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# Texas Register

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# Texas Register Publications

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## Texas Register

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

Governor—appointments, executive orders, and proclamations

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

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

Proposed Sections—sections proposed for adoption

Withdrawn Sections—sections withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date

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

Open Meetings—notices of open meetings

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

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

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

In order that readers may cite material more easily page numbers are now written as citations. Example: on page 2 in the lower left-hand corner of the page, would be written: "13 TexReg 2 issue date," while on the opposite page, page 3, in the lower right-hand corner, would be written "issue date 13 TexReg 3."

**How To Research:** The public is invited to research rules and information; of interest between 8 a.m. and 5 p.m. weekdays at the *Texas Register* office, 503E Sam Houston Building, Austin. Material can be found using *Texas Register* indexes, the *Texas Administrative Code*, sections number, or TRD number.

## Texas Administrative Code

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

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

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

TAC stands for the *Texas Administrative Code*;

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

Subscriptions—one year (96 regular issues), \$90; six months (48 regular issues and two index issues), \$70. Single copies of most issues are available at \$4 per copy.

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# TAC Titles Affected

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## TAC Titles Affected—December

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

### TITLE 10. COMMUNITY DEVELOPMENT

#### *Part IV. Texas Housing Agency*

10 TAC §149.4—5949

### TITLE 19. EDUCATION

#### *Part II. Texas Education Agency*

19 TAC §§105.466-105.468—5963

19 TAC §105.469—5969

19 TAC §§157.1-157.16—5969

19 TAC §§157.1-157.22—5969

19 TAC §§157.41-157.63—5970

19 TAC §157.67—5970

19 TAC §§157.71-157.76—5971

### TITLE 22. EXAMINING BOARDS

#### *Part XXI. Texas State Board of Examiners of Psychologists*

22 TAC §473.2—5953

22 TAC §§593.6, §593.22—5971

### TITLE 25. HEALTH SERVICES

#### *Part I. Texas Department of Health*

25 TAC §31.1, §31.3—5972

#### *Part VII. Texas Medical Disclosure Panel*

25 TAC §601.1—5953, 5961

#### *Part VIII. Interagency Council on Early Childhood Intervention*

25 TAC §621.22, §621.23—5954

25 TAC §621.26—5954

25 TAC §621.29, §621.31—5955

25 TAC §621.34—5955

### TITLE 28. INSURANCE

#### *Part I. State Board of Insurance*

28 TAC §1.303—5972

28 TAC §27.14—5949

28 TAC §27.209—5949

28 TAC §§27.801-27.809—5950

### TITLE 34. PUBLIC FINANCE

#### *Part I. Comptroller of Public Accounts*

34 TAC §81.1—5972

34 TAC §81.7—5973

34 TAC §3.640—5956

### TITLE 40. SOCIAL SERVICES AND ASSISTANCE

#### *Part I. Texas Department of Human Services*

40 TAC §7.207, §7.208—5974

40 TAC §7.402, §7.404—5974

40 TAC §9.101—5974

40 TAC §§9.201-9.204—5974

40 TAC §§9.301-9.303—5974

40 TAC §§9.401-9.405—5974

40 TAC §9.501, §9.502—5974

40 TAC §72.601—5975

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Name: May Lee

Grade: 8

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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 maybe held from public disclosure. Requests for opinions, opinions, and open record decisions are summarized for publication in the *Texas Register*. The Attorney General responds to many requests for opinions and open records decisions with letter opinions. A letter opinion has the same force and effect as a formal Attorney General Opinion, and represents the opinion of the Attorney General unless and until it is modified or overruled by a subsequent letter opinion, a formal Attorney General Opinion, or a decision of a court of record.

## Open Records Decisions

**ORD-510 (RQ-1383).** Request from Carl A. Parker, Chairman, Senate Education Committee, Austin, concerning whether Baylor University must comply with the Texas Open Records Act, Texas Civil Statutes, Article 6252-17a.

**Summary of Decision.** The fact that students attending a private university receive tuition equalization grants under the Texas Education Code, Chapter 61, does not mean that the university is supported in whole or in part by or expends public funds within the meaning of the Texas Open Records Act, Texas Civil Statutes, Article 6252-17a, §2(1)(F).

TRD-8811943

## Letter Opinions

**LO-88-108 (RQ-1076).** Request from Tom Maness, Jefferson County, Criminal District Attorney, P.O. Box 2553, Beaumont, concerning the Family Code, §54.042 which deals with the suspension of juveniles' driver's licenses, does not amend or impliedly repeal Texas Civil Statutes, Article 67011-4 which deals with traffic offenses committed by minors.

**LO-88-109 (RQ-1501).** Request from Chad Williams, Baylor County Attorney, Baylor County Courthouse, Seymour, concerning whether the commissioners court of Baylor County may give compensatory time to employees of the Sheriff's Department rather than paying them for overtime.

**LO-88-110 (RQ-1543).** Request from Bill Sims, State Senator - 25th District, Texas State Senate, P.O. Box 12068, Room 421, Capitol Building, Austin, concerning the question of whether basic coverage standards adopted by the administrative council of the Texas Higher Education Coordinating Board are reasonable or comparable to those in private industry or for other state agencies is a question of fact.

**LO-88-111 (RQ-1553).** Request from Joe Lucas, El Paso County Attorney, Room

201, City-County Building, El Paso, concerning whether wrecker service is bound by the terms of its contract with the city of El Paso. Texas Civil Statutes, Article 4477-9a, §5.03 does not provide an independent basis for assessing charges.

**LO-88-112 (RQ-1505).** Request from Carlos Valdez, Nueces County Attorney, Nueces County Courthouse, 901 Leopard, Room 206, Corpus Christi, concerning dealings with funds forfeited under Texas Civil Statutes, Article 44767-15, §5.08, is withdrawn for, reconsideration by LO-88-114.

**LO-88-113 (RQ-1441).** Request from Bob Bullock, Comptroller of Public Accounts, L.B.J. State Office Building, Austin, concerning whether the comptroller may not deny bingo license to otherwise authorized organization solely because of the organization's size.

**LO-88-114 (RQ-4640).** Request from Carlos Valdez, Nueces County Attorney, Nueces County Courthouse, 901 Leopard, Room 206, Corpus Christi, concerning withdrawing LO-11-112 for reconsideration.

TRD-8811944

## Requests for Opinions

**(RQ-1581).** Request from Doyce R. Lee, State Board of Insurance, Austin, concerning whether records held by a court appointed Liquidator Receiver in the Liquidation Division of the State Board of Insurance are subject to the Texas Open Records Act, Texas Civil Statutes, Article 6252-17a.

**(RQ-1582).** Request from Dennis R. Jones, Texas Department of Mental Health and Mental Retardation, Austin, concerning the authority of the Department of Mental Health and Mental Retardation to transfer funds for start-up costs to a private entity which contracts to provide community based services to clients of the department, and related questions.

**(RQ-1583).** Request from Mike Driscoll, County Attorney, Houston, concerning the

authority of a County Clerk to issue letters testamentary, letters of administration, and letters of guardianship to North Carolina National Bank without orders from a probate court.

**(RQ-1584).** Request from Juan J. Hinojosa, District 41, Chairman, Committee on Criminal Jurisprudence, Texas House of Representatives, Austin, concerning the validity of a pauper's oath that requires surrender of the pauper's right to vote.

**(RQ-1585).** Request from David R. White, Jr., County Attorney, Uvalde, concerning the salary of commissioners in Uvalde County, and related questions.

**(RQ-1586).** Request from Hugo Berlanga, Speaker Pro Tempore, Texas House of Representatives, Austin, concerning whether the Nueces County dog pound is subject to the provision of Texas Civil Statutes, Article 447-6b.

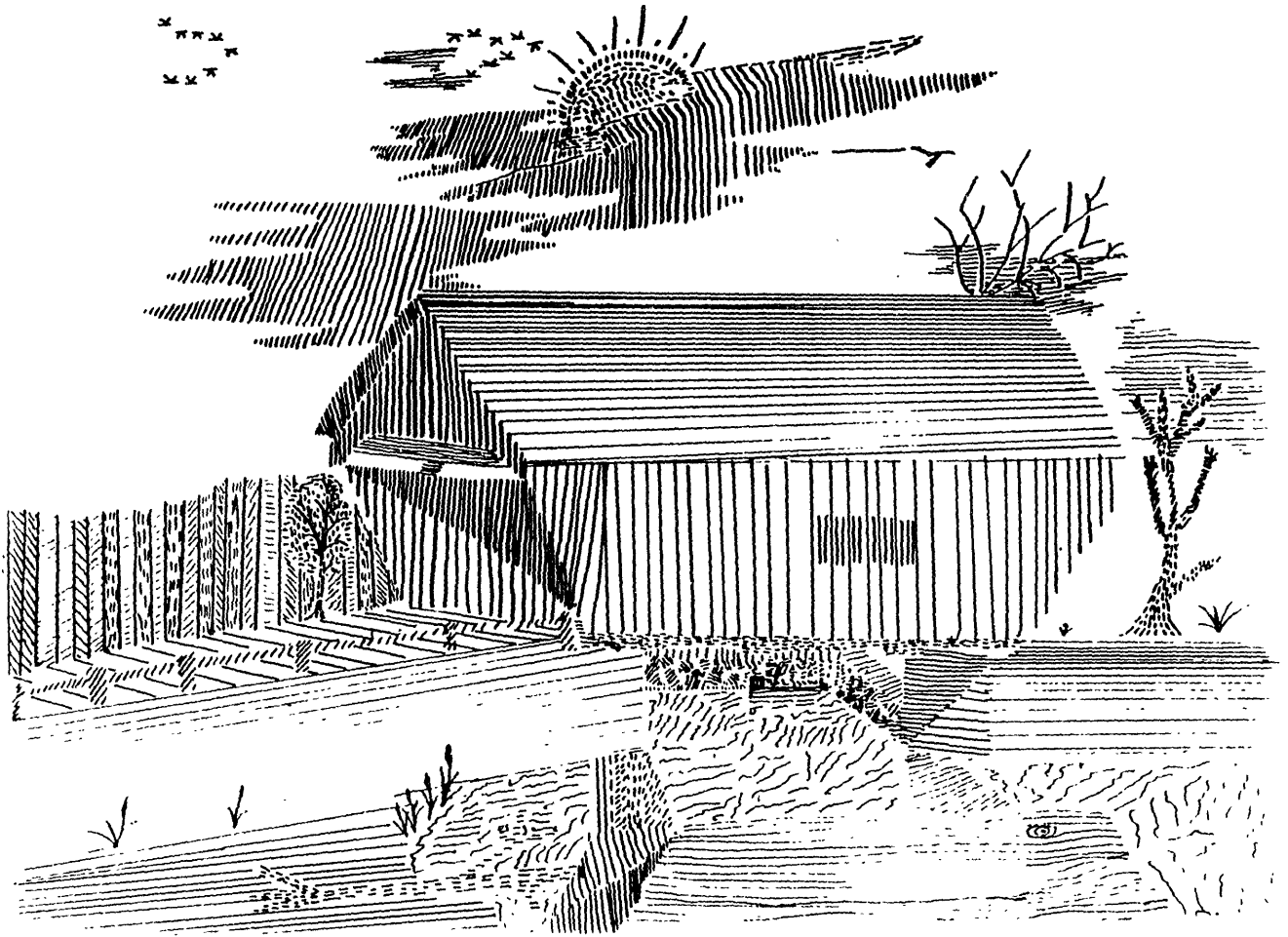
**(RQ-1587).** Request from Travis S. Ware, Criminal District Attorney, Lubbock, concerning whether failure to report use of a motor home used for campaign purposes violates the Election Code, §251.003.

**(RQ-1588).** Request from Mike Driscoll, County Attorney, Houston, concerning whether the State Department of Highways and Public Transportation may be rule derive a county tax assessor-collector of his authority to conduct hearings regarding denials of certificates of title to motor vehicles.

**(RQ-1589).** Request from Edwin J. Smith, Jr., Chairman, State Board of Insurance, Austin, concerning whether Texas Civil Statutes, Article 715c, permits a county of a population less than 500,000 to self-fund a health insurance program for county employees.

**(RQ-1590).** Request from James Warren Smith, Jr., Frio County Attorney, Pearsall, concerning the authority of a commissioners court to use county equipment and personnel to hose down a rodeo arena, and related questions. (RQ-1590)

TRD-8811945



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# Emergency Sections

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

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

## TITLE 10. COMMUNITY DEVELOPMENT

### Part IV. Texas Housing Agency

#### Chapter 149. Low Income Rental Housing Tax Credit Rules

##### • 10 TAC §149.4

The Texas Housing Agency (agency) adopts on an emergency basis an amendment to §149.4, concerning the administration of a low-income housing tax credit program by the agency. Section 149.4, was previously published in the September 15, 1987, issue of the *Texas Register* (12 TexReg 3199). The amendment is adopted on an emergency basis to promote the efficient and coordinated use of low-income housing tax credit allocation authority within the State of Texas, thereby enhancing the state's ability to provide decent, safe, sanitary housing for Texans of low and moderate income.

The amendment is adopted on an emergency basis under the Texas Housing Agency Act, Texas Civil Statutes, Article 12691-6, which provide the agency with the authority to adopt rules governing the administration of the agency and its programs; and Executive Order WPC-87-15 (August 4, 1987) which provides the agency with the authority to make housing credit allocations for the State of Texas.

##### *§149.4. Applications; Reservations; Commitments; Extensions.*

(a) (No change.)

(b) A project owner may file an application at any time (prior to the last business day) **on or before December 12** of the calendar year during which the project owner desires to receive a housing credit allocation, or at any time during the calendar year preceding the calendar year during which the project owner desires to receive a housing credit allocation.

(c)-(h) (No change.)

Issued in Austin, Texas, on November 23, 1988.

TRD-8812092

Timothy R. Kenny  
Executive Administrator  
Texas Housing Agency

Effective date: November 23, 1988

Expiration date: January 22, 1989

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



## TITLE 28. INSURANCE

### Part I. State Board of Insurance

#### Chapter 27. State Fire Marshal

##### Subchapter A. Fire Extinguisher Rules

##### • 28 TAC §27.14

The State Board of Insurance adopts on an emergency basis an amendment to the emergency adoption of §27.14, concerning liability insurance in connection with the business of leasing, renting, selling, installing, and servicing of portable fire extinguishers and the planning, certifying, installing, or servicing of fixed fire extinguisher systems. Section 27.14 was adopted on an emergency basis and became effective on August 24, 1988. Notice of the emergency adoption of §27.14 appeared in the August 30, 1988, issue of the *Texas Register* (13 TexReg 4270). Amendment of §27.14 is necessary to provide for continued coverage through surplus lines insurance. This insurance coverage is necessary to provide for protection of the public as contemplated under the Insurance Code, Article 5.43-1, §4A and §8. The State Board of Insurance has determined that, because of market conditions, the public liability insurance coverage required by the Insurance Code, Article 5.43-1, §4A, is unavailable to applicants for, and holders of, certificates of registration under that article. This amendment provides authorization for the acceptance, until September 1, 1989, of surplus lines coverage as meeting the requirements of the Insurance Code, Article 5.43-1, §4A. The State Board of Insurance finds that an imminent peril to the public welfare requires adoption of this amendment on an emergency basis in order to provide adequate compensation for bodily injury or property damage.

The amendment is adopted on an emergency basis under the Insurance Code, Article 1.04, which authorizes the State Board of Insurance to determine rules in accordance with the laws of the state, and under the Insurance Code, Article 5.43-1, §8, which authorizes and requires the board to adopt rules necessary for the protection and preservation of life and property, in controlling the registration of firms engaged in the business of servicing portable fire extinguishers or planning, certifying, installing, or servicing fixed fire extinguisher systems.

##### *§27.14. Applications.*

(a) Certificates of registration.

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

(5) Liability insurance required.

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

(C) Evidence of public liability insurance, as required by the Insurance Code, Article 5.43-1, §4A, must be in the form of a certificate of insurance executed by an insurer authorized to do business in this state or, until September 1, 1989, [1988,] a certificate of insurance for surplus lines coverage in compliance with the Insurance Code, Article 1.14-2, as provided for under the Insurance Code, Article 5.43-1, §4A(c).

(D)-(F) (No change.)

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

Issued in Austin, Texas, on November 23, 1988.

TRD-8812105

Nicholas Murphy  
Chief Clerk  
State Board of Insurance

Effective date: November 23, 1988

Expiration date: December 22, 1988

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



##### Subchapter B. Sales, Installation, Maintenance, and Servicing of Fire Detection and Fire Alarm Devices and Systems

##### • 28 TAC §27.209

The State Board of Insurance adopts on an emergency basis an amendment to the emergency adoption of §27.209, concerning the requisite bond and insurance for certificates of registration in connection with the business of sales, installation, maintenance, and servicing of fire detection and fire alarm devices and systems. Section 27.209 was adopted on an emergency basis and became effective on August 24, 1988. Notice of the emergency adoption of §27.209 appeared in the August 30, 1988, issue of the *Texas Register* (13 TexReg 4270). Amendment of §27.209 is necessary to provide for continued coverage through surplus lines insurance. This insurance coverage is necessary to provide for protection of the public as contemplated under the Insurance Code, Article 5.43-2, §5B and §6. The State Board of Insurance has determined that, because of market conditions, the public liability insurance coverage

required by the Insurance Code, Article 5.43-2, §5B, is unavailable to applicants for, and holders of, certificates of registration under that article. This amendment provides authorization for the acceptance, until September 1, 1989, of surplus lines coverage as meeting the requirements of the Insurance Code, Article 5.43-2, §5B. The State Board of Insurance finds that an imminent peril to the public welfare requires adoption of this amendment on an emergency basis in order to provide adequate compensation for bodily injury or property damage.

This amendment is adopted on an emergency basis under the Insurance Code, Article 5.43-2, §6, which authorizes and requires the State Board of Insurance to adopt rules necessary for the protection, safety, and preservation of life and property by licensing and regulating persons and organizations engaged in activities concerning fire alarm or fire detection devices or systems and to accept surplus lines coverage for public liability insurance required of those persons or organizations.

#### §27.209. Bond and Insurance Required.

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

(c) Evidence of public liability insurance, as required by the Insurance Code, Article 5.43-2, §5B, must be in the form of a certificate of insurance executed by an insurer authorized to do business in this state or, until September 1, 1989, [1988,] a certificate of insurance for surplus lines coverage in compliance with the Insurance Code, Article 1.14-2, as provided for under the Insurance Code, Article 5.43-2, §5BC).

(d)-(f) (No change.)

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

Issued in Austin, Texas, on November 23, 1988.

TRD-8812104 Nicholas Murphy  
Chief Clerk  
State Board of Insurance

Effective date: November 23, 1988

Expiration date: December 22, 1988

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

## Subchapter H. Testing Laboratory Rules

### • 28 TAC §§27.801-27.809

The State Board of Insurance adopts on an emergency basis new §§27.801-27.809, concerning requirements for testing laboratories that desire to obtain approval by the State Board of Insurance to test fire protection equipment. These new sections establish guidelines and requirements, define terms used, set standards for testing fire protection equipment, and establish compliance procedures. An imminent peril to the public safety requires adoption of these sections on an emergency basis in order to establish a procedure and standards for approval of testing

laboratories which will contribute to fire protection in this state.

The new sections are adopted on an emergency basis under the Insurance Code, Article 5.43-1, §(2) and §(8); Article 5.43-2, §(4) and §(6); and Article 5.43-3, §(3), which authorizes the State Board of Insurance to adopt rules necessary for the protection and preservation of life and property through regulation of fire extinguishers, fire detection and alarm devices, and fire protection sprinkler systems.

§27.801. *Purpose.* The purpose of this subchapter is to administer through the state fire marshal the law set forth in the Insurance Code, Articles 5.43-1, 5.43-2, and 5.43-3, regarding approval of testing laboratories which perform standardized tests on fire protection equipment in the interest of safeguarding lives and property.

§27.802. *Title.* The sections set forth in this subchapter shall be known and may be cited as the Testing Laboratory Rules.

§27.803. *Applicability of Subchapter.* This subchapter shall apply to persons and laboratories engaged in testing fire protection equipment and not to the general public.

§27.804. *Notice.* Notice by the state fire marshal, as required by provisions of the statutes or of this subchapter, may be given by personal service or mail, postage prepaid, addressed to the person or laboratory as it appears on the records of the State Fire Marshal's Office.

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

Approved testing laboratory—A laboratory approved by the State Board of Insurance.

Board—The State Board of Insurance.

Certification mark—The mark owned, controlled, and registered by a testing laboratory and used to identify approval or listing of a product.

Certification program—A continuing product testing procedure which requires a specific product standard.

Fire protection equipment—Equipment defined as fire extinguisher, fire alarm and detection, or fire sprinkler equipment by the Insurance Code, Articles 5.43-1, 5.43-2, and 5.43-3.

Primary standards—Recognized general performance standards which establish proper procedures and safeguards against loss of life and property by fire. Recognized primary standards are those established or approved by the National Fire Protection Association (NFPA), Baturymarch Park, Quincy, Massachusetts 02269.

Private labeler—An organization that contracts with a manufacturer to produce an approved or listed fire protection product which is to be sold under the organization's brand name.

Product standards—Standards for composition and testing of specific fire protection equipment to achieve the purpose of the applicable primary standard. Recognized products standards are those established or approved by the following organizations.

(A) American National Standard Institute (ANSI), 1430 Broadway, New York, New York 10018.

(B) American Society for Testing and Materials (ASTM), 1916 Race Street, Philadelphia, Pennsylvania 19103-1187.

(C) Underwriters Laboratories, Incorporated (ULI), 333 Pfingston Road Northbrook, Illinois 60062-2096.

Recognized standards—Standards that have been developed or approved by primary or products standards organizations which are defined in this section.

#### §27.806. Requirements for Approval.

(a) General requirements. A testing laboratory approval will be based on consideration of the following:

- (1) organizational, managerial, and financial independence from clients;
- (2) financial stability to withstand the loss of a client;
- (3) scope of testing operations including certification programs;
- (4) training and experience of technical personnel; and
- (5) physical facilities.

(b) Product testing and evaluation. A testing laboratory must demonstrate the ability to use recognized products standards in determining the acceptability of any product covered by the certification program.

(1) In the absence of a recognized product standard for a product category, the state fire marshal may allow the use of a temporary product standard developed by the laboratory to cover the construction and testing of the product; however, this temporary standard must be submitted to an appropriate products standards organization for approval within 60 days subsequent to the onset of its use as a temporary product standard.

(2) When products standards are revised by the applicable products standards organization, the testing laboratory must be prepared to retest all products previously tested to reflect compliance with the revised products standards.

(3) The testing laboratory must utilize a documented system of periodic checks and calibrations of testing equipment to assure the proper degree of accuracy in measurements.

(4) The testing laboratory must be capable of observing the production of

products to be tested and evaluated, to determine the adequacy of the manufacturer's quality assurance program.

(5) A formal report presenting test results must be prepared by the testing laboratory upon completion of tests and evaluations of each product.

(c) Factory follow-up inspection program. A testing laboratory must have established a follow-up program which includes the features required by paragraphs (1)-(6) of this subsection.

(1) The program requires a written agreement with every manufacturer of fire protection products.

(2) The program requires assurance that the product as manufactured meets the applicable product standards and does not vary from the specimen's as originally tested and approved or listed.

(3) The program requires an inspection manual which states the conditions governing the use of the certification mark on every listed or approved product. The manual must include:

(A) identification of the products authorized for labeling;

(B) identification of manufacturer and plant location at which manufacture and labeling is authorized;

(C) descriptions, specifications, and requirements applicable to the manufacturer's quality assurance program when used as part of follow-up program;

(D) description of inspections and tests to be conducted by inspector and manufacturer;

(E) a description of counter check tests to be conducted in laboratory; and

(F) the form and means of applying the certification mark.

(4) The program requires a written agreement with each manufacturer that provides inspectors of the laboratory immediate access to plants where the products are fabricated, processed, finished, stored, or located in order that the inspector may perform the functions of the follow-up program.

(5) The program requires a periodic examination or tests of the products at the factory by the laboratory inspector to determine compliance of products with products standards. The inspector may select samples of the product for counter check tests at the laboratory.

(6) Under the program, the testing laboratory must inspect manufacturer's

products and facilities not less than every 12 months, depending on the product category and conditions.

(d) Identification of approved or listed products.

(1) The testing laboratory must have established a system of marking or labeling, using a certification mark owned, controlled, and registered by the laboratory, to identify approved or listed products which have been produced under the factory follow-up inspection program. The certification program must utilize a system for the manufacture, distribution, and use of the certification marks, including serial, issue, or control numbers together with appropriate records to guard against counterfeiting or other improper use.

(2) The certification program must provide for the removal of the certification mark from products which are found not to comply with the products standards, and for the termination or suspension of the authority to use the certification mark when conditions precluding proper control of the mark prevail.

(e) Product directories. A testing laboratory must develop and publish an annual products directory and at least one midterm supplement which identifies the manufacturers, private labelers, and products that are authorized to bear the laboratory's certification mark.

(f) Complaints. A testing laboratory must have established procedures for investigating and responding to complaints. All complaints must be acknowledged and investigated promptly.

(g) Records. A testing laboratory must maintain records necessary to assure proper control of operations, including but not necessarily limited to the following categories, with review availability for a period of not less than five years.

(1) Records concerning laboratory tests must include the following:

(A) product standard(s) used; and

(B) initial qualification records on a project basis, including:

(i) sample selection;

(ii) receipt of samples;

(iii) test and examination sheets; and

(iv) instrument calibration records.

(2) Records concerning follow-up service on a manufacturing facility basis must include the following:

(A) follow-up inspection manual;

(B) dated and detailed records of all inspections; and

(C) instrument calibration records.

(3) Records concerning certification marks must include the following:

(A) record of release of certification marks to manufacturers; and

(B) log of serial numbers issued to each manufacturer.

(4) Records concerning complaints must include documentation of all complaints and their resolution.

(h) Access to facilities and records. Testing laboratories seeking approval of their certification program(s) must agree in writing to allow the state fire marshal or his deputy access to inspect testing facilities and procedures and to examine any and all records of the certification program at any time during normal working hours without prior notice.

#### §27.807. Original Applications.

(a) Application scope. A testing laboratory seeking initial approval of its certification program(s) for fire extinguishers, fixed fire extinguishing, fire detection, fire alarm, or fire protection sprinkler systems must submit an application on forms obtained from the State Fire Marshal's Office. The application must include complete documentation of the information needed to demonstrate the capability of the organization to carry out the programs for which approval is sought.

