of signature authority changes; hear status report on 1990-1991 biennium appropriations; review development of strategic plan; consider statistical summary; and hear report on suspected mistreatment investigations. The commission will also meet in executive session.

Contact: Ron Jackson, 8900 Shoal Creek, Austin, Texas.

Filed: May 3, 1989, 3:05 p.m.

TRD-8903908

Regional Meetings

Meetings Filed May 2, 1989

The Brazos Valley Development Council, Executive Committee, will meet in Suite 2, 3006 East 29th Street, Bryan, on May 10, 1989, at 1:30 p.m. Information may be obtained from Glenn J. Cook, P.O. Drawer 4128, Bryan, Texas 77805, (409) 776-2277.

The Comal Appraisal District, Board of Directors, will meet at 430 West Mill Street, New Braunfels, on May 15, 1989, at 7:30 p.m. Information may be obtained from R. Richard Rhodes, Jr., P.O. Box 311222, New Braunfels, Texas 78130, (512) 625-8597.

The Hockley County Appraisal District, Appraisal Review Board, met at 1103-C Houston Street, Levelland, on May 3, 1989 at 10 a.m. Information may be obtained from Nick Williams, P.O. Box 1090, Levelland, Texas 79336, (806) 894-9654.

The Kendall County Appraisal District, Board of Directors, will meet at 207 East

San Antonio Street, Boerne, on May 10, 1989, at 7 p.m. Information may be obtained from Sue R. Wiedenfeld, P.O. Box 788, Boerne, Texas 78006, (512) 249-8012.

The Nueces-Jim Wells-Kleberg-Kenedy Soil and Water Conservation District, Board of Directors, will meet at 710 East Main Street, Robstown, on May 16, 1989, at 2 p.m. Information may be obtained from Joan D. Runfield, 710 East Main Street, Robstown, Texas 78380.

The Central Appraisal District of Taylor County, Board of Directors, will meet at 1534 South Treadway, Abilene, on May 10, 1989, at 3:30 p. m. Information may be obtained from Richard Petree, P.O. Box 1800, Abilene, Texas 79604.

TRD-8903869

Meetings Filed May 3, 1989

The Archer County Appraisal District, Board of Directors, will meet at 211 South Center, Archer City, on May 10, 1989, at 4:30 p.m. Information may be obtained from Edward H. Trigg, III, P.O. Box 1141, Archer City, Texas 76351, (817) 574-2172.

The Bastrop County Appraisal District, Appraisal Review Board, will meet at 1200 Cedar Street, Bastrop, on May 10, 1989, at 7 p.m. Information may be obtained from Lorraine Peny, P.O. Box 578, Bastrop, Texas 78602, (512) 321-3925.

The Comal Appraisal District, Appraisal Review Board, will meet at 430 West Mill Street, New Braunfels, on May 10, 1989, at 9 a.m. Information may be obtained from R. Richard Rhodes, Jr., P.O. Box 311222, New Braunfels, Texas 78131-1222.

The Concho Valley Council of Governments, Executive Committee, will meet at 5002 Knickerbocker Road, San Angelo, on May 10, 1989, at 7 p.m. Information may be obtained from Norma Cummings, 5002 Knickerbocker Road, San Angelo, Texas 76901, (915) 944-9666.

The Hamilton County Appraisal District, will meet in the Boardroom, 119 East Henry (north side of square) Hamilton, on May 15, 1989, at noon. Information may be obtained from Doyle Roberts, 119 East Henry, Hamilton, Texas, (817) 386-8945/8946.

The Hansford County Appraisal District, Appraisal Review Board, will meet at 709 West Seventh Street, Spearman, on May 17, 1989, at 9 a.m. Information may be obtained from Alice Peddy, P.O. Box 567, Spearman, Texas 79081, (806) 659-5575.

The Henderson County Appraisal District, Board of Directors, met at 1751 Enterprise, on May 8, 1989, at 7:30 p.m. Information may be obtained from Helen Marchbanks, 1751 Enterprise, Athens, Texas, (214) 675-9296.

