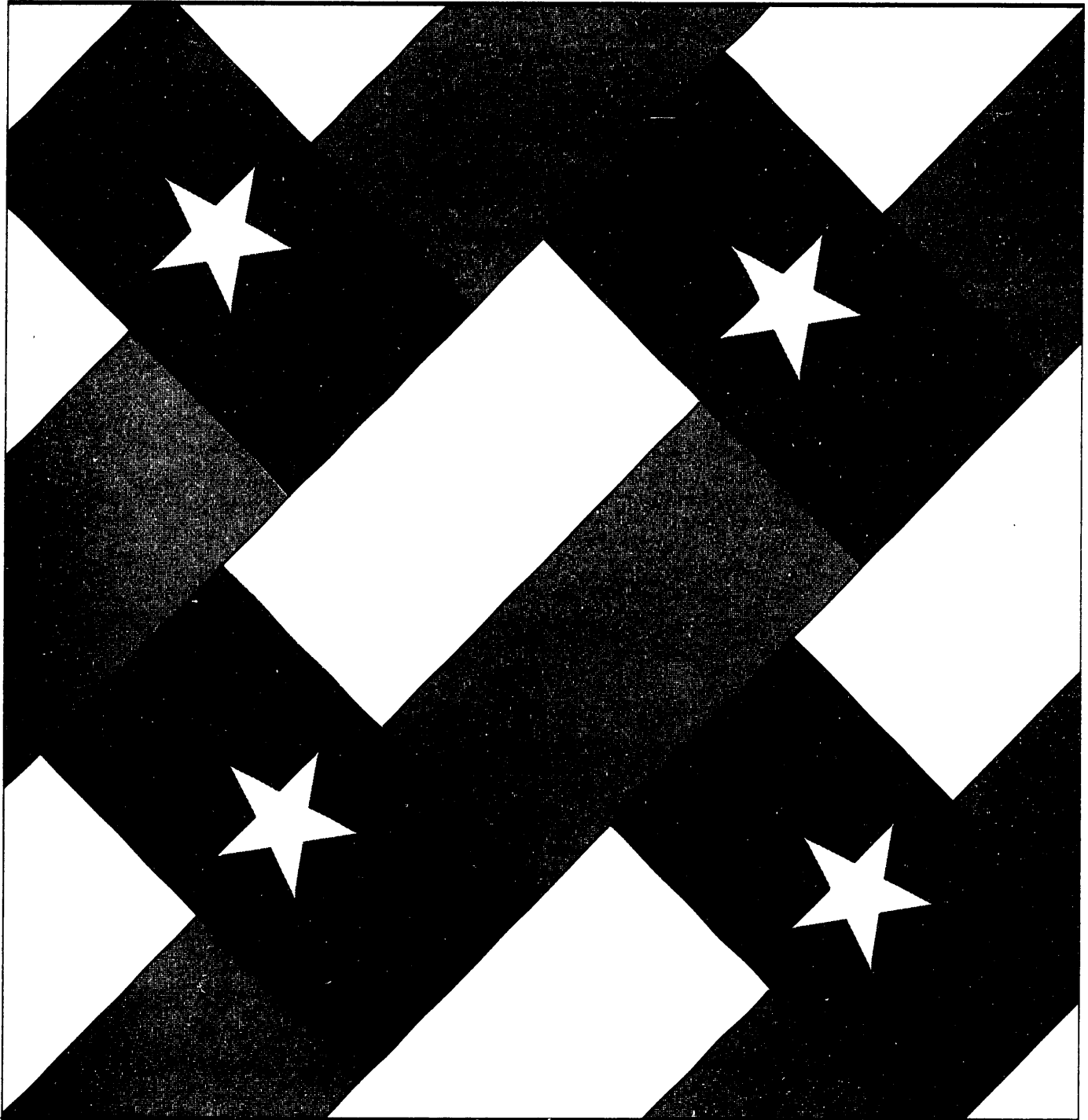


Texas Register

Volume 12, Number 14, February 24, 1987

Pages 581-616



Highlights

The **Texas Water Commission** adopts an emergency amendment concerning solid waste storage, processing, or disposal permits. Effective date - February 27 **page 588**

The **Texas Adult Probation Commission** proposes an amendment concerning restitution centers as a sentencing alternative to the

Texas Department of Corrections. Earliest date of adoption - March 27 . . . **page 593**

The **Texas Education Agency** adopts amendments concerning the clarification of provisions in federal regulations and state laws on special education. Effective Date - March 10 **page 602**

**Office of
the Secretary
of State**

Texas Register

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

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- Withdrawn Rules—rules withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date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

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

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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: "12 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."

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Texas Administrative Code

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

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

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

TAC stands for the *Texas Administrative Code*;

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



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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*.

Requests for Opinions

RQ-1000. Request from Mike Driscoll, Harris County attorney, Houston, concerning whether the Open Records Act, Texas Civil Statutes, Article 6252-17a, requires Harris County constable to release information in personnel file of former employee.
TRD-8701409

★ ★ ★

RQ-1001. Request from Robert W. Post, DeWitt County attorney, Cuero, concerning whether a commissioners court may call an election for the purpose of consolidating tax assessing and appraisal functions in the office of tax assessor/collector.
TRD-8701410

★ ★ ★

RQ-1002. Request from J. Collier Adams, Cochran County attorney, Morton, and Gale Warren, county attorney, Erath County Courthouse, Stephenville, concerning reconsideration of JM-422.
TRD-8701411

★ ★ ★

RQ-1003. Request from Bill Haley, House of Representatives, Austin, concerning whether a school district may expend legal funds for defense of an election contest.
TRD-8701412

★ ★ ★

RQ-1004. Request from C. Robert Heath, Bickerstaff, Heath & Smiley, Austin, concerning whether a list of persons certified to be served by the Special Transit System of the Capital Metropolitan Transit Authority, and information, related thereto is subject to disclosure under the Open Records Act, Texas Civil Statutes, Article 6252-17a.
TRD-8701413

★ ★ ★

Opinions

JM-629 (RQ-828). Request from Robert Bernstein, M.D., commissioner, Texas Department of Health, Austin, concerning the applicability of the 1985 Life Safety Code to nursing homes under Texas Civil Statutes, Article 4442c, §4A(d).

★ ★ ★

Summary of Opinion. The Department of Health may not substitute the 1985 edition of the Life Safety Code for the 1976 edition of the Code pursuant to its authority to grant exceptions under Texas Civil Statutes, Article 4442c, §4A(d).
TRD-8701414

★ ★ ★

JM-630 (RQ-903). Request from Lloyd Criss, chairman, Labor and Employment Relations Committee, Texas House of Representatives, Austin, concerning the constitutionality of amendments to Texas Civil Statutes, Article 342-101, *et seq.*, the Interstate Banking Bill.

Summary of Opinion. The 1986 amendments to the Banking Code of 1943, which authorize out-of-state bank holding companies to purchase control of Texas state and national banks pursuant to the federal Bank Holding Company Act of 1956, does not violate the Texas Constitution, Article XVI, §16.
TRD-8701415

★ ★ ★

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 31. NATURAL RESOURCES AND CONSERVATION

Part IX. Texas Water Commission

Chapter 305. Consolidated Permits

Subchapter E. Actions, Notice, and Hearings

★31 TAC §305.105

The Texas Water Commission is renewing the effectiveness of the emergency adoption of amendment §305.105 for a 60-day period effective February 27, 1987. The text of the amendment §305.105 was originally published in the November 11, 1986, issue of the *Texas Register* (11 TexReg 4613).

Issued in Austin, Texas, on January 13, 1987.

TRD-8701416 James K. Rourke, Jr.
General Counsel
Texas Water Commission

Effective date: February 27, 1987
Expiration date: April 28, 1987
For further information, please call
(512) 463-8087.

★ ★ ★

Name: Chandler Fulton
Grade: 12
School: Marshall High School, Marshall

Subchapter G. Additional Conditions for Solid Waste Storage, Processing, or Disposal Permits

★31 TAC §305.145

The Texas Water Commission is renewing the effectiveness of the emergency adoption of amendment §305.145 for a 60-day period effective February 27, 1987. The text of the amendment §305.145 was originally published in the November 11, 1986, issue of the *Texas Register* (11 TexReg 4613).

Issued in Austin, Texas, on January 13, 1987.

TRD-8701417 James K. Rourke, Jr.
General Counsel
Texas Water Commission

Effective date: February 27, 1987
Expiration date: April 28, 1987
For further information, please call
(512) 463-8087.

★ ★ ★

Chapter 335. Industrial Solid Waste and Municipal Hazardous Waste

Subchapter C. Standards Applicable to Generators of Hazardous Waste

★31 TAC §335.61

The Texas Water Commission is renewing the effectiveness of the emergency adoption of amended §335.61 for a 60-day period effective February 27, 1987. The text of the amended §335.61 was originally published in the November 11, 1986, issue of the *Texas Register* (11 TexReg 4614).

Issued in Austin, Texas, on February 17, 1987.

TRD-8701418 James K. Rourke, Jr.
General Counsel
Texas Water Commission

Effective date: February 27, 1987
Expiration date: April 28, 1987
For further information, please call
(512) 463-8087

★ ★ ★



Proposed Rules

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

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

TITLE 19. EDUCATION Part II. Texas Education

Agency

Chapter 73. Goals

Subchapter A. Goals for Public School Education

★ 19 TAC §§73.1-73.3

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

The Texas Education Agency proposes the repeal of §§73.1-73.3, 73.21, 73.41, and 73.61, concerning goals for public school education in Texas. The goals in this chapter were adopted by the previous State Board of Education. The new appointed board adopted in January 1987 a long-range plan for public education in Texas, including goals, objectives, and action plans. Therefore, the goals in Chapter 73 are proposed for repeal.

Lynn M. Moak, deputy commissioner for research and information, has determined that for the first five-year period the proposed repeals 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 repeals.

Mr. Moak and Dr. Beverly Bardsley, director for policy development, also have determined that for each year of the first five years the repeals are in effect the public benefit anticipated as a result of enforcing the repeals will be deletion of outdated rules of the agency. 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 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 calendar days after notice of a

proposed change has been published in the *Texas Register*.

This repeal is proposed under the Texas Education Code, §11.26(b), which directs the State Board of Education to establish goals for the public school system and adopt and promote four-year plans for meeting these needs and goals.

- §73.1. *Goals for Student Development.*
- §73.2. *Goals for Organizational Efficiency.*
- §73.3. *Goals for Accountability.*

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 February 17, 1987.

TRD-8701448 W. N. Kirby
Commissioner of
Education

Proposed date of adoption:
May 9, 1987
For further information, please call
(512) 463-9682.

★ ★ ★

Subchapter B. Adoption of Goals for Public School Education

★ 19 TAC §73.21

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

The repeal is proposed under the Texas Education Code, §11.26(b), which directs the State Board of Education to establish goals for the public school system and adopt and promote four-year plans for meeting these needs and goals.

§73.21. *Method of Adoption.*

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 February 17, 1987.

TRD-8701447 W. N. Kirby
Commissioner of
Education

Proposed date of adoption:
May 9, 1987

For further information, please call
(512) 463-9682.

★ ★ ★

Subchapter C. Priorities

★ 19 TAC §73.41

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

The repeal is proposed under the Texas Education Code, §11.26(b), which directs the State Board of Education to establish goals for the public school system and adopt and promote four-year plans for meeting these needs and goals.

§73.41. *Specifications of Priorities for Public School Education.*

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

Issued in Austin, Texas, on February 17, 1987.

TRD-8701449 W. N. Kirby
Commissioner of
Education

Proposed date of adoption:
May 9, 1987
For further information, please call
(512) 463-9682.

★ ★ ★

Subchapter D. Public Information

★ 19 TAC §73.61

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

This repeal is proposed under the Texas Education Code, §11.26(b), which directs

the State Board of Education to establish goals for the public school system and adopt and promote four-year plans for meeting these needs and goals.

§73.61. Informing the Public of Adopted Goals and Specified Priorities.

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 February 17, 1987.

TRD-8701450 W. N. Kirby
Commissioner of
Education

Proposed date of adoption:

May 9, 1987

For further information, please call
(512) 463-9682.

★ ★ ★

TITLE 28. INSURANCE

Part I. State Board of Insurance

Chapter 9. Title Insurance

Subchapter A. Basic Manual of Rules, Rates, and Forms for the Writing of Title Insurance in the State of Texas

★28 TAC §9.1

The State Board of Insurance proposes an amendment to §9.1 concerning adoption by reference of the *Basic Manual of Rules, Rates, and Forms for the Writing of Title Insurance in the State of Texas* (the manual). The amendment to the section itself is necessary to reflect amendments which the board is proposing to the manual, which the section adopts by reference. The amendments to the manual are necessary to facilitate the accomplishment of the purposes of statutory prohibition against rebates and discounts by title insurance companies. The amendment to §9.1 would incorporate by reference amendments to the manual which were originally submitted as individual agenda items at the annual hearing of the State Board of Insurance on rates and rules concerning title insurance. The board held the annual hearing on December 17 and 18, 1986, and on January 12 and 13, 1987. The amendments to the manual would modify a currently existing promulgated rate rule and would add or expand rules and forms for monitoring payments made for examination of title and/or for closing transactions. Agenda Item 86-31 at the annual hearing was a proposed amendment to the manual which would establish a new procedural Rule P-22, which would provide guidelines for the payment by title companies of fees for the examination of title and/or for closing transactions.

Agenda Item 86-32 was a proposed amendment to the manual which would amend promulgated rate Rule R-1 to prohibit the payment of any fee for the examination of title or for closing a transaction unless there has been timely compliance with the proposed procedural Rule P-22. Agenda Item 86-33 was a proposed amendment to the manual which would amend procedural Rule P-1 by defining the term "verifying the services rendered" to include a requirement for the completion of a promulgated Form T-00. Agenda Item 86-34 was a proposed amendment to the manual which would promulgate a new form numbered T-00 which requires detailed information concerning payments made for examination of title and/or for closing transactions together with the signature of the duly authorized representative of the title company. The board has filed with the Secretary of State's office copies of the proposals for amendments to the manual under the agenda items. Persons desiring copies of the proposals can obtain copies from the Title Insurance Section of the State Board of Insurance at 1110 San Jacinto Boulevard, Austin, Texas 78701-1998.

James Mark Gentle, assistant director of title insurance, 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. The cost of compliance with the amendment for small businesses will be a minimal increase in expenses for completion of forms as required by the amendment. On the basis of cost per hour of labor, there will be no difference between the cost of compliance for small businesses and the cost of compliance for large businesses affected by the amendment.

Mr. Gentle also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be a reduction, through the proposal under Agenda Item 86-31, of the incidents of illegal referral fees paid by title insurance companies in connection with the solicitation or referral of title insurance business, and an increase, through the proposals under Agenda Items 86-32, 86-33, and 86-34, in the information available to the board for use in control of violations of the Insurance Code, Article 9.30, with a corresponding reduction in investigative efforts necessary in pursuing violations of Article 9.30. Article 9.30 concerns prohibition against rebates and discounts by title insurance companies. The anticipated economic cost to individuals who are required to comply with the proposed amendment will be a minimal increase in expenses for completion of the forms required by the amendments to the manual.

Comments on the proposal may be submitted to James Mark Gentle, Assistant

Director of Title Insurance, State Board of Insurance, 1110 San Jacinto Boulevard, Austin, Texas 78701-1998.

The amendment is proposed under the Insurance Code, Articles 1.04, 9.07, and 9.21, and Texas Civil Statutes, Article 6252-13a, §4 and §5. The Insurance Code, Article 1.04, authorizes the State Board of Insurance to determine policy and rules. The Insurance Code, Article 9.07, authorizes and requires the board to fix and promulgate the premium rates to be charged by title insurance companies and title insurance agents, to promulgate or approve forms for policies of title insurance, and to require title insurance companies and agents to submit information material for the board's consideration. The Insurance Code, Article 9.21, authorizes the board to promulgate and enforce rules and regulations prescribing underwriting standards and practices, and to promulgate and enforce all other rules and regulations necessary to accomplish the purposes of the Insurance Code, Chapter 9, concerning regulation of title insurance. Texas Civil Statutes, Article 6252-13a, §4, authorize and requires each state agency to adopt rules of practice setting forth the nature and requirements of available procedures, and §5 prescribes the procedure for adoption of rules by any state administrative agency.