(b) Review. The application will be reviewed and the applicant advised of its disposition.

(c) Approval. Approval may be limited to specific certification programs; applications must specify all programs for which approval is desired.

(d) Approval time period. Approval shall be for a period of five years from the date of the approval notice.

(e) Denials. If the application is denied, reasons for the denial will be delivered in writing to the applicant stating conditions for nonapproval. The applicant can submit a revised application which includes the amendments or additions which are needed to obtain approval, without prejudice.

(f) Application changes. If at any time during the approval period there are major changes in products tested, new programs added, a change of ownership or corporate officers, or an address change, the laboratory must advise the state fire marshal of the changes by submitting revisions to

the previous application or submitting a new application, so that the laboratory files in the State Fire Marshal's Office will be up-to-date.

(g) Revisions. All revisions submitted will be reviewed to assure that the programs involved are still in compliance with applicable products standards and these sections. If they are found not to be in compliance, the applicant will be advised and given a period of six months to make corrections. If revisions to the application are not received within this time period, action will be taken to consider revocation.

(h) Temporary approval. Notwithstanding all the requirements and provisions of these sections, the following three organizations will be temporarily approved as testing laboratories for a period of five years from the effective date of these sections.

(1) Factory Mutual Research Corporation, 1151 Boston-Providence Turnpike, Norwood, Massachusetts 02062.

(2) Underwriters Laboratories, Incorporated, 333 Pfingston Road, Northbrook, Illinois 60032.

(3) United States Testing Company, Incorporated, 1415 Park Avenue, Hoboken, New Jersey 07030.

(i) Application for renewal of approval. During the final year of the initial five-year period, the testing laboratories temporarily approved under subsection (h) of this section must complete and submit to the State Fire Marshal's Office a completed original application in order to renew their approval as a testing laboratory.

*§27.808. Renewal Applications.*

(a) Renewal time limits. An approved testing laboratory must submit a request for renewal of the approval to the state fire marshal not more than 12 months nor less than nine months prior to the expiration of the five-year approval period.

(b) Renewal request. The request for renewed approval may be a letter signed by an officer or owner of the laboratory, stating that all information contained in the previous application is still correct and up-to-date.

*§27.809. Severability.* If any provision of this subchapter or the application thereof to any person or circumstance is held invalid for any reason, the invalidity shall not affect the other provisions or any other application of this subchapter which can be given effect without the invalid provisions or application. To this end all provisions of these rules are declared to be severable.

This agency hereby certifies that the sections as adopted on an emergency basis have been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on November 23, 1988.

TRD-8812103

Nicholas Murphy  
Chief Clerk  
State Board of Insurance

Effective date: November 23, 1988

Expiration date: March 23, 1989

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

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# Proposed Sections

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

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

## TITLE 22. EXAMINING BOARDS

### Part XXI. Texas State Board of Examiners of Psychologists

#### Chapter 473. Fees

##### • 22 TAC §473.2

The Texas State Board of Examiners of Psychologists proposes an amendment to §473.2, concerning the board's examination fees. A current study of costs indicated a need to increase each of the exam fees to cover the cost of rewriting and updating exam items and of printing new copies. The national exam fee will increase in October, 1989. The board contracts for the use of this exam, which is the only one available for the profession of psychology.

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

Ms. Bizzell 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 board will generate adequate funds to function efficiently and to update the contents of the jurisprudence and oral exams to provide current information during the testing procedure. The possible economic cost to individuals who are required to comply with the section as proposed will be \$100 for the jurisprudence exam, \$300 for the practical (oral) exam, and \$135 for the professional examination for all candidates for fiscal years 1989-1993.

Comments on the proposal may be submitted to Patti Bizzell, Texas State Board of Examiners of Psychologists, 9101 Burnet Road, Suite 212, Austin, Texas 78752.

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

#### §473.2. Examination Fees (Not Refundable).

[a] Psychological associate certification (effective through April, 1989 exam)—\$90. Psychological associate certi-

fication (effective for October, 1989 exam)—\$135.

[(b)] Psychologist certification (effective through April, 1989 exam)—\$90. Psychologist certification (effective for October, 1989 exam)—\$135.

[(c)] Jurisprudence—\$100 [20].

[(d)] Practical (oral)—\$300 [100].

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 November 22, 1988.

TRD-8812001

Patti Bizzell  
Executive Director  
Texas State Board of  
Examiners of  
Psychologists

Earliest possible date of adoption: January 2, 1989

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

## TITLE 25. HEALTH SERVICES

### Part VII. Texas Medical Disclosure Panel

#### Chapter 601. Informed Consent

##### Medical Treatments and Surgical Procedures Established by the Texas Medical Disclosure Panel

##### • 25 TAC §601.1

The Texas Medical Disclosure Panel (Panel) proposes an amendment to §601.1, concerning procedures requiring full disclosure (List A). As part of this proposed amendment, the Panel also proposes amendments to List A itself, which the Panel has adopted by reference in §601.1. List A covers the medical treatments and surgical procedures which physicians and health care providers are required to disclose to patients or persons authorized to consent for the patients.

The proposed amendment to §601.1 itself will show the date of the amendment. The proposed amendment to List A will be to §601.1.17 in the list concerning psychiatric procedures. The amendment will identify the procedure and list the related risks concerning electroconvulsive therapy with modifica-

tion by intravenous muscle relaxants and sedatives.

The Medical Liability and Insurance Improvement Act, Texas Civil Statutes, Article 4590i, §6.04, requires that any amendments to List A in §601.1 be published in the *Texas Register*. Since List A is adopted by reference in §601.1, the actual proposed amendment to List A itself is being published in the In Addition section of this issue of the *Texas Register*.

The panel originally proposed this amendment to §601.1 in May 1988. The amendment was published in the May 27, 1988, issue of the *Texas Register* (13 TexReg 2603). The six-month time period for adoption of the amendment has expired; therefore, the panel is repropounding the amendment for permanent adoption.

James H. Duke, Jr., chairman, Texas Medical Disclosure Panel, has determined that for the first five year period that the section will be in effect there will be no fiscal implications to state or local government or small businesses as a result of enforcing or administering the section as proposed. In some cases concerning hospitals which are small businesses, there may be a cost for forms and related paperwork but the cost will vary in each case and will be extremely minimal.

Doctor Duke also has determined that for each year of the first five years that the section will be in effect the public benefit anticipated as a result of enforcing the section as proposed will be that providers of medical care will be made aware of the psychiatric procedure, including the related risk, concerning electroconvulsive therapy with modification by intravenous muscle relaxants and sedatives. There is no anticipated economic cost to persons who are required to comply with the section as proposed. In some cases an individual physician may have costs for forms and paperwork but the cost will vary with each physician and will be extremely minimal.

Comments may be submitted to Nance Kerrigan, Director, Health Facility Licensure and Certification Division, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756. Comments will be accepted for 30 days after publication of the proposed amendment in the *Texas Register*.

This amendment is proposed under Texas Civil Statutes, Article 4590i, §6.04, which authorize the Texas Medical Disclosure Panel to adopt a list, including amendments, of medical treatments and surgical procedures which physicians and health care providers are required to disclose to patients or persons authorized to consent for the patients.

**§601.1. Procedures Requiring Full Disclosure (List A).**

(a) (No change.)

(b) The Texas Medical Disclosure panel adopts by reference the list of medical treatments and surgical procedures requiring full disclosure, as amended April 1989 [May 1988]. The list is indexed and filed in the office of the Texas Medical Disclosure Panel, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756, and is available for public inspection during regular working hours.

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 November 23, 1988.

TRD-8812069

James H. Duke, Jr.  
Chairman  
Texas Medical Disclosure  
Panel

Proposed date of adoption: March 2, 1989

For further information, please call: (512) 458-7245

**Part VIII. Interagency  
Council on Early  
Childhood Intervention  
Chapter 621. Early Childhood  
Intervention Program**

**Funding of the Early  
Childhood Intervention  
Program**

**• 25 TAC §621.22, §621.23**

The Interagency Council on Early Childhood Intervention proposes amendments to §621.22 and §621.23, concerning funding of the Early Childhood Intervention Program. The sections cover definitions and general requirements. The amendments delete the requirement for local ECI providers serving children in the same or adjoining geographical location to submit letters of agreement for the coordination of services.

Mary Elder, administrator, Early Childhood Intervention Program, has determined that for the first five-year period the proposed section are in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the sections.

Ms. Elder also has determined that for each year of the first five years the sections as proposed are in effect the public benefit anticipated as a result of enforcing or administering the sections will be reduction of unnecessary paperwork. There is no anticipated economic cost to individuals who are required to comply with the sections as proposed.

Comments on the proposal may be submitted to Mary Elder, Administrator, Early Childhood Intervention Program, Texas Department of Health, 1100 West 49th Street, Austin, Texas

78756. Comments will be accepted for 30 days after publication of this proposal in the *Texas Register*.

The amendments are proposed under the Human Resources Code, §73.003, which provides the Interagency Council on Early Childhood Intervention with the authority to establish rules regarding services provided for children with developmental delays.

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

[Letter of Agreement—A jointly written and signed document between two or more ECI funded programs serving children residing in the same or adjoining geographic locations. The letter shall address the following areas of coordination:

[(A) public awareness activities;

[(B) screening activities; and

[(C) referral and intake procedures that prevent duplication of services.]

**§621.23. General Requirements.**

(a)-(m) (No change.)

[(n) Letter of agreement. ECI funded programs serving children in the same or adjoining geographic location shall enter into a letter of agreement to be signed by all parties within 30 days of the receipt of their ECI contracts. This letter of agreement may be submitted with the program's application for funding.]

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 November 22, 1988.

TRD-8811982

David Rollins  
Chairperson  
Interagency Council on  
Early Childhood  
Intervention

Earliest possible date of adoption: January 2, 1989

For further information, please call: (512) 458-7673.

**• 25 TAC §621.26**

The Interagency Council on Early Childhood Intervention proposes an amendment to §621.26, concerning funding of the Early Childhood Intervention Program. The section covers grant application submission and review. The amendment changes and clarifies the ECI grant review process for new and expansion grants.

Mary Elder, administrator, Early Childhood

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

Ms. Elder also has determined that for each year of the first five years the section as proposed is in effect the public benefit anticipated as a result of enforcing or administering the section will be consistent review of all new applications through a competitive process and review of expansion requests by staff members experienced with current programs. There is no anticipated economic cost to individuals who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Mary Elder, Administrator, Early Childhood Intervention Program, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756. Comments will be accepted for 30 days after publication of this proposal in the *Texas Register*.

The amendment is proposed under the Human Resources Code, §73.003, which provides the Interagency Council on Early Childhood Intervention with the authority to establish rules regarding services provided for children with developmental delays.

**§621.26. Grant Application Submission and Review.**

(a) (No change.)

(b) ECI Review Team—new [or expansion]. The ECI review team is formed by a parent representative and representatives of TEA, TDMHMR, TDHS, and TDH. The ECI Review Team will be responsible for making recommendations to the council for approval or denial [for] of all new [or expansion] requests and all expansion requests in which a currently funded ECI program is requesting money to expand in an unserved or underserved county which a new program is also requesting approval of funds.

(c) ECI Review Team—continuation and expansion. For all continuation and expansion requests, including, but not limited to, wait list children, the ECI Review Team will be composed of ECI staff members of TEA, TDMHMR, TDHS, and TDH.

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 November 22, 1988.

TRD-8811983

David Rollins  
Chairperson  
Interagency Council on  
Early Childhood  
Intervention

Earliest possible date of adoption: January 2, 1989

For further information, please call: (512) 458-7673.

• 25 TAC §621.29, §621.31

The Interagency Council on Early Childhood Intervention proposes amendments to §621.29 and §621.31, concerning funding of the Early Childhood Intervention Program. The sections cover cancellation of contract with provider and withholding of funds and formal hearing procedures. The amendments add provisions related to contract cancellation and the withholding of funds during a hearing.

Mary Elder, administrator, Early Childhood Intervention Program, has determined that for the first five-year period that the sections as proposed will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the sections.

Ms. Elder also has determined that for each year of the first five years the sections as proposed are in effect the public benefit anticipated as a result of enforcing or administering the sections will be consistent requirements between language in ECI contracts and ECI rules. The anticipated economic implications to individuals who are required to comply with the sections as proposed may occur if the council determines that funds shall be detained pending the final decision of the hearing; the local program would not have access to the funds in question and could forfeit final receipt of those funds.

Comments on the proposal may be submitted to Mary Elder, Administrator, Early Childhood Intervention Program, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756. Comments will be accepted for 30 days after publication of this proposal in the *Texas Register*.

The amendments are proposed under the Human Resources Code, §73.003, which provides the Interagency Council on Early Childhood Intervention with the authority to establish rules regarding services provided for children with developmental delays.

§621.29. *Cancellation of Contract with Provider and Withholding of Funds.* The Department may cancel the contract under the following conditions:

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

(7) Between the time a provider files a request for hearing and the final decision of the council, any funds eligible for distribution may be retained at the sole discretion of the council. In the event the council's final decision is favorable to the provider, the eligible funds shall be promptly distributed to the provider. In the event the council's final decision is adverse to the provider, the funds shall be withheld.

(8)[(7)] No [funds will be withheld or] contract will be cancelled prior to the final decision of the council following [hearing officer in] a hearing provided under these rules.

§621.31. *Formal Hearing Procedures.*

(a)-(n) (No change.)

(o) Action after the hearing.

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

(4) Final decision.

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

(E) When a contract has been cancelled, either upon a final decision of the council or by mutual agreement prior thereto, the provider shall notify parents of all children served by the provider that ECI approval has been cancelled. If the provider fails to so notify the parents and furnish satisfactory documentation to the ECI Council within 30 days that such notification has been made, the ECI administrator may thereupon serve such notice upon said parents.

(p)-(q) (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 November 22, 1988.

TRD-8811984

David Rollins  
Chairperson  
Interagency Council on  
Early Childhood  
Intervention

Earliest possible date of adoption: January 2, 1989

For further information, please call: (512) 458-7673.

• 25 TAC §621.34

The Interagency Council on Early Childhood Intervention proposes an amendment to §621.34, concerning funding of the Early Childhood Intervention Program. The section covers health program standards. The amendment establishes policies regarding use of universal precautions for protection against all infectious diseases and the establishment of policies regarding the care of infants with HIV infections or AIDS.

Mary Elder, Administrator, Early Childhood Intervention Program, has determined that for the first five-year period that the section as proposed is in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the section.

Ms. Elder also has determined that for each year of the first five years the section as proposed is in effect the public benefits anticipated as a result of enforcing or administering the section will be improved control of the spread of infectious diseases and assurance of nondiscriminatory practices for infants with HIV infections or AIDS. There will be minimal economic cost to individuals who are required to comply with the section as proposed. These costs should not exceed \$100 per program annually.

Comments on the proposal may be submitted to Mary Elder, Administrator, Early Childhood Intervention Program, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756. Comments will be accepted for 30 days after publication of this proposal in the

*Texas Register.*

The amendment is proposed under the Human Resources Code, §73.003, which provides the Interagency Council on Early Childhood Intervention with the authority to establish rules regarding services provided for children with developmental delays.

§621.34. *Health Program Standards.*

(a) Programs which receive ECI funds shall have written health program standards effective September 1, 1987. The standards shall meet the following criteria:

(1) A policy shall be written in each of the following areas:

(A) administrative;

(B) admission health requirements;

(C) repeat medical examinations;

[(D) management of children with illness or infectious disease;]

[(E) management of sanitary surfaces for diapering and sanitary disposal of body fluids;]

(D) [F] medication policy;

(E) [(G)] emergencies; and

(F) [(H)] staff.

(2)-(3) (No Change.)

(4) A program specialist will review the adopted standards during monitoring visits [the 1988 fiscal year].

(5) All ECI-funded programs are required to follow universal precautions for Texas Early Childhood Intervention Programs.

(6) Children with HIV infection will not be discriminated against on the basis of HIV infection. Reasonable accommodations will be made to treat them on the basis of individual need.

(7) All programs must comply with the Texas Communicable Disease Prevention and Control Act, Texas Civil Statutes, Article 4419B-1. Any information a parent may provide on the HIV status of a child will be deemed confidential and released only to individuals designated by the parent.

(8) For identified children with AIDS, the staff must communicate with the physician responsible for medical care and must involve the physician in programmatic decisions about treatment. Communication with the physician

must occur prior to assessment and on an ongoing basis as needed.

(9) Programs must not discriminate against employees who have AIDS or HIV infection.

(10) Programs can not require AIDS testing of employees or clients.

(11) Department of Human Services day-care guidelines that refer to health inspections and reporting infectious diseases apply to all ECI programs that serve children in group settings.

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 November 22, 1988.

TRD-8811985

David Rollins  
Chairperson  
Interagency Council on  
Early Childhood  
Intervention

Earliest possible date of adoption: January 2, 1989

For further information, please call: (512) 458-7673.

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**TITLE 34. PUBLIC FINANCE**

**Part 1. Comptroller of Public Accounts**

**Chapter 3. Tax Administration**

**Subchapter X. Pari-Mutuel Wagering Racing Revenue**

**• 34 TAC §3.640**

The Comptroller of Public Accounts proposes a new §3.640, concerning racing revenue. The new section details the responsibilities of horse and greyhound racing associations licensed by the Texas Racing Commission

with regard to collection, deposit, reporting, and accounting for the state portion of pari-mutuel wagering revenues and related funds; minimum standards for pari-mutuel wagering equipment used to compute the state share of pari-mutuel wagering revenues; comptroller audits of licensed horse and greyhound race associations; administrative appeals by licensed horse and greyhound race associations from comptroller audit findings; and sanctions for violation of this section.

The Texas Racing Act created a new tax on pari-mutuel racing thereby creating the need for additional staff in the areas of enforcement, audit, revenue accounting, computer services, and automated collections.

Jim Shear, director of the comptroller's economic analysis center, has determined that for the first five-year period the proposed section will be in effect state government will incur the following costs to administer this section:



Fiscal Year

Cost to State Government

1989	\$ 0
1990	300,000
1991	393,000
1992	532,000
1993	699,000

There will be no cost to local governments.

This section is promulgated in connection with gaming and gambling, and pursuant to Texas Civil Statutes, Article 6252-13b.1, §4(b)(1), no statement of fiscal implications for small businesses is required.

Mr. Shear 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 in assuring the public that the collection of state revenues will be done in a timely and efficient manner. Racetracks and totalisator companies will be routinely audited to verify revenues. In addition, the betting public will be assured that the equipment which processes wagers will be regularly monitored and that the correct amount of money is returned to the winners. The anticipated economic cost to individuals who are required to comply with the proposed section will be negligible.

Comments on the new section may be submitted to Larry Craddock, Executive Counsel, P.O. Box 13528, Austin, Texas 78711.

The new section is proposed under Texas Civil Statutes, Article 179e, §4.03, which provide the comptroller with the authority to adopt rules for the enforcement of his powers and duties under the Texas Racing Act.

### §3.640. Racing Revenue.

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

(1) Association—A horse or greyhound association licensed by the commission to conduct races with pari-mutuel wagering or the authorized agent of such an association.

(A) Class 1 association—An association licensed by the commission as a Class 1 association for the purpose of conducting horse races with pari-mutuel wagering.

(B) Class 2 association—An association licensed by the Commission as a Class 2 association for the purpose of conducting horse races with pari-mutuel wagering.

(C) Class 3 association—An association licensed by the commission as a Class 3 association for the purpose of conducting horse races with pari-mutuel wagering.

(D) Greyhound association—An association licensed by the commission for the purpose of conducting greyhound races with pari-mutuel wagering.

(2) Commission—The Texas Racing Commission or an authorized agent of the Texas Racing Commission.

(3) Comptroller—The Comp-

troller of Public Accounts or an authorized agent of the Comptroller of Public Accounts.

(4) State approved depository—A bank approved as a depository of state funds by the treasurer of the State of Texas.

(5) Totalisator company—A company selling, leasing, or operating state-of-the-art automated electronic computer hardware and software to calculate, record, display, and store pari-mutuel wagering information.

(6) Unclaimed funds—Any unclaimed money that belongs to the betting public the ownership of which cannot be identified. The term includes, but is not limited to, uncashed tickets purchased as wagers on winning animals or on animals that scratched without racing. If the commission authorizes the use of self-service pari-mutuel wagering machines, the term "unclaimed funds" shall also include any unclaimed money left in the machines in an account that has been inactive for over 48 hours.

(b) Collection/deposit of state portion of pari-mutuel wagering revenues; reports to the comptroller.

(1) In each locality with licensed Class 1, Class 2, or greyhound associations, the state treasurer shall open an interest-bearing account in a local state-approved depository to be used for deposit of the state share of pari-mutuel wagering proceeds.

(2) After each racing day, a representative of a Class 1, Class 2, or greyhound association shall deposit to the state account by 10 a.m. of the next banking day the state total share of the pari-mutuel pool for all races conducted since the last deposit.

(3) All deposits to the state account must be in cash or by check drawn on an association account in the same state-approved depository bank or by telephone transfer from an association account in the state-approved depository bank.

(4) Associations shall report in the following manner.

(A) Upon making the deposit, Class 1, Class 2, and greyhound associations shall report by telephone to a data collection center designated by the treasurer of the State of Texas, the information shown on a pari-mutuel wagering deposit report form promulgated by the comptroller. They shall also transmit a copy of the completed form to the comptroller by telephone line and high-resolution facsimile equipment.

(B) Class 3 associations must transmit a copy of the pari-mutuel wagering deposit report form and a check covering

the amount of the state's share to the comptroller by 10 a.m. of the next banking day after the performance via high-resolution facsimile equipment, or express mail for one-day delivery.

(5) After each racing performance, information must be reported to the comptroller.

(A) At the close of each racing performance, the association shall obtain from the totalisator company a computer printout in a format corresponding to the Performance Pari-Mutuel Summary Association report form promulgated by the comptroller. This report shall be filed for each racing date authorized by the commission even if no races are held.

(B) Class 1, Class 2, and greyhound associations shall transmit a copy of the printout and the completed form to the comptroller by telephone line and the facsimile equipment by 10 a.m. the following day. Class 3 associations must transmit a copy of the printout and the completed form to the comptroller by 10 a.m. of the next day after the performance via high-resolution facsimile equipment, or express mail for one-day delivery.

(6) If problems exist in telephone transmission or other breakdown in the facsimile equipment and copies of the reports cannot be transmitted by telephone transmission and facsimile equipment due to these problems, then associations should send such reports to the comptroller by wire, overnight mail, or overnight private delivery service.

(7) Originals of the reports shall be preserved in chronological order with other association records. Class 3 tracks shall preserve the originals of these reports at association offices located at the track or at such other location as may be agreed to in writing by the comptroller. These reports shall be available for audit inspection. Anytime the information on the reports does not reconcile with the amount deposited, the comptroller will take prompt action to protect the state's interest.

(c) Unclaimed funds.

(1) Every Class 1, Class 2, and greyhound association shall maintain a separate interest-bearing trust account in the depository bank for the deposit of unclaimed funds. Within 48 hours of each racing day, each Class 1, Class 2, and greyhound association shall deposit into the trust account it maintains an amount equal to all unclaimed funds that have come into its possession since the date of the last deposit.

(2) Class 1, Class 2, and greyhound associations may only draw against these accounts:

(A) to pay unclaimed funds to their proper owner;

(B) to pay expenses as approved by the commission for drug testing of animals; and

(C) to pay the comptroller the balance of the account.

(3) Any ticket over \$50 cashed by a Class 1, Class 2, or greyhound association later than 48 hours after the day of the race to which that ticket pertains shall be paid with a check drawn on the trust account. The ticket shall be preserved for audit inspection with information identifying the number of the check by which it was paid, the teller that cashed it, and whether it was cashed by the totalisator system or by manual override of the totalisator system. On horse racing tickets, a copy of authorization from the commission to pay any tickets cashed after the close of the racing meet shall be preserved.

(4) Any return to patrons of money left in self-service pari-mutuel wagering machines at the close of a racing meet shall be paid with a check drawn on the trust account. A copy of the voucher together with information identifying the number of the check with which it was paid shall be preserved for audit inspection.

(5) All tickets and vouchers issued by an association shall be imprinted with the expiration date.

(6) One hundred five days after the end of a horse racing meet or, on greyhound races, by April 16th of the following year, all balances in the trust account attributable to the preceding racing period, including both principal and interest, shall be transferred to the comptroller for disbursement in accordance with the provisions of the Texas Racing Act. A pari-mutuel wagering deposit report of unclaimed funds Form promulgated by the comptroller shall be filed with the comptroller concurrently with the transfer of the balance of the account.

(7) Class 3 associations shall remit all unclaimed funds to the comptroller by certified check within 105 days after the close of the meet after deducting expenses as approved by the commission for drug testing of animals.

(d) Associations with pari-mutuel wagering to post bond or other security.

(1) Associations will be responsible for the state share of the pari-mutuel pool from the time of collection until the money is deposited to the state account and for all other moneys from the time of collection until they are properly disbursed.

(2) All associations shall be bonded or otherwise secured in an amount estimated by the comptroller to be five times the highest daily state share of the

pari-mutuel pool. The bond will cover the state share of the pari-mutuel pool and any other funds due the state.

(3) In order for the comptroller to establish an appropriate amount for the bond or other security to be posted, associations shall provide such information as the comptroller may request.

(4) The bond or other security shall be approved by and filed with the comptroller.

(5) If the comptroller determines the amount of bond or other security deposited to be inadequate or an association to be delinquent in payment of an amount due or if a surety gives the comptroller written notice of its intent to withdraw as surety, the comptroller may require the posting of new or additional bond or security. If the amount of security posted is determined to be in excess of requirements, the comptroller will allow as much of the bond or security as is determined to be in excess of requirements to be cancelled or withdrawn. Should either determination be made, the association shall receive written notice. If new or additional bond or other security is required, the association shall furnish it within the time specified by the notice.

(6) The comptroller will accept as security: cash; cashiers checks; surety bonds; irrevocable bank letters of credit; United States Treasury Bonds that are readily convertible to cash; and irrevocable assignments (on forms approved by the comptroller) of federally insured accounts in banks, savings and loan institutions, and credit unions. The comptroller will not accept corporate stocks and bonds or personal guarantees as security.