The Hood County Appraisal District, Appraisal Review Board, will meet at 1902 West Pearl, Granbury, on May 15, 1989, at 8:30 a.m. Information may be obtained from Harold Chesnut, P.O. Box 819, Granbury, Texas 76048, (817) 573-2471.

The Lamb County Appraisal District, Board of Directors, will meet at 330 Phelps Avenue, Littlefield, on May 9, 1989, at 7 a.m. Information may be obtained from Murlene J. Godfrey, P.O. Box 552, 330 Phelps Avenue, Littlefield, Texas 79339-0552, (806) 385-6474.

The Lavaca County Central Appraisal District, Appraisal Review Board, will meet at 113 North Main, Hallettsville, on May 15, 1989, at 9 a.m. Information may be obtained from Diane Munson, P.O. Box 386, Hallettsville, Texas 77964, (512) 798-4396.

The Nolan County Central Appraisal District, Board of Directors, met in Suite 317A, Nolan County Courthouse, Sweetwater, on May 9, 1989, at 7 a.m. Information may be obtained from Patricia Davis, P.O. Box 1256, Sweetwater, Texas 79556, (915) 235-8421.

TRD-8903886

Meeting Filed May 4, 1989

The Texas Municipal Power Agency, Board of Directors, will meet at Gibbons Creek Steam Electric Station, Administration Building, 2 1/2 miles north of Carles on F.M. 224, on May 11, 1989, at 9 a.m. Information may be obtained from Jim Bailey, P.O. Box 7000, Bryan, Texas 77805, (409) 873-2013.

TRD-8903923

In Addition

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

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

Central Texas Council of Governments Request for Quotations

This request for consultant quotations is filed pursuant to Texas Civil Statutes, 6252-11C.

The Central Texas Council of Governments, administrative entity for the Central Texas Private Industry Council under the Job Training Partnership Act (JTPA), Public Law 97-300, is seeking written requests for quotations for consultant services related to the development and implementation of a comprehensive JTPA marketing and advertising strategy and plan. Such plan is to be implemented in the seven county service delivery area of Lampasas, Bell, Coryell, Mills, San Saba, Hamilton, and Milam.

A detailed scope of work and guidelines for the request for quotations content can be obtained from Susan Kamas, Director, Employment and Training, Central Texas Council of Governments, P.O. Box 729, Belton, Texas 76513, (817) 939-3771, as of Friday, May 12, 1989, between the hours of 8 a.m. to 5 p.m. Quotations must be received by 5 p.m. (CDST) June 5, 1989.

Issued in Austin, Texas on May 2, 1989.

TRD-8903887 A. C. Johnson
Executive Director
Central Texas Council of Governments

Filed: May 3, 1989

For further information, please call (817) 939-3771

Comptroller of Public Account Correction of Error

The Comptroller of Public Accounts submitted a proposed amendment which contained errors as published in the April 25, 1989, issue of the *Texas Register* (14 TexReg 2012).

In the preamble to §3.228: The last sentence to the first paragraph should read: "The requirement to make state inheritance tax payments in proportion to the federal inheritance tax payments remitted by the estate was moved from subsection (d)(2)(C) to subsection (d)(1)(G) on general information."

In §3.228: Subparagraph (d)(2)(A) should read: "(A) For inheritance tax due before July 21, 1987, if the due date for paying the federal estate tax is extended by the Internal Revenue Service, then the state inheritance tax shall be due and payable on the date specified by the Internal Revenue Service, except as provided by subsection (d)(1)(G) of this section [subparagraph (C) of this paragraph]."

Clause (d)(3)(B)(ix) should read: "(ix) the proposed terms of the extension being requested. [;and]"

Texas Education Agency Request for Proposal

Description: The Texas Education Agency invites proposals from eligible banks to provide master custodian services to the permanent school fund. The objectives of the proposal are to select a bank to transfer all securities to a book-entry environment and to provide master trust custodian services including settlement of security transactions, collection of income, and record keeping and reporting.

Dates of project: The planned contract starting date is July 17, 1989. The contract ending date will be August 31, 1991.