§9.1. Basic Manual of Rules, Rates, and Forms for the Writing of Title Insurance in the State of Texas. The State Board of Insurance adopts by reference the *Basic Manual of Rules, Rates, and Forms for the Writing of Title Insurance in the State of Texas* as amended effective **May 1, 1987** [March 1, 1986]. This document is published by and is available from Hart Graphics, P.O. Box 968, Austin, Texas 78767, and is available from and on file at the State Board of Insurance, 1110 San Jacinto Boulevard, Austin, Texas 78701-1998.

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 February 18, 1987.

TRD-8701471 Nicholas Murphy
Chief Clerk
State Board of Insurance

Earliest possible date of adoption:

March 27, 1987

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

★ ★ ★



TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part IX. Texas Water Commission

Chapter 294. Underground Water Management Areas Subchapter A. Carrizo-Wilcox Aquifer

★ 31 TAC §§294.1-294.4

The Texas Water Commission proposes new §§294.1-294.4, concerning the designation of Management Areas 3 and 4 of the Carrizo-Wilcox Aquifer. A petition for designation of Bastrop County as an underground water management area in the Carrizo-Wilcox Aquifer, pursuant to the Texas Water Code, Chapter 52, was received by the commission. The executive director of the commission having received technical assistance from the Texas Water Development Board, determined that Bastrop County was not an appropriate underground water management area. Based upon the technical data, the commission proposes that two management areas be designated and that the boundaries be as described in these sections.

The Carrizo-Wilcox Aquifer extends as a belt from Mexico northeasterly across Texas into Arkansas and Louisiana. It is made up of various water-bearing units or sands which differ throughout the areal extent of the aquifer and which form a leaky artesian aquifer system. The lower portion of the aquifer consists of units in the Wilcox Group; the upper portion consists of the Carrizo Sand of the Claiborne Group. The northwestern limit of the aquifer is considered to be the western edge of the outcrop of the Wilcox Group. The south-eastern limit is the downdip extent of the aquifer that contains water with dissolved solids concentrations of less than 3000 milligrams per liter (saline water).

In the southwestern part of the aquifer in Texas, two subdivisions have previously been designated: Subdivisions 1 and 2 of the Underground Water Reservoir of the Carrizo-Wilcox Sands. The Texas Board of Water Engineers made the designations in 1957. Subdivision 1 includes all or portions of Dimmit, Frio, La Salle, Medina, Maverick, Uvalde, and Zavalla Counties. Subdivision 2 includes all or portions of Atascosa, Bexar, McMullen, and Wilson Counties. The management areas as proposed in these sections exclude the previously designated subdivisions.

The proposed Management Areas 3 and 4 lie adjacent to one another, with the Colorado River as the common boundary. The surface boundaries are within or concurrent with the boundaries of the Carrizo-Wilcox Aquifer. The commission proposes

that only those portions of the aquifer with unit thickness sufficient to yield 25,000 gallons per day (gpd) be included in the management areas. Based on an average specific capacity of 1.6 gallons per minute per foot of drawdown in the basal unit of the Wilcox Group, an estimated 11 feet of saturated thickness would be required to yield 25,000 gpd. Using this criterion, the commission proposes that the northwestern boundary of each of the management areas be located anywhere from one-half to five miles southeast of the updip edge of the aquifer depending on unit thickness. As to the southeastern boundary of each of the management areas, the commission proposes that each be concurrent with the aquifer's southeast boundary, the saline water line.

The proposed southern lateral boundary of Management Area 3 runs along the Wilson-Guadalupe, Wilson-Gonzales, and Karnes-Gonzales county lines following the northern boundary of the previously-designated Subdivision 2 of the Underground Water Reservoir of the Carrizo-Wilcox Sands.

The Colorado River is proposed as the northern lateral boundary of Management Area 3 and the southern lateral boundary of Management Area 4. A review of water level maps for the aquifer shows that the aquifer loses water to the major rivers which traverse it, including the Colorado. This feature indicates the existence of hydrologic sinks which would tend to isolate one portion of the aquifer from the effects of withdrawals from the aquifer on the other side of the river. Moreover, south of the Colorado, the Carrizo Sand is the primary source of underground water, the Wilcox not being well developed. North of the Colorado, the Wilcox Group is well developed, as are other units in the Claiborne Group. Consequently, the Colorado is an appropriate boundary for management purposes. An additional reason for using the river as a boundary is that rivers are readily identifiable on the surface and are often referenced on maps and in legal descriptions of property.

The commission proposes that the Trinity River be the northeastern boundary of Management Area 4 for reasons similar to those discussed in the preceding paragraph, i.e., that the Trinity, like the Colorado, tends to isolate one portion of the aquifer from another, and it is a readily discernible landmark.

William Monroe, chief fiscal officer, has determined that for the first five-year period that the sections will be in effect, there will be no new fiscal implications on state or local government or small businesses as a result of enforcing and administering the sections.

Mr. Monroe has also determined that the public benefit anticipated as a result of enforcing and administering the proposed sections will be enhanced protection of

the state's underground water resources. There is no anticipated economic cost to individuals as a result of enforcing or administering the sections.

Comments on the proposal may be submitted to J. Kay Trostle, Hearings Examiner, Texas Water Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 463-7875, within 30 days following the date of this publication.

The new sections are proposed under the Texas Water Code, §§5.103 and 5.105, which provides the Texas Water Commission with the authority to adopt any regulations necessary to carry out its powers and duties under the Texas Water Code and other laws of this state and to establish and approve all general policy of the commission. Specifically, the Texas Water Code, §52.024, grants the commission the authority to designate underground water management areas.

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

Carrizo-Wilcox Aquifer—An underground water reservoir which extends as a belt from Mexico northeasterly across Texas into Arkansas and Louisiana. The lower portion of the aquifer includes units of the Wilcox Group; the upper portion consists of the Carrizo Sand of the Claiborne Group. The northwestern boundary of the Carrizo-Wilcox Aquifer is the western edge of the outcrop of the Wilcox Group. The southeastern boundary is the downdip extent of the aquifer that contains water with dissolved solids concentrations of less than 3000 milligrams per liter.

Underground water management area—An area suitable for management of underground water resources.

§294.2. Designation of Management Area 3 of the Carrizo-Wilcox Aquifer. Management Area 3 of the Carrizo-Wilcox Aquifer, as identified in §294.4 of this title (relating to Figure 1), is designated as an underground water management area. The surface boundaries of Management Area 3 are described generally as follows: The northwest boundary is slightly downdip of the northwest line of the Carrizo-Wilcox Aquifer and extends from the Wilson-Guadalupe county line to the Colorado River; the southeast boundary is concurrent with the southeast boundary of the aquifer and extends from the Karnes-Gonzales county line to the Colorado River; the southern lateral boundary runs along the Wilson-Guadalupe, Wilson-Gonzales, Karnes-Gonzales county lines; and the northern lateral boundary is the Colorado River. Management Area 3 includes portions of DeWitt, Guadalupe, Gonzales, Lavaca, Caldwell, Bastrop, and Fayette Counties.

§294.3. Designation of Management Area 4 of the Carrizo-Wilcox Aquifer. Management Area 4 of the Carrizo-Wilcox Aquifer,

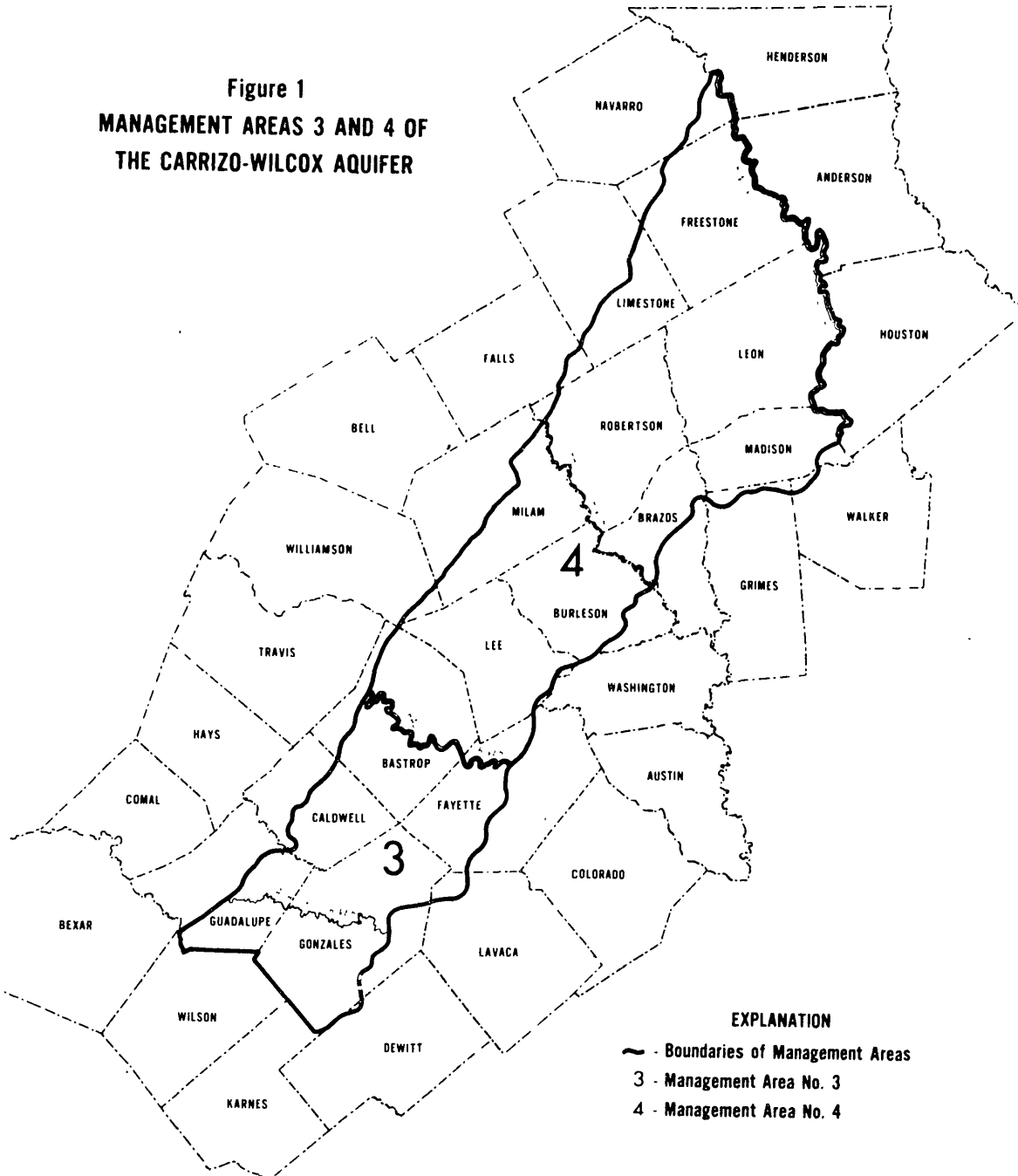
as identified in §294.4 of this title (relating to Figure 1), is designated as an underground water management area. The surface boundaries of Management Area 4 are described generally as follows: The northwest boundary is slightly downdip of the northwest line of the Carrizo-Wilcox Aquifer and extends from the Colorado River to the Trinity

River; the southeast boundary is concurrent with the southeast boundary of the aquifer and extends from the Colorado River to the Trinity River; the southern lateral boundary is the Colorado River; and the northeastern lateral boundary is the Trinity River. Management Area 4 includes all or portions of Bastrop, Brazos, Burleson, Falls, Fayette,

Freestone, Grimes, Lee, Leon, Limestone, Madison, Milam, Navarro, Robertson, Walker, and Williamson Counties.

§294.4. *Figure 1.* The following map, which portrays the surface boundaries of Management Areas 3 and 4, is an integral component of this subchapter.

Figure 1
MANAGEMENT AREAS 3 AND 4 OF
THE CARRIZO-WILCOX AQUIFER



EXPLANATION

- - Boundaries of Management Areas
- 3 - Management Area No. 3
- 4 - Management Area No. 4

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 February 18, 1987.
TRD-8701472 James K. Rourke, Jr.
General Counsel
Texas Water Commission

Earliest possible date of adoption:
March 27, 1987
For further information, please call
(512) 463-7875.

TITLE 37. PUBLIC SAFETY AND CORRECTIONS

Part VIII. Commission on Fire Protection Personnel Standards and Education Chapter 235. Policy

Maximum Hours Accreditation—Higher Levels of Fire Fighter Certification

★ 37 TAC §235.1

(Editor's note: The text of the following section proposed for repeal will not be published. The section may be examined in the offices of the Commission on Fire Protection Personnel Standards and Education, 510 South Congress Avenue #406, Austin, or in the Texas Register office, Room 503F, Sam Houston Building, 201 East 14th Street, Austin.)

The Commission on Fire Protection Personnel Standards and Education proposes the repeal of §235.1, concerning maximum hours of accreditation for higher levels of certification. This repeal listed subjects that could be used for obtaining intermediate and advanced fire fighter certification which would provide added skills to the fire fighters profession.

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

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

Comments on the proposal may be submitted to Ray L. Goad, Executive Director, 510 South Congress Avenue, Suite 406, Austin, Texas 78704.

The repeal is proposed under Texas Civil Statutes, Article 4413(35), §2(1) which provide the Commission on Fire Protection with the authority to promulgate rules and regulations for the administration of the act.

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 February 12, 1987.

TRD-8701393

Ray L. Goad Executive Director Commission on Fire Protection Personnel Standards and Education

Earliest possible date of adoption: March 27, 1987 For further information, please call (512) 474-8066.

★ ★ ★ Definition of a Full Paid Fire Fighter

★ 37 TAC §235.11

(Editor's note: The text of the following section proposed for repeal will not be published. The section may be examined in the offices of the Commission on Fire Protection Personnel Standards and Education, 510 South Congress Avenue, 406, Austin, or in the Texas Register office, Room 503F, Sam Houston Building, 201 East 14th Street, Austin.)

The Commission on Fire Protection Personnel Standards and Education proposes the repeal of §235.11, concerning the definition of full-paid fire fighter. The repeal is necessary to delete old definitions no longer in use.

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

Mr. Goad also has determined that for each year of the first five years the repeal is in effect the public benefit anticipated as a result of enforcing the repeal will be none, except for more efficient agency administration. There is no anticipated economic cost to individuals who are required to comply with the proposed repeal.

Comments on the proposal may be submitted to Ray L. Goad, Executive Director, 510 South Congress Avenue, Suite 406, Austin, Texas 78704.

The repeal is proposed under Texas Civil Statutes, Article 4413(35), §2(1), which provide the Commission on Fire Protection with the authority to promulgate rules and regulations for the administration of the act.

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 February 12, 1987.

TRD-8701394

Ray L. Goad Executive Director Commission on Fire Protection Personnel Standards and Education

Earliest possible date of adoption: March 27, 1987 For further information, please call (512) 474-8066.

★ ★ ★

Part X. Texas Adult Probation Commission Chapter 321. Standards

★ 37 TAC §321.12

The Texas Adult Probation Commission proposes amendments to §321.12, concerning restitution centers. The agency takes this action to prepare formal rules and inform general public of these rules. Before this formal posting, rules were considered in-house policy regulations.

Edmond J. Peterson, CPA, director of fiscal services, 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. Peterson 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 the restitution center will have an expanded pool of probationers to draw from. This will allow the center to maintain their occupancy at maximum capacity which reduces the cost per day per resident. 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 Virginia Grote, Texas Adult Probation Commission, 8100 Cameron Road, Suite 600, Building B, Austin, Texas 78753.

The amendment is proposed under the Texas Code of Criminal Procedure, Article 42.121, §301, which provides the Texas Adult Probation Commission with the authority to promulgate reasonable rules.

§321.12. Restitution Center.

(a) Sentencing alternative. The judicial district court shall [should] use the restitution center as a sentencing alternative to incarceration in the Texas Department of Corrections (TDC) not as a sentencing alternative to regular probation or intensive supervision probation. In utilizing this sentencing alternative, the district court should give priority to restitution center placements to offenders on whom there has been a motion to revoke probationers, and to offenders whose presentence investigation reports have indicated the need for incarceration at the Texas Department of Corrections (TDC) were the restitution center alternative not available.

(b) Reaching capacity. The judicial district court and adult probation department shall [should] ensure that a sufficient number of eligible offenders are placed in the restitution center so that it will reach at least 50% of its capacity within three months and 90% capacity within six months after commencing operation.