(7) All surety bonds posted must be executed and issued by a surety company authorized to do business in the State of Texas on a form approved by the comptroller. The surety bond must be signed by an attorney-in-fact appointed by the surety, and a notarized copy of the appointment shall be attached.

(8) A bond or other security must be in effect at all times while an association is conducting pari-mutuel wagering. If the association ceases to conduct pari-mutuel wagering and relinquishes its license or if its license is revoked, the comptroller will release the bond or other security upon determination that no payment, penalty, or interest is due and payable to the State of Texas.

(e) Equipment required; responsibilities of companies contracting to provide equipment.

(1) Each association licensed for pari-mutuel wagering shall use state-of-the-art, computerized totalisator company equipment and software that satisfies the record-keeping and reporting requirements of the comptroller.

(A) The minimum electrical specifications for the race association's computer room must include a dedicated electrical outlet for each processor. The outlet should be three wire, with a good earth ground, with no more than five volts AC between neutral and ground.

(B) Manual controls must be installed between the association officials' area and the computer room to allow the officials to issue a stop betting command that will automatically shut down the betting equipment to safeguard against equipment failure and to prevent last minute advantage betting after the race has started.

(C) The totalisator system must restrict access for manually cashing wagers, cancelling wagers, and issuing refunds to designated sell/cash terminals. All manually cashed wagers, cancelled wagers, and refunds issued must be recorded by the totalisator system for each cash/sell terminal. A detailed printed report of these transactions must be generated upon request of the comptroller including a summary of each transaction type.

(D) The totalisator system must record all transactions of each sell/cash terminal by terminal. A printed copy of these transactions for each sell/cash terminal must be generated if requested by the comptroller.

(E) The totalisator system must be able to restrict access to sell/cash terminals through assigned user passwords to facilitate cashier accountability.

(F) Detailed data related to unclaimed funds must be transferred from the active file to a history file at the end of the meet or in greyhound racing at the conclusion of the last racing day of the calendar year.

(G) The association shall retain documentation for audit inspection that the commission approved payment of any horse racing ticket cashed after the meet at which it was issued has closed.

(H) Unexpired greyhound racing tickets may be cashed by presentation to the association for payment at any time before April 1 of the year following the year in which they were purchased. At the conclusion of the last racing day of the calendar year, each greyhound racing association must provide to the comptroller a computer tape and printout of all unexpired winning or refund tickets for that year. Any previous years unexpired winning or refund tickets presented for payment prior to April 1st of the following year must be cashed manually and must not be entered into the

computer system by the association.

(I) Each totalisator system must recognize and automatically reject expired uncashed winning tickets and expired unclaimed refunds.

(J) A waiver may be granted from these requirements for totalisator systems temporarily installed at Class 3 tracks upon a showing to the comptroller's satisfaction that unnecessary expense would be incurred in complying with the requirements and that the system can be made to function properly without meeting these requirements.

(2) A totalisator company shall be deemed the agent of any Texas association with which it contracts and is subject to inspection and regulation by the comptroller to insure the integrity of the information obtained by use of its software and equipment. The association shall be held accountable for any loss of state money due to totalisator company error. This section shall be made part of any contract between a totalisator company and a Texas association licensed for pari-mutuel wagering. The totalisator company shall agree to such inspection and regulation as a part of any such contract.

(3) At least annually, all equipment and software of a totalisator company used by a Class 1, Class 2, or greyhound association shall be checked at the expense of the totalisator company by an independent certified public accountant firm or other entity acceptable to the comptroller. The inspecting firm must have the ability to verify proper functioning of the equipment and software and must not be in any way connected with or have a financial interest in a totalisator company, Texas association, or animal raced at a Texas association or the proceeds from pari-mutuel betting at a Texas association. The totalisator company shall furnish proof that the inspection occurs.

(4) The comptroller shall be notified and must approve in advance any change, enhancement, or upgrade in the computer hardware or software. The totalisator company shall furnish such information as the comptroller may request regarding such changes.

(5) The comptroller may, at any time, have totalisator company equipment and software which is or which has been on location at a Texas association inspected and the association and the totalisator company shall permit such inspection without prior notice.

(6) Totalisator equipment must be installed on-site and a series of system checkout programs designated by the comptroller must be executed by the totalisator

company. At Class 1, Class 2, and greyhound tracks this shall occur at least 48 hours before the start of each racing meeting. No changes shall be made in the programming after the tests are completed without the permission of the comptroller.

(7) Any malfunction of equipment hardware or software which results in loss or delay of required report data and any processor down time whether it results in loss or delay of required report data or not shall immediately be reported to the comptroller when the Performance Pari-Mutuel Summary Association report form is filed.

(8) In addition, a separate written report shall be filed within five days after the malfunction occurs containing a full and complete sworn statement from an authorized association official which identifies the cause of malfunction and the data, if any, lost as a result.

(9) A totalisator system must be able to produce and provide to the comptroller:

(A) in a format prescribed by the comptroller, a copy of the data necessary to recreate the wagering activity of any race performance that the comptroller may wish to review;

(B) a copy of the system log in a format prescribed by the comptroller;

(C) a copy of the compiled version of all system programs (object coding) in a format prescribed by the comptroller; and

(D) other computer files as specified by the comptroller.

(f) Audit; appeal of audit findings.

(1) Within 150 days after the close of each meet, each Class 1, Class 2, or greyhound association, shall have a full financial audit performed at its expense by an independent certified public accountant licensed by the State of Texas; and a copy shall be kept on file at the association and furnished the comptroller on request.

(2) The comptroller may audit to verify information reported by the association using any commonly accepted auditing method, including but not limited to, any auditing method used by the comptroller to verify information and reports filed pursuant to the Tax Code.

(3) All computer tapes, computer programs, and books and records used to record, display, calculate, or report funds due the state maintained by the association or the totalisator company shall be stored in chronological order in a disaster-proof environment to insure the integrity of the data

and made available for inspection in a format compatible with the comptroller's equipment at any time without advance notice. Class 1, Class 2, and greyhound associations shall maintain their records at an association office at the track. Class 3 tracks shall preserve the originals of these records at association offices located at the track or at such other location as may be agreed to in writing by the comptroller.

(4) The said records shall be kept at least four years unless the comptroller gives written authority for earlier disposal. Any record relating to a comptroller audit that is still open or which has been challenged by the association shall be kept until the audit is final and all disputed issues are finally resolved.

(5) An association may dispute any audit findings of the comptroller through the same procedures available to dispute audit findings under the Tax Code. Such procedures are hereby adopted by reference in this section.

(g) Sanctions.

(1) The comptroller will immediately certify to the commission the violation by the association or its agents of a section promulgated by the comptroller; the failure or refusal of an association to pay all or any part of funds due the state or to file reports when due; the failure or refusal of an association to allow inspection of reports, records, or computer equipment or software; the failure or refusal of an association to post bond in the amount required; or the failure or refusal of an association to keep and retain the records required by the comptroller.

(2) If any payment to the state is due, the comptroller will also notify the association and its sureties by a written demand for payment. If payment is demanded and is not made by the date specified in the demand notice, the comptroller will forfeit as much of the bond or security then in effect as may be necessary to pay the proper amount due.

(3) Concurrently, the comptroller will pursue the additional remedies authorized by law.

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 November 23, 1988.

TRD-8812038

Bob Bullock  
Comptroller of Public  
Accounts

Earliest possible date of adoption: January 2, 1989

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

# Withdrawn Sections

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An agency may withdraw proposed action or the remaining effectiveness of emergency action on a section by filing a notice of withdrawal with the *Texas Register*. The notice is effective immediately upon filing or 20 days after filing. If a proposal is not adopted or withdrawn within six months after the date of publication in the *Texas Register*, it will automatically be withdrawn by the office of the Texas Register and a notice of the withdrawal will appear in the *Texas Register*.

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## TITLE 25. HEALTH SERVICES

### Part VII. Texas Medical Disclosure Panel

#### Chapter 601. Informed Consent

#### Medical Treatments and Surgical Procedures Established by the Texas Medical Disclosure Panel

##### • 25 TAC §601.1

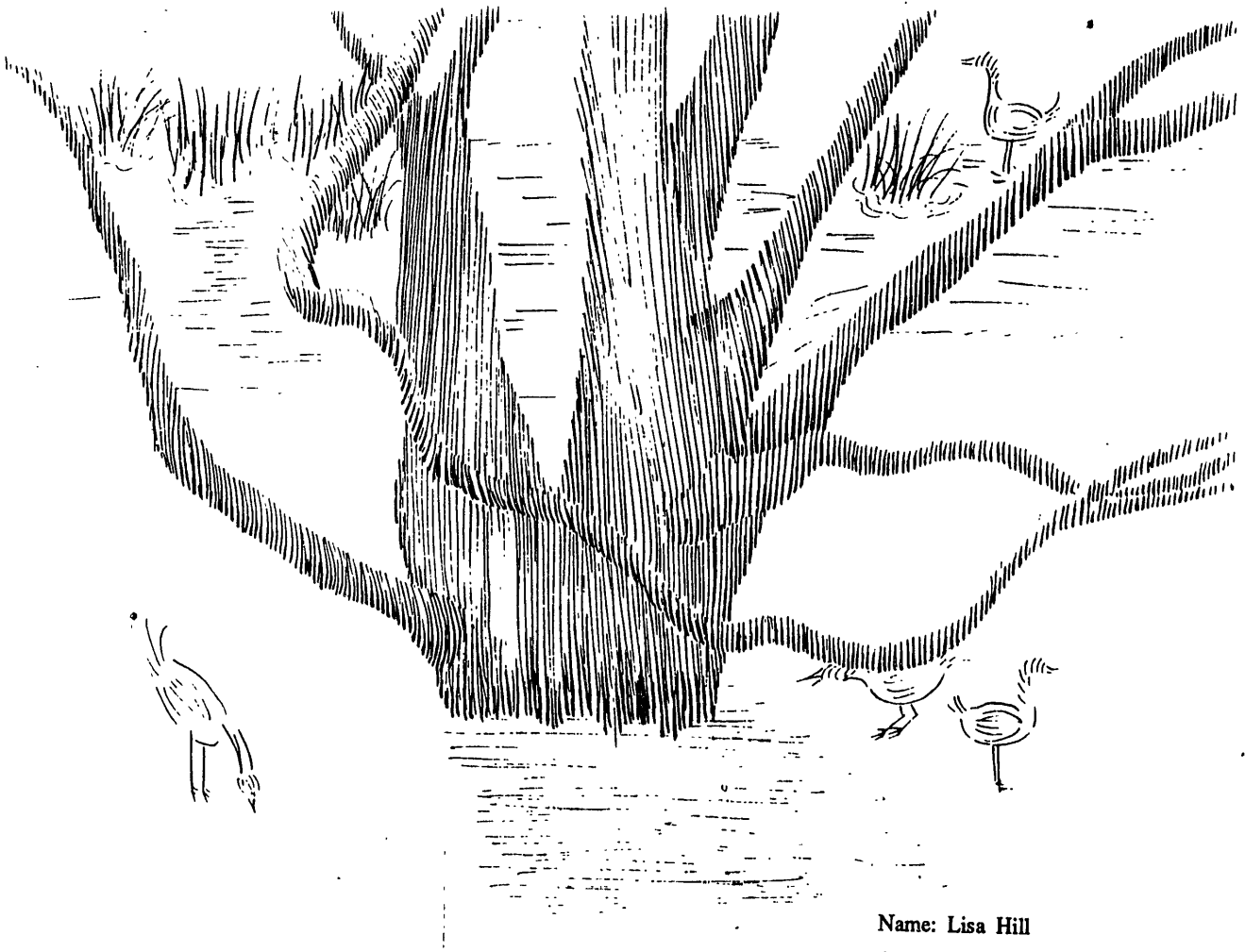
Pursuant to Texas Civil Statutes, Article 6252-13, §5(b), and 1 TAC §91. 24(b), the proposed amendment to §601.1, submitted by the Texas Medical Disclosure Panel has been automatically withdrawn, effective November 29, 1988. The amendment as proposed appeared in the May 27, 1988, issue of the *Texas Register* (13 TexReg 2603).

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.

TRD-8812162

Filed: November 29, 1988





Name: Lisa Hill  
Grade: 12  
School: La Porte High, La Porte

# Adopted Sections

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

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

## TITLE 19. EDUCATION Part II. Texas Education Agency

### Chapter 105. Foundation School Program

#### Subchapter W. Price Differential Index

##### • 19 TAC §§105.466-105.468

The Texas Education Agency adopts new §§105.466-105.468. Section 105.466 and §105.467 are adopted with changes to the proposed text as published in the September 27, 1988, issue of the *Texas Register* (13 TexReg 4744). Section 105.468 is adopted without changes and will not be republished. The new sections concern the price differential index for 1989-1990 and 1990-1991. The sections create an index which is based on an analysis of variation in teacher salaries. The index has a more limited range compared to the current index, reflecting the changes which have taken place in teacher salaries since the passage of House Bill 72 (68th Legislature, Second Called Session). The index is based on research of the State Board of Education's Price Differential Index Advisory Committee, which has been working on the subject since November 1987.

The significant changes include a new formula to determine a school district's adjusted basic allotment, found in §105.467; an additional requirement in §105.466(b)(2) that a district be assigned to an urban county if the district has more than 50% of its taxable

property value within that county; and the deletion of §105.466(a)(3) and (4), regarding the calculation of the index for the current school year and the application of changes in district index values. Also changed was the label in §105.466(b)(4) which did not accurately reflect the definition provided.

These changes slow the implementation of the price differential index, recognizing only 20% of a district's change in index value in the first year and 80% of the change in the second year.

Comments regarding the sections were received from several school districts at a public hearing held November 3, 1988, in Austin. Many of the participants urged that the full implementation of the price differential index be delayed or that the index be abolished. Other comments received concerned the designation of some school districts as lying within urban counties; and the impact any loss in state aid to a school district would have on its tax rate. The agency responded by delaying full implementation of the Price differential index, explaining that the location of a district's central office determined its county designation, and including in the index formula a provision that no school district shall lose more state aid in any single year than eight percent of its prior year maintenance and operations tax levy.

The new sections are adopted under the Texas Education Code, §16.179, which directs the State Board of Education to adopt a price differential index.

*§105.466. Price Differential Index for 1989-1990 and 1990-1991.*

##### (a) General provisions.

(1) The price differential index shall be calculated using an econometric approach based upon linear regression. The method of least squares shall be used to produce estimates that are the best linear unbiased estimates under classical statistical assumptions.

(2) A simplified chart shall be developed from the linear regression equation. The simplified chart will show, for each factor used in the regression, the value at which a 1.0% increase in the price differential index should occur.

(b) Definition of terms and data elements.

(1) Average daily attendance. The average daily attendance shall be obtained from the Superintendent's report of pupil attendance and effective contact hours for the 1987-1988 school year maintained by the Central Education Agency as of May 31, 1988. The best four of eight weeks average daily attendance for the sums of all grades reported shall be used.

(2) Urban county. This factor, determined on a county basis, shall indicate that the county is considered to be an urban area. Each district shall receive the value of the county to which it is assigned for administrative purposes. A district shall be assigned to an urban county for purposes of this subchapter if the district has more than 50% of its taxable property value within the urban county. The 28 urban counties are listed below.

014	Bell County	123	Jefferson County
015	Bexar County	152	Lubbock County
019	Bowie County	161	McLennan County
021	Brazos County	165	Midland County
031	Cameron County	178	Nueces County
057	Dallas County	188	Potter County
068	Ector County	212	Smith County
071	El Paso County	220	Tarrant County
084	Galveston County	221	Taylor County
091	Grayson County	226	Tom Green County
092	Gregg County	227	Travis County
101	Harris County	235	Victoria County
108	Hidalgo County	240	Webb County
114	Howard County	243	Wichita County



(3) Contiguous average beginning teacher salary. Instructional staff shall be defined as teachers, nurses, and librarians. The role identification reported on the Public Education Information Management System (PEIMS) data submission in the fall of 1987 for the 1987-1988 school year shall be used to determine if an individual was assigned as instructional staff. The assignment shall be the major assignment of the individual as determined by days employed and percent of day assigned. If the role identification is equal to 25, 29, 13, or 22 then the individual shall be categorized as instructional staff. To make the contiguous average beginning teacher salary calcula-

tion, the salaries and full-time equivalencies of instructional staff with zero years of experience shall be aggregated for all the districts in counties contiguous to the district's county, including the district's county. The value for each district shall be determined by subtracting the district values from the county values and dividing the resulting salaries by the resulting full-time equivalencies. The source shall be the fall 1987 PEIMS data submission for the 1987-1988 school year.

(4) Percent of low income students. This value shall be derived by dividing the best six-months average of students claiming free and reduced lunches under the

National School Lunch Program (NSL) by the average daily attendance in the district, and multiplying the result by 100. The count of NSL students shall be that number derived from Central Education Agency files as of May 31, 1988. Average daily attendance is defined in paragraph (1) of this subsection.

(c) The calculation of the index. Calculation of the index shall be computed according to the following chart. District values for the four factors defined in subsection (b) of this section shall be compared to the ranges listed below and the appropriate number of points shall be added to the base index value of 1.00.

<u>Value To Add To 1.00</u>	<u>District Size (ADA) Range</u>	<u>Contiguous Average Begin- ning Teacher Salary Range</u>	<u>Percentage Low Income Range</u>	<u>Urban County Flag</u>
0.00	Less than 500	Less than 15,850	Less than 25%	No
0.01	501-700	15,851-16,400	25.01% - 45%	Yes
0.02	701-1,400	16,401-17,000	45.01% - 59%	
0.03	1,401-2,900	17,001-17,600	59.01% - 70%	
0.04	2,901-5,800	17,601-18,200	70.01% - 79%	
0.05	5,801-11,700	18,201-18,800	79.01% - 87%	
0.06	11,701-23,500	18,801-19,400	87.01% - 95%	
0.07	23,501-47,000	19,401-20,000	95.01% and Above	
0.08	47,001 and Above	20,001 and Above		

*§105.467. Determining the Adjusted Basic Allotment.* For the 1989-1990 and 1990-1991 school years, the commissioner shall adjust each district's basic allotment by applying the following formula:

$$ABA = (((((BA \times F \times .63) \times PDI) + (BA \times F \times .37)) \times R) + (ABA89 \times (1 - R)) + T$$

where:

"ABA" is the adjusted basic allotment;

"BA" is the basic allotment;

"F" is a factor which has a value of 1.0563;

"ABA89" is the adjusted basic allotment for the district for the  
1988-89 school year;

"R" is a factor which has a value in the 1989-90 school year of 0.2,  
and a value in the 1990-91 school year 0.8;

"T" is a factor which shall be determined for each district by the  
commissioner, which when applied in the formula above, shall  
result in no school district losing more state aid in any  
single year than 8 percent of its prior year maintenance and  
operations tax levy; and

"PDI" is the price differential index applicable to the district.

If by act of the legislature the basic allotment is increased to an amount greater than \$1426 per student in average daily attendance, the value of the factor "F" referenced above will be 1.0.

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 November 21, 1988.

TRD-8812036

W. N. Kirby  
Commissioner of Education

Effective date: December 13, 1988

Proposal publication date: September 27, 1988

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

### • 19 TAC §105.469

The Texas Education Agency adopts by reference new §105.469, without changes to the proposed text as published in the September 27, 1988, issue of the *Texas Register* (13 TexReg 4744). The new section concerns data values for price differential index factors. The section lists the data values of the data items in §105.466, concerning the price differential index for 1989-1990 and 1990-1991. The section also provides that any necessary corrections to the data values be made by September 1, 1989, by the commissioner of education.

No comments were received regarding adoption of the new section.

The new section is adopted under the Texas Education Code, §16.179, which directs the State Board of Education to adopt a price differential index.

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 November 21, 1988.

TRD-8812028

Nicholas Murphy  
Chief Clerk  
State Board of Insurance

Effective date: December 13, 1988

Proposal publication date: September 27, 1988

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

## Chapter 157. Hearings and Appeals

The Texas Education Agency adopts the repeal of §§157.1-157.22, 157.41-157.63, 157.71-157.76; new §§157.1-157.16; and amendments to §157.67. Sections 157.1, 157.8, 157.9, 157.11, 157.13, and 157.16 are adopted with changes to the proposed text as published in the September 27, 1988, issue of the *Texas Register* (13 TexReg 4752). The

remaining sections are adopted without changes and will not be republished. The sections concern hearings and appeals to the commissioner of education. The amendments repeal redundant provisions already contained in statutes and remove some procedural hurdles found in the current rules. Specific substantive amendments include reducing the number of pleadings required to perfect an appeal and making the failure to timely respond to a petition an admission of all well-pled allegations.

The changes in §157.1 include the adoption of the provisions of the Administrative Procedures and Texas Register Act, the Texas Rules of Civil Evidence and the Texas Rules of Civil Procedure. The change in §157.8 allows the filing of documents by overnight courier services. Changes to §157.9 include the provision that the announcement of a decision in the presence of a petitioner or his representative of record constitutes communication to the petitioner, and the addition of a clause stating that the rule controls except where provided by law. The change to §157.11 requires that all copies of pleadings be sent to a party's attorney of record if the party is so represented. The change to §157.13 sets provisions by which parties may agree to one continuance, and subsection (a) was added to §157.16 to require that a copy of the proposal for decision in an appeal and the decision of the commissioner of education be delivered to each party of record.

Comments regarding these sections were received from the Texas State Teachers Association, Texas Association of School Boards, Dallas Independent School District, San Antonio Independent School District, and several practicing attorneys. The comments included a disagreement with the definition in §157.1 of an appeal as a contested case. No change was made in order to maintain the commissioner of education's flexibility required under court decisions. One commenter disagreed with the definition in §157.3 of the term "petitioner" in regard to the burden of proof. The agency responded that the description is accurate even though burdens may shift during the course of a proceeding. Commenters criticized the failure to include in §157.9 a requirement that petitioners file a notice of appeal within 30 days of the decision complained of, stating that the notice served as a demand letter to the district. Petitioners are now required to file only one document. The comment was not adopted because the notice of appeal did not have a counterpart in the rules of civil procedure and did not serve an administrative function on the state level. Other commenters stated that the time for filing the petition should be decreased to 30 days to comport with the filing deadline for answers, while another commenter suggested 120 days to allow the parties a period to negotiate. This was not adopted because petitioners needed sufficient time to determine whether an appeal was desired; however, additional time would merely prolong the appeals process. Some commenters noted the discrepancy with Texas Education Code, §13.115, requiring a notice of appeal to be filed within 15 days of the decision. An introductory clause was added stating that the rule controls except where provided by law. Concern was expressed as to when the timelines run in regard to communication to

the petitioner. The last sentence of subsection (a) was added in response to this comment.

Comments regarding §157.10 addressed districts' concern with the administrative time necessary to process petitions for review and disagree with the sanction for untimely filing of answers. The section remained unchanged in order to balance the obligations of petitioners and respondents in timely filing of pleadings. It was suggested that a requirement be added to §157.11, regarding serving pleadings on the attorney of record. This was done. Commenters disagreed with a preliminary version of §157.13 that required all motions for continuance to state good cause. This requirement was modified and the parties can now agree to one continuance. Other cases will require good cause to be stated. One commenter suggested the removal of failure to state facts as a basis of dismissal in §157.14. This provision was not removed and is distinguishable from failure to state a claim. It was suggested that the number of exhibits necessary for the hearing be specified in §157.15, to which subsection (h) was added in response prior to initial filing with the *Texas Register*. Commenters disagreed with the filing deadline in §157.16 for exceptions and replies running from the date of issuance instead of the date received by the parties. These comments were not adopted since the need for administrative certainty of timelines outweighs the desire for additional time, which was addressed by extending the timelines. Other comments included the reinstatement of the rule regarding extensions of time to file pleadings. With the addition of the mailbox rule in §157.8(b), some situations are now covered. The hearing officer also has authority to make any orders as justice requires.

## Subchapter A. Hearings and Appeals Generally

### • 19 TAC §§157.1-157.22

The repeals are adopted under Texas Civil Statutes, Article 6252-13a, §4(a)(1), which require each state agency to adopt rules of practice setting forth the nature and requirements of hearing procedures.

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 November 21, 1988.

TRD-8812100

W. N. Kirby  
Commissioner of Education

Effective date: December 14, 1988

Proposal publication date: September 27, 1988

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

### • 19 TAC §§157.1-157.16

The new sections are adopted under Texas Civil Statutes, Article 6252.13a, §4(a)(1), which require each state agency to adopt rules of practice setting forth the nature and requirements of hearing procedures

**§157.1. Scope and Purpose.**

(a) This chapter shall govern the proceedings in all contested cases before the commissioner of education pursuant to the Texas Education Code, §11.13 contested cases as referred to herein shall be defined as appeals.

(b) The purpose of this chapter is to adopt for all purposes the provisions of the Administrative Procedures and Texas Register Act (Texas Civil Statutes, Article 6252.13a), the Texas Rules of Civil Evidence and the Texas Rules of Civil Procedure, and such provisions are hereby adopted. The Rules of Civil Evidence and Civil Procedure will prevail except as modified by the Administrative Procedures and Texas Register Act and by these rules. The provisions of this Subchapter A shall govern the procedure for the administration of all appeals before the state commissioner of education except where modified by §§157.64-157.68.

**§157.4. Appearances.** Any party allowed to appear may be represented by an attorney-at-law authorized to practice before the supreme court of the State of Texas. Any person may appear on his or her own behalf, if a minor, by his or her next friend.

**§157.8. Filing of Documents.**

(a) Any document shall be deemed filed only when actually received by the director of hearings and appeals, the assigned hearing officer, or the designated docket clerk.

(b) Documents may be filed by mail if sent by certified United States mail return receipt requested or by an overnight courier service. A document will be deemed timely filed if it was mailed one day prior to the filing deadline as evidenced by a legible postmark placed on the envelope by the United States Postal Service and the document was received by the director of hearings, the hearing officer, or the designated docket clerk by the close of business on the fourth calendar day following the filing deadline.

**§157.9. Petition for Review.**

(a) Except where otherwise provided by law, petitioner shall file with the commissioner a petition for review within 45 calendar days after the decision, order or ruling complained of is first communicated to petitioner. In all cases, when a decision is announced in the presence of the petitioner or the petitioner's representative of record at a hearing, the announced decision shall constitute communication to the petitioner.