Eligible proposers: Proposals will be accepted only from eligible banks designated by the state treasurer, as defined in the state treasurer's order dated October 4, 1988, or as amended.

Evaluation procedure: The proposals will be evaluated by a review team consisting of agency staff and selected external reviewers. As part of the evaluation procedure, the review team will conduct on-site visits to interview trust administration personnel and for demonstrations of the banks on-line computer systems. Each proposer will be provided the opportunity to make a brief oral presentation to the State Board of Education's committee on the permanent school fund.

Closing date: Proposals are due in Austin by 5 p.m., on June 2, 1989.

Further information: A copy of the complete request for proposals may be obtained by writing or calling: Document Control Center, Room 6-108, Texas Education Agency, William B. Travis Building, 1701 North Congress Avenue, Austin, Texas 787012, (512) 463-9304.

For further information about the request for proposal, please contact Deborah Saunders, Director of Investment Accounting, Texas Education Agency, (512) 463-9169.

Issued in Austin, Texas on May 1, 1989.

TRD-8903853 W. N. Kirby
Commissioner of Education

Filed: May 1, 1989

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

Texas Department of Health Intent to Revoke a Radioactive Material License

The Bureau of Radiation Control, Texas Department of Health, filed a complaint against M and W Wireline Services, 1341 Oak Street, Colorado City, Texas 79512, holder of radioactive material license L03824, pursuant to *Texas Regulations for Control of Radiation* (TRCR) 13.8. The agency intends to revoke the radioactive material license, order the licensee to cease and desist use of such

radioactive materials, and order the licensee to divest himself of the 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 the complaint, no order will issue. The complaint is as shown following this notice.

This notice affords the opportunity for a hearing to show cause why the radioactive material license 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 license 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, Monday-Friday, 8 a. m. to 5 p.m. (except holidays).

Comes now the Division of Compliance and Inspection, Bureau of Radiation Control, Texas Department of Health (the agency), through its division director, and makes the following complaint against M and W Wireline Services, 1341 Oak Street, Colorado City, Texas 79512 (the licensee), holder of Radioactive Material License Number L03824.

Texas Regulations for Control of Radiation (TRCR) 12.11(b) requires payment of an annual fee for a radioactive material license, in the amount indicated for the appropriate category in Schedule 12.21 of TRCR. The fee shall be received each year on or before the last day of the expiration month of the license. On October 14, 1988, the licensee was billed \$862 for the fee due on Radioactive Material License Number L03824 covering the period from November 1988-October 1989. In correspondence dated February 13, 1989, the agency informed the licensee of the delinquency of payment, giving the licensee opportunity to show compliance with all requirements of the law for retention of the radioactive material license. Payment of the fee has not been received.

Therefore, the agency, as provided in *Texas Regulations for Control of Radiation 13.8(b)*, requests that an order be issued revoking the radioactive material license of the licensee and ordering the licensee to cease and desist use of such radioactive materials, and further that the licensee, in order to be in compliance with Texas Radiation Control Act, §13, Texas Civil Statutes, Article 4590f, divest himself of the radioactive materials, presenting evidence satisfactory to the Bureau of Radiation Control that he has complied with this order and the provisions of Texas Civil Statutes, Article 4590f.

If the fee is paid within 30 days of the date of this complaint, no order will be issued.

Issued in Austin, Texas on May 1, 1989.

TRD-8903885 Robert A. MacLean, M.D.
Deputy Commissioner, Professional
Services
Texas Department of Health

Filed: May 2, 1989

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

Texas Housing Agency Low Income Tax Credit Program 1989 Quarterly Report

The Texas Housing Agency (the agency) was created and organized pursuant to and in accordance with provisions of the Texas Housing Agency Act, Texas Civil Statutes, Article 12691-6, (the Act), for the purpose of providing a means of financing the costs of residential ownership, development, and rehabilitation that will provide decent, safe, and sanitary housing for eligible individuals and families at prices they can afford.