(c) Eligibility for placement. Offender

eligibility requirements for placement in a restitution center include:

(1) must have been sentenced for a felony offense other than those under the Penal Code, Title 5, (including but not limited to murder, capital murder, voluntary manslaughter, involuntary manslaughter, criminally negligent homicide, false imprisonment, kidnapping, rape, sexual abuse, indecency with a child, assault) [or robbery] or other than those under the Texas Controlled Substances Act (Texas Civil Statutes, Article 4476-15, including but not limited to unlawful manufacture, delivery, or possession of a controlled substance);

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

(4) must not have an extensive history of drug or alcohol abuse;

(4)[5] must be employable; and

(5)[6] would have been incarcerated at the TDC if it were not for the availability of the restitution center.

(d) Court order. The probation department **shall** [should] place an offender in a restitution center only after an order by the court and release a probationer from a restitution center only by order of the court.

(e) Presentence investigation. If the district court does not order a presentence investigation, the probation department **shall** [should] have a post-sentence investigation report written for each offender placed in a restitution center. This report should be in compliance with TAPC presentence investigation report standards.

(f) Term of residency. The **probationary** [probation] sentence ordered by the court to be served in a restitution center **shall** [should] be for a period of no less than six months nor more than 12 months.

(g) Community advisory council. A community advisory council of not less than seven persons representative of the community **shall** [should] be appointed by the district judge or judges to advise the probation department in its establishment and maintenance of the restitution center. The community advisory council should meet at least once [in] each [calendar] quarter.

(h) Appointment of the director. The chief adult probation officer **shall** [should] appoint a director of the restitution center who is familiar with the operation of a residential program, the goals and procedures of an adult probation department, and the diversionary purpose of the restitution center.

(i) Maximum resident capacity. The probation department **shall** [should] establish the maximum resident capacity limit of the restitution center prior to commencing operations at the center. The limit shall not be exceeded under any circumstances.

(j) Denying admission. The judicial district court and the adult probation department **shall** [should] give the restitution center director the authority to deny admission of a prospective resident if that offender is not eligible for placement in a restitution center

or if the restitution center has reached its capacity.

(k) Prohibited uses. The judicial district court and the probation department **shall** [should] not use the restitution center as a diagnostic facility to determine offender eligibility for restitution center services or as an emergency shelter for probationers experiencing crisis situations or to alleviate overcrowding at the county jail.

(l) Fiscal management. The probation department **shall** [should] maintain a separate account within the judicial district fund for restitution center funds and use a restitution center fiscal management system approved by the TAPC.

(m) Data. The probation department **shall** [should] submit on a timely basis the restitution center data requested by the TAPC.

(n) Employment opportunities and placement. The probation department **shall** [should] ensure that the restitution center director assists residents in obtaining and maintaining employment. To this end, programs should be available to enhance the employability of the residents.

(o) Reports to TDC. If the probation of a resident at the restitution center is revoked, the probation department **shall** [should] forward to TDC with the commitment papers a copy of the written evaluation report, the PSI, and other information as required by TAPC standards.

(p) Training. The probation department **shall** [should] require that the restitution center personnel participate in residential services training offered by the TAPC.

(q) Equipment transfer. The probation department **shall** [should] transfer the equipment and any remaining supplies purchased with restitution center funds to another restitution center or to an adult probation department temporarily or permanently upon request of the TAPC [if state aid for the restitution center is terminated].

(r) Fiscal guidelines. The probation department **shall** [should] follow TAPC fiscal guidelines for restitution centers including, but not limited to:

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

(s) Autonomy. The probation department **shall** [should] ensure that the restitution center is autonomous and separate from other correctional or residential treatment facilities.

(t) Case classification. The probation department **shall** [should] require the restitution center to utilize the TAPC case classification system **and TAPC case management system** as part of the intake, assessment, reassessment, and termination **process** [processes].

(u) Operations procedure manual. The probation department **shall** [should] require the restitution center under its jurisdiction to operate under the guidelines of an operations [procedure] manual approved by the TAPC. The manual is **to be reviewed an-**

nually and revised as necessary and is to include guidelines on at least the following:

(1) utilizing the TAPC case classification system and **TAPC case management system**;

(2)-(16) (No change.)

(v) Location. [(1)] The probation department **shall** [should] ensure that the location of the restitution center is suited to the employment needs of the residents, and other factors considered important by the local courts and probation departments. [(2)] Before selecting the location to be used as the basis for an application for establishing a restitution center to be operated by the probation department, the department shall publish a notice in three consecutive issues of a newspaper of general circulation in the county of the proposed location. The notice shall describe the proposed location or locations in a manner sufficient to enable a reasonable person to locate the premises and identify it from other places in the community, and shall also state the time, date, and place of a public hearing on the proposed restitution center. The hearing shall be held not less than 10 nor more than 30 days after the date the last notice is published.

(w) (No change.)

(x) Caseload average.

(1) The following **shall** [should] not be included in calculating the department average caseload or in claiming per capita state aid:

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

(2) (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 February 17, 1987.

TRD-8701464

David Spencer
General Counsel
Texas Adult Probation
Commission

Earliest possible date of adoption:

March 27, 1987

For further information, please call
(512) 834-8188.

★ ★ ★

★ 37 TAC §321.13

The Texas Adult Probation Commission proposes new §321.13, concerning court residential treatment centers. The agency is taking this action to prepare formal rules and inform the general public of these rules. Before this formal posting, rules were considered in-house policy regulations.

Edmond J. Peterson, CPA, director of fiscal services, 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. Peterson 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 these standards will define the rules that court residential treatment centers must operate under. The centers will become more structured and operate more efficiently. 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 Virginia Grote, Texas Adult Probation Commission, 8100 Cameron Road, Suite 600, Building B, Austin, Texas 78753.

The new section is proposed under the Texas Code of Criminal Procedure, Article 42.121, §3.01, which provides the Texas Adult Probation Commission with the authority to promulgate reasonable rules.

§321.13. Court Residential Treatment Center.

(a) Population. The primary population to be served by the court residential treatment center are felony offenders who are exhibiting drug and alcohol abuse problems, or mental health problems who can benefit from the treatment models by the court residential treatment center.

(b) Term of residency. Placement in a court residential treatment center shall be a term not to exceed six months. A court residential treatment center director may extend the term up to an additional six months with casefile documentation substantiating the need for continued residential treatment with the courts approval.

(c) Discharge from a court residential treatment center. When significant progress in achieving the goals of the treatment plan has been accomplished and documented, the director may recommend discharge for the offender from the court residential treatment center to regular probation.

(d) Community advisory council. Judicial district adult probation departments shall use a community advisory council to assist in establishing a court residential treatment center or selecting a site for a court residential treatment center, or in other designated functions.

(e) Community support. The judicial district adult probation department shall develop and implement an annual plan for community involvement in and awareness of the court residential treatment center.

(f) Appointment of the director. The chief adult probation officer shall appoint a director of the court residential treatment center who has experience and knowledge of residential treatment programs.

(g) Maximum resident capacity. The probation department shall establish capacity limit at the court residential treatment center. The limit shall not be exceeded under any circumstances.

(h) Denying admission. The judicial district court and the adult probation depart-

ment shall give the court residential treatment center director the authority to deny admission of a prospective resident if that offender is inappropriate for placement in a court residential treatment center or if the court residential treatment center has reached its capacity.

(i) Fiscal management. The probation department shall maintain a separate account within the judicial district fund for court residential treatment center funds and use a court residential treatment fiscal management system approved by the Texas Adult Probation Commission.

(j) Data. The probation department shall submit on a timely basis the court residential treatment center data requested by the Texas Adult Probation Commission.

(k) Training. The probation department shall require that the court residential treatment center personnel participate in residential services training offered by the Texas Adult Probation Commission.

(l) Equipment transfer. If state aid for the court residential treatment center is terminated, the probation department should transfer the equipment and any remaining supplies purchased with court residential treatment center funds to another court residential treatment center or to an adult probation department temporarily or permanently upon request of the Texas Adult Probation Commission.

(m) Fiscal guidelines. The probation department shall follow Texas Adult Probation Commission guidelines for court residential treatment centers including, but not limited to:

- (1) purchase of equipment;
- (2) leasing of real property or equipment; and
- (3) contractual services.

(n) Case classification. The probation department shall require the court residential treatment center to utilize the Texas Adult Probation Commission case classification and TAPC case management system (re-integration model) as part of the intake, assessment, reassessment, and termination processes.

(o) Operations procedure manual. The probation department shall require the court residential treatment center under its jurisdiction to operate under the guidelines of an operations procedure manual approved by the TAPC. The manual is to include guidelines on at least the following:

- (1) utilizing the TAPC case classification system and TAPC case management system;
- (2) providing food service;
- (3) providing security and discipline;
- (4) providing medical examinations;
- (5) providing fiscal accountability;
- (6) performing community service restitution;
- (7) providing for discharge procedures;
- (8) developing and implementing

individualized supervision plans;

(9) meeting health and safety standards;

(10) providing for adequate facilities;

(11) implementing sound personnel practices;

(12) orienting incoming residents.

(p) Location. The probation department shall ensure that the location of the court residential treatment center demonstrates the sensitivity to the community and other factors considered important by the local courts and probation departments. Before selecting the location to be used as the basis for an application for establishing a court residential treatment center to be operated by the probation department, the department shall publish a notice in three consecutive issues of a newspaper of general circulation in the county of the proposed location. The notice shall describe the proposed location or locations in a manner sufficient to enable a reasonable person to locate the premises and identify it from other places in the community, and shall also state the time, date, and place of a public hearing on the proposed court residential treatment center. The hearing shall be held not less than 10 nor more than 30 days after the date the last notice is published.

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 February 17, 1987

TRD-8701465

David Spencer
General Counsel
Texas Adult Probation
Commission

Earliest possible date of adoption
March 27, 1987

For further information please call
(512) 834-8188



★ 37 TAC §321.14

The Texas Adult Probation Commission proposes new §321.14, concerning specialized caseloads. The agency is taking this action to prepare formal rules and inform general public of these rules. Before this formal posting, rules were considered in-house policy regulations.

Edmond J. Peterson, CPA, director of fiscal services, 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. Peterson also has determined that for each year of the first five years the section is in effect the public benefit antici-

pated as a result of enforcing the section will be that the standards define, in writing, the policy followed by the Adult Probation Commission. The programs will be come more structured and cost effective. 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 Virginia Grote, Texas Adult Probation Commission, 8100 Cameron Road, Suite 600, Building B, Austin, Texas 78753.

The new section is proposed under the Texas Code of Criminal Procedure, Article 42.121, §3.01, which provides the Texas Adult Probation Commission with the authority to promulgate reasonable rules.

§321.14. Specialized Caseloads.

(a) Department eligibility. All probation departments participation in the TAPC state aid program and meeting the minimum standards of the TAPC are eligible to apply for participating in the Specialized Caseload Probation Program (SCP).

(b) Caseload placement. Probationers should be placed on the SCP as the result of a court order or amended conditions of probation. In exceptional cases, the probationer may be placed in the SCP solely as the result of a documentable need for specialized supervision.

(c) Probationer eligibility. Eligibility for placement in the SCP program is restricted to offenders who are identified as high need and meet the criteria specified for each type of caseload as follows:

(1) developmentally disabled
(A) mentally retarded
(i) an I.Q. of 69 or below;
(ii) documentable history of specialized academic, vocational, or life skills training;

(iii) deficits in one or more adaptive behavior patterns; and
(iv) documentable organic or developmental impairment in mental abilities with onset prior to the age of 18;

(B) developmentally disabled:
(i) chronic mental and/or physical disabilities that are evident before the age of 22;

(ii) substantial limitation in three or more of the following major life activities:

(I) self-care;
(II) self-direction;
(III) learning;
(IV) language
(V) mobility;
(VI) capacity for independent living; and
(VII) economic self-sufficiency.

(2) mental health:

(A) history of mental illness or emotional instability and documentable need for treatment for a mental disorder or emotional instability;

(B) probationer is currently undergoing treatment for a mental disorder

or emotional instability; and

(C) primary problem area is not substance abuse or mental retardation;

(3) sex offender caseloads:

(A) commission of an offense involving inappropriate sexual behavior;

(B) inappropriate sexual behavior is suspected and there is supporting evidence for this suspicion, such as child abuse or family reports, but with no conviction; and

(C) sexual behavior as the primary problem area;

(4) alcohol:

(A) classification as a problem drinker on a valid and reliable assessment procedure such as the complete battery of the Mortimer Filkins court procedure for identifying problem drinkers; and

(B) one or more prior alcohol related offense(s); and/or

(C) documentable history of alcohol abuse; and/or

(D) BAC level at time of arrest of .20 or greater;

(5) drug abuse—identification through an indepth assessment procedure or diagnosis by a drug abuse professional as having serious dysfunction as the result of drug abuse;

(6) multiple substance abusers—meets the eligibility criteria for both alcohol and drug abuse caseloads;

(7) assaultive offender/family violence:

(A) perpetrators:

(i) commission of an assaultive or threat of assault offense; and/or

(ii) history of assaultive/violent behavior;

(iii) primary problem is not mental retardation, substance abuse; or

(iv) an underlying condition resulting in violent behavior which can be treated only through medication;

(B) survivors who are on probation (to be used with family violence caseloads):

(i) presently or recently in an abusive relationship which can be seen as resulting directly in or leading to conditions that would jeopardize successful completion of probation; and/or

(ii) having committed an offense whose circumstances were determined by having been in an abusive relationship; and

(iii) primary problem is not mental retardation.

(d) Presentence investigation. The probation department should conduct a presentence investigation or the SCP caseload officers should prepare a case history on each offender within 60 days of placement on the caseload. An indepth specialized assessment may suffice if a presentence investigation is not court ordered.

(e) Case classification. The TAPC case classification system should be utilized as part of the assessment, planning, super-

vision, reassessment, and termination process.

(f) Individualized supervision. The SCP officer should prepare an individualized supervision plan for each probationer within 30 days of placement on the specialized caseload. The plan should be based on the needs identified from specific assessment procedures, the presentence investigation or case history, and the case classification system.

(g) Case documentation. The case file should contain, at a minimum:

(1) a court order and amended conditions of probation, as appropriate;

(2) documented criminal history;

(3) documented specialized assessment or psychological evaluation;

(4) case classification forms including the supervision plan;

(5) chronological entries documenting purpose and outcome of office and field visits; and

(6) reports from treatment providers indicating progress, lack of progress, and outcomes of treatment services.

(h) Reassessments. Each probationer on the specialized caseload should be reassessed each three months on a routine basis. Additionally, each probationer should be reassessed when a significant change occurs, i.e. rearrest, regression, marked improvement.

(i) Field visits. Field visits should be conducted in accordance with department policy and should be conducted for the following specific reasons:

(1) initially, to observe the living environment and relationships of the probationer;

(2) to identify potential problems;

(3) to ensure the probationer is making progress under supervision;

(4) to assure compliance with the conditions of probation;

(5) whenever the living environment changes;

(6) when problems exist in employment, with family or with the course of treatment; and

(7) to provide crisis intervention or relapse prevention.

(j) Caseload size. The specialized caseload should not exceed the workload of 40 probationers supervised at an intensive level of supervision.

(k) Term of participation. Probationers may be exited successfully from SCP to another program according to the following criteria:

(1) mentally retarded/developmentally disabled caseloads:

(A) documentable improvement in adaptive behavior skills indicating that the probationer can be self-sufficient in the community; or

(B) transfer of case management for the probationer to a community agency charged with responsibility for the mentally retarded;

(2) mental health caseloads:

(A) absence of documented severe mental illness behaviors for a period of at least six months; or

(B) determination by a professional that mental illness is in remission and documentation that the probationer no longer requires treatment;

(3) sex offender caseloads:

(A) evaluation by treatment providers that the probationer has obtained maximum benefit from treatment;

(B) evidence of no further inappropriate sexual behavior; and

(C) probationer is no longer in need of intensive surveillance;

(4) alcohol caseloads:

(A) stabilization in areas of dysfunction for a minimum of three months; and

(B) successful completion of treatment/counseling;

(5) drug abuse caseloads:

(A) stabilization in areas of dysfunction for a minimum of three months; and

(B) successful completion of treatment/counseling;

(6) substance abuse caseloads:

(A) stabilization in areas of dysfunction for a minimum of three months; and

(B) successful completion of treatment/counseling;

(7) assaultive offender/family violence caseloads:

(A) perpetrators:

(i) successful completion, or participation, in treatment; and

(ii) risk/needs scores at less than maximum level of supervision; and

(iii) evidence of no reoccurrences of assaultive/violent behavior; and

(iv) evaluation by treatment providers that maximum benefit has been derived from treatment services;

(B) survivors:

(i) risk/needs scores at less than maximum level of supervision; and

(ii) successful completion, or participation, in treatment, if ordered.