(b) A petition for review shall contain the following:

- (1) a description of the ruling,

action, or failure to act complained of;

- (2) the date of the ruling, action or failure to act;

- (3) a description of the action petitioner wants the commissioner to take on petitioner's behalf;

- (4) a statement of the reason the petitioner is entitled to have the commissioner take action; and

- (5) a statement of the facts of which petitioner is aware or which petitioner believes to be true, which would lead to a reasonable conclusion that petitioner is entitled to the relief sought.

(c) Nothing in this section requires that petitioner plead all evidence relied upon. However, all issues relied upon by petitioner must be raised in the petition for review and petitioner will be denied the opportunity to present evidence on issues not raised in the petition for review.

(d) The petition for review shall be served on respondent by personal delivery or by certified mail. A certificate evidencing service shall be included in the petition for review.

**§157.11. Service of Pleadings.** Copies of all pleadings must be sent to all parties of record in an appeal. If a party is represented by an attorney, all copies should be sent to the attorney of record. Except in the case of the filing of a petition for review as set forth in §157.13, an affirmative statement that a copy of the Pleading has been sent to all parties is sufficient.

**§157.13. Motions for Continuance.** Parties may agree to one continuance of the hearing date if the agreement is filed in writing with the director of hearings and appeals, the designated docket clerk, or the hearing officer not less than 10 days prior to the date set for hearing. A motion for continuance filed by one party without the consent of the opposing party shall state good cause and shall be filed in writing not less than 10 calendar days prior to the hearing date. Motions for continuance filed within 10 calendar days of the hearing date may be granted at the discretion of the hearing officer.

**§157.16. Filing of Exceptions and Replies to Proposal for Decision.**

(a) A copy of the proposal for decision in an appeal and the decision of the commissioner shall be delivered or mailed by certified mail, return receipt requested, to each party of record.

(b) Exceptions to the proposal for decision shall be filed within 30 calendar days of the issuance of the proposal for decision.

(c) Replies to exceptions shall be filed within 50 calendar days of the issuance of the proposal for decision.

ance of the proposal for decision.

(d) Parties may extend these timelines once by written agreement if the agreement is filed with the director of hearings and appeals or the designated docket clerk prior to the expiration of the timelines set forth in subsections (a) and (b) of this section.

(e) All disagreements with the factual findings of the proposal for decision must be made in the parties' exceptions to the proposal for decision or be waived.

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 November 23, 1988.

TRD-8812099 W. N. Kirby  
Commissioner of Education

Effective date: December 14, 1988

Proposal publication date: September 27, 1988

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

◆ ◆ ◆  
**Subchapter B. Hearing of Appeals to the Commissioner**

◆ ◆ ◆  
**• 19 TAC §§157.41-157.63**

The repeals are adopted under Texas Civil Statutes, Article 6252-13a, §4(a)(1), which require each state agency to adopt rules of practice setting forth the nature and requirements of hearing procedures.

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 November 21, 1988.

TRD-8812098 W. N. Kirby  
Commissioner of Education

Effective date: December 14, 1988

Proposal publication date: September 27, 1988

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

◆ ◆ ◆  
**• 19 TAC §157.67**

The amendment is adopted under Texas Civil Statutes, Article 6252-13a, §4(a)(1), which require each state agency to adopt rules of practice setting forth the nature and requirements of hearing procedures.

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 November 21, 1988.

TRD-8812097 W. N. Kirby  
Commissioner of Education

Effective date: December 14, 1988

Proposal publication date: September 27, 1988

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

## Subchapter C. Appeals to the State Board of Education

### • 19 TAC §§157.71-157.76

The repeals are adopted under Texas Civil Statutes, Article 6252-13a, §4(a)(1), which require each state agency to adopt rules of practice setting forth the nature and requirements of hearing procedures.

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 November 21, 1988.

TRD-8812096 W. N. Kirby  
Commissioner of Education

Effective date: December 14, 1988

Proposal publication date: September 27, 1988

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

## TITLE 22. EXAMINING BOARDS

### Part XXV. Structural Pest Control Board

#### Chapter 593. Licenses

##### • 22 TAC §593.6, §593.22

The Structural Pest Control Board adopts new §593.6 and §593.22, with changes to the proposed text as published in the August 5, 1988, issue of the *Texas Register* (13 TexReg 3814).

The new sections are adopted to establish a higher quality of pest control work performed because of the increased knowledge of pest control company employees.

Pesticide applicators who have been examined and licensed will be required to attend Structural Pest Control Board approved training to obtain continuing education units in order to maintain their certified applicator license. The recertification period is at three-year intervals.

There were 16 commenters. All were in favor of most of the proposals, but several objected to §593.22(h), whereby persons seeking approval of a training program must submit the information required 90 days prior to presentation. Most felt this 90-day period was too long.

Comments were received by the agency from the following groups and associations: Bill's Termite and Pest Control, Pan American Pest Control, Desert Pest Control, On Guard Pest Control, the Texas Pest Control Association, All Pro Pest Control, Dow Chemical, Maddox Pest Control, Tuffy's Pest Control, Orkin Exterminating, ABC Pest Control, Van, Waters

and Rogers, Professional Pest Management, and Swat Systems.

The agency disagreed with comments made against the sections because the board felt that more lead time was needed in order to allow time for proper review of the training materials and to provide adequate time for the programs to be publicized.

The new sections are adopted under Texas Civil Statutes, Article 135b-6, which provide the Structural Pest Control Board with the authority to test, license, regulate, and develop standards for the structural pest control industry.

##### §593.6. License Expiration and Renewal.

(a)-(h) (No change.)

(i) Beginning with the 1990 license renewals, all certified applicators will be required to certify to the board the number and category(ies) of continuing education credits they have accumulated during the previous year pursuant to §593.22 of this title (relating to Continuing Education Requirements for Certified Applicators.)

##### § 593.22. Continuing Education Requirements For Certified Applicators.

(a) On or after January 1, 1991, the board shall require as condition to the renewal of each certified applicator license granted pursuant to the provisions of this section, that the holder thereof certify to the board that he or she has completed courses of continuing education approved by the board that cover the applicator's category(ies) of certification.

(b) Each certified applicator is required to gain a certain number of continuing education points during a three-year recertification period, beginning January 1, 1990, and for each three year period thereafter. Applicators who are certified and licensed after January 1, 1990, will begin their first three year period the year that they become certified.

(c) No more than one-half of the total continuing education points required for the three year period may be acquired for credit in any one year, and no courses may be repeated for credit during the same recertification period.

(d) The number of continuing education points required for each three years is six points in general training and three points in each category in which the applicator is certified. Applicators who become certified in additional categories during their three year recertification period will be permitted to obtain a pro-rated number of points in those categories for each year remaining in the period.

(e) A standing training and evaluation committee is hereby created to evaluate continuing education programs, and assign the number of category points for each one. No more than one point will be assigned for any hour of net actual instruction time. The

committee will present the board with criteria to be used in evaluating continuing education programs and instructors. These criteria will become the subject of board rulemaking. The criteria shall be made available to the public upon request. The committee will consider, inter alia, the technical information given, the qualifications of the instructor, and the amount of actual training time devoted to each program in the process of evaluation. The committee will report its recommendation regarding the number of category points, if any, to be assigned to each program to the executive director of the Structural Pest Control Board. The executive director will then decide whether to accept, reject, or modify the committee's recommendation. The executive director's decision shall be part of his regular report to the board.

(f) The members of the evaluation committee will consist of a representative of the head of the Entomology Department at Texas A&M University, a representative of the dean of agriculture at Texas Tech University, a representative from the commissioner of health, a representative from the pest control industry, a representative of a pest control supplier or manufacturer, an appointed member of the Structural Pest Control Board, and the executive director of the Structural Pest Control Board. The representatives designated will be authorized to confer with appropriate specialists for assistance in program evaluations.

(g) The last four members designated will be appointed on January 1 of each year by the chairman of the board. In the event of a vacancy on the committee, the chairman shall appoint a replacement within 30 days.

(h) Any person seeking approval of a training program must submit the information required at least 120 days prior to the first day of presentation. The training and evaluation committee must evaluate and recommend credits within 60 days from the date submitted. Each submission shall include:

- (1) the course outline;
  - (2) the names and qualifications of the instructors;
  - (3) the categories in which points are requested;
  - (4) the means of verifying attendance;
  - (5) an agreement to maintain attendance records for three years and to submit a list of participants to the board within 14 days after completion of the course;
  - (6) a facsimile of the certificate of completion that will be given to attendees; and
  - (7) additional information requested to assist in the evaluation.
- (i) Parts of courses which focus on

promotion of products, policies, or procedures of a company cannot be included for points. Programs and instructors must be evaluated each year or more frequently at the board's discretion. Annual renewals shall be submitted to the board 90 days prior to the anniversary date and shall include all changes to the previous year's submission.

(j) Each certified applicator shall keep a certificate of completion for each course he or she attends for a period of three years, and submit such records to the board on request.

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 November 21, 1988.

TRD-8812021 David A. Ivie  
Executive Director  
Structural Pest Control  
Board

Effective date: January 1, 1990

Proposal publication date: September 5, 1988

For further information, please call: (512) 835-4066

## TITLE 25. HEALTH SERVICES

### Part I. Texas Department of Health

#### Chapter 31. Special Supplemental Food Program for Women, Infants, and Children

##### • 25 TAC §31.1, §31.3

The Texas Department of Health adopts under federal mandate, an amendment to §31.1, which adopts by reference federal regulations on special supplemental food program for women, infants, and children (WIC), and an amendment to §31.3, which adopts by reference the WIC Policy and Procedure Manual. The amendments are not to the text of the sections; instead, the materials adopted by reference in each section are being amended.

Concerning the amendment to §31.1, the federal regulations adopted by reference were promulgated by the United States Department of Agriculture (USDA) and were initially published in 7 Code of Federal Regulations, Part 246. The amendments in this adoption under federal mandate incorporate recent changes to 7 Code of Federal Regulations, Part 246, by the USDA which became effective on October 1, 1988. The changes add to 7 Code of Federal Regulations, Part 246, uniform administrative requirements for grants and cooperative agreements to state and local governments.

Concerning the amendment to §31.3, WIC Policy and Procedure Manual, the manual is part of the WIC State Plan of Operations

which the USDA approves under 7 Code of Federal Regulations, Part 246. The manual incorporates all of the requirements of the federal regulations and federal managements circulars into state policies and procedures. The manual is provided to and serves as the operating manual for the local health agencies that have contracts with the department to provide WIC services. Recently, the USDA made changes to the manual which the department is adopting under this federal mandate. The changes concern: the right to administrative appeal, effective July 1, 1988; criteria used for approving grocer/vendor's authorization, effective July 1, 1988; food packages/allowable foods, effective August 1, 1988; completion of the supplemental information form, effective October 1, 1988; and participant priority of risk, effective October 1, 1988.

The amendments are adopted under federal mandate for the following reasons. Under federal and state enabling legislation (The Federal Child Nutrition Act of 1966, as amended, 42 USCA 1786; the Texas Omnibus Hunger Act of 1985, Acts 1985, 69th Legislature, Chapter 150, Title II), the WIC Program is governed by federal regulations and is 96% federally funded. Funds are made available to the department by a grant from the United States Department of Agriculture. The federal statute (42 USCA 1786), the federal regulations (7 Code of Federal Regulations, Part 246), and the federal grant (Federal-State Special Supplemental Food Program Agreement) authorize the United States Department of Agriculture to make the funds available to the department to administer the WIC Program in the State of Texas, provided that the department administers the program in accordance with USDA requirements. The latest changes in USDA requirements are the previously mentioned amendments to 7 Code of Federal Regulations, Part 246, and to the WIC Policy and Procedure Manual. Therefore, the department is adopting the amendments under federal mandate on the dates indicated.

The amendments are adopted under the following statutes and regulations which provide the Texas Board of Health with the authority to adopt rules covering the Special Supplemental Food Program for Women, Infants, and Children: Texas Civil Statutes, Article 4414b, §1.05; the Texas Omnibus Hunger Act of 1985, Acts 1985, 69th Legislature, Chapter 150, Title II; Texas Codes Annotated, Human Services, Chapter 33; the Child Nutrition Act of 1966, 42 USCA 1786; the Commodity Distribution Reforms Act and WIC Amendments of 1987 (Public Law 100-237); and 7 Code of Federal Regulations, Part 246.

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 November 23, 1988.

TRD-8812070 Robert A. MacLean, M.D.  
Deputy Commissioner for  
Professional Services  
Texas Department of  
Health

Effective date: October 1, 1988.

For further information, please call: (512) 458-7444

## TITLE 28. INSURANCE Part I. State Board of Insurance

### Chapter 1. General Administration

#### Subchapter B. Fees, Charges, and Costs

##### • 28 TAC §1.303

The State Board of Insurance adopts an amendment to §1.303, without changes to the proposed text as published in the July 29, 1988, issue of the *Texas Register* (13 TexReg 3736).

The amendment to §1.303, concerns the charge for the board published copy of the Insurance Code and related statutes and rules. This amendment is necessary to establish a charge which reflects changes in costs of producing copies and which is equivalent to the expense of production for copies. The amendment informs regulated entities and other interested persons of the amount of this charge so that efficient dissemination of information and material can proceed.

The amendment revises the charge for a board published copy of the Insurance Code and related materials.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Insurance Code, Article 4.07, which provides that the State Board of Insurance shall set and collect a charge for making copies of any record in an amount deemed sufficient to reimburse the state for the actual expense.

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 November 22, 1988.

TRD-8812094 Nicholas Murphy  
Chief Clerk  
State Board of Insurance

Effective date: December 14, 1988

Proposal publication date: July 29, 1988

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

## TITLE 34. PUBLIC FINANCE

### Part IV. Employees Retirement System of Texas

#### Chapter 81. Insurance

##### • 34 TAC §81.1

The Employees Retirement System of Texas adopts an amendment to §81.1, without changes to the proposed text as published in the September 20, 1988, issue of the *Texas Register* (13 TexReg 4673).

The amendment is necessary to conform the



definition of pre-existing condition to that definition contained in Group Contract 38000 as amended effective September 1, 1988.

The amendment changes the definition of the term to be consistent with the contractual definition which now provides that a pre-existing condition is any physical or mental condition, including pregnancy, for which medical advice or treatment was received within the six month period immediately before the date of a participant's coverage

Eighteen individual comments, seventeen of which are identical, were received. The commenters requested financial information and data supporting the amendment, expressed opinions that individuals will be negatively impacted by the amendment up to \$500, and that changes should not have been adopted on an emergency basis.

Comments on the amendment were received from individuals outside of the agency, therefore the names of those individuals will not be published.

The Employees Retirement System disagrees with comments received because the amendment only conforms the section to contractual changes to Group Contract 38000, effective September 1, 1988, and adopted by the Board of Trustees of the Employees Retirement System of Texas for fiscal year 1989. The contract amendment was effected as a cost containment measure to prevent additional premium increases. The Uniform Group Insurance Program must comply with the rules in administering the insurance program. Individual participants' insurance benefits are determined by the contract.

The amendment is adopted under Texas Insurance Code, Article 3.50-2, §4, which provides the board of trustees of the Employees Retirement System of Texas with the authority to promulgate all rules, regulations, plans, procedures, and order reasonably necessary to implement and carry out the provisions of the Texas Employees Uniform Group Insurance 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 November 22, 1988.

TRD-8812023

Clayton T. Garrison  
Executive Director  
Employees Retirement  
System of Texas

Effective date: December 13, 1988

Proposal publication date: September 20, 1988

For further information, please call: (512) 476-6431 ext. 178

#### • 34 TAC §81.7

The Employees Retirement System of Texas adopts an amendment to §81.7, with changes to the proposed text as published in the September 20, 1988, issue of the *Texas Register* (13 TexReg 4673).

The amendment to §81.7(g) is necessary to conform the subsection with the provisions of Group Contract 38000 of the Texas State

Employees Uniform Group Insurance Program as amended, effective September 1, 1988.

The amendment conforms the section to the provisions of Group Contract 38000, effective September 1, 1988, excluding a pre-existing condition from coverage for the first 12 months of participation except for newborns, congenital birth defects, and certain HMO transfers.

Eighteen individual comments, 17 of which are identical, were received. The commenters requested financial information and data supporting the amendment, expressed opinions that individuals will be negatively impacted by the amendment, up to \$500, and that the changes should not have been adopted on an emergency basis.

The amendment only conforms the section to contractual changes to Group Contract 38000, effective September 1, 1988, and adopted by the board of trustees of the Employees Retirement System of Texas for fiscal year 1989. The contract amendment was effected as a cost containment measure to prevent additional premium increases. The Uniform Group Insurance Program must comply with the rules in administering the insurance program. Individual participants' insurance benefits are determined by the contract.

The amendment is adopted under the Texas Insurance Code, Article 3.50-2, §4, which provides the board of trustees of the Employees Retirement System of Texas with the authority to promulgate all rules, regulations, plans, procedures, and orders reasonably necessary to implement and carry out the provisions of the Texas Employees Uniform Group Insurance Program.

#### §81.7 Enrollment and Participation.

(a)-(f) (No change.)

(g) Pre-existing condition limitation. For initial health insurance coverage on or after September 1, 1985 through August 31, 1988, or health insurance coverage changes effective on or after September 1, 1985, through August 31, 1988, the pre-existing condition exclusion shall apply to employees, retirees, and eligible dependents (including newly acquired dependents, but excluding newborns) who are enrolled in the insured health benefits plan. The exclusion limits benefit payments to \$500 for a full 12 months from the effective date of coverage for a pre-existing condition, as defined in §81.1 of this title (relating to Definitions). For initial health insurance coverage on or after September 1, 1988, or health insurance coverage changes effective on or after September 1, 1988, the pre-existing condition exclusion shall apply to employees, retirees, and eligible dependents (including newly acquired dependents, but excluding newborns) who are enrolled in the insured health benefits plan. The exclusion limits benefit payments to \$0 for a full 12 months from the effective date of coverage for a pre-existing condition, as defined in §81.1 of this title (relating to Definitions). The pre-existing condition exclusion

will not apply to:

- (1) an eligible newborn;
- (2) a medical condition resulting from congenital or birth defects;
- (3) an individual allowed to return to the insured health plan because he or she moves permanently out of an HMO service area except that, if the return to the insured plan occurs within 12 months of the initial date of coverage under the current term of employment, the exclusion will apply for the remainder of the 12-month period for any condition for which the participant was seen or treated by a physician during the 90-day period immediately prior to the initial date of coverage under the current term of employment; or
- (4) an individual who enrolls in an HMO.

(h)-(i) (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 November 22, 1988.

TRD-8812022

Clayton T. Garrison  
Executive Director  
Employees Retirement  
System of Texas

Effective date: December 13, 1988

Proposal publication date: September 20, 1988

For further information, please call: (512) 476-6431, ext 178

## TITLE 40. SOCIAL SERVICES AND ASSISTANCE

### Part I. Texas Department of Human Services

#### Chapter 7. Refugee Cash Assistance Program

#### Subchapter B. Eligibility Criteria

The Texas Department of Human Services (DHS) adopts amendments to §§7.207, 7.208, 7.402, and 7.404, concerning permanent residents; 18-month limit; Medicaid/Early and Periodic Screening, Diagnosis, and Treatment (EPSDT); and foster carer in its Refugee Cash Assistance (RCA) program rule chapter. The amendments are adopted effective October 1, 1988, to comply with federal regulations published August 24, 1988. The amendments change the period of eligibility for RCA benefits from an 18-month period to a 12-month period, beginning with the month a refugee entered the United States.

The adoption is justified to comply with federal requirements.

The adoption will function by limiting refugee

assistance to 12 months.

• 40 TAC §7.207, §7.208

The amendments are adopted under the Human Resources Code, Title 2, Chapters 22 and 31, which authorizes the department to administer public assistance programs. The sections are adopted effective October 1, 1988, as required by federal regulations.

**§7.207. Permanent Residents.** A permanent resident is eligible for RCA if he previously held refugee status and is within the 12-month limit.

**§7.208. Twelve-Month Limit.** Eligibility for RCA is restricted to refugees who have lived in the United States 12 months or less.

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 November 23, 1988.

TRD-8812040 Marlin W. Johnston  
Commissioner  
Texas Department of  
Human Services

Effective date: October 1, 1988.

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

◆ ◆ ◆  
**Subchapter D. Eligibility for Other Programs**

• 40 TAC §7.402, §7.404

The amendments are adopted under the Human Resources Code, Title 2, Chapters 22 and 31, which authorizes the department to administer public assistance programs. The sections are adopted effective October 1, 1988, as required by federal regulations.

**§7.402. Medicaid/Early and Periodic Screening, Diagnosis and Treatment (EPSDT).** AFDC, Medicaid, and EPSDT rules apply to RCA, except that four-month post Medicaid is denied if the 12-month limit is reached.

**§7.404. Foster Care.** Refugee children who are removed from their homes by DHS and who are ineligible for AFDC foster care may receive the same foster care services under RCA. Each child must have refugee status and be within the 12-month residency limit.

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 November 23, 1988.

TRD-8812041 Marlin W. Johnston  
Commissioner  
Texas Department of  
Human Services

Effective date: October 1, 1988.

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

◆ ◆ ◆  
**Chapter 9. Refugee Social Services**

**Subchapter A. Program Purpose and Scope**

The Texas Department of Human Services (DHS) adopts new §§9.101, 9.201-9.204, 9.301-9.303, 9.401-9.405, 9.501, and 9.502, without changes to the proposed text as published in the October 11, 1988, issue of the *Texas Register* (13 TexReg 5062).

The new sections are justified to promote effective, accountable service to eligible clients by clarifying program requirements.

The sections will function by setting forth policies for operation of the Refugee Social Services program.

The department received no comments regarding adoption of the sections.

• 40 TAC §9.101

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

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

Issued in Austin, Texas, on November 22, 1988.

TRD-8811987 Marlin W. Johnston  
Commissioner  
Texas Department of  
Human Services

Effective date: January 1, 1989

Proposal publication date: October 11, 1988

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

◆ ◆ ◆  
**Subchapter B. Client Information**

• 40 TAC §§9.201-9.204

The new sections are adopted under the Human Resources Code, Title 2, Chapters 22 and 32, which provides the department with the authority to administer public and medical assistance programs.

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

Issued in Austin, Texas, on November 22, 1988.

TRD-8811988 Marlin W. Johnston  
Commissioner  
Texas Department of  
Human Services

Effective date: January 1, 1989

Proposal publication date: October 11, 1988

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

**Subchapter C. Contractor Requirements**

• 40 TAC §§9.301-9.303

The new sections are adopted under the Human Resources Code, Title 2, Chapters 22 and 32, which provides the department with the authority to administer public and medical assistance programs.

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

Issued in Austin, Texas, on November 22, 1988.

TRD-8811989 Marlin W. Johnston  
Commissioner  
Texas Department of  
Human Services

Effective date: January 1, 1989

Proposal publication date: October 11, 1988

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

◆ ◆ ◆  
**Subchapter D. Service Requirements**

• 40 TAC §§9.401-9.405

The new sections are adopted under the Human Resources Code, Title 2, Chapters 22 and 32, which provides the department with the authority to administer public and medical assistance programs.

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

Issued in Austin, Texas, on November 22, 1988.

TRD-8811990 Marlin W. Johnston  
Commissioner  
Texas Department of  
Human Services

Effective date: January 1, 1989

Proposal publication date: October 11, 1988

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

◆ ◆ ◆  
**Subchapter E. Work Registration Requirements**

• 40 TAC §§9.501, §9.502

The new sections are adopted under the Human Resources Code, Title 2, Chapters 22 and 32, which provides the department with the authority to administer public and medical assistance programs.

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

Issued in Austin, Texas, on November 22, 1988.

TRD-8811991 Marlin W. Johnston  
Commissioner  
Texas Department of  
Human Services

Effective date: January 1, 1989

Proposal publication date: October 11, 1988

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

## Chapter 49. Child Protective Services

### Subchapter C. Eligibility for Child Protective Services

#### • 40 TAC §49.316, §49.317

The Texas Department of Human Services (DHS) adopts amendments to §49.316 and §49.317, concerning eligibility for foster care assistance, in its Child Protective Services chapter, effective April 1, 1988, to comply with federal requirements.

The amendments are justified to implement §9133 of the Omnibus Budget Reconciliation Act of 1987 which addresses the status of a child living with his minor parent when the minor parent is eligible for foster care or adoption assistance under Title IV-E of the Social Security Act.

The amendments will function by extending eligibility for foster care assistance to the child of a minor parent who is in the department's managing conservatorship as long as the child and the minor parent are residing together in the same foster family home or child-care institution.

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

*§49.316. Eligibility Requirements for AFDC, MAO, and State-paid Foster Care Assistance.* The child must meet all of the following criteria to be eligible for AFDC, MAO, or state-paid foster care.

(1) Responsibility for Placement and Care. DHS must have the responsibility for the child's placement and care. This requirement is met if:

(A) the child is placed in DHS's managing conservatorship by written court order issued under Title 2, Texas Family Code;

(B) the child is placed by DHS under the statutory authorization of Chapter 17.03(a)(3)-(6), Texas Family Code; or

(C) the child lives with his minor parent, and the minor parent is in DHS's managing conservatorship. The child and the minor parent must reside together in the same foster family home or child-care institution.

(2)-(8) (No change.)

*§49.317. Additional Eligibility Requirements for AFDC Foster Care.* Besides the general requirements for foster care eligibility, a child must meet other criteria to be eligible for AFDC foster care. These criteria are:

(1) AFDC status. The child must meet one of the following:

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

(D) the child lives with his minor parent, and the minor parent is in DHS's managing conservatorship. A court ordered removal is not required for the child of a minor parent in the department's managing conservatorship as long as the child resides in the same foster family home or child care institution with the minor parent.

(2) Judicial determination. Except for emergency removals and except for infants born to or in placement with minor parents, the court must make a determination that DHS made reasonable efforts to prevent removal and to reunify the family.

(3)-(4) (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 November 22, 1988.

TRD-8811993

Marlin W. Johnston  
Commissioner  
Texas Department of  
Human Services

Effective date: April 1, 1988

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

## Chapter 72. Memoranda of Understanding with Other State Agencies

### Memorandum of Understanding for Releasing Physically Handicapped Inmates

#### • 40 TAC §72.601

The Texas Department of Human Services (DHS) adopts new §72.601 without changes to the proposed text as published in the October 4, 1988, issue of the *Texas Register* (13 TexReg 4900).