The Internal Revenue Code of 1986, §42, as amended, provides for credits against federal income taxes for owners of qualified low-income rental housing projects. Pursuant to Executive Order WFC-87-15 (August 4, 1987), the agency has been authorized to make housing credit allocations for the State of Texas (State). The agency's low-income rental housing tax credit rules, 10 TAC §§149.1-149.12, as amended (Rules), establish procedures for applying for and obtaining an allocation of the low-income rental housing tax credit, and other procedural matters related thereto. Section 149.7(b) of the rules provides for the quarterly publishing in the *Texas Register* of the record of certain cumulative amounts of the state housing credit ceiling and the remaining unused portion thereof as provided in §149.7(a) of the rules. Such cumulative amounts and unused portion thereof are as follows.

1. The cumulative amount of the 1989 state housing credit ceiling that has been reserved pursuant to reservations letters through March 31, 1989, is \$9,304,701.
2. The cumulative amount of the 1989 state housing credit ceiling that has been committed pursuant to commitment letters through March 31, 1989, is \$8,066,904.
3. The cumulative amount of the 1989 state housing credit ceiling that has been committed pursuant to carryover allocation documents through March 31, 1989, is \$0.
4. The cumulative amount of the 1989 state housing credit allocations made through March 31, 1989, is \$41,214.
5. The remaining unused portion of the 1989 state housing credit ceiling as of March 31, 1989, is \$3,562,181.

Issued in Austin, Texas on May 1, 1989.

TRD-8903851 Timothy R. Kenny
Executive Administrator
Texas Housing Agency

Filed: May 1, 1989

For further information, please call (512) 474-2974.

State Board of Insurance Company Licensing

The following applications have been filed with the State Board of Insurance and are under consideration:

1. Application for admission to do business in Texas of the Central National Life Insurance Company, a foreign life insurance company. The home office is in Peapack, New Jersey.
2. Application for incorporation in Texas of Financial Casualty and Surety, Inc., a domestic casualty insurance company. The home office is in Dallas.
3. Application for admission to do business in Texas of Healthcare Benefits Service Company of New Jersey, Inc.,

a foreign third party administrator. The home office is in Bridgewater, New Jersey.

Issued in Austin, Texas, on May 1, 1989.

TRD-8903854 Nicholas Murphy
Chief Clerk
State Board of Insurance

Filed: May 1, 1989

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

Railroad Commission of Texas Correction of Error

The Railroad Commission of Texas submitted adopted amendments and new sections which contained errors as submitted by the commission in the April 21, 1989, issue of the *Texas Register* (14 TexReg 1919).

In §9.5: The first sentence of subsection (f) should read: "The director of the LP-Gas Division may, for good cause shown, allow an individual to become conditionally qualified as a Category D, E, F, G, I, J, K and L representative or operations supervisor by taking the management examination if that individual attends and completes the appropriate course of instruction no more than 100 days after taking and passing the management examination."

In the preamble to §§9.72, 9.73, 9.77, and 9.79: The third and fourth paragraphs should read:

"Sections 9.72, 9.77, and 9.79 concern the required markings to be placed on Department of Transportation (DOT) LP-gas containers, the weighing procedures to be utilized in filling DOT LP-gas containers, and the proper disposition of rejected containers.

"New §9.73 requires that DOT containers be refilled, transported, or continued in service only if they have been qualified or requalified before filling in accordance with DOT regulations. Additionally, containers, must under the section as adopted, at all times be clearly stamped in order to show they have been properly requalified for use. The section as adopted provides three methods or tests by which containers may be requalified for use. Under the hydrostatic expansive test a container may requalify for a period of 12 years. Under the internal hydrostatic test a container may requalify for a period of seven years, while under the external visual inspection test, a container may requalify for only a five-year period of use before having to be reinspected."

Section 9.148: The text of §9.148 was inadvertently omitted. It should read: "§9.148. Manifest. Refer to §9.518 in Division XIV of this title (relating to Manifest)."

In the preamble to §§9.499-512, 9.514-9.525: The third sentence of the 11th paragraph should read: "The commission points out that §9.506 applies only to 250 psig cargo containers constructed to MC 330/331 specifications and does not require the installation of internal valves on 200 psig containers."