(l) Supervision. The probation department should provide services and supervision to SCP probationers consistent with the need and risk factors identified, and use available community resources, including purchase of services if necessary, to provide safety to the community and promote responsible behavior by the probationer.

(m) Training. Probation officers supervising SCP probationers should participate in case classification, strategies for case supervision and specialized caseload supervision training sponsored by the TAPC. The probation department should encourage continued training in the special need areas.

(n) SCP officers. A probation department participating in the SCP program

should designate an individual probation officer to supervise SCP probationers. This officer should possess, or the department should provide for the officer's acquisition of, knowledge and skills in the special need area the officers supervises.

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 February 17, 1987.

TRD-8701466

David Spencer
General Counsel
Texas Adult Probation
Commission

Earliest possible date of adoption:

March 27, 1987,

For further information, please call
(512) 834-8188.

★ ★ ★

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Services

Chapter 85. General Licensing Procedures

The Texas Department of Human Services (TDHS) proposes an amendment to §85.2035, and new §85.2036 and §85.2037, concerning registrations of family homes, in its General Licensing Procedures rule chapter. The amendment adds that a registration may be revoked or denied if restrictions or probation is violated. The new sections clarify the restrictions and the requirement to comply with the law, the minimum standards, restrictions on the registration, and conditions on a waiver or variance and explain the conditions of probation.

Brian Packard, associate commissioner for budget, planning, and economic analysis, has determined that for the first five-year period the sections are in effect there will be no fiscal implications for state or local governments or small businesses as a result of enforcing or administering the sections.

Mr. Packard has also determined that for each year of the first five years the sections are in effect the public benefit will be greater protection for children in registered family homes because of the clarification of the department's authority. 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 Cathy Rossberg, Administrator, Policy Development Support Division-032, Texas Department of Human Services 222-E, P.O. Box 2960, Austin, Texas 78769,

within 30 days of publication in the *Texas Register*.

Subchapter U. Day Care Licensing Procedures

★40 TAC §85.2035

The amendment is proposed under the Human Resources Code, Title 2, Chapter 22, which provides the department with the authority to administer public assistance programs.

§85.2035. *Denial or Revocation of a Registration.*

(a) Reasons for revocation or denial are:

(1)-(6) (No change.)

(7) violation of the restrictions on the registration;

(8) violation of the conditions of probation.

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 February 18, 1987.

TRD-8701469

Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Earliest possible date of adoption:

March 27, 1987

For further information, please call
(512) 450-3766.

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★40 TAC §85.2036, §85.2037

The new sections are proposed under the Human Resources Code, Title 2, Chapter 22, which provides the department with the authority to administer public assistance programs.

§85.2036. *Restriction.*

(a) The department may impose restrictions on a registered family home, which include, but are not limited to, the number or ages of children to be served.

(b) A registered family home must comply with the child care licensing law, the minimum standards under which it is registered, the restrictions on the registration, and the conditions on a waiver or variance.

§85.2037. *Probation.* The department may place a registered family home on probation for a specified period rather than suspend or revoke the registration. The department may revoke the registration during the probationary period if the facility does not meet the conditions of the probation.

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 February 18, 1987.

Earliest possible date of adoption:
March 27, 1987
For further information, please call
(512) 450-3766.

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Part IX. Texas Department on Aging

Statutes and Regulations

★ 40 TAC §§289.1, 289.3, 289.5,
289.7, 289.9, 289.11, 289.13,
289.15, and 289.17

The Texas Department on Aging proposes new §§289.1, 289.3, 289.5, 289.7, 289.9, 289.11, 289.13, 289.15, and 289.17, concerning providing direct services by area agencies on aging. This chapter provides policies and procedures for consideration of applications by the Texas Department on Aging by area agencies on aging that desire to provide direct services for the elderly. It promulgates conditions which must exist before a request can be submitted, how a request is to be submitted, and the documentation which must accompany a request to provide direct services.

Charles Hubbard, director of finance, 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.

Tim Shank, deputy executive director, also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be standardization of applications submitted by area agencies on aging for requests to perform direct services. This will provide greater consistency in development of the request and provide a uniform basis on which to evaluate the merits of the request based on data required by this section. 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 Edwin R. Floyd, Chief of Administrative Services, Texas Department on Aging, P.O. Box 12786, Capitol Station, Austin, Texas 78711.

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

§289.1. *Purpose.* This chapter establishes policies and procedures for the Texas De-

partment on Aging to consider requests by area agencies on aging who desire to provide direct services for the elderly. It promulgates conditions which must exist before a request can be submitted, how a request is to be submitted, and what documentation must accompany the request as justification to perform direct services.

§289.3. *Scope.* This chapter applies only to area agencies on aging who desire to provide services usually provided by contract service providers within the planning and service area.

§289.5. *Applicability.* This chapter applies to all activities providing services to older Texans under the Older Americans Act, Title III.

§289.7. *Implementation Date.* It is the intent of the Texas Department on Aging that procedures and policies specified in this chapter will be followed by area agencies on aging submitting requests on or after April 30, 1987.

§289.9. *State and Federal Guidance for Direct Service Provision.*

(a) The Older Americans Act as amended contains the language regarding direct service provision by area agencies on aging which provides that no supportive services or nutrition services will be directly provided by the state agency or an area agency on aging, except where, in the judgement of the state agency, provision of such services by the state agency or an area agency on aging is necessary to assure an adequate supply of such services, or where such services are directly related to such state or area agency on aging's administrative functions or where such services of comparable quality can be provided more economically by such state or area agency on aging.

(b) Subsection (a) of this section describes three conditions when a request to provide services directly by an area agency on aging may be considered. The area agency on aging will submit their request under the appropriate section. These are when:

(1) it is necessary to assure that an adequate supply of the service/s is/are available in the planning and service area;

(2) the service/s is/are directly related to the area agency on aging's administrative functions; or

(3) comparable quality of service can be provided more economically.

(c) If the area agency determines that conditions as specified in subsection (a) of this section exist, area agencies will:

(1) complete and submit the appropriate narrative(s) and/or documentation required under §§289.11, 289.13, or 289.15, of this title (relating to Adequate Supply of Services; Services Directly Related to Administrative Functions; and Comparable Quality Provided More Economically).

(2) Submit the request at the time of submission of the two year area plan or area plan amendment.

(3) explain the impact that providing a direct service would have on the advocacy, planning, and coordination functions of the area agency on aging (an area agency on aging organizational chart should be submitted which reflects the structure).

§289.11. *Adequate Supply of Services.*

(a) The area agency may wish to provide a service directly when it has been determined that there is not an adequate supply of a service in the planning and service area and that the failure to do so would jeopardize the availability of the service/s to the elderly in the region. To support this determination, the area agency will consider, as a minimum:

(1) information gained in the needs assessment process about the level of need for that service in the region (service or services being considered should be reflected in and supported by needs assessment data as a priority need);

(2) information about the providers in the region, including the service mix, the service area, the level of funding for each service/s, and the capacity to provide the needed service; and

(3) availability of other provider/s in the region with which to contract.

(b) If the area agency wishes to request approval to assure that an adequate supply of services is available, the area agency must provide the following narrative/s and/or documentation for each proposed service:

(1) analysis of the needs assessment data included in the area plan which supports the need for the service(s);

(2) a list of the providers in the region who are currently providing the service and the level of service being provided by each provider (i.e., the number of units of service and the unduplicated number of older persons receiving the service. Include, whenever possible, unit costs and the source and level of funding for each service);

(3) documentation of the efforts made by the area agency on aging to find any other provider(s) who would provide this service. This will include, but is not limited to:

(A) publication date and places for the request for proposals (RFP);

(B) copies of letters sent to agencies announcing the publication of the RFP; and

(C) the log or roster of agencies submitting proposals;

(4) a copy of the proposal/s submitted by other service providers for the services (if no proposal/s were submitted, a letter signed by the grantee executive director should certify this fact); and

(5) the area agency's proposed service delivery plan using the same proposal format indicated in the area agency's request for proposals.

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 89. Adaptations for Special Populations Subchapter G. Special Education Clarification of Provisions in Federal Regulations and State Law

★ 19 TAC §§89.228, §89.242

The Texas Education Agency has withdrawn from consideration for permanent adoption emergency amendment to §§89.228 and 89.242, concerning the clarification of provisions in federal regulations and state law. The text of the amendment as proposed appeared in the November 28, 1986, issue of the *Texas Register* (11 TexReg 4821).

Issued in Austin, Texas, on February 17, 1987.

TRD-8701458 Beverly J. Bardsley
Director for Policy
Development
Texas Education Agency

Filed: February 17, 1987
For further information, please call
(512) 463-9212.

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Funding

★ 19 TAC §89.250

The Texas Education Agency has withdrawn from consideration for permanent adoption emergency amendment to §89.250, concerning funding. The text of the amendment as proposed appeared in the November 28, 1986, issue of the *Texas Register* (11 TexReg 4821).

Issued in Austin, Texas, on February 17, 1987.

TRD-8701456 Beverly J. Bardsley
Director for Policy
Development
Texas Education Agency

Filed: February 17, 1987
For further information, please call
(512) 463-9212.

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Chapter 105. Foundation School Program Subchapter W. Price Differential Index

★ 19 TAC §§105.461-105.465

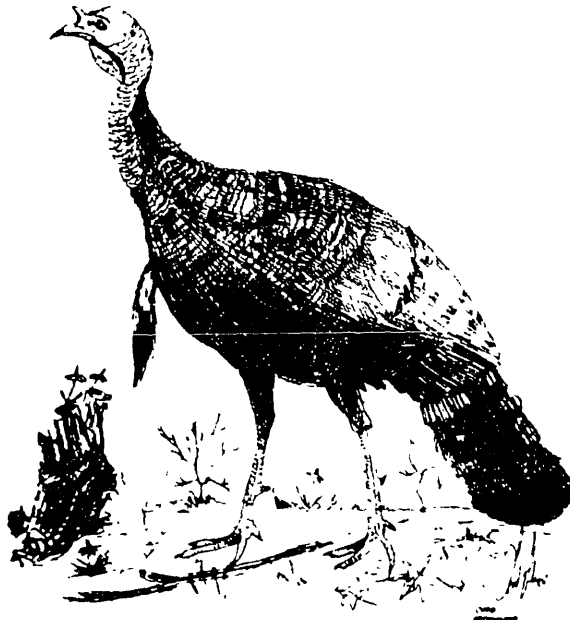
The Texas Education Agency has withdrawn from consideration amendment, concerning Price Differential Index. The text of the amendment appeared in the November 28, 1986, issue of the *Texas Register* (11 TexReg 4822). The effective date of these amendments are March 10, 1987.

Issued in Austin, Texas, on February 17, 1987.

TRD-8701452 Beverly J. Bardsley
Director for Policy
Development
Texas Education Agency

Filed: February 17, 1987
For further information, please call
(512) 463-9212.

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Name: Chad Greenwood
Grade: 11
School: Marshall High School, Marshall

§289.13. *Services Directly Related to Administrative Functions.*

(a) Services directly related to the administrative (ie., advocacy and service delivery) functions of the area agency (which must be performed in a consistent manner throughout the planning and service area) are information and referral, outreach, advocacy, program development, coordination, individual needs assessment, and case management (care coordination).

(b) If the area agency wishes to request approval to provide a service that is related to the administrative functions of the area agency, the following must be provided for each proposed service:

(1) analysis of the needs assessment data included in the area plan which supports the need for the service/s;

(2) an organizational chart and narrative description which outlines how the service(s) will be integrated into the administrative functions of the area agency on aging;

(3) a narrative description which outlines how the area agency will perform the services(s) more effectively and efficiently than any other provider. For purposes of this section, the term "effectively" refers to capacity to provide a defined service. It includes considerations of service quality and delivery criteria, such as adequate quantity and timeliness. The term "efficiently", refers to the relative total cost of providing a unit of service;

(4) a narrative description which outlines how direct provision by the area agency will assure performance of the service(s) in a consistent manner throughout the planning and service area; and

(5) the area agency's proposed service delivery plan, including but not limited to, the level of funding, the number of units of service, the unduplicated number of older persons to be served, and the proposed unit cost.

§289.15. *Comparable Quality Provided More Economically.*

(a) The area agency may wish to provide a service directly when it can demonstrate that it can provide the service with comparable quality in a more economical manner. To support this the area agency would consider the following:

(1) proposal/s submitted in response to the RFP issued by the area agency for the service;

(2) staff and community resources, particularly area agency staff support, available to provide the service/s;

(3) for a request to continue to provide the service, current unit cost relative to comparable service provided in the region; and

(4) availability of other provider/s in the region with which to contract.

(b) To support the request the area agency must provide the following for each proposed service:

(1) documentation of the efforts made by the area agency on aging to find any other provider/s who would provide this service. This will include, but is not limited to;

(A) publication date and places for the request for proposals;

(B) copies of letters sent to agencies announcing the publication of the RFP; and

(C) the log or roster of agencies submitting proposals;

(2) a list of the providers in the region who are currently providing the service and the level of service being provided by each provider (i.e., the number of units of service and the unduplicated number of older persons receiving the service. Whenever possible, include unit cost and the source and level of funding for each service);

(3) a copy of the proposal/s submitted by other service providers for the service/s;

(4) a comparative analysis to indicate a substantial increase in the number of service units provided while either maintaining relative cost or reducing these costs, (where appropriate, past program performance information for the proposed contract and/or the area agency on aging should be used for comparison purposes); and

(5) the area agency's proposed service delivery plan using the same proposal format indicated in the area agency's request for proposals. This service delivery plan should indicate that the quality of service supplied by the area agency will be comparable to that of other proposers of the service/s. Factors to be considered in determining quality include, but are not limited to:

(A) intake procedures;
(B) method/s of service delivery;
(C) client/staff ratio;
(D) service delivery schedule;
(E) response time to request for

services;
(F) frequency of service provision;

(G) timeliness of follow-up services;

(H) methods of follow-up services;

(I) referral procedures;
(J) staff supervision
(K) staff training;
(L) record keeping for clients;

and
(M) volunteer support, where appropriate.

(c) If at any time during the planning period it becomes necessary for the area agency to provide a direct service on a temporary basis, approval must be received 30 days in advance of the start of the direct service concerned. For example, if a subcontractor notifies the area agency of intent to terminate a contract, the area agency may

request approval under §289.11 of this chapter, (relating to Adequate Supply of Services), 30 days prior to the termination of the contract using the form provided by the Texas Department on Aging.

§289.17. *Action by the Texas Department on Aging.* The Texas Department on Aging has approval authority for all requests submitted under §§289.11, 289.13, and 289.15 of this title (relating to Adequate Supply of Services; Services Directly Related to Administrative Functions; and Comparable Quality Provided More Economically), by an area agency on aging to provide a direct service/s.

(1) In those cases when an area agency requests approval under this chapter to provide direct services at the beginning of a new planning period, or at the beginning of the second year of that planning period, TDoA will review all documentation and competing proposals submitted in accordance with this chapter and prepare a written report of the findings. The report will be submitted to the Texas Board on Aging for consideration and approval/disapproval during the review process of the area plan or area plan amendment. All documentation will become a part of the area plan or area plan amendment.

(2) In those cases where an area agency on aging requests approval under this chapter to provide temporary direct services for ninety (90) days or less during a given fiscal year, the TDoA will review all documentation submitted in accordance with this chapter and prepare a written report of the findings. The report will be submitted to the executive director for consideration and approval or disapproval. Such action by the executive director will be reported to the Texas Board on Aging at the next meeting of the board following approval or disapproval of the temporary direct service request. A letter will be sent to the requesting area agency detailing the executive director's decision. All documentation will become a part of the area plan or area plan amendment.

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 February 17, 1987.

TRD-8701406

O. P. Bobbitt
Executive Director
Texas Department on
Aging

Earliest possible date of adoption:
March 25, 1987
For further information, please call
(512) 444-2727.

★ ★ ★

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 7. BANKING AND SECURITIES

Part VII. State Securities Board

Chapter 109. Transactions Exempt from Registration

★7 TAC §109.13

The State Securities Board adopts an amendment to §109.13, without changes to the proposed text published in the January 13, 1987, issue of the *Texas Register* (12 TexReg 114).