The section is justified to increase coordination of services when releasing physically handicapped inmates.

The section will function by establishing the responsibilities of state agencies to the continuity of care for releasing physically handicapped inmates.

No comments were received regarding adoption of the new section.

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

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

Issued in Austin, Texas, on November 22, 1988.

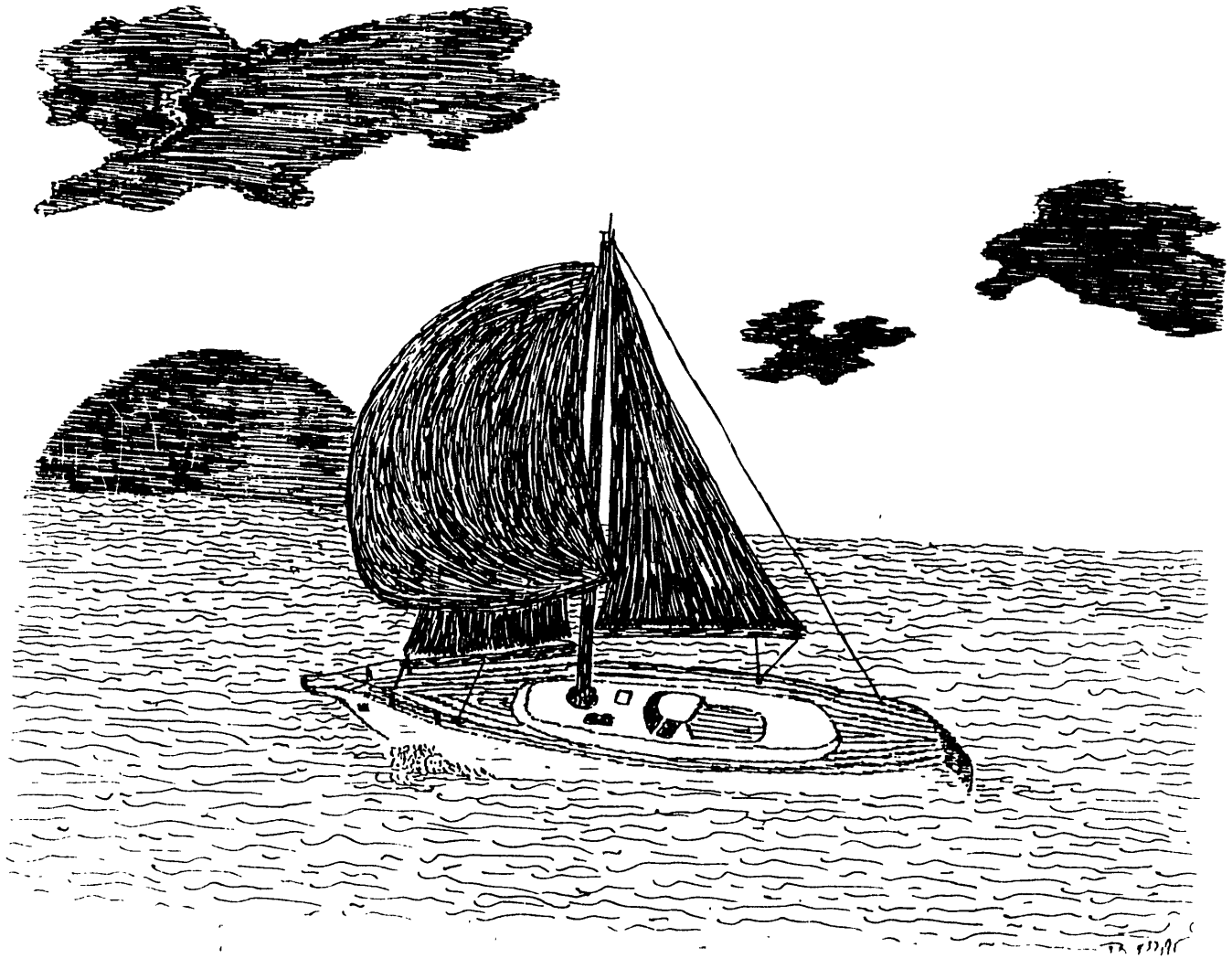
TRD-8811992

Marlin W. Johnston  
Commissioner  
Texas Department of  
Human Services

Effective date: January 1, 1989

Proposal publication date: October 4, 1988

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



Name: Jason Sullivan

Grade: 11

School: La Porte High, La Porte

# Open Meetings

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

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

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

## Texas Department on Aging

**Thursday, December 8, 1988, 10 a.m.** The Texas Board on Aging and State Citizens Advisory Council Joint Meeting for the Texas Department on Aging will meet in the Sunflower and Marigold Rooms, Holiday Inn, Town Lake, 20 North IH 35, Austin. According to the agenda summary, the council will approve minutes of the Texas Board on Aging meeting of September 15, 1988; approve minutes of the Citizens Advisory Council meeting of August 11, 1988; state of elder affairs; hear report on the Citizens Advisory Council meeting of August 11, 1988; minority peer education grant; open meetings law; long-term care insurance; American Association of Retired Persons' women's initiative; Citizens Advisory Council certificates of appreciation; and hear general announcements.

**Contact:** O.P. (Bob) Bobbitt, P.O. Box 12786, Austin, Texas 78711, (512) 444-2727.

**Filed:** November 22, 1988, 1:07 p.m.

TRD-8812000

## Texas Department of Agriculture

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

**Monday, December 5, 1988, 10:30 a.m.** The department will review alleged violation of Texas Agriculture Code §103.001, et seq. by Southwest Citrus, Inc. and Ray Basford as petitioned by Texas Citrus Exchange.

**Contact:** Margo P. Wilton, P.O. Box 12847, Austin, Texas 78711, (512) 463-7583.

**Filed:** November 23, 1988, 10:56 a.m.

TRD-8812053

**Thursday, December 8, 1988, 10 a.m.** The department will review alleged violation of Texas Agriculture Code §103.001, et seq.

by Rogelio Lugo and Lugos Produce as petitioned by Evelyn N. Smith.

**Contact:** Margo P. Wilton, P.O. Box 12847, Austin, Texas 78711, (512) 463-7583.

**Filed:** November 23, 1988, 10:56 a.m.

TRD-8812052

**Thursday, December 8, 1988, 11 a.m.** The department will review alleged violation of Texas Agriculture Code §103.001, et seq. by Francisco Badillo as petitioned by Evelyn N. Smith.

**Contact:** Margo P. Wilton, P.O. Box 12847, Austin, Texas 78711, (512) 463-7583.

**Filed:** November 23, 1988, 10:56 a.m.

TRD-8812051

**Thursday, December 15, 1988, 10 a.m.** The department will review alleged violation of Texas Agriculture Code §103.001, et seq. by DeBruyn Produce Company doing business as Gulf Distributing Company as petitioned by Jose Angel Ortega.

**Contact:** Margo P. Wilton, P.O. Box 12847, Austin, Texas 78711, (512) 463-7583.

**Filed:** November 23, 1988, 10:56 a.m.

TRD-8812049

**Thursday, December 15, 1988, 10 a.m.** The department will review alleged violation of Texas Agriculture Code §103.001, et seq. by DeBruyn Produce Company doing business as Gulf Distributing Company as petitioned by Rene Ortega.

**Contact:** Margo P. Wilton, P.O. Box 12847, Austin, Texas 78711, (512) 463-7583.

**Filed:** November 23, 1988, 10:56 a.m.

TRD-8812050

## Texas Air Control Board

**Friday, December 9, 1988.** The Texas Air Control Board will meet at 6330 Highway 290 East, Austin. Times, rooms, and agen-

das follow.

**8:30 a.m.** The Hearings Oversight Committee will meet in Room 332 to discuss report to the board. The committee also will meet in executive session to interview applicants for the hearings examiner position.

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

**Filed:** November 28, 1988, 9:22 a.m.

TRD-8812125

**10 a.m.** The Regulation and Development Committee will meet in Room 332 to review and consider for public hearing on proposed revisions to regulation I, the general rules, and the state implementation plan (SIP) for inhalable particulate matter (PM10); and review and consider for public hearing on proposed revisions to regulation II and proposed 111(d) control plans.

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

**Filed:** November 28, 1988, 9:22 a.m.

TRD-8812126

**10:30 a.m.** The board will meet in the auditorium to approve minutes of the October 14, 1988, meeting; hold presentation of service awards; hear public testimony, reports, and enforcement report; consider agreed enforcement orders; hear report of the Legislative Budget Board on permit processing; and consider new business.

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

**Filed:** November 28, 1988, 9:22 a.m.

TRD-8812124

## Texas Commission on the Arts

The Texas Commission on the Arts will meet in the Fairmont Hotel, 401 South Alamo Street, San Antonio. Dates, times, rooms, and agendas follow.

**Tuesday, December 13, 1988, 1 p.m.** The Minority Involvement Committee will hold a public hearing; approve minutes of the

September 15, 1988, meeting; hold a panel representation; and consider information items only concerning TTAAC update and NAMAC update.

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

Filed: November 23, 1988, 2:49 p.m.

TRD-8812088

**Tuesday, December 13, 1988, 2:45 p.m.** The Administrative Committee will hold a public hearing; approve minutes of the September 15, 1988, meeting; consider agency financial statement for October 31, 1988; consider update on attorney general's opinion regarding open meeting; and approve amendments to TCA's by-laws.

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

Filed: November 23, 1988, 2:49 p.m.

TRD-8812087

**Wednesday, December 14, 1988, 9 a.m.** The commission will meet in the Salon Room to hold a public hearing; and consider items for commission consent, individual consideration, and information only. The commission will also meet in executive session.

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

Filed: November 23, 1988, 2:49 p.m.

TRD-8812086

## State Bar of Texas

**Friday and Saturday, December 2 and 3, 1988, 9 a.m.** The Board of Directors of the State Bar of Texas will meet in Room 104, Texas Law Center, 1414 Colorado Street, Austin. According to the agenda summary, the board will hear reports of chairman, president, executive director, general counsel, president-elect, immediate past president, immediate past chairman, TYLA president, Committee on Legislation in the Public Interest; consider requests of Committee on Legal Services to the Poor for Needs Assessment Survey; hear report of board committees; consider revision to by-laws of Legal Assistants Division; hear reports of Committee on History and Traditions of the Bar, Committee on Court Cost Efficiency and Delay; consider requests of Mead Data Central regarding computerizing Texas Bar Journal; and hear reports from supreme court liaison.

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

Filed: November 23, 1988, 12:54 p.m.

TRD-8812065

## Texas Commission for the Blind

**Friday and Saturday, December 9 and 10, 1988, 8:30 a.m., daily.** The Consumer Advisory Committee of the Texas Commission for the Blind will meet in the Staff Training Room, Criss Cole Rehabilitation Center, 4800 North Lamar Boulevard, Austin. According to the agenda summary, the committee will hear reports from the commission; consider update on Independent Living Council activities; and hear subcommittee reports and discussion.

Contact: Cecilia Berrios, (512) 459-2611.

Filed: November 28, 1988, 9:43 a.m.

TRD-8812121

## Texas Cancer Council

**Wednesday, December 7, 1988, 10 a.m.** The Regional Public Hearing for the Texas Cancer Council will be held in the First Floor of the Main Reception Room, Don and Sybil Harrington Cancer Center, 1500 Wallace Boulevard, Amarillo. According to the agenda summary, the council will inform the public about the Texas Cancer Plan and the activities of the Texas Cancer Council, will identify local team workers and task force members for regional activities, and determine future needs and goals of the plan, particularly local needs; receive public input on the problem of cancer in Texas; and receive recommendations for combatting the problem.

Contact: Dr. D.L. Moore, 105 West Riverside Drive, Suite 112, Austin, Texas, (512) 463-3190.

Filed: November 22, 1988, 4:32 p.m.

TRD-8812024

**Thursday, January 12, 1989, 10 a.m.** The Regional Public Hearing for the Texas Cancer Council will be held in the Old Supreme Courtroom of the State Capitol, Capitol Building, Austin. According to the agenda, the council will inform the public about the Texas Cancer Plan and the activities of the Texas Cancer Council, identify local team workers and task force members for regional activities, and determine future needs and goals of the plan, particularly local needs; receive public input on the problem of cancer in Texas; and receive recommendations for combatting the problem.

Contact: Dr. D.L. Moore, 105 West Riverside Drive, Suite 112, Austin, Texas, (512) 463-3190.

Filed: November 22, 1988, 4:32 p.m.

TRD-8812025

## Texas Department of Commerce

**Thursday, December 8, 1988, 8:30 a.m.** The State Community Development Review Committee of the Texas Department of Commerce will meet in Room 105, John H. Reagan Building, Austin. According to the agenda, the committee will consider funding recommendations for the Texas capital fund.

Contact: Ruth Cedillo, (512) 320-9507.

Filed: November 28, 1988, 8:50 a.m.

TRD-8812111

## Texas Comptroller of Public Accounts

**Wednesday, December 7, 1988, 1:30 p.m.** The Uniform Statewide Accounting System Committee of the Texas Comptroller of Public Accounts will meet in Room 104, John H. Reagan Building, Austin. According to the agenda, the committee will hear opening remarks by chairman; approve minutes of the previous meeting; present and discuss uniform statewide accounting system design project, and human resource information system design and implementation project; and hear public testimony.

Contact: Ann S. Fuelberg.

Filed: November 28, 1988, 9:26 a.m.

TRD-8812123

## Texas County and District Retirement System

**Friday, December 9, 1988, 9 a.m.** The Board of Trustees of the Texas County and District Retirement System will meet at the Guest Quarters Hotel, 303 West 15th Street, Austin. According to the agenda summary, the board will approve minutes of the September 29, 1988, meeting; consider and pass on applications for service retirement benefits and disability retirement benefits; review and act on reports from Actuary, Investment Counsel, and Director; consider proposed budget for the year 1989; elect officer for the year 1989; and set date for March meeting.

Contact: J. Robert Brown, 400 West 14th Street, Austin, Texas 78701, (512) 476-6651.

Filed: November 28, 1988, 9:34 a.m.

TRD-8812122

## Texas School for the Deaf

**Saturday, December 3, 1988, 10 a.m.** The Governing Board of the Texas School for the Deaf will meet in the Administration Boardroom, 1102 South Congress Avenue,

Austin. According to the agenda summary, the board will approve minutes of the previous meeting; hear audience comment; consider business requiring board action and business for information purposes; and hear comments by members.

**Contact:** Martha George Withers, 1102 South Congress Avenue, Austin, Texas, (512) 440-5335.

**Filed:** November 23, 1988, 2:58 p.m.

TRD-8812089

### Texas State Board of Dental Examiners

**Thursday-Saturday, December 1-3, 1988, 8 a.m.** The Texas State Board of Dental Examiners will meet at the Doubletree Hotel, 6505 North IH 35, Austin. According to the agenda, the board will conduct disciplinary hearings; discuss dental and dental hygiene exam criteria; discuss fall, 1989 examination dates; hear reports of board committees; miscellaneous matters and appearances by members of the public and professional; and meet in executive session to discuss pending litigation.

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

**Filed:** November 22, 1988, 3:42 p.m.

TRD-8812016

**Thursday-Saturday, December 1-3, 1988, 8 a.m.** The Texas State Board of Dental Examiners will meet at the Doubletree Hotel, 6505 North IH-35, Austin. According to the agenda summary, the board will consider legislative matters, implementation of x-ray certification rules, approval of anesthesia applications, and discussion of variance application of Kiwanis Wesley Dental Clinic.

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

**Filed:** November 23, 1988, 10:55 a.m.

TRD-8812054

### State Depository Board

**Thursday, December 1, 1988, 4 p.m.** The State Depository Board met in emergency session at the LBJ Building, 111 East 17th Street, Austin. According to the agenda, the board approved depository applications received; and heard administrative report by treasury staff. The emergency status was necessary because one member of the board had an unavoidable conflict in his schedule which necessitate changing the meeting time from 10 a.m. to 4 p.m.

**Contact:** Anne L. Schwartz, P.O. Box 12608, Austin, Texas 78711, (512) 463-

5971.

**Filed:** November 23, 1988, 2:20 p.m.

TRD-8812078

### Texas Education Agency

The Texas Education Agency (TEA) met and will meet at the William B. Travis Building, 1701 North Congress Avenue, Austin. Dates, times, room numbers, and agendas follow.

**Monday, November 28, 1988, 1:30 p.m.**

The Commissioner's Advisory Council for Regional Services met in emergency session in Room 1-104 to review core services; discuss "supplement not supplant"; discuss concept of "free marketing"; education service center review of center planning documents-needs assessment, planning, and evaluation. The emergency status was necessary to provide the council with an opportunity to review these items and make recommendations prior to the beginning of the 71st legislative session.

**Contact:** Rob Scott, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9371.

**Filed:** November 22, 1988, 5:01 p.m.

TRD-8812034

**Tuesday, November 29, 1988, 10:30 a.m.**

The Commissioner's Advisory Council for Regional Services-Research and Information Committee, met in emergency session in Room 1-104 for a public education information management system update; computer services allocations; quality concerns regarding the TEA-NET (electronic network); status report on the 1988-1989 computer services research and development funding; reallocation of 1988-1989 unallocated research and development funds; research and information issues and concerns; and future agenda items. The emergency status was necessary to provide the council with an opportunity to review these items and make recommendations prior to the beginning of the 71st legislative session.

**Contact:** Rob Scott, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9371.

**Filed:** November 22, 1988, 5:01 p.m.

TRD-8812026

**Tuesday, November 29, 1988, 1:30 p.m.**

The Commissioner's Advisory Council for Regional Services-Education Quality Committee, will meet in emergency session in Room 1-104 to consider changes in Texas Teacher Appraisal System resulting from State Board of Education action in September; changes in school board member training rules; discuss required level of record keeping for instructional leadership training and Texas Teacher Appraisal System; discussion involving parents in the accreditation process; and discuss future training

needs for executive director. The emergency status was necessary to provide the council with an opportunity to review these items and make recommendations prior to the beginning of the 71st legislative session.

**Contact:** Rob Scott, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9371.

**Filed:** November 22, 1988, 5:01 p.m.

TRD-8812031

**Tuesday, November 29, 1988, 1:30 p.m.**

The Commissioner's Advisory Council for Regional Services-Program Development Committee, met in Room 1-109 to discuss Title II regional conferences on model language programs; discuss training sessions-"Training the Trainers for Keyboarding in the Elementary Grades"; report on the development of the definition of "curriculum documents"; discuss alternatives for serving the homeless in adult education; progress reports for Chapter 2, targeted campus projects; report on meeting with Chapter 2, targeted campuses representatives; and status report on gifted/talented education. The emergency status was necessary to provide the council with an opportunity to review these items and make recommendations prior to the beginning of the 71st legislative session.

**Contact:** Rob Scott, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9371.

**Filed:** November 22, 1988, 5:01 p.m.

TRD-8812032

**Tuesday, November 29, 1988, 1:30 p.m.**

The Commissioner's Advisory Council for Regional Services-Finance and Compliance Committee met in emergency session in Room 1-110 to discuss 1987-1988 lapsed funds; discuss 1987-1988 education service center annual performance report; discuss delinquent reports; update on development of independent school district management audit process for education service centers; bank solvency and depository contracts; preliminary discussion of uniform pricing for education service center contracted independent school district management audit. The emergency status was necessary to provide the council with an opportunity to review these items and make recommendations prior to the beginning of the 71st legislative session.

**Contact:** Rob Scott, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9371.

**Filed:** November 22, 1988, 5:01 p.m.

TRD-8812033

**Wednesday, November 30, 1988, 8:30 a.m.**

The Commissioner's Advisory Council for Regional Services met in Room 1-104 to hear comments from the commission of education; report of the research and

information committee; report of the finance and compliance committee; and hear reports of the program development committee and education quality committee.

**Contact:** Rob Scott, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9371.

**Filed:** November 22, 1988, 5:01 p.m.

TRD-8812035

**Monday, December 5, 1988, 9:30 a.m.** The State Board of Education of the Texas Education Agency will meet in Room 1-104 to discuss the long-range plan of the board for Texas public school education, public education information management system, Texas education assessment of minimum skills, teacher career ladder, Texas teacher appraisal system, legislative recommendations and priorities, and permanent school fund.

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

**Filed:** November 23, 1988, 4:23 p.m.

TRD-8812102

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**Advisory Commission on  
State Emergency  
Communications**

Various committees for the Advisory Commission on State Emergency Communications will meet in the John H. Reagan Building, Austin. Room numbers, dates, times, and agendas follow.

**Wednesday, December 7, 1988, 9 a.m.** The Regional Plan Committee will meet in Room 109 to discuss development of final update of 9-1-1 planning handbook; discuss guidelines for COG interim 9-1-1 plan that must be submitted by September 1989; review and consider approval of South Plains Association of Governments; interim 9-1-1 plan, Terry County; consider any new business; and hear public comments.

**Contact:** Mary Boyd, P.O. Box 13206, Austin, Texas 78711, (512) 463-1812

**Filed:** November 22, 1988, 11 a.m.

TRD-8811996

**Wednesday, December 7, 1988, 10 a.m.** The Public Information Committee will meet in Room 223 to discuss update on 9-1-1 education videos, Bell South; hear report on TML exhibit and conference; mailing list development; formation of speakers bureau; update on speakers packet; 9-1-1 day 1989; consider any new business; and hear public comment.

**Contact:** Mary Boyd, P.O. Box 13206, Austin, Texas 78711, (512) 463-1812

**Filed:** November 22, 1988, 11 a.m.

TRD-8811995

**Wednesday, December 7, 1988, 10:30 a.m.** The Administration Committee will meet in Room 246 to discuss report on office space and relocation; update on staffing of ACSEC personnel; consider approval of formula for fiscal year 1989 9-1-1 planning funds; hear report on presentation to highway department; and consider any new business.

**Contact:** Mary Boyd, P.O. Box 13206, Austin, Texas 78711, (512) 463-1812

**Filed:** November 22, 1988, 11 a.m.

TRD-8811994

**Wednesday, December 7, 1988, 10:30 a.m.** The Finance Committee will meet in Room 107 to discuss update on 1-800 long distance service as it pertains to the 9-1-1 surcharge; update on Rusk County 9-1-1 study; update on Southwestern Bell proposed 9-1-1 tariff; update on surcharge collections; continue discussion on impact of 9-1-1 costs with regard to dedicated trunking; consider approval of formula for fiscal year 1989 9-1-1 planning funds; and consider any new business.

**Contact:** Mary Boyd, P.O. Box 13206, Austin, Texas 78711, (512) 463-1812

**Filed:** November 22, 1988, 11 a.m.

TRD-8811997

**Wednesday, December 7, 1988, 1 p.m.** The commission will meet in Room 109, to hear committee reports from the Public Information Committee, Administration Committee, Regional Plan Committee, and Finance Committee; hear public comment; approve minutes of November; and consider any new business.

**Contact:** Mary A. Boyd, P.O. Box 13206, Austin, Texas 78711.

**Filed:** November 23, 1988, 2:12 p.m.

TRD-8812075

◆ ◆ ◆  
**Texas Employment  
Commission**

**Wednesday, November 30, 1988, 8:30 a.m.** The Texas Employment Commission met in Room 644, TEC Building, 101 East 15th Street, Austin. According to the agenda summary, the commission considered prior meeting notes; internal procedures of commission appeals; considered and acted on tax liability cases and higher level appeals in unemployment compensation cases listed on commission docket 48; and set date of next meeting.

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

**Filed:** November 22, 1988, 2:36 p.m.

TRD-8812008

**Texas Funeral Service  
Commission**

**Tuesday-Thursday, December 6-8, 1988, 9 a.m.** The Texas Funeral Service Commission will meet at the Howard Johnson South Plaza Hotel, 3401 South I-35, Austin. According to the agenda summary, reciprocal permit holder will appear in regard to issuance of his permanent licenses; the commission will consider formal hearings on actions of licensees, request for reinstatement of licenses, and request from funeral home for exemption to rule 203.20; review complaints; hear executive director's and committee's reports; and consider formal hearings on actions of licensees.

**Contact:** Larry A. Farrow, 8100 Cameron Road, Building B, Suite 550, Austin, Texas 78753, (512) 834-9992.

**Filed:** November 23, 1988, 10:50 a.m.

TRD-8812055

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**Governor's Office**

**Friday, December 9, 1988, 9 a.m.** The Office of Budget and Planning, Energy Management Center of the Governor's Office will meet in the Concho Room, Second Floor, University Center, University of Texas at Arlington, Arlington. According to the agenda, the center will present an overview of the proposed energy conservation design standard for new state buildings; cite the legislative authority under which the standard is being proposed; review the procedures for submitting comments on the proposed standard; discuss schedule for adopting the standard procedures for certifying compliance with the standard and training to be provided when the standard is adopted; and receive public comments.

**Contact:** Tim Grigg, P.O. Box 12428, Austin, Texas 78711, (512) 463-1891.

**Filed:** November 29, 1988, 9:54 a.m.

TRD-8812169

**Thursday, December 15, 1988, 1:30 p.m.** The Office of Budget and Planning, Energy Management Center of the Governor's Office will meet in the Large Conference Room, Commons Building, Balcones Research Center, 10100 Burnet Road, Austin. According to the agenda, the center will present an overview of the proposed energy conservation design standard for new state buildings; cite the legislative authority under which the standard is being proposed; review the procedures for submitting comments on the proposed standard; discuss schedule for adopting the standard procedures for certifying compliance with the standard and training to be provided when the standard is adopted; and receive public comments.

**Contact:** Tim Grigg, P.O. Box 12428, Austin, Texas 78711, (512) 463-1891.



Filed: November 29, 1988, 9:54 a.m.

TRD-8812171

**Friday, December 16, 1988, 9 a.m.** The Office of Budget and Planning, Energy Management Center of the Governor's Office will meet in Room 262, Melcher Hall, University of Houston, Main Campus, Houston. According to the agenda, the center will present an overview of the proposed energy conservation design standard for new state buildings; cite the legislative authority under which the standard is being proposed; review the procedures for submitting comments on the proposed standard; discuss schedule for adopting the standard procedures for certifying compliance with the standard and training to be provided when the standard is adopted; and receive public comments.

**Contact:** Tim Grigg, P.O. Box 12428, Austin, Texas 78711, (512) 463-1891.

Filed: November 29, 1988, 9:54 a.m.