In §9.502: Subsection (c) should read: "(c) The month and year of the latest date(s) on which a retest was conducted as required by §9.501 of this title (relating to Testing Requirements) shall be legibly marked on the tank(s) in numerals not less than 1 1/4 inches in height and placed near the DOT specification plate."

In §9.525: The first sentence of paragraph (g)(1) should read: "The front gross axle weight ratio (GAWR) must equal to 25% (+5%) of the (GVR) and the rear (GAWR) must equal to 75% (+5%) of the (GVW)."

The first sentence of paragraph (g)(2) should read: "Tilt cab chassis must equal to 33 3/10% (+5%) of the front (GAWR) and 66 66/100% (+5%) for the rear (GAWR)."

Texas Water Commission Notice of Technical Guidelines

Title 31 of the Texas Administrative Code (TAC), Chapter 335.3, requires the executive director of the Texas Water Commission to make available, on request, copies of technical guidelines outlining methods designed to aid in the prevention of the conditions prohibited in 31 TAC Chapter 335. The executive director is revising TWC Technical Guidelines 3, which pertains to landfills, to reflect experience with operating landfills and application of recent research.

The following recommendations are the major changes from the previous version of the technical guidelines: a composite membrane/compacted-clay liner is recommended for Class I waste landfills; compacted clay, instead of in-place clay, is recommended for Class I and II waste landfill liners; more specific instructions for hydraulic conductivity tests are included; methods are recommended for constructing landfill liners; groundwater monitoring should continue for at least 30 years after closure at Class I waste landfills and for at least 25 years after closure at Class II waste landfills; the landfill cap should be at least as impermeable as the liner, and should be covered with at least 18 inches of topsoil, graded to a slope of 3.0% to 5.0%; a lateral-containment dike for an above-grade landfill may be constructed of suitable materials, besides clay.

A copy of the proposed technical guidelines may be examined weekdays from 8 a. m. to 5 p. m. in Room 1157 of the Stephen F. Austin State Office Building, 1700 North Congress Avenue, Austin, or at any of the Texas Water Commission district offices. Questions about the proposed technical guideline should be directed to Richard Andersen at (512) 463-8182. Persons desiring to provide comments on the proposed guideline may do so by writing to Minor Brooks Hibbs, Hazardous and Solid Waste Division, Texas Water Commission, P.O. Box 13087, Austin, Texas 78711. Comments will be accepted until June 9, 1989, at 5 p.m.

Issued in Austin, Texas on May 3, 1989.

TRD-8903888 Jim Haley
Director, Legal Division
Texas Water Commission

Filed: May 3, 1989

For further information, please call (512) 463-8182

Texas Water Development Board Consultant Proposal Request

Pursuant to Texas Civil Statutes, Article 6252-11c, the Texas Water Development Board (TWDB) of the State of Texas requests proposals to provide the following technical consulting services.

Description of Work. The consultant will enhance the current RBase for Dos Grant and Contract Accounting System which was designed and implemented during state fiscal year 1988. Requirements are as follows.

1. Expand the current system to track vouchers in process that have been received by the Accounting Department

prior to the time that payment is actually made to the contracting party in the receivable module.

2. Create data entry screens that allow for entry of basic data such as voucher number and chart of accounts information prior to recording of expenditure or revenue.

3. Allow for edit and posting of the above data as expenditures or revenue without duplication of data entry.

4. Expand the current system to allow for the tracking of contract payable and receivable initiation packages prior to execution by contracting parties.

5. Provide a detailed design documentation, and assistance to the Texas Water Development Board in full implementation of the expanded system.

6. Update current user manual.

7. Implement required changes to provide multi-user access to current system.

Person to be contacted. For clarification of this request, or additional information, contact Susan Taylor, Director of Accounting, Texas Water Development Board, P.O. Box 13231, Austin, Texas 78711-3231, (512) 463-8249.

Submittal. Proposals will be accepted only if in writing and delivered to Room 430, Stephen F. Austin Building, 1700 Congress Avenue, or received at the previously stated mailing address on or before 5 p.m., May 31, 1989. Proposals must be submitted with an original and one copy. The TWDB reserves the right to reject any and all proposals.