The amendment retains the requirement that the information required to be set forth in Form D be provided to the State Securities Board so that the agency can continue monitoring offerings made pursuant to the exemption. Because Form D is a uniform form recognized by the SEC and many states, a failure to amend the rule could result in a substantial disruption of the capital formation process in this state to the extent that capital is raised in exempt limited offerings done on an interstate basis.

The amendment requires a copy of Form D to be filed with the State Securities Board in order to claim the uniform limited offering exemption set forth in §109.13(k).

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 581, §28-1, which provide that the board may make or adopt rules or regulations governing registration statements, applications, notices, and reports, and in the adoption of rules and regulations may classify securities, persons, and matters within its jurisdiction, and prescribe different requirements for different classes.

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 February 17, 1987.

TRD-8701441

Richard D. Latham
Securities Commissioner
State Securities Board

Effective date: March 10, 1987

Proposal publication date: January 13, 1986

For further information, please call
(512) 474-2233.

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Chapter 115. Dealers and Salesmen

★7 TAC §115.1

The State Securities Board adopts an amendment to §115.1, without changes to the proposed text published in the January 13, 1987, issue of the *Texas Register* (12 TexReg 114).

The amendment eliminates the disparate treatment between situations where single entities simultaneously engage in the activities of a dealer or agent while maintaining in their investment advisory business, discretionary accounts for clients, and situations in which these activities are accomplished through separate entities that are substantially controlled by the same persons.

The amendment eliminates subsection (e) (1)(C).

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 581, §28-1, which provide that the board may make or adopt rules or regulations governing registration statements, applications, notices, and reports, and in the adoption of rules and regulations may classify securities, persons, and matters within its jurisdiction, and prescribe different requirements for different classes.

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 February 17, 1987.

TRD-8701442

Richard D. Latham
Securities Commissioner
State Securities Board

Effective date: March 10, 1987

Proposal publication date: January 13, 1987

For further information, please call
(512) 474-2233.

TITLE 10. COMMUNITY DEVELOPMENT

Part II. Texas Economic Development Commission Chapter 109. Rules for Texas Small Business Industrial Development Corporation Revenue Bond Programs

★10 TAC §109.3

The Texas Economic Development Commission adopts an amendment to §109.3, without changes to the proposed text published in the October 31, 1986, issue of the *Texas Register* (11 TexReg 4467).

This section has been amended by deleting the provisions relating to the requirements concerning bond series limitations. In addition, an amendment to this section is necessary to clarify certain bond approval standards pursuant to Texas Civil Statutes, Article 5190.6 and federal tax law.

No comments were received regarding the adoption of the amendment.

This amendment is adopted under authority of Texas Civil Statutes, Article 5190.6, which provide the commission with the authority to adopt rules pertaining to the adoption, implementation, and administration of the Texas Small Business Industrial Development Corporation revenue bond 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 February 12, 1987

TRD-8701445

David V. Brandon
Executive Director
Texas Economic
Development
Commission

Effective date: March 10, 1987

Proposal publication date: October 31, 1986

For further information, please call
(512) 472-5059.

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TITLE 19. EDUCATION

Part II. Texas Education

Agency

Chapter 75. Curriculum

Subchapter G. Other Provisions

★ 19 TAC §75.172

The Texas Education Agency adopts the repeal of §75.172, without changes to the proposed text published in the November 21, 1986, issue of the *Texas Register* (11 TexReg 4742).

Since there continue to be questions about whether it will be possible for publishers or school districts to develop tests for advanced placement which would meet state standards, a new section which contains an alternate procedure has been adopted.

No comments were received regarding adoption of the repeal.

This repeal is adopted under the Texas Education Code, §21.724, which directs the State Board of Education to develop guidelines for advanced placement examinations.

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 February 17, 1987.

TRD-8701454

W. N. Kirby
Commissioner of
Education

Effective date: March 10, 1987

Proposal publication date: November 21, 1986

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

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The Texas Education Agency adopts new §75.172, without changes to the proposed text published in the November 21, 1986, issue of the *Texas Register* (11 TexReg 4743).

There continue to be questions about whether it will be possible for publishers or school districts to develop tests for advanced placement which would meet state

standards. The new section addresses this issue by providing a two-step process for satisfying the requirement: the use of a normed achievement test combined with local district assessment to determine mastery of the essential elements. If a single approved test that satisfies all requirements is available, that test may be used.

Under the new section, students who exceed the maximum number of absences allowed by the Texas Education Code, §21.041, may not use advanced placement examinations to receive credit for the course.

No comments were received regarding adoption of the new section.

This new section is adopted under the Texas Education Code, §21.724, which directs the State Board of Education to develop guidelines for advanced placement examinations.

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 February 17, 1987.

TRD-8701451

W. N. Kirby
Commissioner of
Education

Effective date: March 10, 1987

Proposal publication date: November 21, 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 §89.214

The Texas Education Agency adopts an amendment to §89.214, without changes to the proposal published in the November 21, 1986, issue of the *Texas Register* (11 TexReg 4743).

The omission of an associate school psychologist from the current section is inconsistent with other State Board of Education rules and constrains school districts unnecessarily.

The amendment adds the associate school psychologist to the special education support personnel available to special education teachers. Districts may employ and assign those personnel who can best serve the needs of the district.

Several comments concerning the pro-

posed amendment were received. The Texas Educational Diagnosticians' Association and two individuals requested that the section require availability of an educational diagnostician and an associate school psychologist. The Texas Educational Diagnosticians' Association later requested that the section be tabled to provide time for further study. The Texas Psychological Association commented in support of the section as proposed. Other comments from individuals were evenly divided among those who supported the section as proposed and those who supported the amendment with the addition of the requirement that the associate school psychologist have at least three years of teaching experience.

To give school districts maximum flexibility and to avoid requiring districts to search behind the associate school psychologist's certificate to determine teaching experience, the agency has adopted the section without changes.

This amendment is adopted under the Texas Education Code, §16.005, which authorizes the State Board of Education to make rules for the Foundation School Program; and §16.151, which makes special education a 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 February 17, 1987.

TRD-8701455

W. N. Kirby
Commissioner of
Education

Effective date: March 10, 1987

Proposal publication date: November 21, 1986

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

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Clarification of Provisions in Federal Regulations and State Law

★ 19 TAC §89.228, §89.242

The Texas Education Agency adopts amendments to §§89.228, 89.242, and 89.250. Section 89.250 is adopted with changes to the proposed text published in the November 28, 1986, issue of the *Texas Register* (11 TexReg 4827). The other sections are adopted without changes and will not be republished.

The amendments implement a new method of counting contact hours for special education programs. The new method will help reduce the paperwork burden on teachers.

Under the new rule, routine attendance accounting will be used as the basis for determining the amount of contact hours for special education a school district will

generate. Handicapped students' attendance will be converted to a predetermined standard amount of contact hours for each instructional arrangement. Each handicapped student will be coded in attendance in only one instructional arrangement, the student's major instructional arrangement according to the student's individual educational plan. The only exception to this procedure will be for speech therapy students, who may be coded for speech therapy in addition to being coded into another instructional arrangement. The predetermined number of contact hours for each instructional arrangement is based on an adjusted statewide average using 1985-1986 contact hour information.

In §89.250, the wording is revised to clarify that students may be served for more than six hours a day or 30 hours a week but may not be counted for more than this amount of time for funding purposes.

No comments were received regarding adoption of the amendments.

These amendments are adopted under the Texas Education Code, §16.005, which authorizes the State Board of Education to make rules for administration of the Foundation School Program; and §16.151, which makes special education a 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 February 17, 1987.

TRD-8701459 W. N. Kirby
Commissioner of
Education

Effective date: March 6, 1987
Proposal publication date: November 11, 1986
For further information, please call
(512) 463-9212.

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Funding

★ 19 TAC §89.250

This amendment is adopted under the Texas Education Code, §16.005, which authorizes the State Board of Education to make rules for administration of the Foundation School Program; and §16.151, which makes special education a part of the Foundation School Program.

§89.250. *Special Education Funding (General).*

(a) (No change.)

(b) The special education attendance will be converted to contact hours by instructional arrangement and then to full-time equivalents. The full-time equivalent for each instructional arrangement is multiplied by the school district's adjusted basic allotment and then multiplied by the weight for the in-

structional arrangement as prescribed in the Texas Education Code, §16.151(a). Contact hours for any one special education student may not exceed six hours a day or 30 hours a week for funding purposes. The total contact hours generated per week will be divided by 30 to determine the full-time equivalents. Special education full-time equivalents generated will be deducted from the school district's average daily attendance for purposes of the regular education allotment.

(c)-(g) (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 February 17, 1987.

TRD-8701457 W. N. Kirby
Commissioner of
Education

Effective date: March 10, 1987
Proposal publication date: November 28, 1986
For further information, please call
(512) 463-9212.

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Chapter 105. Foundation School Program Subchapter W. Price Differential Index

★ 19 TAC §§105.461-105.465

The Texas Education Agency adopts amendments to §§105.461-105.465, without changes to the proposed text published in the November 28, 1986, issue of the *Texas Register* (11 TexReg 4828).

The price differential index is a mechanism within the state aid to public education formulas for recognizing variations in resource costs due to factors beyond the control of school districts. The State Board of Education is required to adopt a price differential index each biennium.

The amendments provide that the index in effect for the current biennium will be applicable for the next biennium as well. The 5.0% floor and 1.0% ceiling, as well as the application of the index to 76% of the basic allotment, also remain unchanged.

Allocations to school districts for the 1987-1988 and 1988-1989 school years will be adjusted by the price differential index in the adopted amendments.

These amendments are adopted under the Texas Education Code, §16.177(b), which requires the State Board of Education by rule to prescribe the specifications of the econometric model on which the price differential index is based, and §16.179, which requires the State Board of Education to adopt a price differential index based on the information from the econometric model and the formula under

which the index is applied to the basic allotment under 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 February 17, 1987.

TRD-8701453 W. N. Kirby
Commissioner of
Education

Effective date: March 10, 1987
Proposal publication date: November 28, 1986
For further information, please call
(512) 463-9212.

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TITLE 34. PUBLIC FINANCE Part I. Comptroller of Public Account Chapter 3. Tax Administration Subchapter O. State Sales and Use Tax

★ 34 TAC §3.321

The Comptroller of Public Accounts adopts an amendment to §3.321, without changes to the proposed text published in the January 16, 1987, issue of the *Texas Register* (12 TexReg 178).

The amendment was needed to make clear the comptroller's position relating to advertising agencies acting as agents for clients and who will be held responsible when sales tax is not paid to a supplier by the agency.

The amendment reflects the understanding arrived at in 1981 between members of the Southwestern Association of Advertising Agencies and personnel of the comptroller's department. It was necessary for this understanding to become a part of the section so that everyone is on notice regarding the comptroller's position.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Texas Tax Code, §111.002, which provides that the comptroller may prescribe, adopt, and enforce rules relating to the administration and enforcement of the provisions of the Tax Code, Title 2.

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 February 17, 1987.

TRD-8701420

Bob Bullock
Comptroller of Public
Accounts

Effective date: March 10, 1987

Proposal publication date: January 16, 1987

For further information, please call
(512) 463-4004.

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TITLE 37. PUBLIC SAFETY AND CORRECTIONS

Part VIII. Commission on Fire Protection Personnel Standards and Education

Chapter 233. Minimum Standards Manual

Minimum Standards for Fire Suppression Personnel

★37 TAC §233.31

The Commission on Fire Protection Personnel Standards and Education adopts an amendment to §233.31, without changes to the proposed text published in the October 3, 1986, issue of the *Texas Register* (11 TexReg 4144).

The amendment provides public benefits by adding incentives for full-time, paid fire fighters to obtain advanced training in order to provide the citizens of Texas with efficient and effective fire protection.

The amendment lists additional training options in order to obtain certification in the intermediate, advanced, and master levels. The amendment should provide incentives for individuals to advance their skills and knowledge in their profession.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the authority of Texas Civil Statutes, Article 4413(35), §2(1) and (8), which provide the commission with authority to promulgate rules for the administration of the Act and conduct advanced training courses for fire protection personnel.

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 February 12, 1987.

TRD-8701395

Ray L. Goad
Executive Director
Commission on Fire
Protection Personnel
Standards and
Education

Effective date: March 6, 1987

Proposal publication date: October 3, 1986

For further information, please call
(512) 474-8066.

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Minimum Standards For Fire and Arson Investigator

★37 TAC §§233.62-233.64

The Commission on Fire Protection Personnel Standards and Education adopts amendments to §§233.62-233.64, without changes to the proposed text published in the October 3, 1986, issue of the *Texas Register* (11 TexReg 4145).

The amendments provide public benefits by adding incentives for full-time, paid fire and arson investigators to obtain advanced training in their profession in order to provide the citizens of Texas with efficient and effective fire protection.

The amendments list additional options for training to receive certification in the intermediate, advanced, and master levels. The amendments should provide incentives for individuals to advance their skills and knowledge in their profession.

No comments were received regarding adoption of the amendments.

The amendments are adopted under the authority of Texas Civil Statutes, Article 4413 (35), §2(1) and (8), which provide the commission with the authority to promulgate rules for the administration of the Act and conduct advanced courses for fire protection personnel.

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 February 12, 1987.

TRD-8701396

Ray L. Goad
Executive Director
Commission on Fire
Protection Personnel
Standards and
Education

Effective date: March 6, 1987

Proposal publication date: October 3, 1986

For further information, please call
(512) 474-8066.

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Minimum Standards for Fire Prevention Personnel

★37 TAC §§233.108-233.111

The Commission on Fire Protection Personnel Standards and Education adopts amendments to §§233.108-233.111 without changes to the proposed text published in the October 3, 1986 issue of the *Texas Register* (11 TexReg 4147).

The amendments provide public benefits by adding incentives for full-time, paid fire prevention personnel to obtain advanced training in order to provide the citizens of Texas with efficient and effective fire protection.

The amendments list additional options for training to obtain certification in the intermediate, advanced, and master levels. The amendments should provide incentives for individuals to advance their skills and knowledge in their profession.

No comments were received regarding adoption of the amendments.

The amendments are adopted under the authority of Texas Civil Statutes, Article 4413(35), §2(1) and (8), which provide the commission with the authority and power to promulgate rules for the administration of the Act and conduct advanced courses for fire protection personnel.

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 February 12, 1987.

TRD-8701397

Ray L. Goad
Executive Director
Commission on Fire
Protection Personnel
Standards and
Education

Effective date: March 6, 1987

Proposal publication date: October 3, 1986

For further information, please call
(512) 474-8066.

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Aircraft Crash and Rescue Fire Fighter Standards

★37 TAC §233.142

The Commission on Fire Protection Personnel Standards and Education adopts an amendment to §233.142, without changes to the proposed text published in the October 3, 1986, issue of the *Texas Register* (11 TexReg 4148).

The amendment provides public benefits by adding incentives for full-time, paid aircraft crash and rescue fire fighters to continue advanced level training to provide the citizens of Texas with efficient and effective fire protection.

The amendment lists additional options for completing training to receive a higher certification level. The amendment should provide added incentives for individuals to advance their skills and knowledge in their profession.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the authority of Texas Civil Statutes, Article 4413

(35), §2(1) and (8), which provide the commission with the authority and power to promulgate rules for the administration of the Act and conduct advanced courses for fire protection personnel.

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 February 12, 1987

TRD-8701398

Ray L. Goad
Executive Director
Commission on Fire
Protection Personnel
Standards and
Education

Effective date: March 6, 1987
Proposal publication date: October 3, 1986
For further information, please call
(512) 474-8066.

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Name: Doug Heard
Grade: 12
School: Marshall High School Marshall



Open Meetings

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

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

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

Texas Air Control Board Friday, February 27, 1987

Committees for the Texas Air Control Board will meet in Room 332, 6330 Highway 290 East, Austin. Committees, times and agendas follow.

8:30 a.m. The Regulation Development Committee will discuss an additional change to proposed Regulation VI revisions previously approved at the December committee meeting for public hearing; review and consider public hearing of revisions to the state implementation plan for the protection of visibility; and review proposed revisions to Regulation VIII, control of air pollution episodes, and the Texas air pollution episode contingency plan, and consider a public hearing on the revisions to Regulation VIII.

Contact: Bill Ehret, 6330 Highway 290 East, Austin, Texas 78723, (512) 451-5711, ext. 354.