TRD-8812170

### Texas Department of Health

**Wednesday, December 7, 1988, 9 a.m.** The Asbestos Advisory Committee of the Texas Department of Health will meet in the Critical Environmental Training, Inc., 5815 Gulf Freeway, Houston. According to the agenda summary, the committee will approve minutes of the June 3, 1988, meeting; discuss status of licensing program and management plans review; establish minimum standards and qualifications to be applied to training providers in the asbestos discipline; discuss feasibility and procedures to follow in establishing an association of trainers; establish guidelines for reporting small scale-short duration project to the department; establish guidelines for the management, control, and abatement of non friable asbestos containing materials; discuss proposed revisions to Texas Civil Statutes, Article 4477-3a, concerning asbestos removal or encapsulating, licensing and regulation; discuss any other matters; and set date of next meeting.

**Contact:** Joel Smith, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7255.

Filed: November 23, 1988, 1:52 p.m.

TRD-8812074

### Texas Higher Education Coordinating Board

**Thursday, December 8, 1988, 10:30 a.m.** The Administrative Council for the Texas Higher Education Coordinating Board will meet in Conference Room 209, Bevington A. Reed Building, 200 East Riverside Drive, Austin. According to the agenda summary, the council will finalize adoption

of proposed amendment to §25.32 regarding definitions (dependent); finalize adoption of proposed amendment to §25.34 regarding basic procedural and administrative practices; finalize adoption of proposed amendments to §25.32 regarding definitions, §25.49 regarding automatic coverage, §25.50 concerning coverage for dependents, §25.51, concerning payment of premiums, and new §25.57, regarding cafeteria plan, and §25.58 regarding cafeteria plan fund; institutional program review; discuss and consider results of comparability study at the University of Texas and its significance for the ORP and nondiscrimination rules under IRC §403(b); summary of 1986-1987 institutional audit reports; and hear executive secretary's report.

**Contact:** James McWhorter, P.O. Box 12788, Austin, Texas 78711, (512) 462-6420.

Filed: November 22, 1988, 3:49 p.m.

TRD-8812015

### State Department of Highways and Public Transportation

**Tuesday, November 29, 1988, 10 a.m.** The State Highways and Public Transportation Commission for the State Department of Highways and Public Transportation met in the Auditorium, Room 101 and Room 101-A, Dewitt C. Greer Building, 11th and Brazos Streets, Austin. According to the agenda summary, the commission will met for an emergency agenda revision to consider §25.69, revised to read: 12.a.(1): rules relating to oversize and/or overweight permits: (MO) repeal of §§25.61-25.64, 25.67, 25.69, and 25.71-25.73; amendments to §§25.70, 25.75, and 25.76; and new §§25.61, 25.64, 25.67, 25.69, 25.72, 25.73, 25.78, and 25.80-25.82. The emergency session was necessary as the item was shown incorrectly on page 5, since §25.69 was inadvertently omitted.

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

Filed: November 22, 1988, 2:19 p.m.

TRD-8812007

### Texas Housing Agency

**Wednesday, December 1, 1988, 9 a.m.** The Personnel and Planning Committee for the Texas Housing Agency met in Suite 300, THA Conference Room, 811 Barton Springs Road, Austin. According to the agenda, the committee discussed and possibly acted on procedures and techniques for agency planning over the next two years; planning goals for the Texas Housing Agency in the 90, 180, and 360-day time frame; and heard reports from the Rice

Center and Housing Resource Center.

**Contact:** Timothy R. Kenny, P.O. Box 13941, Austin, Texas 78704, (512) 474-2974.

Filed: November 22, 1988, 11:28 a.m.

TRD-8811998

### Texas Department of Human Services

**Friday, December 2, 1988, 9 a.m.** The Medical Care Advisory Committee for the Texas Department of Human Services will meet in Classroom 1, Second Floor, West Tower, 701 West 51st Street, Austin. According to the agenda summary, the committee will approve minutes; CPS AIDS policy, commissioner's comments; special training for the care of medically needy children; purchased health services request for proposal; qualifications of hospitals for disproportionate share payments; inpatient hospital reimbursement; minimum standard dollar amount for inpatient hospital care; revision to ICF/SNF standard to incorporate preadmission/annual screening requirements of OBRA; implementation of a swing bed program; amendments to the ICF/SNF standards for participation concerning goal-directed therapy; expedited payment system for family care and primary home care; deduction of incurred medical expenses; qualified medicare beneficiaries; implementation of a home and community-based waiver for persons with AIDS; waiver program for medically dependent children; and hear subcommittee reports.

**Contact:** Carolyn Howell, P.O. Box 2960, Mail Code 600-W, Austin, Texas 78769, (512) 450-3053.

Filed: November 23, 1988, 8:17 a.m.

TRD-8812030

**Thursday-Friday, December 8-9, 1988, 1:30 p.m.** The Council for Social Work Certification for the Texas Department of Human Services will meet in the Summit Room, Habitat Inn, 500 Highland Mall Boulevard, Austin. According to the agenda, the council will read minutes from the September 8-9, 1988, meeting; hear staff report; sub-committee meetings break out (standards of practice and continued competency); sub-committee meeting reports (standards of practice and continued competency); and discuss plans for conference.

**Contact:** Michael Doughty, P.O. Box 2960, Austin, Texas 78769, (512) 450-3248.

Filed: November 23, 1988, 8:16 a.m.

TRD-8812029

### State Board of Insurance

The State Board of Insurance will meet at 1110 San Jacinto Street, Austin. Dates,

times, rooms, and agendas follow.

**Tuesday, December 6, 1988, 9 a.m.** The Commissioner's Hearing Section will meet in Room 342 to consider Docket 10137-Whether disciplinary action should be taken against Gary Ray Chandler, Irving, who holds a Group I, legal reserve life insurance agent's license and a health and accident insurance agent's license issued by the board.

**Contact:** Lisa Lyons, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6526.

**Filed:** November 28, 1988, 1:23 p.m.

TRD-8812146

**Tuesday, December 6, 1988, 10 a.m.** The board will meet in Room 414, to consider petition by Consumers Union and Gray Panthers to propose and adopt rules on Medicare Supplement Insurance, amendment to proposed 28 TAC §7.67, proposed action on 28 TAC §5.9202 and §5.9203, and final action on amendment of 28 TAC §27.413; consider extension of emergency effectiveness of amendments to 28 TAC §§27.14, 27.209, and 9.1, and new 28 TAC §7.1501 and §7.1502; and consider board orders on several different matters, personnel matters, and pending and contemplated litigation.

**Contact:** Pat Wagner, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6328.

**Filed:** November 28, 1988, 3:03 p.m.

TRD-8812150

**Tuesday, December 6, 1988, 1:30 p.m.** The Commissioner's Hearing Section will meet in Room 342, to consider Docket 10112-Whether disciplinary action should be taken against James David White, San Antonio/Seguin, who holds a Group I, legal reserve life insurance agent's license and a Group II, life, health, and accident insurance agent's license issued by the board.

**Contact:** Earl Corbitt, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6526.

**Filed:** November 28, 1988, 1:23 p.m.

TRD-8812145

**Tuesday, December 6, 1988, 1:30 p.m.** The Commissioner's Hearing Section will meet in Room 353, to consider Docket 10153-Approval of amendment to the articles of incorporation of Colonial Empire Life Insurance Company, Texarkana, increasing the per-share value of capital stock from \$1.00 to \$5.00.

**Contact:** J.C. Thomas, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6526.

**Filed:** November 28, 1988, 1:23 p.m.

TRD-8812144

**Wednesday, December 7, 1988, 9 a.m.**

The Commissioner's Hearing Section will meet in Room 353, to consider Docket 10144-Whether disciplinary action should be taken against Jerry R. Stockman, Waxahachie, who holds a Group I, legal reserve life insurance agent's license issued by the board.

**Contact:** O.A. Cassity, III, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6526.

**Filed:** November 28, 1988, 1:23 p.m.

TRD-8812143

**Wednesday, December 7, 1988, 9 a.m.** The Commissioner's Hearing Section will meet in Room 443, to consider Docket 10148-Application of John Frederick Yuill, Irving, for a Group I, legal reserve life insurance agent's license.

**Contact:** Lisa Lyons, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6526.

**Filed:** November 28, 1988, 1:24 p.m.

TRD-8812142

**Wednesday, December 7, 1988, 10 a.m.** The board will meet in Room 414, to consider decision on appeal of Kenneth Wayne Hudson from Commissioner's Order 88-0409 (hearing held October 5, 1988) and decision on appeal of Savers Annuity Insurance Company from Commissioner's Order 88-0240 (hearing held August 31, 1988).

**Contact:** Pat Wagner, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6328.

**Filed:** November 28, 1988, 3:04 p.m.

TRD-8812149

**Wednesday, December 7, 1988, 1:30 p.m.** The Commissioner's Hearing Section will meet in Room 353, to consider Docket 10147-Approval of an assumption reinsurance agreement between International Security Life Insurance Company, Dallas, and American Equitable Life Insurance Company, Dallas.

**Contact:** J.C. Thomas, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6526.

**Filed:** November 28, 1988, 1:24 p.m.

TRD-8812141

**Wednesday, December 7, 1988, 2 p.m.** The board will meet in Room 414, to consider decision on title insurance rates (hearing held November 16, 1988) and decision on amendments to 28 TAC §9.1 concerning basic manual of rules, rates and forms for the writing of title insurance in the State of Texas (hearing held October 26 and 27, 1988).

**Contact:** Pat Wagner, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6328.

**Filed:** November 28, 1988 3:04 p.m.

TRD-8812148

**Friday, December 9, 1988, 9 a.m.** The Commissioner's Hearing Section will meet in Room 342, to consider Docket 10098-Whether disciplinary action should be taken against Peter Cantu, Jr., San Antonio, who holds a Group I, legal reserve life insurance agent's license issued by the board.

**Contact:** Will McCann, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6526.

**Filed:** November 28, 1988, 1:24 p.m.

TRD-8812138

**Friday, December 9, 1988, 9 a.m.** The Commissioner's Hearing Section will meet in Room 353, to consider Docket 10138-Application of Clifton Monroe Mitchell to acquire control of American Southwest Life Insurance Company, Austin.

**Contact:** O.A. Cassity, III, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6526.

**Filed:** November 28, 1988, 1:24 p.m.

TRD-8812137

**Friday, December 9, 1988, 10:30 a.m.** The Commissioner's Hearing Section will meet in Room 353, to consider Docket 10139-Application of American Southwest Life Insurance Company to acquire control of Union National Life Insurance Company, Houston.

**Contact:** O.A. Cassity, III, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6526.

**Filed:** November 28, 1988, 1:24 p.m.

TRD-8812136

**Friday, December 9, 1988, 1:30 p.m.** The Commissioner's Hearing Section will meet in Room 353, to consider Docket 10140-Whether disciplinary action should be taken against Victor C. Guajardo doing business as Victor Guajardo Insurance Agency, Corpus Christi, who holds a Group I, legal reserve life insurance agent's license, a group II, life, health, and accident insurance agent's license and a local recording agent's license issued by the board.

**Contact:** Wendy Ingham, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6526.

**Filed:** November 28, 1988, 1:25 p.m.

TRD-8812135

**Friday, December 9, 1988, 1:30 p.m.** The Commissioner's Hearing Section will meet in Room 342, to consider Docket 10156-Application of Champions Life Insurance Company, Richardson, to acquire control of Central Security Life Insurance Company, Fort Worth.

**Contact:** Earl Corbitt, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6526.

Filed: November 28, 1988, 1:25 p.m.

TRD-8812134

**Monday, December 12, 1988, 1:30 p.m.** The Commissioner's Hearing Section will meet in Room 353, to consider Docket 10143-Whether disciplinary action should be taken against Arvid W. Anderson doing business as Arvid W. Anderson and Company, Corpus Christi, who holds a Group I, legal reserve life insurance agent's license, a Group II, health and accident insurance agent's license, and a local recording agent's license.

**Contact:** Will McCann, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6526.

Filed: November 28, 1988, 1:25 p.m.

TRD-8812133

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**Texas Advisory Commission  
on Intergovernmental  
Relations**

**Friday, December 2, 1988, 9:30 a.m.** The Special Committee on Organization of State Agencies for the Texas Advisory Commission on Intergovernmental Relations will meet in Room 109, John H. Reagan Building, Austin. According to the agenda, the committee will consider remaining subcommittee reports and discuss amendments to the draft committee report; and consider recommendations for draft legislation and determine necessary follow-up activities.

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

Filed: November 22, 1988, 2:03 p.m.

TRD-8812006

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**Texas Department of Labor  
and Standards**

**Thursday, December 8, 1988, 10 a.m.** The Manufactured Homeowners Recovery Fund for the Texas Department of Labor and Standards will meet in the 11th Floor Conference Room, E.O. Thompson Building, 920 Colorado Street, Austin. According to the agenda, the fund will approve minutes; consider status of the manufactured homeowners recovery fund; discuss claims pending and claims procedure; and set date, place, and time of next meeting.

**Contact:** James H. Keahey, E.O. Thompson Building, Austin, Texas 78711, (512) 463-7337.

Filed: November 22, 1988, 2:01 p.m.

TRD-8812005

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**Legislative Budget Board**

**Monday and Tuesday, December 5 and 6,**

**1988, 10 a.m. and 9 a.m., respectively.** The Legislative Budget Board will meet in Room 310, State Capitol, Austin. According to the agenda summary, the board will receive reports from Purchasing and General Services Commission and Texas Department of Corrections; consider budget estimates for 1990-1991 biennium; and review the fiscal outlook for the 1990-1991 biennium and issues related to state government finance.

**Contact:** Jim Oliver, State Capitol, Room 207-A, Austin, Texas 78711, (512) 463-1166.

Filed: November 23, 1988, 2:36 p.m.

TRD-8812084

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**Texas Low-Level Radioactive  
Waste Disposal Authority**

**Friday, December 2, 1988, 10:30 a.m.** The Board of Directors, Budget Committee for the Texas Low-Level Radioactive Waste Disposal Authority will meet at 3465 West Alabama, Houston. According to the agenda, the board will review and approve fiscal year 1989 operating budget adjustments.

**Contact:** L.R. Jacobi, Jr., 7703 North Lamar, Suite 300, Austin, Texas 78752.

Filed: November 22, 1988, 10:17 a.m.

TRD-8811981

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**Texas State Board of  
Medical Examiners**

The Texas State Board of Medical Examiners will meet at 1101 Camino LaCosta, Austin. Dates, times, and agendas follow.

**Monday, December 5, 1988, 8 a.m.** The Reciprocity Committee will review September 1988 SPEX exam and reciprocity applicants. The committee will also meet in executive session under authority of Texas Civil Statutes, Article 6252-17, as related to Article 4495b, 2.07, 3.05(d), 4.05(d), 5.06(e)(1), and attorney general opinion 1974, H-484.

**Contact:** Jean Davis, P.O. Box 13562, Austin, Texas (512) 452-1078.

Filed: November 23, 1988, 2:14 p.m.

TRD-8812077

**Monday, December 5, 1988, 9 a.m.** The Examination Committee will review examination applicants. The committee will also meet in executive session under authority of Texas Civil Statutes, Article 6252-17, as related to Article 4495b, 2.07, 3.05(d), 4.05(d), 5.06(e)(1), and attorney general opinion 1974, H-484.

**Contact:** Jean Davis, P.O. Box 13562, Austin, Texas (512) 452-1078.

Filed: November 23, 1988, 2:14 p.m.

TRD-8812079

**Monday-Thursday, December 5-8, 8 a.m. daily, except 11 a.m. on Monday and 10 a.m. on Tuesday.** The board will hear committee meetings/reports; consider exams-approval and administration; hold hearings and annual registration; consider distinguished professor permit rule, possible act violation, and reciprocity; hear executive director's report; consider meetings, enforcement, computer, licensure, room arrangement, hotline, rule effective dates, and remedial education; approve board orders; consider medical schools, training programs, minutes, duplicates, probation amendments and appearances, reinstatements, possible proposed rules on procedure, and commendations. The board will also meet in executive session under authority of Texas Civil Statutes, Article 6252-17, as related to Article 4495b, 2.07, 3.05(d), 4.05(d), 5.06(e)(1), and attorney general opinion 1974, H-484.

**Contact:** Jean Davis, P.O. Box 13562, Austin, Texas (512) 452-1078.

Filed: November 23, 1988, 2:14 p.m.

TRD-8812083

**Monday, December 5, 1988, 4:30 p.m.** The Medical School Committee will discuss future visit to Texas A&M College of Medicine. The committee will also meet in executive session under authority of Texas Civil Statutes, Article 6252-17, as related to Article 4495b, 2.07, 3.05(d), 4.05(d), 5.06(e)(1), and attorney general opinion 1974, H-484.

**Contact:** Jean Davis, P.O. Box 13562, Austin, Texas (512) 452-1078.

Filed: November 23, 1988, 2:14 p.m.

TRD-8812080

**Monday, December 5, 1988, 4:30 p.m.** The Disciplinary Process Review Committee will review minutes, past and future meetings, enforcement report, procedures for setting cases, percentage of dismissals, availability of books for controlled substances, and selected files. The committee will also meet in executive session under authority of Texas Civil Statutes, Article 6252-17, as related to Article 4495b, 2.07, 3.05(d), 4.05(d), 5.06(e)(1), and attorney general opinion 1974, H-484.

**Contact:** Jean Davis, P.O. Box 13562, Austin, Texas (512) 452-1078.

Filed: November 23, 1988, 2:14 p.m.

TRD-8812076

**Tuesday, December 6, 1988, 8 a.m.** The Public Information Committee will discuss use of district review committees and board members in delivering public speeches to lay and organized medical groups, orientation session for medical reporters, and suggestions to Legislative Committee regarding funding requests. The committee will also meet in executive session under authority of

Texas Civil Statutes, Article 6252-17, as related to Article 4495b, 2.07, 3.05(d), 4.05(d), 5.06(e)(1), and attorney general opinion 1974, H-484.

**Contact:** Jean Davis, P.O. Box 13562, Austin, Texas (512) 452-1078.

**Filed:** November 23, 1988, 2:14 p.m.

TRD-8812081

**Tuesday, December 6, 1988, 9 a.m.** The Legislative Committee will discuss possible legislation. The committee will also meet in executive session under authority of Texas Civil Statutes, Article 6252-17, as related to Article 4495b, 2.07, 3.05(d), 4.05(d), 5.06(e)(1), and attorney general opinion 1974, H-484.

**Contact:** Jean Davis, P.O. Box 13562, Austin, Texas (512) 452-1078.

**Filed:** November 23, 1988, 2:14 p.m.

TRD-8812082

### Texas Municipal Retirement System

**Saturday, December 10, 1988, 9 a.m.** The Board of Trustees for the Texas Municipal Retirement System will meet at 1200 IH 35 North, Austin. According to the agenda, the board will hear and approve minutes of the September 17, 1988, regular meeting; review and approve service retirements; disability retirements; review and approve supplemental death benefits payments; consider extended supplemental death benefits; review and act on financial statements; consider and approve transfer of inactive accounts and unclaimed refunds; consider approval of changes in benefit structure by member cities; consider and adopt budget for 1989; consider adoption of resolution transferring monies from interest reserve fund to expense fund; consider adoption of resolution granting distributive benefits to annuitants and supplemental interest of certain funds and accounts; consider designation of depositories; reports by actuary, legal counsel, and director; elect officers for 1989; and consider any other action to come before the board.

**Contact:** Jimmie L. Mormon, (512) 476-7577.

**Filed:** November 22, 1988, 1:26 p.m.

TRD-8812002

### Texas National Guard Armory Board

**Friday, December 2, 1988, 11 a.m.** The Texas National Guard Armory Board will meet in the Conference Room, Building B, Camp Mabry. According to the agenda, the board will approve minutes/administrative matters; construction/renovation/maintenance update; and property/leases.

**Contact:** Sandra Hille, P.O. Box 5218, Austin, Texas 78763, (512) 451-6394.

**Filed:** November 22, 1988, 3:49 p.m.

TRD-8812014

### Texas Board of Licensure for Nursing Home Administrators

**Thursday, December 1, 1988, 2 p.m.** The Texas Board of Licensure for Nursing Home Administrators met in Suite 310, 4800 North Lamar Boulevard, Austin. According to the agenda, a hearing officer approved by the Attorney General of Texas will conduct a formal hearing in the matter of Shannon J. Cantwell, LNHA 3583, to receive testimony regarding possible violation of the Nursing Home Administrator's Licensure Act, Texas Civil Statutes, Article 4442d, §§11(1)(b), (g), and 11(4).

**Contact:** Janet M. Moore, 4800 North Lamar Boulevard, Suite 355, Austin, Texas (512) 458-1955.

**Filed:** November 23, 1988, 2:36 p.m.

TRD-8812085

### Special Committee on Organization of State Agencies

**Thursday, December 1, 1988, 4 p.m.** The Subcommittee on Overall Structure of the Special Committee on Organization of State Agencies met in Room 107, John Reagan Building, 105 West 15th Street, Austin. According to the agenda, the subcommittee considered comments received from committee members regarding objectives for the overall organization of state government and potential recommendations to the full committee for inclusion in the final committee report.

**Contact:** Jay Stanford, P.O. Box 13026, Austin, Texas (512) 463-1812.

**Filed:** November 23, 1988, 11:11 a.m.

TRD-8812047

### Board of Pardons and Paroles

**Monday-Friday, December 5-9, 1988, 1:30 p.m. daily, except 11 a.m. on Friday.** The Board of Pardons and Paroles will meet at 8610 Shoal Creek Boulevard, Austin. According to the agenda summary, the board will receive, review, and consider information and reports concerning prisoners/inmates and administrative releasees subject to the board's jurisdiction and initiate and carry through with appropriate action.

**Contact:** Mike Roach, 8610 Shoal Creek Boulevard, Austin, Texas 78758, (512) 459-2713.

**Filed:** November 23, 1988, 10:51 a.m.

TRD-8812045

**Tuesday, December 6, 1988, 9:30 a.m.**

The Board of Pardons and Paroles will meet at 8610 Shoal Creek Boulevard, Austin. According to the agenda summary, the board approve minutes of the November 1 and 15, 1988, meetings; consider conference attendance, administration/parole panels, notice of specific risks, PPT program-policy decisions, six month set-off policy/alternative recommendation, board policy-discussion cases/special reviews, Bexar County project, proposal for Victim Section, Prisor-outpatient subs. abuse proposal, and granting of non-rpt. status to AR/waive of acceptance of non-rept. rules; hear public input/comments and executive director report-step increases for parole officers; and consider grant by TCADA.

**Contact:** Juanita Llamas, 8610 Shoal Creek Boulevard, Austin, Texas 78758, (512) 459-2749.

**Filed:** November 28, 1988, 4:22 p.m.

TRD-8812161

**Tuesday, December 6, 1988, 1:30 p.m.**

The Board of Pardons and Paroles will consider executive clemency recommendations and related actions (other than out of country conditional pardons), including: full pardons/restoration of civil rights of citizenship; emergency medical reprieves; commutations of sentences; and other reprieves, remissions, and executive clemency actions.

**Contact:** Juanita Llamas, 8610 Shoal Creek Boulevard, Austin, Texas 78758, (512) 459-2749.

**Filed:** November 23, 1988, 10:52 p.m.

TRD-8812044

### Public Utility Commission

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

**Thursday, December 1, 1988, 9 a.m.** The Hearings Division set the rate of interest on deposits held by utilities for calendar year 1989, pursuant to Texas Civil Statutes, Article 1440a.

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

**Filed:** November 23, 1988, 1:54 p.m.

TRD-8812067

**Tuesday, December 6, 1988, 10 a.m.** The Hearings Division will consider Docket 8384-Appeal of Central Texas Electric Cooperative, Inc. from ordinance 4-083 of the

City of Fredericksburg.

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

**Filed:** November 28, 1988, 3:20 p.m.

TRD-8812151

**Tuesday, December 6, 1988, 2 p.m.** The Hearings Division will consider Docket 7630-Complaint of Canyon Lake Area Citizens Association against Guadalupe-Blanco River Authority regarding the Canyon Dam Hydroelectric Project in Comal County.

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

**Filed:** November 23, 1988, 1:53 p.m.

TRD-8812072

**Thursday, December 8, 1988, 10 a.m.** The Hearings Division will consider Docket 8220-Application of Contel of Texas, Inc. to provide digital centrex service.

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

**Filed:** November 23, 1988, 1:54 p.m.

TRD-8812071

**Tuesday, December 12, 1988, 10 a.m.** The Hearings Division will consider Dockets 6668 and 6753-Inquiry of the commission into the prudence and efficiency of the planning and management of the construction of the South Texas Nuclear Project and inquiry of the commission into treatment of the proceeds from the South Texas Project Settlement.

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

**Filed:** November 28, 1988, 3:17 p.m.

TRD-8812156

**Monday, December 12, 1988, 10 a.m.** The Hearings Division will consider Docket 7930-Application of Texas-New Mexico Power Company for approval of standard avoided cost calculation for the purchase of firm energy and capacity from qualifying facilities.

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

**Filed:** November 28, 1988, 3:18 p.m.

TRD-8812154

**Tuesday, December 13, 1988, 1:30 p.m.** The Hearings Division will consider Docket 8421-Application of Southwestern Bell Telephone Company for tariff revisions authorizing blocking of local calls over wide area telecommunications services access lines.

**Contact:** Phillip A. Holder, 7800 Shoal Creek Boulevard, Austin, Texas 78757,

(512) 458-0100.

**Filed:** November 28, 1988, 3:17 p.m.

TRD-8812155

**Wednesday, December 14, 1988, 10 a.m.** The Hearings Division will consider Docket 8414-Complaint of Hershel Williams against Southwestern Bell Telephone Company.

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

**Filed:** November 22, 1988, 2:42 p.m.

TRD-8812010

**Thursday, January 12, 1989, 10 a.m.** The Hearings Division will consider Docket 8342-Application of Romain Telephone Company, Trinity Valley Telephone Company, and Texas-Midland Telephone for temporary waiver of service connection charges.

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

**Filed:** November 22, 1988, 2:43 p.m.

TRD-8812009

**Thursday, January 12, 1988, 10 a.m.** The Hearings Division will consider Docket 8414-Complaint of Hershel Williams against Southwestern Bell Telephone Company.