Selection procedure. The agency will award the contract based upon the following evaluation criteria.

1. Qualifications of the services provided.
2. Technical competence and experience of proposed consultant staff toward RBase for Dos and Accounting.
3. Organizational capability for successful scheduling and completion of project.
4. Reasonableness of fees.

Issued in Austin, Texas on April 18, 1989.

TRD-8903860 M. Reginald Arnold, II
Executive Administrator
Texas Water Development Board

Filed: May 1, 1989

For further information, please call (512) 463-7981



profiles

A Guide to Texas State Agencies

Texas Department of Agriculture

The Texas Legislature created the Office of the Commissioner of Agriculture in 1907. The office was an offshoot of the Office of the Commissioner of Insurance, Statistics, and History, which was charged by the Constitution of 1876 with gathering and disseminating information and statistics on agriculture. As specified in the original Act, the responsibilities of the Texas Department of Agriculture (TDA) include: encouraging the proper development of Texas agriculture; promoting organization of agricultural societies; broadening U.S. and foreign markets for Texas agricultural products; and investigating plant diseases and insects.

During the Department's first 20 years, regulations were developed to protect and assist agricultural producers and to enforce standards facilitating commerce. Since that time, the Legislature has repeatedly expanded the Department's regulatory scope to protect consumers, public health, the state's natural resources, and the agricultural work force. In 1919, legislation established strict standards for scales, pumps, and other measuring devices. Laws passed in 1957 provide consumer protection against contaminated eggs. In 1972, the Legislature enacted pesticide rules, mandating registration and regulation of agricultural and urban chemicals. An agricultural hazard communication ("Right-to-Know") law for agricultural workers was passed in 1987.

To expand early direct marketing and promotional efforts, the Department organized the Texas Radio Market News Service in the 1930's. Transportation and communication technology developed af-

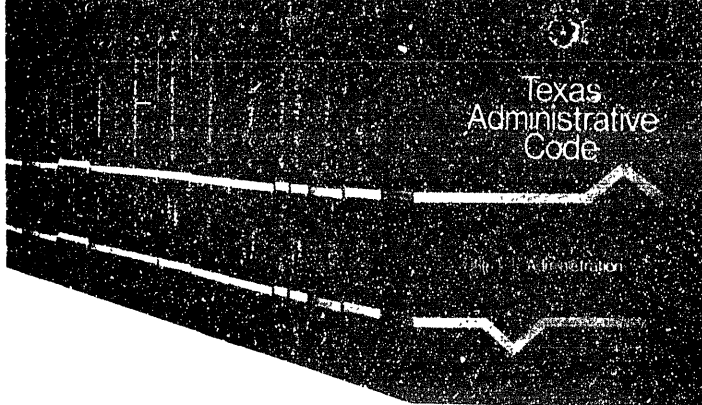
ter World War II opened global economies to Texas producers. The Department has since focused on diversifying production to reach profitable markets. In 1965, TDA introduced its most successful initiative, the Texas Agricultural Product Program (TAP), to improve worldwide marketing of Texas products. Six exporting facilities were established in 1972 to boost foreign sales of Texas livestock. In 1984, the Department began hiring native specialists to improve marketing in Europe, Asia, the Middle East and Latin America.

Over the years, the Department of Agriculture has also developed outreach and crisis response programs. In 1916, when pink bollworm infestation threatened the state's cotton crop, Department inspectors set up check stations in Mexico. During the droughts of 1917 and the early 1950's, TDA organized statewide disaster relief for farmers and ranchers.

As with its regulatory and marketing programs, the Department's response to crises in recent decades has evolved to include not only producers, but other constituencies as well. The Department took steps to protect public health and the environment by banning most uses of DDT in 1972, aerial spraying of Myrex for fire ants in 1976, and use of EDB in 1984. Recently, TDA has introduced urban consumer education projects to encourage and enlist aid for agricultural communities.

The Department of Agriculture maintains twelve district offices throughout the state. The executive office is located in Austin and may be reached at (512) 463-7476.

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