Filed: February 17, 1987, 1:53 p.m.
TRD-8701425

9 a.m. The Mobile Source Emissions Committee will award a contract for the development of a data management system for the El Paso County vehicle inspection/maintenance program.

Contact: Bill Ehret, 6330 Highway 290 East, Austin, Texas 78723, (512) 451-5711, ext. 354.

Filed: February 17, 1987, 1:53 p.m.
TRD-8701426

10:30 a.m. The board will approve minutes of the January 16, 1987, meeting; hear public testimony and reports; enforcement report; agreed enforcement orders; consider and act on agency contract; hear the examiner's report; consider the effect on TACB of Superfund Amendment and Reauthorization Act; and discuss new business.

Contact: Bill Ehret, 6330 Highway 290 East, Austin, Texas 78723, (512) 451-5711, ext. 354.

Filed: February 17, 1987, 1:55 p.m.
TRD-8701427

9:15 a.m. The TACB Workshop: Ozone Nonattainment Issue of the Texas Air Control Board will meet at 6330 Highway 290 East, Austin. According to the agenda, the workshop will hear the status report on control efforts and air quality levels, consider legal issues associated with nonattainment after 1987, current national developments, policy options for consideration, and general discussion.

Contact: Bill Ehret, 6330 Highway 290 East, Austin, Texas 78723, (512) 451-5711, ext. 354.

Filed: February 19, 1987, 9:43 a.m.
TRD-8701517

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Texas Animal Health Commission

Friday, February 27, 1987, 9 a.m. The Texas Animal Health Commission will meet in the First Floor Conference Room, 210 Barton Springs Road, Austin. According to the agenda summary, the commission will recognize Dr. Erston S. Cox, approve minutes and action of the executive director, report on status of the brucellosis program in Texas, consider adoption of amendments to the Texas bovine brucellosis regulations, proposing amendments to the equine infectious anemia regulations, the temporary preventative fever tick quarantine line and hear the request of Doyle Wells concerning the fever tick quarantine line in Cameron County and the budget report.

Contact: Jo Anne Conner, 201 Barton Springs Road, Austin, Texas 78704, (512) 479-6697.

Filed: February 18, 1987, 4:45 p.m.
TRD-8701512

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Texas Antiquities Committee

Friday, March 13, 1987, 9:30 a.m. The Texas Antiquities Committee will meet in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the committee will approve the minutes of the previous meeting and TAC meeting of January 30, 1987, designate the following state archeological landmarks: Hays County archeological sites, Rosenwald Training School, Randall County courthouse. Mr. Don Paxton and other concerned citizens of Randall County have nominated the Randall County courthouse to be designated as a state archeological landmark because they believe the courthouse is worthy of preservation due to its historic and social value.

Contact: William C. Griggs, P.O. Box 12276, Austin, Texas 78711-2276, (512) 463-6098.

Filed: February 18, 1987, 9:06 a.m.
TRD-8701467

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Texas Commission on the Arts

Tuesday, February 17, 1987, 6:15 p.m. The Full Commission of the Texas Commission on the Arts met in the San Jacinto Room, Four Seasons Hotel, 99 San Jacinto Boulevard, Austin. According to the agenda, the commission held a public hearing to review and respond to House Bill 4. The emergency status was necessitated by the recent introduction of House Bill 4 which may significantly effect the agency, thereby demanding immediate response by the full commission.



Contact: Betty J. Brown, P.O. 13406, Austin, Texas 78711, (512) 463-5535.

Filed: February 17, 1987, 4:00 p.m.
TRD-8701460

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Automated Information and Telecommunications Council

Friday, February 20, 1987, 10 a.m. The Automated Information and Telecommunications Council made an emergency addition to the agenda of a meeting held in Room 102, John H. Reagan Building, 105 West 15th Street, Austin. According to the revised agenda summary the council considered the long-range telecommunications plan status report, the management consultant status report, procurement proposal of West Texas State University, and future business. The emergency status was necessary because of the revised agenda.

Contact: Tina J. Miles, 510 South Congress Avenue, #216, Austin, Texas 78701, (512) 463-5530.

Filed: February 19, 1987, 8:42 a.m.
TRD-8701514

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State Bar of Texas

Thursday, February 26, 1987, 9 a.m. The Executive Committee of the State Bar of Texas will meet in Room 206-207, Texas Law Center, Austin. According to the agenda summary, the committee will hear the reports of the board chairman, president, executive director, general counsel, TYLA president, president-elect, immediate past president, immediate past chairman, supreme court liaison, legislative update, and consider revisions to state bar college regulations.

Contact: Paula Welch, 1414 Colorado Street, Austin, Texas 78701, (512) 463-1451.

Filed: February 18, 1987, 3 p.m.
TRD-8701500

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Texas Board of Chiropractic Examiners

Saturday, February 21, 1987, 1 p.m. The Texas Board of Chiropractic Examiners made an emergency addition to the agenda of a meeting held in Suite 2000, RPR Tower, 700 Pearl Street, Dallas. According to the agenda, the board met in executive session to discuss the national board of chiropractic examinations, discuss personnel matters, and matters concerning enforcement procedures. The emergency status was necessary because these items need immediate attention before the next scheduled board meeting.

Contact: Bobbye Ferris, 1300 East Anderson Lane, Suite 245, Austin, Texas 78752, (512) 835-2006.

Filed: February 18, 1987, 4:12 p.m.
TRD-8701502

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Texas State Board of Dental Examiners

Thursday-Saturday, February 26-28, 1987, 8 a.m. daily. The Texas State Board of Dental Examiners submitted a revised agenda for a meeting held in the Sandalwood Room, Hyatt Regency Hotel, 1200 Louisiana Street, Houston. According to the revised agenda summary, the board will consider the request of Dr. Marvin Williams for permission to take the dental exam for a fourth time, miscellaneous matters, and appearances by members of the public and profession.

Contact: William S. Nail, 8317 Cross Park, Suite 400, Austin, Texas 78754, (512) 834-6021.

Filed: February 18, 1987, 11:17 a.m.
TRD-8701490

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Texas Economic Development Commission

Monday, February 23, 1987, 9 a.m. The Texas Small Business Industrial Development Corporation of the Texas Economic Development Commission met in emergency session in the Four Seasons Hotel, 99 San Jacinto Street, Austin. According to the agenda summary, the corporation introduced TSBIDC staff and others, approved minutes of the November 20, 1986, meeting, discussed and acted on proposed changes for fiscal year 1987 budget, designated certain officers and employees to approve expenses, ratified depository agreement with MBank-Dallas, authorized payment of expenses, approved Cooper Lybrand accounting system proposal, heard update on TEXCAP program, discussed and acted on TEXCAP program, one year letter of credit resyndicated and amended to letter of credit agreements with Mitsubishi Bank, Limited and others, discussed and acted on proposed amendment to TEXCAP program guidelines, TEXCAP program application, filing fees, and administrative fees, 1987 capital program proposals for business concerns, approved 1987 capital program guidelines, and proposed amendments to enabling legislation. The emergency status was necessary because information for some of the approval items were submitted late.

Contact: Kent Yeates, 410 East Fifth Street, Austin, Texas 78701, (512) 472-5059.

Filed: February 19, 1987, 9:08 a.m.
TRD-8701515

Monday, February 23, 1987, 11 a.m. The Rural Loan Committee of the Texas Economic Development Commission met in emergency session at the Four Seasons Hotel, 99 San Jacinto Street, Austin. According to the agenda, the committee had to consider and possibly act on Mid-South Jefferson County Economic Development Corporation rural loan—\$300,000, and Naples Industrial Foundation rural loan—\$300,000. The emergency status was necessary because the application was filed late.

Contact: Wardaleen F. Belvin, 410 East Fifth Street, Austin, Texas 78711, (512) 472-5059.

Filed: February 7, 1987, 3:42 p.m.
TRD-8701444

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Texas Employment Commission

Wednesday, February 25, 1987, 8 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 and act on tax liability cases and higher level appeals in unemployment compensation cases listed on commission Docket 8.

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

Filed: February 17, 1987, 1:48 p.m.
TRD-8701424

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General Land Office

Wednesday, February 25, 1987, 3:30 p.m. The Veterans Land Board of the General Land Office will meet in Room 831, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the board will meet to discuss the approval of December 16, 1986, board minutes; consider bids on the February 25, 1987, forfeited land sale; discuss group credit insurance bids; review the performance of the board's financial advisor under its contract; discuss the expectation and performance of the Administrator for the Home Improvement Program; discuss the change in interest rate for the Home Improvement Program; update of the Farm and Ranch Finance Program; consider requests to participate in the Veterans Land Program: Clifford I. Warwick, Garland; David C. Burton, Corpus Christi; Larry G. Turner, Huntsville; and forfeiture action on the Veterans Land Board delinquent land accounts.

Contact: Jack Giberson, Stephen F. Austin Building, Austin, Texas 78701, (512) 463-5254.

Filed: February 17, 1987, 3:05 p.m.
TRD-8701443

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Good Neighbor Commission

Friday, February 27, 1987, 10 a.m. The Good Neighbor Commission will meet in Room 507, Sam Houston Building, Austin. According to the agenda, the commission will introduce guests, update the budget, hear reports on Texas response PASF and the Texas/Mexico student exchange, consider short and long range, election of officers, committee assignments, and other business. The commission will also meet in executive session.

Contact: Micheal Lauderdale, P.O. Box 12007, Austin, Texas 78711, (512) 463-1805.

Filed: February 17, 1987, 3:37 p.m.
TRD-8701446

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State Department of Highways and Public Transportation

Wednesday-Thursday, February 25-26, 1987, 10 a.m. daily. The State Highway and Public Transportation Commission of the State Department of Highways and Public Transportation made an emergency addition to the agenda of a meeting to be held in Room 101-A, First Floor, Dewitt C. Greer Highway Building, 11th and Brazos Streets, Austin. According to the agenda summary, the commission considered exchange of property for Travis, Hays, and Williamson Counties; proposed adoptions of amendments to rule for responsibilities of local governments in construction (43 TAC §11.41) and repeal of rule for construction and maintenance within municipalities (43 TAC §19.41); proposed adoption of amendments to rules for over-size/overweight oil well related vehicle permits (43 TAC §25.91 and §25.92; proposed adoption of amendments to rules for over-size/overweight unladen lift equipment motor vehicle permits (43 TAC §23.201 and §25.202. The emergency status was necessary because wording was changed to include Hays and Williamson Counties and expanded for clarity of subject.

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

Filed: February 18, 1987, 2:19 p.m.
TRD-8701499

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Wednesday-Thursday, February 25-26, 1987, 10 a.m. The State Highway and Public Transportation Commission of the State Department of Highways and Public Transportation will meet on the first floor, Room 101-A, Dewitt C. Greer Building, 11th and Brazos Streets, Austin. According to the agenda, the commission will execute contract awards and routine minute orders; consider presentations from previous public hearing dockets; and review staff reports relative to planning and construction programs and projects.

Contact: Lois Jean Turner, Room 203, 11th and Brazos Streets, Austin, Texas 78701, (512) 463-8616.

Filed: February 17, 1987, 2:37 p.m.
TRD-8701437

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Texas Hospital Equipment Financing Council

Thursday, February 26, 1987, 2 p.m. The Texas Hospital Equipment Financing Council has rescheduled a meeting to be held in Room 503G, Sam Houston Building, 14th and San Jacinto Streets, Austin. According to the agenda, the council will consider liquidity facility, council administrative procedures, program administration, and other business. The meeting was originally scheduled for February 13, 1987, at 2 p.m..

Contact: Burnham B. Jones, P.O. Box 15587, Austin, Texas 78761, (512) 453-7204.

Filed: February 18, 1987, 1:58 p.m.
TRD-8701494

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Texas Housing Agency

Wednesday, February 25, 1987, 7:30 a.m. The Finance and Audit Committee of the Texas Housing Agency will meet in Suite 700, 411 West 13th Street, Austin. According to the agenda summary, the committee will discuss reports on office relocation, multi-family refunding requests, direct loan requests including direct participation with the City of Houston, quarterly financial reports; and consider management letter response and status of various bond financings previously approved by board resolution. The committee also will meet in executive session to consider and possibly act on personnel matters pertaining to staff evaluations, personnel policy review, and THA organizational structure.

Contact: Dan A. McNeil, P.O. Box 13941, Austin, Texas 78711, (512) 474-2974.

Filed: February 17, 1987, 4:58 p.m.
TRD-8701462

Wednesday, February 25, 1987, 9 a.m. The Board of Directors of the Texas Housing Agency will meet in the THA Conference Room, Suite 700, 411 West 13th Street, Austin. According to the agenda summary, the board will discuss a summary presentation of the quarterly single family program report; summary reports on mortgage insurance, and REO properties; a status report on South Texas Colonias study; a summary presentation of quarterly multi-family program report; consider and possibly act on proposals from market research firms; six items from the multi-family committee; present quarterly financial reports; discuss status on legislative matters affecting THA; election of officers; consider reports from the finance and audit committee; and discuss applications for reservation of a portion of the 1987 state ceiling and for a portion of the 1987 state ceiling available for private activity bonds to be used for single family revenue bonds.

Contact: Dan A. McNeil, P.O. Box 13941, Austin, Texas 78711, (512) 474-2974.

Filed: February 17, 1987, 4:58 p.m.
TRD-8701461

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State Board of Insurance

Friday, February 27, 1987, 1:30 p.m. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 342, 1110 San Jacinto Street, Austin. The section will hold a prehearing conference in Docket 9489—application of Rio Grande Choice Health Plan, Inc., El Paso, for a certificate of authority to operate a health maintenance organization.

Contact: J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6524.

Filed: February 18, 1987, 2:11 p.m.
TRD-8701497

Friday, February 27, 1987, 1:30 p.m. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 342, 1110 San Jacinto Street, Austin, to consider Docket 9489—application of Rio Grande HMO, El Paso, for a certificate of authority to operate a health maintenance organization.

Contact: J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6524.

Filed: February 18, 1987, 4:27 p.m.
TRD-8701507

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Public Utility Commission of Texas

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

Wednesday, February 25, 1987, 9 a.m. Consideration of Dockets 6770, 7121, 6985, 6717, 7338, 7042, 7114, 7115, and 7290. The division also will meet in executive session to consider pending litigation in the following cases: Ann Richards vs. Public Utility Commission of Texas (Dockets 6477 and 6525); Texas State Agencies vs. Public Utility Commission of Texas (Dockets 6525, 6477, 6877, 6765, 6953, 6768, 6678, 6677, 6945, 6984, 6960, and Cause 394,937; General Telephone Company of Southwest vs. Public Utility Commission of Texas (Docket 5610); City of Austin vs. Public Utility Commission of Texas (Docket 6560); and Central Power and Light Company vs. Public Utility Commission of Texas (Docket 6072).

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

Filed: February 17, 1987, 2:41 p.m.
TRD-8701438

Thursday, February 26, 1987, 9 a.m. The Administrative Section will approve minutes of the previous meeting, consider budget and fiscal matters, ex parte guidelines, section 78 of the Public Utility Regulatory Act. The section will also meet in executive session to consider personnel matters.

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

Filed: February 18, 1987, 3:07 p.m.
TRD-8701501

Thursday, February 26, 1987, 2 p.m. A pre-hearing conference in Docket 6934—complaint of Valuline of Brazosport against Southwestern Bell Telephone Company.

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

Filed: February 17, 1987, 2:40 p.m.
TRD-8701439

Tuesday, May 12, 1987, 10 a.m. A hearing on the merits in Docket 7358—complaint of Omniphone, Inc., Utraphone, Inc., Spectrum Advertising, Inc., HLD, Inc., and Christian Fellowship Institute against Southwestern Bell Telephone Company and petition for stay of threatened disconnection of telephone service.

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

Filed: February 17, 1987, 2:40 p.m.
TRD-8701440

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Board for Lease of State-Owned Lands

Friday, February 20, 1987, 1:30 p.m. The Board for Lease of Texas Department of Corrections of the Board for Lease of State-

Owned Lands met in emergency session in Room 833, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the board approved minutes of the previous board meeting, and considered pooling applications. The emergency status was necessary because a quorum cannot be available and pending expiration of leases.