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

**Filed:** November 28, 1988, 3:19 p.m.

TRD-8812153

**Tuesday, February 7, 1989, 10 a.m.** The Hearings Division will consider Docket 8392-Application of Kerrville Telephone Company to offer private pay phone service and selective class of call screening.

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

**Filed:** November 23, 1988, 1:53 p.m.

TRD-8812073

**Wednesday, February 22, 1988, 10 a.m.** The Hearings Division will consider Dockets 6925 and 7029-Application of Contel Corporation to purchase stock of Colmesneil Telephone Company, Inc. and Application of Continental Telephone Company of Texas for merger of Colmesneil Telephone Company, Inc. with Continental Telephone Company of Texas.

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

**Filed:** November 23, 1988, 1:54 p.m.

TRD-8812068

**Monday, March 20, 1989, 10 a.m.** The

Hearings Division will consider Dockets 7952 and 8293-Complaint of Metro-Link Telecom, Inc. against Southwestern Bell Telephone Company and petition of Flat Rate Communications, Limited against Southwestern Bell Telephone Company.

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

**Filed:** November 28, 1988, 3:19 p.m.

TRD-8812152

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**State Purchasing and  
General Services  
Commission**

**Wednesday, December 7, 1988, 10 a.m.** The State Purchasing and General Services Commission will meet in Conference Room 402, Central Services Building, 1711 San Jacinto Street, Austin. According to the agenda summary, the commission will consider revision to 1990-1991 legislative appropriations request.

**Contact:** John R. Neel, 1711 San Jacinto Street, Austin, Texas 78701, (512) 463-3446.

**Filed:** November 29, 1988, 9:50 a.m.

TRD-8812168

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**Railroad Commission of  
Texas**

**Tuesday, December 6, 1988, 8:30 a.m.** The Transportation Division of the Railroad Commission of Texas will meet in the Victoria Community Center, 2905 East North Street, Victoria. According to the agenda, the division will consider state of the transportation industry conference for the purpose of receiving comments from carriers, shippers, and other interested persons about the motor transportation industry in Texas.

**Contact:** Nim Graves, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-7122.

**Filed:** November 23, 1988, 11:03 a.m.

TRD-8812048

**Tuesday, December 20, 1988, 10 a.m.** The Oil and Gas Division will meet in the 12th Floor Conference Room, William B. Travis Building, 1701 North Congress Avenue, Austin. According to the agenda summary, the division will hold statewide oil and gas hearings.

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

**Filed:** November 23, 1988, 11:04 a.m.

TRD-8812046

## Texas Real Estate Research Center

The Advisory Committee to the Texas Real Estate Research Center will meet in the Hyatt Regency Hotel, Austin. Dates, times, and agendas follow.

**Friday, January 13, 1989, 1:30 p.m.** The committee will consider challenge from the chair concerning developing a strategic vision, how to define an agenda and delineate the committee duties, and chair's assignment of tasks.

Contact: Richard L. Floyd.

Filed: November 29, 1988, 9:09 a.m.

TRD-8812164

**Saturday, January 14, 1989, 9 a.m.** The committee will approve minutes of the previous meeting; hear progress reports and current budget report; and consider date of next meeting and other business.

Contact: Richard L. Floyd.

Filed: November 29, 1988, 9:09 a.m.

TRD-8812165

## Texas Savings and Loan Department

**Wednesday, December 7, 1988, 9 a.m.** The Texas Savings and Loan Department will meet in Suite 201, 2601 North Lamar, Austin. According to the agenda summary, the department will accumulate a record of evidence in regard to the application of Guardian Savings and Loan Association, Houston, Harris County, to merge with California Professional Savings and Loan Association, with Guardian Savings and Loan Association being the survivor, from which record the commissioner will determine whether to grant or deny the application.

Contact: Laura M. Hale, 2601 North Lamar, Suite 201, Austin, Texas 78705, (512) 479-1250.

Filed: November 23, 1988, 9:28 a.m.

TRD-8812037

## Texas Senate

**Friday, December 2, 1988, 9 a.m.** The Joint Committee on Deceptive Trade Practices of the Texas Senate will meet in the Old Supreme Courtroom, Third Floor, Capitol Building, Austin. According to the agenda, the committee will discuss legislation and recommendations.

Contact: Kay Anderson, Capitol Building, Room G-38D, Austin, Texas, (512) 463-0380.

Filed: November 23, 1988, 11:05 a.m.

TRD-8812063

## Select Committee on Tax Equity

**Thursday, December 8, 1988, 9 a.m.** The Select Committee on Tax Equity will meet in the Senate Chamber, State Capitol Building, Austin. According to the agenda, the committee will discuss the final recommendations of the four working groups (income tax and lottery, business tax, sales tax, and local issues).

Contact: Billy Hamilton, P.O. Box 12666, Austin, Texas 78711, (512) 463-1238.

Filed: November 23, 1988, 1:03 p.m.

TRD-8812066

## Board of Tax Professional Examiners

**Sunday, December 11, 1988, 3:30 p.m.** The Board of Tax Professional Examiners will meet at 9501 North IH-35, Austin. According to the agenda, the board will consider effects of newly adopted cancellation and failure policy and discuss request for Class II appraisers. The board will also meet in executive session to discuss content of board examinations.

Contact: Sam H. Smith, P.O. Box 1592, Austin, Texas 78761, (512) 834-4982.

Filed: November 23, 1988, 10:49 a.m.

TRD-8812056

**Tuesday, December 13, 1988, 2:30 p.m.** The Board of Tax Professional Examiners will meet in Room 107, Reagan Building, 15th and Congress Avenue, Austin. According to the agenda summary, the board will approve minutes of the September 26, 1988; consider certification and recertification qualified registrants and request for recognition course as elective and CEU credit; discuss Ad Hoc Committee report and repeal fail policy, Ad Hoc Committee report and discussion appraisal course requirements for Class II, possible increase in fees for 1990-1991 biennium and 1992-1993 biennium, planning and implementing changes to requirements, modification early exam policy to nine months, press releases and other publicity measures, information items are status of complaints and complaint hearings and opinion requests, second submission request for funds for 1990-1991 biennium, legislative proposals on taxation, state government and procedures, move to new location, and planning calendar. The board will also meet in executive session if called.

Contact: Sam H. Smith, P.O. Box 1592, Austin, Texas 78761, (512) 834-4982.

Filed: November 23, 1988, 10:48 a.m.

TRD-8812057

## Texas A&M University System, Board of Regents

**Monday and Tuesday, November 28 and 29, 1988, 10:45 a.m. and 8:15 a.m., respectively.** The Committee for Service Units of the Board of Regents met at Dardene Farm (Monsanto), St. Louis, Missouri on Monday and at DuPont Experimental Station, Wilmington, Delaware on Tuesday. According to the agenda, the committee conducted an inspection tour of Monsanto and DuPont biotechnology/life science programs and facilities.

Contact: Vickie Burt, Texas A&M University, College Station, Texas 77843, (409) 845-9603.

Filed: November 23, 1988, 3:32 p.m.

TRD-8812091

## Texas Southern University

**Friday, December 16, 1988, 4 p.m.** The Finance Committee for Texas Southern University will meet in Hannah Hall Room 117, Texas Southern University, 3100 Cleburne, Austin. According to the agenda summary, the committee will consider matters relating to financial reporting systems and budgets; hear fiscal reports from the administration; and discuss investments and information items.

Contact: Everett O. Bell, 3100 Cleburne Avenue, Houston, Texas 77004, (713) 529-8911.

Filed: November 22, 1988, 3:50 p.m.

TRD-8812013

**Friday, January 20, 1989, 10 a.m.** The Board of Regents for Texas Southern University will meet on the Fifth Floor, University Library, Texas Southern University, Houston. According to the agenda summary, the board will consider minutes; budget changes; investments; budgets for restricted and/or grants and projects funds; construction change orders; payment to architects contractors and engineers; authorization and ratification of contracts and awards; review on going construction and current contractual relations; personnel actions, report on progress of academic activities and programs; report of the president; and meet in executive session.

Contact: Everett O. Bell, 3100 Cleburne Avenue, Houston, Texas 77004, (713) 529-8911.

Filed: November 22, 1988, 3:50 p.m.

TRD-8812012

## Transition Services Task Force

**Wednesday, November 30, 1988, 1:30 p.m.** The Transition Services Task Force

met in emergency session in Suite 171-E, Advocacy Inc., 7800 Shoal Creek Boulevard, Austin. According to the agenda, the task force approved minutes of the previous meeting; discussed task force report and recommendations; considered future directions of task force, old and new business, and set next meeting date. The emergency status was necessary in order to meet task force dateline, to announce under meeting timeline.

**Contact:** Mary Faithful, 7800 Shoal Creek Boulevard, Suite 171-E, Austin, Texas (512) 454-1469.

**Filed:** November 28, 1988, 3:37 p.m.

TRD-8812167

## Texas Turnpike Authority

**Thursday, December 8, 1988, 10 a.m.** The Board of Directors of Texas Turnpike Authority will meet at the Doubletree, 6505 IH-35, Austin. According to the agenda, the board will approve minutes of the previous meeting; consider final adoption of budgets for calendar year 1989, Dallas North Tollway Project, contract for geotechnical engineering, proposal for updating traffic and revenue, supplemental agreement #12 to contract DNT-114, supplemental agreement #1 to contract DNT-156, possible action on extension project, Beltway 8 East Project, proposal for full feasibility study, proposal for general consultant engineers and possible future action, and exploratory feasibility investigation on New Bay Crossing; consider NCNB Texas letter dated November 25, 1988; consider amendment to by-laws and high-speed rail study; and hear progress report on TAG. The board will also meet in executive session.

**Contact:** Harry Kabler, P.O. Box 190369, Dallas, Texas 75219, (214) 522-6200.

**Filed:** November 29, 1988, 9:37 a.m.

TRD-8812166

## The University of Texas System

**Monday, November 28, 1988, 3:30 p.m.** The Board of Regents of the University of Texas System, met in the Regents' Meeting Room, Ninth Floor, Ashbel Smith Hall, 201 West Seventh Street, Austin. According to the agenda, the board met via telephone conference call to consider personnel matters related to the possible election and employment of a chief administrative officer for the University of Texas Health Science Center at Houston.

**Contact:** Arthur H. Dilly, P.O. Box N, Austin, Texas 78713-7328, (512) 499-4402.

**Filed:** November 23, 1988, 11:59 a.m.

TRD-8812064

**Tuesday, November 29, 1988, 4:30 p.m.**

The Board of Regents of the University of Texas System, met in emergency session in the Regents' Meeting Room, Ninth Floor, Ashbel Smith Hall, 201 West Seventh Street, Austin. According to the agenda, the board met via telephone conference call to consider personnel matters related to the possible election and employment of a chief administrative officer for the University of Texas Health Science Center at Houston. The emergency status was necessary because a quorum of the board was not available until that time.

**Contact:** Arthur H. Dilly, P.O. Box N, Austin, Texas 78713-7328, (512) 499-4402.

**Filed:** November 28, 1988, 3:57 p.m.

TRD-8812160

## Texas Water Commission

**Tuesday, December 6, 1988, 9 a.m.** The Texas Water Commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the commission will consider personnel matters, bond issues, surplus funds, change of plans, change orders, rate matters, sewer rate ordinance, proposed permits, amendments, minor amendments, renewals, uranium mining permits, underground injection control permits, hazardous waste permits, certificates of adjudication, water use permits, and proposed amendments.

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

**Filed:** November 22, 1988, 1:32 p.m.

TRD-8812004

**Thursday, December 15, 1988, 9 a.m.** The Texas Water Commission will meet in Room 1-111, William B. Travis Building, 1701 North Congress Avenue, Austin. According to the agenda summary, the commission will determine whether a temporary order should be issued to Power Resources, Inc. (PRI), Five Post Oak Park, Suite 1400, Houston, Texas 77027. The proposed order, if issued, would authorize PRI to discharge not to exceed 300 gallons per minute of Class II industrial wastewater comprised of reject water from the water treatment plant located at the Big Spring cogeneration facility and non-contact cooling tower blowdown into well 1, Whitemire Lease, in Howard County, which is currently owned and operated by PRI. Authorization to discharge pursuant to the proposed order is to expire 180 days after issuance, or upon issuance of a Class I UIC permit from the commission, whichever occurs first.

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

**Filed:** November 22, 1988, 1:31 p.m.

TRD-8812003

**Tuesday, January 10, 1989, 9 a.m.** The Office of Hearings Examiner of the Texas Water Commission will meet in Room 6-101, William B. Travis Building, 1701 North Congress Avenue, Austin. According to the agenda summary, the officer will consider application of Williamson County MUD 3, P.O. Box 96, Cedar Park, Texas 78613, for an amendment to Permit 12200-01 in order to operate at permit limits of 10 mg/l biochemical oxygen demand and 15 mg/l total suspended solids until the earlier of nine months after permit issuance or upon completion of plant modifications, at which time permit limits of 5 mg/l biochemical oxygen demand, 5 mg/l total suspended solids, 2 mg/l ammonia nitrogen, and 2 mg/l total phosphorus would become effective; add an interim II phase of 450,000 gallons per day beginning nine months after permit issuance or upon completion of plant modifications, whichever occurs first; and amend certain special conditions.

**Contact:** Carol Wood, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

**Filed:** November 22, 1988, 4 p.m.

TRD-8812018

**Tuesday, January 10, 1989, 10 a.m.** The Office of Hearings Examiner of the Texas Water Commission will meet in the Second Floor Courtroom, Polk County Courthouse, on the square, Livingston. According to the agenda summary, the office will consider application of Timberwood Nursing Home, Inc., One Westlake Plaza, Suite 404, 1705 Capitol of Texas Highway South, Austin, Texas 78746 for an amendment to Permit 13388-01 in order to change from a permit authorizing disposal by absorption to a discharge permit. The permit currently authorizes disposal of treated domestic wastewater effluent at a volume not to exceed 12,000 gallons per day by absorption, with a maximum biochemical oxygen demand grab sample of 100 mg/l. Because of a failing absorption field, the amendment would authorize the permittee to discharge at a volume not to exceed an average flow of 12,000 gallons per day with daily average limitations of 20 mg/l biochemical oxygen demand, 20 mg/l total suspended solids and 2 mg/l minimum dissolved oxygen concentration.

**Contact:** Roland Echavarria, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

**Filed:** November 22, 1988, 4:01 p.m.

TRD-8812017

## Regional Meetings

### Meetings Filed November 22, 1988

**The Comal Appraisal District**, Board of Directors, will meet at 430 West Mill Street, New Braunfels, on December 19, 1988, 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 Lubbock Regional MHMR Center**, Board of Trustees, met at 3801 Avenue J, Lubbock, on November 28, 1988, at noon. Information may be obtained from Gene Menefee, 1210 Texas Avenue, Lubbock, Texas 79401, (806) 766-0202.

**The Middle Rio Grande Development Council**, Board of Directors, met in the Reading Room, Civic Center, 300 East Main, Eagle Pass, on November 30, 1988, 1 p.m. Information may be obtained from Mike Patterson, P.O. Box 1199, Carrizo Springs, Texas 78834, (512) 876-3533.

TRD-8811986

### Meetings Filed November 23, 1988

**The Austin-Travis County MHMR Center**, Board of Trustees, met in Suite 500, 611 South Congress, Austin, on November 29, 1988, at 7:30 a.m. Information may be obtained from Sharon Taylor, 611 South Congress Avenue, Suite 500, Austin, Texas 78704.

**The Bosque County Appraisal District**, Board of Directors, met at 104 West Morgan, Meridian, on November 29, 1988, at 10 a.m. Information may be obtained from Don Whitney, P.O. Box 393, Meridian, Texas 76665.

**The Comal Appraisal District**, Appraisal Review Board, will meet at 430 West Mill Street, New Braunfels, on December 19, 1988, 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 Concho Valley Council of Governments**, General Assembly, will meet in the Dun Bar North Restaurant, San Angelo, on December 7, 1988, at 8 p.m. Information may be obtained from Robert R. Weaver, P.O. Box 60050, San Angelo, Texas 76906, (915) 944-9666.

**The Lavaca County Central Appraisal District**, Appraisal Review Board, will meet at 113 North Main, Hallettsville, on December 6, 1988, at 9 a.m. Information may be obtained from Diane Munson, P.O. Box 386, Hallettsville, Texas 77964, (512) 798-4396.

**The Lower Colorado River Authority**, Board of Directors, met at 3700 Lake

Austin Boulevard, Austin, on November 28, 1988, at 2 p.m. Information may be obtained from Thomas G. Mason, P.O. Box 220, 3700 Lake Austin Boulevard, Austin, Texas 78767.

**The West Central Texas Council of Governments**, Private Industry Council, met in the Central Meeting Room, 1025 East North 10th Street, Abilene, on November 29, 1988, at 10 a.m. Information may be obtained from Tom K. Smith, (915) 672-8544.

**The Wise County Appraisal District**, Board of Directors, will meet in the Boardroom, 206 South State Street, Decatur, on December 8, 1988, at 9 a.m. Information may be obtained from Brenda Jones, 206 South State Street, Decatur, Texas 76234, (817) 627-3081, ext. 70.

TRD-88 12027

### Meetings Filed November 27, 1988

**The Central Plains MHMR Center**, Board of Trustees, met at 208 South Columbia, Plainview, on December 1, 1988, at 6:30 p.m. Information may be obtained from Rick Van Hersh, 2700 Yonkers, Plainview, Texas 79072, (806) 293-2636.

**The Dallas Area Rapid Transit**, Legislative Committee and Planning and Development Committee met in Conference Room 7A and Boardroom, 601 Pacific Avenue, Dallas, on November 29, 1988, at 2 p.m. and 3:30 p.m., respectively. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237.

**The Dawson County Central Appraisal District**, Board of Trustees, will meet at 920 North Dallas Avenue, Lamesa, on December 7, 1988, at 7 a.m. Information may be obtained from Tom Anderson, P.O. Box 797, Lamesa, Texas 79331, (806) 872-7060.

**The Education Service Center, Region I**, Board of Directors, will meet at 1900 West Schunior, Edinburg, on December 13, 1988, at 6 p.m. Information may be obtained from Lauro R. Guerra, 1900 West Schunior, Edinburg, Texas 78539, (512) 383-5611.

**The Education Service Center, Region II**, Board of Directors, will meet in the Administrative Conference Room, 209 North Water, Corpus Christi, on December 13, 1988, at 6:30 p.m. Information may be obtained from Gerald V. Cook, 209 North Water, Corpus Christi, Texas 78401.

**The Education Service Center, Region VII**, Board of Directors, will meet at Johnny Cace's Restaurant, Longview, on December 12, 1988, at 7 p.m. Information may be obtained from Don J. Peters, 818 East Main, Kilgore, Texas 75662, (214) 984-3071.

**The Education Service Center, Region VIII**, Board of Directors, will meet in the

Ramada Inn Restaurant, Mount Pleasant, on December 8, 1988, at 6:30 p.m. and at FM Road 1734, Mount Pleasant, on December 16, 1988, at 10:30 a.m. Information may be obtained from Scott Ferguson, P.O. Box 1894, Mount Pleasant, Texas 75455.

**The Education Service Center, Region XI**, Board of Directors, will meet at 3001 North Freeway, Fort Worth, on December 6, 1988, at noon. Information may be obtained from R.P. Campbell, Jr., 3001 North Freeway, Fort Worth, Texas 76106, (817) 625-5311, ext. 102.

**The Education Service Center, Region XIV**, Board of Directors, will meet at 1850 State Highway 351, Abilene, on December 8, 1988, at 5:30 p.m. Information may be obtained from Taressa Huey, Route 1, Box 70-A, Abilene, Texas 79601.

**The Golden Crescent Regional Planning Commission**, Executive Committee and Board of Directors will meet in the Boardroom, Regional Airport, Building 102, Victoria, on December 7, 1988, at 4 p.m. and 5 p.m., respectively. Information may be obtained from Patrick J. Kennedy, P.O. Box 2028, Victoria, Texas 77902, (512) 578-1587.

**The Gonzales County Appraisal District**, Appraisal Review Board, met at 928 St. Paul Street, Gonzales, on December 1, 1988, at 6 p.m. Information may be obtained from Glenda Stackbein, P.O. Box 867, Gonzales, Texas 78629, (512) 672-2879.

**The Gulf Bend MHMR Center**, Board of Trustees, met at 1404 Village Drive, Victoria, on December 1, 1988, at noon. Information may be obtained from Bill Dillard, 1404 Village Drive, Victoria, Texas 77901, (512) 575-0611.

**The Leon County Central Appraisal District**, Board of Directors, met in the district office, Centerville, on November 28, 1988, at 7 p.m. Information may be obtained from Robert M. Winn, P.O. Box 536, Centerville, Texas 75833, (214) 536-2252.

**The Tyler County Appraisal District**, Board of Directors, will meet at 806 West Bluff, Woodville, on December 6, 1988, at 4 p.m. Information may be obtained from Mary F. Mann, P.O. Drawer 9, Woodville, Texas 75979, (409) 283-3736.

**The Wheeler County Appraisal District**, Board of Directors, will meet in the County Courthouse Square, District's Office, Wheeler, on December 5, 1988, at 2 p.m. Information may be obtained from Marilyn Copeland, P.O. Box 349, Wheeler, Texas 79096, (806) 826-5900.

TRD-8812106

### Meeting Filed November 29, 1988

**The Brazos Valley Development Council**,



Board of Directors, will meet in Suite 2, 3006 East 29th Street, Bryan, on December 8, 1988, at 7 p.m. Information may be obtained from Glenn J. Cook, 3006 East 29th Street, Bryan, Texas 77803, (409) 776-2277.

TRD-8812163

Deep East Texas Private Industry Council, Inc., Executive Committee, met at 118 South First Street, Lufkin, on November 30, 1988, at 10 a. m. Information may be obtained from W. Floyd Clark, P.O. Box 700, Coldspring, Texas 77331.

TRD-8812163





Name: May Lee  
Grade: 8  
School: Haltom Jr. High, Birdville

# In Addition

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

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

## State Banking Board

### Notice of Hearing

The date of the hearing for the change of domicile application for Bankers United Trust Company, San Antonio, previously scheduled for November 28, 1988, has been rescheduled. The hearing is hereby rescheduled to begin at 9 a.m. on December 28, 1988, in the hearing room at the Texas Department of Banking, 2601 North Lamar, Austin.

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

Issued in Austin, Texas on November 17, 1988.

TRD-8812019 William F. Aldridge  
Director of Corporate Activities  
State Banking Board

Filed: November 22, 1988

For further information, please call (512) 479-1200



## Texas Department of Commerce

### Weekly Report on the 1988 Allocation of the State Ceiling on Certain Private Activity Bonds

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 1988 is \$834,100,000.

State legislation, Senate Bill 1382, Chapter 1092, Acts of the 70th Legislature, (the Act), established the allocation process for the State of Texas. The Act specifies that one-third of the state ceiling is to be made available to qualified mortgage bonds and of that one-third, one-third is available to the Texas Housing Agency. One-fourth of the state ceiling is available to state-voted issues, and the balance of the state ceiling is available for all other issuers of bonds requiring an allocation.

Generally, the state ceiling is allocated on a first-come, first-served basis, with the Texas Department of Commerce (the department) administering the allocation system.

The information that follows is a weekly report of the allocation activity for the period, November 14, 1988-November 18, 1988.

Weekly report on the 1988 allocation of the state ceiling on certain private activity bonds as pursuant to Senate Bill 1382.

Total amount the \$834,100,000 state ceiling remaining unreserved as of November 18, 1988: \$1,500,058.

Comprehensive listing of bond issues which have received a reservation date pursuant to the Act from November 14, 1988-November 18, 1988: Lubbock Housing Finance Corporation, Eligible Borrowers, Qualified Mortgage Bonds, \$1,253,000.

Comprehensive listing of bonds issued and delivered as pursuant to the Act from November 14, 1988-November 18, 1988: none.

Note: The following reservation was cancelled: City of Pasadena Industrial Development Corporation (the Issuer), Carlon Division of Lamson and Sessions Company (the Project) for \$2,750,000.

Issued in Austin, Texas, on November 22, 1988.

TRD-8812110 J. William Lauderback  
Executive Director  
Texas Department of Commerce

Filed: November 28, 1988

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



## Comptroller of Public Accounts

### Gasoline and Alcohol Mixture Determination of Credits Allowable for the Months of January, February and March, 1989

Pursuant to the Tax Code §153.123, the Comptroller of Public Accounts is required to publish the credit against the gasoline tax allowable for the first sales or use of gasoline and alcohol mixture blended from products produced in a state allowing a reciprocal credit for Texas-produced products.

The Comptroller of Public Accounts has determined that \$0.04 per gallon credit for the first sales or use of gasoline and alcohol mixture blended with alcohol produced in Texas from Texas products will be available for the months of January, February, and March 1989.

The maximum credit allowed to be claimed for the first sale or use in January, February, and March 1989, of a gasoline and alcohol mixture blended from alcohol produced outside Texas and not from Texas-produced products, will be \$0.01 per gallon if from one of the following states: Alaska, Florida, Illinois, Iowa, Kentucky, Nebraska, Nevada, North Dakota, Ohio, South Dakota, Tennessee, and Washington.

No credit will be allowed for mixtures containing alcohol produced outside the United States, or those states which do not allow credit or exemptions for Texas-produced alcohol.

Inquires should be directed to the Tax Correspondence Division, Comptroller of Public Accounts, Austin, Texas 78774, or (512) 463-4600, or 1-800-531-5555.

Issued in Austin, Texas on November 22, 1988.

TRD-8812011 Bob Bullock

Comptroller of Public Accounts

Filed: November 22, 1988

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



**Office of Consumer Credit  
Commissioner**

**Notice of Rate Ceilings**

The consumer credit commissioner of Texas has ascertained the following rate ceilings by use of the formulas and methods described in Texas Civil Statutes, Title 79, Articles 1.04, 1.05, 1.11, and 15.02, as amended (Texas Civil Statutes, Articles 5069-1.04, 1.05, 1.11, and 15.02).