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

Filed: February 19, 1987, 9:36 a.m.
TRD-8701516

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Transportation Audit Committee

Thursday, February 26, 1987, 1:30 p.m. The Transportation Audit Committee created by House Bill 89, 68th Legislature, Second Called Session, will meet in Room 101-A, First Floor, Dewitt C. Greer Highway Building, 11th and Brazos Streets, Austin. According to the agenda summary, the committee will consider a presentation by the State Department of Highways and Public Transportation on the final implementation report on the implementation of and response to the management audit of department operations as directed by House Bill 89, Second Called Session, 68th Legislature, and conducted by Price Waterhouse.

Contact: Cassie G. Carlson, Dewitt C. Greer Highway Building, Room 304, 11th and Brazos Streets, Austin, Texas 78701, (512) 463-8622.

Filed: February 18, 1987, 10:11 a.m.
TRD-8701473

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Texas Water Commission

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

Wednesday, March 4, 1987, 2 p.m. The commission submitted a revised agenda for a meeting to be held in Room 118. The addition concerns a motion for rehearing filed by Thomas E. Ritter relating to the application of 1300 Main N. V. for proposed permit 13218-01, Fort Bend County.

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

Filed: February 18, 1987, 4:11 p.m.
TRD-8701503

Tuesday, March 10, 1987, 3 p.m. In Room 118, the commission will consider formal action relating to the contract for services for the Bailey disposal site investigation and feasibility study.

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

Filed: February 18, 1987, 4:11 p.m.
TRD-8701504

Friday, March 20, 1987, 10 a.m. In Room 512, the commission will hold a public hearing regarding Docket 7140-G—application for a rate increase filed by D. J.'s Water Service.

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

Filed: February 18, 1987, 4:11 p.m.
TRD-8701505

Wednesday, April 1, 1987, 10 a.m. In Room 118 the commission will consider a petition for creation of Forest Point Municipal Utility District, containing 356.049 acres of land.

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

Filed: February 18, 1987, 4:11 p.m.
TRD-8701506

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Texas Water Development Board

Thursday, February 26, 1987, 9:30 a.m. The Texas Water Development Board will meet in the Austin Room, La Mansion Hotel, Austin. According to the agenda summary, the board will consider authorizing actions toward sale of water development bonds, the minutes of the January 15, 1987, meeting, hear the development fund manager's report, consider extension of loans for Red River Authority and City of Wilmer, financial assistance to Brazosport Water Authority, South Texas Water Authority, and City of South Houston, briefing on changes in construction grants program, provide office space to U.S. geological survey, agricultural grant applications from Evergreen Underground Water Conservation District, and Nueces-Frio-Sabinal Soil and Water Conservation District, regional wastewater planning grant for Brazos River Authority, water supply system planning grant for Fort Bend County WCID #2, fund a cooperative study with Abilene Christian University, and opposition to U.S. Fish and Wildlife Service easement for Little Sandy Hunting and Fishing Club.

Contact: Charles E. Nemir, P.O. Box 13231, Austin, Texas 78711, (512) 463-7847.

Filed: February 18, 1987, 2:18 p.m.
TRD-8701498

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West Texas State University

Tuesday, February 24, 1987, 11 a.m. The Board of Regents of West Texas State University will meet in Room 211, Virgil Henson Activities Center, West Texas State University, Canyon. Items on the agenda summary include the election of officers; appoint-

ment of committees; reports of the president of the student body, alumni association and the university president; finance and administrative services items: budget changes; construction contracts: change orders, pre-payment of bonds, annexation of university land, authority to invest, natural gas supplier and naming of street; academic affairs items: resignations, employment, departmental name change; university master plan; a report on the university president's residence and action thereon; and proposal for life services. The board also will meet in executive session to discuss Vernon's annotated Texas statutes.

Contact: Texas Smith, P.O. Box 997, Canyon, Texas 79016, (806) 656-3962.

Filed: February 17, 1987, 11:24 a.m.
TRD-8701422

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Regional Agencies Meetings Filed February 17

The Central Texas MHMR Center, Board of Trustees, met at 408 Mulberry Drive, Brownwood, on February 23, 1987, at 4:30 p.m. Information may be obtained from Don Jones, P.O. Box 250, Brownwood, Texas 76804, (915) 646-9574.

The Comal Appraisal District, Appraisal Review Board, will meet at the Comal Appraisal Office, 644 North Loop 337, New Braunfels, on March, 25, 1987, at 9 a.m. Information may be obtained from R. Richard Rhodes, Jr, P.O. Box 311222, New Braunfels, Texas 78131-1222, (512) 625-8597.

The Ellis County Tax Appraisal District, will meet at 406 Sycamore Street, Waxahachie, on February 26, 1987, at 7 p.m. Information may be obtained from Gray Chamberlain, P.O. Box 878, Waxahachie, Texas 75165, (214) 937-3552.

The Heart of Texas Council of Governments, Executive Committee, will meet in the HOTCOG Conference Room, 320 Franklin Avenue, Waco, on February 26, 1987, at 10 a.m. Information may be obtained from Mary McDow, 320 Franklin Avenue, Waco, Texas 76701-2297, (817) 756-6631.

The Mason County Appraisal District, met at 206 McKavitt Street, Mason, on February 18, 1987, at 5:15 p.m. Information may be obtained from Ann Stapp, P.O. Box 1119, Mason, Texas 76856, (915) 347-5989.
TRD-8701419

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Meetings Filed February 18

The Central Texas Council of Governments, Transportation Planning Committee, will meet in the Graystone Building, 420 North Gray, Killeen, on February 25, 1987, at 10 a.m. Information may be obtained from Gerald Bunker, P.O. Box 729, Belton, Texas 76513, (817) 939-1801.

The Education Service Center, Region VIII, Board of Directors, will meet at F.M. Road 1734, Mt. Pleasant, on February 26, 1987, at 7 p.m. Information may be obtained from Scott Ferguson, Education Service Center, Region VIII, F.M. 1734, Mount Pleasant, Texas 75455, (214) 572-8552.

The Education Service Center, Region X, Board of Directors, will meet in the boardroom, 400 East Spring Valley, Richardson, on February 25, 1987, at 12:30 p.m. Information may be obtained from Joe Farmer, 400 East Spring Valley, Richardson, Texas 75081, (214) 231-6301.

The Guadalupe-Blanco River Authority, Board of Directors, met in authority offices, 933 East Court Street, Seguin, on February 19, 1987, at 10 a.m. Information may be obtained from John H. Specht, P.O. Box 271, Seguin, Texas 78156-0271, (512) 379-5822.

The Lee County Appraisal District, Board of Directors, will meet at 218 East Richmond Street, Giddings, on February 25, 1987, at 9 a.m. Information may be obtained from Roy L. Holcomb, 218 East Richmond Street, Giddings, Texas 78942, (409) 542-9618.

The Lubbock Regionals MHMR Center, Board of Trustees, met at 3800 Avenue H, Lubbock, on February 23, 1987, at 11:30 a.m. Information may be obtained from Gene Menefee, 1210 Texas Avenue, Lubbock, Texas 79401, (806) 763-4213.

The Sabine River Authority, Board of Directors, will meet at the La Mansion Hotel, 6505 IH 35 North, Austin, on February 26, 1987, at 8 a.m. Information may be obtained from Sam F. Collins, P.O. Box 579, Orange, Texas 77630, (409) 746-2192.
TRD-8701463

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Meetings Filed February 19

The Ark-Tex Council of Governments, Executive Committee, will meet at City Hall, Mt. Pleasant, on February 26, 1987, at 7:30 p.m. Information may be obtained from Susan J. Rice, P.O. Box 5307, Texarkana, Texas 75505, (214) 832-8636.

The Austin-Travis County MHMR Center, Development Committee, will meet in Suite 3500, 100 North IH 35, Austin, on February 24, 1987, at 7:30 a.m. Information may be obtained from Sharon Taylor, 611 South Congress Avenue, Suite 501, Austin, Texas 78702, (512) 447-4141.

The Bexar Appraisal District, Appraisal Review Board, will meet at 535 South Main, San Antonio, on February 25, 1987, and February 27, 1987, at 8:30 a.m. and 9 a.m., respectively. Information may be obtained from Bill Burnett, 535 South Main, San Antonio, Texas 78204, (512) 224-8511.

The Education Service Center, Region V, Board of Directors, will meet in the boardroom, 2295 Delaware Street, Beaumont, on February 26, 1987, at 1:15 p.m. Information may be obtained from Fred J. Waddell, 2295 Delaware Street, Beaumont, Texas 77703, (409) 385-5212.

The Texas Regional Planning Commission's Employee Benefit Plan Agency, Board of Trustees, will meet at the Raddison Plaza Hotel, Austin, on March 4, 1987, at 10 a.m. Information may be obtained from Pam K. Weatherby, P.O. Box 6391, Midland, Texas 79711, (915) 563-1061.
TRD-8701513

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In Addition

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

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

Texas Air Control Board Notice of Contested Case Hearing

Pursuant to the authority provided in §§3.15—3.17, 3.27, and 3.271 of the Texas Clean Air Act (the Act), Texas Civil Statutes, Article 4477-5, and Rules 103.31 and 103.41 of the procedural rules of the Texas Air Control Board (TACB), an examiner for the TACB will conduct a hearing on the qualification by Ingram Enterprises, Inc., (the company) under TACB Standard Exemption 71 of Rule 116.6 to construct a concrete batch plant to be located $3\frac{1}{2}$ miles north of Pickwick on Highway 2353, 150 feet west of Highway 15, 100 feet south of Rock Creek Road, Palo Pinto County.

Said company is directed to appear at the time and place shown as follows and demonstrate by a preponderance of evidence that the facility will comply with all requirements of TACB Regulation VI, Rule 116.6, and with the conditions of Standard Exemption 71.

The record of this hearing will be used by the TACB in determining whether or not the company qualifies for standard exemption 71.

Information regarding the proposed facility and copies of the board's rules and regulations are available for public inspection at the central office of this agency located at 6330 Highway 290 East, Austin, Texas 78723; the regional office of this agency located at 6421 Camp Bowie Boulevard, Suite 312, Fort Worth, Texas 76116; and the office of the Mineral Wells City Clerk, 211 Southwest First, Mineral Wells, Texas 76067.

The examiner has set the hearing to begin at 2 p.m., April 7, 1987, at the central office of this agency located at 6330 Highway 290 East, Room 332, Austin, Texas 78723. Prospective parties to the hearing will be the TACB staff and the company. Any other persons desiring to be made a party to the hearing must specifically apply in writing for party status to Examiner John Worley, Texas Air Control Board, 6330 Highway 290 East, Austin, Texas 78723. No other persons will be admitted as parties unless the request is actually received at the previous address by 5 p.m., March 6, 1987. Previous correspondence with the TACB is not effective for this purpose. At the hearing on the merits, only those persons admitted as parties will be permitted to present evidence and argument and to cross-examine witnesses. Any person who desires to give testimony at the hearing but who does not desire to be a party, may call the Legal Division of the TACB at (512) 451-5711, ext. 350, to determine the names and addresses of all admitted parties. The parties may then be contacted about the possibility of presenting testimony.

Pursuant to Rule 103.46 of the procedural rules of the TACB, the examiner has scheduled a prehearing conference on March 18, 1987, at 2 p.m. at the central office of this agency located at 6330 Highway 290 East, Room 332, Austin, Texas 78723. All persons wishing to be ad-

mitted as parties must attend this conference. Proposed written disputed issues for consideration at the hearing on the merits and written requests for official notice should be made at the prehearing conference. Motions for continuance will only be granted upon proof of good cause. At this conference a specific date prior to the hearing on the merits will be established for the exchange of copies of written and documentary evidence pursuant to Board Rule 103.46(2). Prehearing orders setting out discovery periods and other prehearing requirements may also be issued following this prehearing conference.

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

Issued in Austin, Texas, on February 12, 1987.

TRD-8701369 Allen Eli Bell
Executive Director
Texas Air Control Board

Filed: February 13, 1987

For further information, please call (512) 451-5711, ext. 354.

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Texas Commission on Alcohol and Drug Abuse Request for Proposal

The Texas Commission on Alcohol and Drug Abuse, under the authority of the Texas Alcohol and Drug Abuse Services Act, Texas Civil Statutes, Article 5561c-2, gives notice of a request for proposals (RFP). Recognizing that a significant proportion of persons in state mental health facilities and Texas correctional, juvenile justice, and criminal justice systems exhibit alcohol and drug abuse problems, the commission is soliciting proposals for the development and expansion of community-based alcohol, inhalants, and drug abuse residential treatment services for adolescents aged 13—17. One million dollars will be available for a one year period only, under the Drug Enforcement, Education, and Control Act of 1986, Public Law 99-570.

To be eligible for funding, applicants must be either a public entity or private nonprofit corporation; obtain a license for the proposed service from the commission; and as appropriate for the proposed service, obtain commission approval to accept emergency detentions under court order, accept involuntary civil or criminal commitments, and/or accept juvenile involuntary commitments. Inpatient hospital services are prohibited by the federal legislation.

Approved programs will be funded for the period

September 1, 1987, through August 31, 1988. Funding of applications under this RFP is contingent on appropriations received by the commission.

The closing date for receipt of applications by the commission is 5 p.m. on May 8, 1987.

Workshops will be held from 1:30 p.m. to 4:30 p.m. on April 2, 1987, and April 8, 1987, at the following location to assist eligible applicants in preparing applications: Texas Commission on Alcohol and Drug Abuse, 1705 Guadalupe, Conference Room, Austin, Texas 78701-1214.

To request a copy of the RFP, write Grants Management at the previous address, or call the Grants Management Office at (512) 463-5510.

Issued in Austin, Texas, on February 10, 1987.

TRD-8701408 Ross Newby
 Executive Director
 Texas Commission on Alcohol and
 Drug Abuse

Filed: February 17, 1987
For further information, please call (512) 463-5510.

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Texas Economic Development Commission Private Activity Bonds Allocation Report

The Tax Reform Act of 1986 (the Tax Act) imposes a volume ceiling on the aggregate principal amount of private activity bonds that may be issued within the State of Texas during any calendar year. The state ceiling for Texas, imposed by the Tax Act for calendar year 1987 is \$1,227,750,000.

The Tax Act and the Internal Revenue Code of 1986 authorize the governor of a state to proclaim a formula for allocating the state ceiling among the governmental units (or other authorities) in such state having authority to issue private activity bonds. Executive Order MW-40A establishes the procedures for the 1987 allocation for the state ceiling on private activity bonds.

It specifies that no more than an aggregate amount of \$327,750,000 may be reserved by local housing finance corporations for the purpose of issuing qualified mortgage bonds, no more than an aggregate amount of \$200 million may be reserved by issuers of state-voted issues (no more than \$100 million of which may be received by any one such issuer), and no more than an aggregate of \$700 million may be reserved for all other bonds requiring an allocation.

Generally, the state ceiling will be allocated on a first-come, first-served basis within the applicable subceiling, with the Texas Economic Development Commission (the commission) administering the allocation system.

The information that follows is a summary report of the allocation activity for the period, February 9-13, 1987.

SUMMARY REPORT ON THE 1987 ALLOCATION OF THE STATE CEILING ON CERTAIN PRIVATE ACTIVITY BONDS AS REQUIRED BY EXECUTIVE ORDER MW-40A

Total unreserved principal amount of private activity bonds authorized to be allocated as per the Tax Reform Act of

1986 for the \$327,750,000 subceiling for housing finance corporations through February 13, 1987: \$13,543,775.

Comprehensive listing of bond issues which have filed and application with the Texas Economic Development Commission as per Executive Order MW-40A for the \$327,750,000 subceiling for housing finance corporations in the order of issuer, user, description and amount:

Houston Housing Finance Corporation (HFC); eligible borrowers; single family housing; \$50 million

Webb County HFC; eligible borrowers; single family housing; \$15 million

Heart of Texas HFC; eligible borrowers; single family housing; \$19,662,500

Corpus Christi HFC; eligible borrowers; single family housing; \$17,399,925

Capital Area HFC; eligible borrowers; single family housing; \$19,913,500

Austin HFC; eligible borrowers; single family housing; \$17,250,000

Panhandle Regional HFC; eligible borrowers; single family housing; \$19,293,900

Mid Rio Grand HFC; eligible borrowers; single family housing; \$15 million

Travis County HFC; eligible borrowers; single family housing; \$15 million

South Plains HFC; eligible borrowers; single family housing; \$19,115,900

Collin County HFC; eligible borrowers; single family housing; \$15 million

Grand Prairie HFC; eligible borrowers; single family housing; \$10 million

Dallas County HFC; eligible borrowers; single family housing; \$26,057,550

Galveston HFC; eligible borrowers; single family housing; \$15 million

El Paso HFC; eligible borrowers; single family housing; \$21,262,950

Fort Worth HFC; eligible borrowers; single family housing; \$19,250,000

Mesquite HFC; eligible borrowers; single family housing; \$15 million

Montgomery County HFC; eligible borrowers; single family housing; \$15 million

Galveston County HFC; eligible borrowers; single family housing; \$15 million

Harris County HFC; eligible borrowers; single family housing; \$31,980,000

Smith County HFC; eligible borrowers; single family housing; \$45,203,900

City of Dallas HFC; eligible borrowers; single family housing; \$45,203,900

Tarrant County HFC; eligible borrowers; single family housing; \$23,500,400

Southeast Texas HFC; eligible borrowers; single family housing; \$39,853,650

Texoma HFC; eligible borrowers; single family housing; \$15 million

TOTAL DOLLAR AMOUNT APPLIED FOR JANUARY 7-30, 1987 = \$530,050,475

TOTAL DOLLAR AMOUNT RESERVED ON FEBRUARY 9, 1987 = \$314,206,225

* HFC's that received a reservation date of February 9, 1987.

**Mesquite HFC will either receive partial funding of \$13,543,775 or the entire \$15 million if some of the HFC's with a reservation date of February 9, 1987, do not close within 60 days.

Total unreserved principal amount of private activity bonds authorized to be allocated as per the Tax Reform Act of 1986 for the \$200 million subceiling for state-voted issues through February 13, 1987: \$200 million.

Comprehensive listing of bond issues which have received a reservation date as per Executive Order MW-40A for the \$200 million subceiling for state-voted issues February 9-13, 1987: None.

Total unreserved principal amount of private activity bonds authorized to be allocated as per the Tax Reform Act of 1986 for the \$700 million subceiling for all other bonds requiring an allocation through February 13, 1987: \$450,775,000.

Comprehensive listing of bond issues which have received a reservation date as per Executive Order MW-40A for the \$700 million subceiling for all other bonds requiring an allocation February 9-13, 1987: none.

Total principal amount of bonds issued and delivered through February 13, 1987, for the \$327,750,000 subceiling for housing finance corporations: None.

Comprehensive listing of bonds issued and delivered as per Executive Order MW-40A for the \$327,750,000 subceiling for housing finance corporations February 9-13, 1987: None.

Total principal amount of bonds issued and delivered through February 13, 1987, for the \$200 million subceiling for state-voted issues: None.

Comprehensive listing of bonds issued and delivered as per Executive Order MW-40A for the \$200 million subceiling for state-voted issues February 9-13, 1987: None.

Total principal amount of bonds issued and delivered through February 13, 1987, for the \$700 million subceiling for all other bonds requiring an allocation: None.

Comprehensive listing of bonds issued and delivered as per Executive Order MW-40A for the \$700 million subceiling for all other bonds requiring an allocation February 9-13, 1987: None.

The allocations were granted by the commission in accordance with the procedures set forth in Executive Order MW-40A, signed by Governor Mark White on January 6, 1987.

Issued in Austin, Texas, on February 17, 1987.

TRD-8701470 David V. Brandon
Executive Director
Texas Economic Development

Filed: February 18, 1987
For further information, please call (512) 472-5059

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Texas Education Agency Request for Applications

(Filed in accordance with provisions of Article 6252-11c, Texas Civil Statutes.)

The Texas Education Agency is requesting applications for a consortium for early identification and support for children at-risk, ages 0-6 from school districts, education service centers, colleges and universities, human service agencies, private sector companies, individuals, or non-profit organizations to develop a consortium model of agencies which provides early identification and support for children who are born into poverty or who are otherwise at-risk in the educational process. The model will emphasize the development of a consortium of agencies that open and maintain communication between/among various agencies to improve services to children and their parents. The consortium should include agencies that provide services in the areas of health and nutrition, cognitive stimulation, physical and emotional development, family stability, and education. This project is funded through the United States Department of Education, Education Consolidation and Improvement Act (ECIA), Chapter 2 programs and will be administered by the agency's assistant commissioner for Program Development. The contract will be for a 15-month period which will be approximately May, 1987, through August, 1988. Contractors will be expected to develop models for coordination of social and health service providers and school campuses for identification and support for children at-risk, ages 0-6.

Selection of the contractor will be based on the contractor's capacity to develop a consortium model of agencies, manage the project, related experience, management and staffing plans, budget, and evaluation procedures.

A copy of the complete request for application may be obtained by calling or writing the Document Control Center, Room 6-108, Texas Education Agency, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9304. Applications may be delivered by mail or in person to the Texas Education Agency Document Control Center. Applications received after 5 p.m. on Friday, April 24, 1987, will not be considered for funding.

Issued in Austin, Texas, on February 12, 1987.

TRD-8701382 W. N. Kirby
Commissioner of Education

Filed: February 13, 1987
For further information, please call (512) 463-9212.

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Texas Department of Health Cease and Desist Order

Notice is hereby given that Humble Animal Hospital, 114 South Houston Avenue, Humble, Texas 77338, having failed to comply with the *Texas Regulations for Control of Radiation* (TRCR) and having possession of and utilizing a radiation-producing device not registered with the Texas Department of Health Radiation Control Agency, was ordered by the Bureau of Radiation Control to cease and desist from operating the radiation-producing device for veterinary medical treatment. The bureau further ordered that the radiation-producing device shall not be operated for veterinary medical treatment until it has been completely repaired, surveyed, and inspected by an authorized company registered to perform such services, and until all

violations of the TRCR identified by the agency inspection have been corrected. A copy of the issued order is as shown following this notice.

In accordance with TRCR 13.10(f)(1), the person receiving the order has been given opportunity for hearing if the person makes a written application to the agency within 30 days of the order date.

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

Order to: Humble Animal Hospital, 114 South Houston Avenue, Humble, Texas 77338.

WHEREAS, the Texas Radiation Control Act, Texas Civil Statutes, Article 4590f, (the Act) designates the Texas Department of Health as the Texas Radiation Control Agency (the Agency); and

WHEREAS, §4(d)(3) of the Act specifies that the agency shall, for the protection of the occupational and public health and safety and the environment, adopt rules which shall provide for registration, relating to control of sources of radiation; and

WHEREAS, the *Texas Regulations for Control of Radiation*, are duly adopted rules which provide for registration relating to control of sources of radiation; and

WHEREAS, the *Texas Regulations for Control of Radiation*, Part 42, §1(b) states that each registration issued pursuant to this part shall be subject to all the provisions, all rules, regulations, and orders of the agency; and

WHEREAS, Humble Animal Hospital, 114 South Houston Avenue, Humble, Texas 77338, possesses and has utilized a radiation-producing device not registered with the Texas Department of Health Texas Radiation Control Agency; and

WHEREAS, the Agency conducted an inspection of the facility on July 18, 1986; and

WHEREAS, the radiation-producing device was not equipped with sufficient collimation to restrict the useful beam to the area of clinical interest; and

WHEREAS, the radiation-producing device was not equipped with 2.0 millimeters aluminum equivalent for use at operating voltages of 70 kilovolts peak and above; and

WHEREAS, Humble Animal Hospital did not provide appropriate personnel radiation monitoring equipment to persons entering a radiation area; and

WHEREAS, the room in which the radiation-producing device was energized was not posted with appropriate caution signs; and

WHEREAS, the lack of exposure reduction equipment on the radiation-producing device present a very significant risk of radiation exposure to the public and operating persons;

NOW THEREFORE, the agency has determined that an emergency exists, in that there is very significant risk to the public health and safety; and

IT IS THEREFORE ORDERED, that pursuant to Texas Civil Statutes, Article 4590f, §14, as amended, Humble Animal Hospital cease and desist from operating the radiation-producing device for veterinary medical treatment.

It is further ordered that the radiation-producing device

shall not be operated for veterinary medical treatment until it has been completely repaired, surveyed, and inspected by an authorized company registered to perform such services, and until all violations of *Texas Regulations for Control of Radiation* (TRCR) identified by the agency inspection have been corrected.

This order shall remain in effect until the radiation-producing device has been properly repaired, written notification of repair has been made to the agency by Humble Animal Hospital, confirmation of its repair has been made by the authorized and registered repair company or representative, a properly completed application for registration with required fee has been submitted to the agency, and all violations of TRCR identified by the agency inspection have been corrected.

Issued in Austin, Texas, on February 17, 1987.

TRD-801428 Robert A. MacLean, M.D.
Deputy Commissioner
Professional Services
Texas Department of Health

Filed: February 17, 1987

For further information, please call (512) 458-7236.

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Notice of Consent Order

Notice is hereby given that the Texas Department of Health, Bureau of Radiation Control, conducted a management conference with Tracer Laboratory of Midland, Inc., 5600 West Industrial, Midland, Texas 79702, holder of Radioactive Material License 12-3298, to review instances of alleged noncompliance with *Texas Regulations for Control of Radiation* listed in a notice of violations and to determine actions necessary to correct any past violations and to avoid future violations. The licensee, without admitting or denying the allegations contained in the notice of violations agrees with the agency, in the interest of public health and safety and the environment, that the following will be undertaken and accomplished:

- (1) immediately cease disposing of any radioactive material into its septic system;
- (2) assure that reliable administrative controls are applied to preclude excessive exposures to employees or excessive releases of radioactive material to the environment;
- (3) institute a program to insure that each employee using radioactive materials shall have had training in an agency-approved course or curriculum which is specifically oriented toward users of large quantities of loose radioactive materials;
- (4) immediately institute a quality assurance program that shall provide for a monthly review of all aspects of operations as they relate to radiation safety and compliance with regulatory requirements;
- (5) fulfill the requirements of the order by:
 - (a) retaining a certified industrial hygienist and a radiation consultant to perform specified surveys and reviews;
 - (b) providing respiratory protection to be worn by employees who enter the hot lab for any purpose; and
 - (c) appropriately monitor any activities which might cause an airborne radiation area, radioactive contamination of an individual or another area of the facility, or a release of radioactive material to the environment to assure that regulatory limits are not exceeded.

A copy of all relevant material is available for public in-

spection at the Bureau of Radiation Control, 1212 East Anderson Lane, Austin, Texas. Monday through Friday, 8:00 a.m. to 5:00 p.m. (except holidays.)

Issued in Austin, Texas, on February 17, 1987.

TRD-8701431 Robert A. MacLean, M.D.
Deputy Commissioner
Professional Services
Texas Department of Health

Filed: February 17, 1987

For further information, please call (512) 458-7236.

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Intent to Revoke Certificates of Registration

The Bureau of Radiation Control, Texas Department of Health, is seeking the revocation of Certificate of Registration 11-14850, issued to Luke R. Long, 8630 Easton Commons Drive, Houston, Texas 77095, and Certificate of Registration 7-11874, issued to Larry Dean Kelley, D.C., 3334 Town East Boulevard, Mesquite, Texas 75150, for the following reasons.

All attempts to contact the registrants by telephone, by certified mail, and by inspection have been unsuccessful. Therefore, the Texas Department of Health, Bureau of Radiation Control, recommends that the certificates of registration be revoked immediately.

In accordance with *Texas Regulations for Control of Radiation* 13.8, this notice affords the opportunity for a hearing to show cause why the certificates of registration should not be revoked. A written request for a hearing must be received within 30 days from the date of publication of this notice 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, the certificates of registration will be revoked at the end of the 30-day period of notice.

Issued in Austin, Texas, on February 17, 1987.

TRD-8701430 Robert A. MacLean, M.D.
Deputy Commissioner
Professional Services
Texas Department of Health

Filed: February 17, 1987

For further information, please call (512) 458-7236.

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The Bureau of Radiation Control, Texas Department of Health, is seeking the revocation of Certificate of Registration 5-11521, issued to First Quality Meat, Inc., 6704 Azle Avenue, Fort Worth, Texas 76135, because the registrant has declared bankruptcy.

All attempts by the agency to obtain a request for termination from the registration have been unsuccessful. Therefore, the Texas Department of Health, Bureau of Radiation Control, recommends that the certificate of registration be revoked immediately.

In accordance with *Texas Regulations for Control of Radiation* 13.8, this notice affords the opportunity for a

hearing to show cause why the certificate of registration should not be revoked. A written request for a hearing must be received within 30 days from the date of publication of this notice 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, the certificate of registration will be revoked at the end of the 30-day period of notice.

Issued in Austin, Texas, on February 17, 1987.

TRD-8701429 Robert A. MacLean, M.D.
Deputy Commissioner
Professional Services
Texas Department of Health

Filed: February 17, 1987

For further information, please call (512) 458-7236.

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Texas Water Commission Notice of Application for Waste Disposal Permit

Notice is given by the Texas Water Commission of public notices of waste disposal permit applications issued during the period of February 9-13, 1987.

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 February 13, 1987

Central Power and Light Company, Victoria Power Station, wastewater treatment plant; east of and adjacent to the Guadalupe River and northwest of the intersection of wharf and Bottom Streets in the City of Victoria, Victoria County; Victoria; 01165; amendment

Brazos River Authority, Johnson County Swats, water treatment plant; approximately ½ mile east of FM Road 1190 and ½ mile north of its intersection with County Road 380; on the east side of Walters Bend of Lake Grandbury, Hood County; Waco; 02889; new

Robert J. Tate, wastewater treatment plant; approx-

imately four miles east of the intersection of U.S. Highway 82 and FM Road 1417 and ½ mile south of U.S. Highway 82 in Grayson County; Sherman; 13309-01; new

Cargill, Inc., Steel and Wire Division, plant which produces steel wire, nail stick, chain-link fencing, mesh, galvanized products, and other steel materials; 2002 Brittmoore Road in the City of Houston, Harris County; Houston; 02895; new

Eric Dunn, D & H Cattle Company, dairy operation; 12½ miles southeast of Kenedy, off Highway 239 in Karnes County; Kenedy; 02862; new

Union Pacific Railroad Company, Centennial Yard Facility, a diesel locomotive servicing shop and railcar shop; near the junction of Rogers Avenue and Vickery Avenue in the City of Fort Worth, Tarrant County; Fort Worth; 00780; amendment

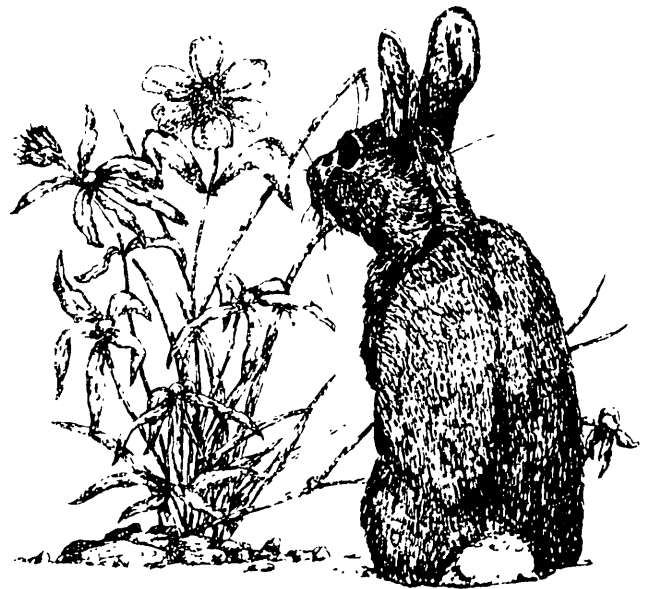
E-Systems, Inc., storage and processing facility for the management of Class I hazardous waste on a 580-acre tract of land at Major's Field in Greenville, Hunt County, waste; five miles east of the intersection of U.S. Highway 11-30 and FM Road 1570; Greenville; HW-50096-00; new

Issued in Austin, Texas, on February 13, 1987.

TRD-8701423 Mary Ann Hefner
 Chief Clerk
 Texas Water Commission

Filed: February 17, 1987
For further information, please call (512) 463-7898.

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Name: Duane Smith
Grade: 10
School: Marshall High School, Marshall



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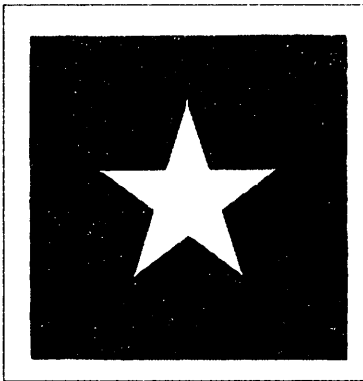
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