<u>Type of Rate Ceilings</u>	<u>Effective Period (Dates are Inclusive)</u>	<u>Consumer<sup>(3)</sup>/Agri- cultural/Commercial<sup>(4)</sup> thru \$250,000</u>	<u>Commercial<sup>(4)</sup> over \$250,000</u>
Indicated (Weekly) Rate - Art. 1.04(a)(1)	11/28/88-12/04/88	18.00%	18.00%
Monthly Rate <sup>(1)</sup> Art. 1.04(c)	11/01/88-11/30/88	18.00%	18.00%
Standard Quarterly Rate - Art. 1.04(a)(2)	10/01/88-12/31/88	18.00%	18.00%
Retail Credit Card Quarterly Rate - Art. 1.11 <sup>(3)</sup>	10/01/88-12/31/88	18.00%	N.A.
Lender Credit Card Quar- terly Rate - Art. 15.02(d) <sup>(3)</sup>	10/01/88-12/31/88	14.13%	N.A.
Standard Annual Rate - Art. 1.04(a)(2) <sup>(2)</sup>	10/01/88-12/31/88	18.00%	18.00%
Retail Credit Card Annual Rate - Art. 1.11 <sup>(3)</sup>	10/01/88-12/31/88	18.00%	N.A.
Annual Rate Applicable to Pre-July 1, 1983 Retail Credit Card and Lender Credit Card Balances with Annual Implementation Dates from:	10/01/88-12/31/88	18.00%	N.A.
Judgment Rate - Art. 1.05, Section 2	12/01/88-12/31/88	10.00%	10.00%

- (1) For variable rate commercial transactions only.  
(2) Only for open-end credit as defined in Art. 5069-1.01(f) V.T.C.S.  
(3) Credit for personal, family or household use.  
(4) Credit for business, commercial, investment or other similar purpose.

Issued in Austin, Texas, on November 21, 1988.

TRD-8812058

Al Endsley  
Consumer Credit Commissioner

Filed: November 23, 1988

For further information, please call: (512) 479-1280



## **Texas Education Agency Announcement of Research Opportunities—Request for Applications**

Research grants of up to \$5,000 are available to support public education research specific to grade levels Prekindergarten-12. A maximum of 15 grants will be awarded to local education agencies, universities, or education service centers on a noncompetitive basis. Funds may not be used to directly support the proposer. Topics identified as Texas Education Agency research priorities will receive initial consideration. Priority research areas are as follows:

- Bilingual Education Programs
- Compensatory Education
- Defining Quality Indicators
- Dropouts
- Effective Schools
- Effects of TEAMS on Instruction
- Equitable School Finance
- Gifted/Talented and Magnet Programs
- Prekindergarten Programs
- Promotion/Retention
- Teacher Effectiveness Measures Related to Student Outcomes

Inquiries for information regarding application for these funds should be addressed to: David Stamman, Director, Division of Program Evaluation, Texas Education Agency, 1701 North Congress Avenue, Austin, Texas 78701-1494, (512) 463-9524.

Issued in Austin, Texas on November 22, 1988.

TRD-8812101 W. N. Kirby  
Commissioner of Education

Filed: November 23, 1988

For further information, please call (512) 463-9032

◆ ◆ ◆  
**Office of the Governor, Criminal  
Justice Division**

**Texas Narcotics Control Program 1988  
Grant Program Announcement**

Under the provisions of the Anti-Drug Abuse Act of 1986 (Public Law 99-570), Texas has received a grant in the amount of \$2.38 million (federal fiscal year 1988 appropriation) to provide funding for the Texas Narcotics Control Program (TNCP). The governor has designated the Criminal Justice Division, Office of the Governor, to administer the program in the form of grants to units of government, as authorized by the Act. The Criminal Justice Division (CJD) is now accepting grant applications for eligible projects from state agencies and local units of government.

Programs will focus on law enforcement, with emphasis on persons who violate state and local laws relating to the production, possession, and transfer of controlled substances. The funds may be used to support projects which improve the apprehension, prosecution, adjudication, or identification of drug offenders for rehabilitation at the time of detention.

**Eligible Projects.** Only those projects designed for the purpose of enforcing state and local laws that establish offenses similar to offenses established in the Controlled Substances Act (21 United States Code 801 et seq) are eligible for grant funding. Such projects must conform to the authorized program areas as specified in the TNCP 1988 application kit and prioritized by the *Statewide Drug Strategy: 1988 Update* (both available from CJD). Additionally, to be eligible, each project must be operated by a state agency, local unit of government, or by a combination thereof; each project must demonstrate that it will carry out congressional intent, which is to ensure that the federal assistance provided is coordinated and integrated with state and local drug enforcement efforts, and that the maximum impact on the drug abuse problem in the state is achieved; and each project must be funded by 75% federal funds and 25% non-federal funds.

**Significant Restrictions and Special Requirements.** In preparation of budgets for proposed projects, prospective grantees are advised to consider that funds available for the 1988 TNCP are severely limited. Total capital expenditures cannot exceed 20% of the total amount of an individual grant. Confidential funds require a 25% cash match by local contributions. Required cash match can be provided by program income. The grant project period for any projects funded by this available block of funds will expire September 30, 1989.

Alcohol-related programs may not be funded under the TNCP, as the Controlled Substances Act expressly states

that distilled spirits are not considered a controlled substance. Funds may not be used to replace federal, state, or local funds that would have been available for narcotics control programs in the absence of Anti-Drug Abuse Act funding. All applications must comply with the program criteria and applicable rules of CJD, and must be submitted in the form prescribed by CJD. CJD reserves the right to negotiate modifications to improve the quality and cost effectiveness of any proposed project and to recommend to the governor the acceptance with modification, or rejection of any grant application. This announcement in no way obligates CJD to award grant funds or to pay any costs incurred by applicants as a result of responding to this announcement.

**Submission Deadline.** Applications must be received by CJD by 5 p. m. on Saturday, December 31, 1988. Prospective applicants must submit copies of applications to the state single point of contact or the regional review agency for review as required under the Texas review and comment system (TRACS).

**Application Materials.** Application kits, forms, and all materials necessary to complete a grant application for this program are available through the CJD or the regional councils of governments.

Issued in Austin, Texas on November 22, 1988.

TRD-8812039 David R. Millard III  
Assistant General Counsel  
Office of the Governor Criminal Justice  
Division

Filed: November 23, 1988

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

◆ ◆ ◆  
**Texas Department of Health  
Revocation of Radioactive Material  
Licenses**

The Texas Department of Health, having duly filed complaints pursuant to *Texas Regulations for Control of Radiation* Part 13.8, has revoked the following radioactive material licenses. Licensee: Onion Creek Gravel, Incorporated, License number: L03723, Location: Del Valle, Date of Action: 10/28/88.

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

Issued in Austin, Texas on November 17, 1988.

TRD-8811953 Robert A. MacLean  
Deputy Commissioner for Professional  
Services  
Texas Department of Health

Filed: November 21, 1988

For further information, please call (512) 835-7080.

**Request for Proposals**

**Generally.** The consultant services described in this notice are necessary to the functioning of the agency's programs. Payment for these services will be made from funds received from the federal government pursuant to a State of Texas request for such funds through a grant program.

**Description.** The Texas Department of Health's Public Health Promotion Division invites proposals from advertising agencies for the creation, development, and



production of a statewide media advertising campaign on AIDS prevention. The campaign, funded by the United States Centers for Disease Control, will include the following items for each of five target audience categories: 30-second TV PSA, 30-second radio PSA, newspaper/magazine print ad and posters. Target audience categories include: general adult, youth, blacks, Spanish-speaking hispanics, and English-speaking hispanics. The selected agency will be responsible for all creative and production aspects, including the formulation and use of evaluative focus groups. Additional responsibilities involve component packaging, placement strategy, and the establishment of use/effectiveness evaluation systems.

**Selection Procedure.** Proposals will be reviewed by TDH to select finalists for visual presentations after which the contracting advertising agency will be selected. Review criteria will include demonstrated or adjudged qualifications in the following areas: creativity, strategy, location, topical experience, client experience, PSA time/space procurement, agency size, fiscal management capabilities, and budget allocation.

**Dates of Contract.** The contract period will begin December 20, 1988, or as soon thereafter as possible, and will run through May 30, 1989, or until all requirements are met, whichever is earlier.

**Amount of Contract.** The total amount of this contract will not exceed \$380,000.

**Contact.** Further information and proposal packets may be obtained by contacting Doug McBride, Texas Department of Health, Public Health Promotion Division, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7405.

**Deadline.** Proposals must be received by TDH, Public Health Promotion Division, no later than 5:30 p.m., Friday, December 9, 1988.

Issued in Austin, Texas on November 23, 1988.

TRD-8812042 Robert A. MacLean  
Deputy Commissioner for Professional  
Services  
Texas Department of Health

Filed: November 23, 1988

For further information, please call: (512) 458-7405

## Texas Higher Education Coordinating Board

### Notice of Meetings

The Bias Review Committee will meet on Tuesday, November 29, 1988, and Wednesday, November 30, 1988. The meeting will be held in the Hyatt Regency, 208 Barton Springs Road in Austin. The meeting will begin at 8:15 a.m. For additional information contact Joan Matthews at the Coordinating Board at (512) 462-6485 (note: Closed after orientation).

Issued in Austin, Texas on November 23, 1988.

TRD-8812113 James McWhorter  
Assistant Commissioner for Planning and  
Administration  
Texas Higher Education Coordinating Board

Filed: November 28, 1988

For further information, please call (512) 462-6420

The Advisory Committee will meet on Thursday, December 1, 1988, and Friday, December 2, 1988, at 8:15 a.m. The meeting will be held at the Hyatt Regency, 208 Barton Springs Road in Austin. For additional information contact Joan Matthews at the Coordinating Board at (512) 462-6485 (note: Closed after orientation).

Issued in Austin, Texas on November 23, 1988.

TRD-8812114 James McWhorter  
Assistant Commissioner for Planning and  
Administration  
Texas Higher Education Coordinating Board

Filed: November 28, 1988

For further information, please call (512) 462-6420

The Part-time Faculty Study Committee will meet on Monday, December 5, 1988, from 10:30 a.m. to 4 p.m. The meeting will be held in Room 209 in the Bevington Reed Building located at 200 East Riverside Drive in Austin. For additional information contact Cristina De La Fuente at the Coordinating Board at (512) 462-6485.

Purpose of meeting: Consideration of draft document.

Issued in Austin, Texas on November 22, 1988.

TRD-8812115 James McWhorter  
Assistant Commissioner for Planning and  
Administration  
Texas Higher Education Coordinating Board

Filed: November 28, 1988

For further information, please call (512) 462-6420

## Texas Housing Agency Low Income Tax Credit Program

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

Internal Revenue Code of 1986, §42, provides for credits against federal income taxes for owners of qualified low-income rental housing projects. That section also establishes a ceiling on the aggregate amount of such tax credits that owners of projects located within a state may receive during a calendar year, and provides for the allocation of the available tax credit amount by state housing credit agencies. Pursuant to Executive Order WPC-87-15 (August 4, 1987), the Texas Housing Agency has been authorized to make housing credit allocations for the State of Texas.

The agency shall determine the state housing credit ceiling for each calendar year, beginning with calendar year 1987, by multiplying \$1.25 by the population of the State of Texas as determined by the most recent census estimate (whether final or provisional) released by the United States Bureau of the Census before the beginning of such calendar year, or by such other method as may be permitted by the Code.

The state ceiling amount for Texas imposed by the Code for calendar year 1988, is \$20,986,250.

Issued in Austin, Texas on November 23, 1988.

Filed: November 23, 1988

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

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## State Board of Insurance Company Licensing

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

1. Application for admission to do business in Texas of Vision Service Plan-Connecticut, Inc., a foreign health maintenance organization. The home office is in Hartford, Connecticut.
2. Application for a name change by United Services General Life Company, a foreign life insurance company. The home office is in Chicago, Illinois. The proposed new name is USG Life Company.
3. Application for admission to do business in Texas of PHICO Insurance Company, a foreign casualty insurance company. The home office is in Mechanicsburg, Pennsylvania.

Issued in Austin, Texas, on November 22, 1988.

TRD-8812095        Nicholas Murphy  
                         Chief Clerk  
                         State Board of Insurance

Filed: November 23, 1988

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

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## Texas Department of Labor and Standards Correction of Error

The Texas Department of Labor and Standards submitted an emergency amendment which contained errors as submitted by the department in the November 22, 1988, issue of the *Texas Register* (13 TexReg 5806).

The title to §75.7 should read: "*§75.7. Technical Requirements [Boilers].*"

The effective date to §75.7 should read: "Effective date: November 15, 1988. "

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## Public Information Fairs

The Texas Department of Labor and Standards (TDLS) will host an information fair for the general public from 5-7 p.m., Wednesday, December 7, 1988, in the Austin Central Library, Room A (fourth floor), 800 Guadalupe, Austin. The purpose of the fair is to disseminate information and guide the public through the department's varied licensing and registration processes.

Contact: Mary Anne Joseph, (512) 463-3172.

Issued in Austin, Texas on November 21, 1988.

TRD-8812108        Jennifer Mellett  
                         Director, Investigations  
                         Texas Department of Labor and Standards

Filed: November 28, 1988

For further information, please call (512) 463-3127

The Texas Department of Labor and Standards (TDLS) and Texas State Technical Institute (TSTI) Harlingen, will co-sponsor an information fair for the general public from 5-7 p.m., Tuesday, December 6, 1988, on the TSTI Campus, Short Course Center Building, Loop 499 and Oak Street, Harlingen. The purpose of the fair is to disseminate information and guide the public through the department's varied licensing and registration processes.

Contact: Mary Anne Joseph, (512) 463-3172.

Issued in Austin, Texas on November 21, 1988.

TRD-8812107        Jennifer Mellett  
                         Director, Investigations  
                         Texas Department of Labor and Standards

Filed: November 28, 1988

For further information, please call (512) 463-3127

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The Texas Department of Labor and Standards (TDLS) will host an information fair for the general public from 5-7 p.m., Monday, December 5, 1988, in the Drury Inn, 2021 North Padre Island, Corpus Christi. The purpose of the fair is to disseminate information and guide and public through the department's varied licensing and registration processes.

Contact: Mary Anne Joseph, (512) 463-3172.

Issued in Austin, Texas on November 21, 1988.

TRD-8812109        Jennifer Mellett  
                         Director, Investigations  
                         Texas Department of Labor and Standards

Filed: November 28, 1988

For further information, please call (512) 463-3127

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## Texas Medical Disclosure Panel Texas Medical Disclosure Panel Medical Treatment and Surgical Procedures

The Medical Liability and Insurance Improvement Act, Texas Civil Statutes, Article 4590i, §6.04, requires the Texas Medical Disclosure Panel to prepare lists of medical treatments and surgical procedures which physicians and health care providers are required to disclose or not disclose to patients or persons authorized to consent for the patients. In compliance with the Act, the panel has prepared List A, covering treatments and procedures which are required to be disclosed, and List B, covering treatments and procedures which are not required to be disclosed. The lists are adopted by reference in 25 TAC §601.1 and §601.2.

Article 4590i also requires the Medical Disclosure Panel to publish the lists, and amendments to them, in the *Texas Register*. Since the panel now proposes an amendment to List A in §601.1, the proposed amendment is published as follows. Further information about the proposed amendments is contained in the proposed rule section of this issue of the *Texas Register*.

Medical Treatment and Surgical Procedures Established by the Texas Medical Disclosure Panel

### §601.1. Procedures Requiring Full Disclosure (List A).

The following treatments and procedures require full disclosure by the physician or health care provider to the patient or person authorized to consent for the patient.

(1)-(16) (No change.)

(17) Psychiatric Procedures.

(1) Electroconvulsive therapy with modification by intravenous muscle relaxants and sedatives.

(1) Memory changes of events prior to, during, and immediately following the treatment.

(2) Fractures of dislocations of bones.

(3) Significant temporary confusion requiring special care.

Issued in Austin, Texas on November 23, 1988.

TRD-8812043 James H. Duke, Jr.  
Chairman  
Texas Medical Disclosure Panel

Filed: November 23, 1988.

For further information, please call: (512) 458-7245

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**Texas Water Commission**  
**Enforcement Orders**

Pursuant to the Texas Water Code, which states that if the commission finds that a violation has occurred and a civil penalty is assessed, the commission shall file notice of its decision in the *Texas Register* not later than the 10th day after the date on which the decision is adopted, the following information is submitted.

An enforcement order was issued to Wood Industries, SWR 69092, on November 17, 1988, assessing \$7,500 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Steve Dickman, Staff Attorney, Texas Water Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 463-8069.

Issued in Austin, Texas on November 23, 1988.

TRD-8812062 Gloria A. Vasquez  
Notices Coordinator  
Texas Water Commission

Filed: November 23, 1988

For further information, please call (512) 463-7906

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Pursuant to the Texas Water Code, which states that if the commission finds that a violation has occurred and a civil penalty is assessed, the commission shall file notice of its decision in the *Texas Register* not later than the 10th day after the date on which the decision is adopted, the following information is submitted.

An enforcement order was issued to the Safety-Kleen Corporation, SWR 67028, on November 17, 1988, assessing \$4,500 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Lisa Montgomery, Staff Attorney, Texas Water Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 463-8069.

Issued in Austin, Texas on November 23, 1988.

TRD-8812061 Gloria A. Vasquez  
Notices Coordinator  
Texas Water Commission

Filed: November 23, 1988

For further information, please call (512) 463-7906

Pursuant to the Texas Water Code, which states that if the commission finds that a violation has occurred and a civil penalty is assessed, the commission shall file notice of its decision in the *Texas Register* not later than the 10th day after the date on which the decision is adopted, the following information is submitted.

An enforcement order was issued to the Manor Municipal Utility District, Permit 10700-01, on November 17, 1988, assessing \$2,000 in administrative penalties and imposing stipulated penalties.

Information concerning any aspect of this order may be obtained by contacting Mark Jordan, Staff Attorney, Texas Water Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 463-8069.

Issued in Austin, Texas on November 23, 1988

TRD-8812059 Gloria A. Vasquez  
Notices Coordinator  
Texas Water Commission

Filed: November 23, 1988

For further information, please call (512) 463-7906

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Pursuant to the Texas Water Code, which states that if the commission finds that a violation has occurred and a civil penalty is assessed, the commission shall file notice of its decision in the *Texas Register* not later than the 10th day after the date on which the decision is adopted, the following information is submitted.

An enforcement order was issued to the City of Hidalgo, Permit 11080-01, on November 17, 1988, imposing stipulated penalties.

Information concerning any aspect of this order may be obtained by contacting Robin Shaver, Enforcement Coordinator, Texas Water Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 463-8069.

Issued in Austin, Texas on November 23, 1988.

TRD-8812060 Gloria A. Vasquez  
Notices Coordinator  
Texas Water Commission

Filed: November 23, 1988

For further information, please call (512) 463-7906

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**Public Hearing Notices**

The Texas Water Commission will conduct a public hearing beginning at 10 a.m., January 18, 1989, Room 1149, Stephen F. Austin Building, 1700 North Congress Avenue, Austin, in order to receive testimony concerning the waste load evaluation for the San Antonio River in the San Antonio River Basin (Segments 1901, 1903, 1906, 1911, and 1912). The public hearing shall be conducted in accordance with the Texas Water Code, §26.011 and §26.037.

The primary purpose of a waste load evaluation is to define treatment levels for wastewater dischargers to a segment and specify other program actions that need to be taken in order to attain and maintain the water quality standards, describe nonpoint source pollution from areas tributary to a segment, and identify treatment level alternatives using receiving stream water quality simulations. A section containing recommended treatment levels and other proposed recommended actions is also included.

The public is encouraged to attend the hearing and to present relevant evidence or opinions concerning the waste

load evaluation. Written testimony which is submitted prior to or during the public hearing will be included in the record. The commission would appreciate receiving a copy of all written testimony at least five days before the hearing. Copies of written testimony and questions concerning the public hearing should be addressed to Daniel E. Beckett, Texas Water Commission, P.O. Box 13087, Austin, Texas 78711-3087, or call (512) 463-8452.

A limited number of copies of the draft waste load evaluation are available for review in the Texas Water Commission Library, Room 511 of the Stephen F. Austin Building, 1700 North Congress, Austin, or may be obtained by writing to Dale White, P.O. Box 13087, Austin, Texas 78711-3087, or call (512) 463-8452. There are no charges for the pre-hearing draft copies of the waste load evaluation; however, a fee will be charged for the finalized post-hearing copies.

The date selected for this hearing is intended to comply with deadlines set by statute and regulation. Any publication or receipt of this notice less than 45 calendar days prior to the hearing date is due to the necessity of scheduling the hearing on the date selected.

Issued in Austin, Texas on November 28, 1988.

TRD-8812112 James F. Haley  
Director Legal Division  
Texas Water Commission

Filed: November 28, 1988

For further information, please call (512) 463-8452

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## Texas Water Development Board Requests for Proposals

The Texas Water Development Board (board) requests, pursuant to 31 Texas Administrative Code (TAC), §355.13(a), the submission of regional planning proposals from political subdivisions leading to the award of a contract to establish service needs, determine feasible alternatives to meet wastewater facilities needs, estimate the costs associated with implementing feasible wastewater collection and treatment alternatives, and identify institutional arrangements to provide wastewater collection and treatment services in Johnson County. In order for a political subdivision to be eligible to receive a grant, the applicant must have the authority to plan, implement, and operate wastewater facilities.

**Description of Planning Objectives.** The purpose of this project is to prepare a plan that documents service needs, identifies feasible alternatives to meet wastewater collection and treatment needs, presents estimates of costs associated with providing wastewater collection and treatment system(s), and evaluates various institutional arrangements to provide wastewater services in Johnson County. Regional planning shall be for areas with centralized wastewater service and unincorporated areas of Johnson County that are presently inhabited and where human habitation is expected between 1990 and 2020. Individual cities located within the planning area may, through appropriate official action, choose to be included and participate in the planning effort. If cities are included, separate sections of the plan shall be prepared for each individual city, the rural communities, and the unincorporated areas. Discrete phases to implement wastewater facilities to meet projected needs of rural communities and individual participating cities will be identified. Cost estimates shall be made for each respective implementation phase to determine capital, operation, and maintenance costs for facilities and user costs. Cost estimates for wastewater facility

services shall be prepared and presented separately for wastewater collection; and wastewater treatment and disposal.

The planning period for the proposed work shall extend from 1990 through the year 2020 and shall include project implementation schedules by service area and by type of service facility for the respective phases.

**Description of Funding Consideration.** The board has determined that there is an urgent need for regional wastewater planning in Johnson County. Fifty percent state funding from the board's research and planning fund has been authorized for amounts of up to \$70,000 for Johnson County. In the event that no acceptable proposal is submitted, the board retains the right to make no award of contract funds as specified by provisions of 31 TAC §355.13(a)(3).

The selected proposer will have 90 days from board approval to enter into the contract and to demonstrate to the executive administrator that it has its matching share committed and available.

**Deadlines and Contact Person for Additional Information.** Ten copies of the full regional planning proposal must be filed with the board prior to 5 p. m., January 16, 1989. A contract must be completed and work must be underway no later than May 17, 1989. Regional planning proposals must be directed to M. Reginald Arnold, II, Executive Administrator, Texas Water Development Board, P.O. Box 13231, Austin, Texas 78711-3231.

Requests for information, regional planning objectives, and applicable planning rules in accordance with 31 TAC §§355.10-355.19, may be directed to Bob Wear at the preceding address or (512) 463-7987.

**Statement of Contract Terms and Required Completion Date.** Procedures for awarding contracts shall comply with Texas Civil Statutes, Article 6252-11c, and Article 664-4, where applicable, and with 31 TAC §§355.10-355.19. Contractual agreements and associated funding will terminate on August 31, 1989. Completion date: August 31, 1989.

Issued in Austin, Texas on November 28, 1988.

TRD-8812117 Suzanne Schwartz  
General Counsel  
Texas Water Development Board

Filed: November 28, 1988

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

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The Texas Water Development Board (Board) requests, pursuant to 31 Texas Administrative Code (TAC) §355.13(a), the submission of regional planning proposals from political subdivisions leading to the possible award of a contract to evaluate and determine the most feasible alternatives to meet water supply needs, estimate the costs and schedule associated with implementing feasible water supply alternatives, and develop a comprehensive water conservation and drought management plan for the Bryan-College Station area. In order for a political subdivision to be eligible to receive a grant, the applicant must have the authority to plan, develop, and operate water supply facilities.

**Description of Planning Objectives.** The purpose of this project is to prepare a regional water supply planning study that estimates total water demands for the planning area between 1990 and 2020, identifies feasible alternatives to meet water supply needs, and presents estimates of costs and schedules associated with providing water sup-



The Texas Water Development Board (Board) requests, pursuant to 31 Texas Administrative Code (TAC) §355.13(a), the submission of regional planning proposals from political subdivisions leading to the award of a contract to evaluate and determine the most feasible alternatives to meet water supply needs, estimate the costs associated with implementing feasible water supply alternatives, and identify institutional arrangements to provide water services for Mills County, encompassing all of the Fox Crossing Water District. In order for a political subdivision to receive a grant, the applicant must have the authority to plan, develop, and operate water supply facilities.

**Description of Planning Objectives.** The purpose of this project is to prepare a plan that documents service needs, identifies feasible alternatives to meet water supply needs, and presents estimates of costs and schedules associated with providing water supply source, conveyance, treatment, and distribution system(s). A water conservation plan and a drought management plan will be developed to ensure that existing and future sources are used efficiently and as a basis for confirming demand projections of future need.

Discrete phases to implement water supply facilities to meet projected needs will be identified. Cost estimates shall be made for each respective implementation phase to determine the capital, operation, and maintenance requirements during the 30-year planning period. Separate cost estimates shall be made for each supply system component, including the water conservation program. Cost estimates for facilities shall be divided into water supply source(s), conveyance to treatment facilities, water treatment facilities, and storage and distribution facilities. The planning period for the proposed work shall extend from 1990 through the year 2020 and shall include project implementation schedules by service area and by type of service facility and activity for the respective phases.

**Description of Funding Consideration.** The board has determined that there is an urgent need for regional water supply planning in the Mills County area. Fifty percent state funding for a state amount of up to \$20,000 has been authorized from the Board's Research and Planning Fund. In the event that no acceptable proposal is submitted, the Board retains the right to make no award of contract funds as specified by provisions of 31 TAC §355.1(a)(3).

The selected proposer will have 90 days from board approval to enter into the contract and to demonstrate to the executive administration that it has its matching share committed and available.

**Deadlines and Contact Person for Additional Information.** Ten copies of the full regional planning proposal must be filed with the board prior to 5 p.m., January 3, 1989. A contract must be completed and work must be underway no later than April 19, 1989. Regional planning proposals must be directed to M. Reginald Arnold II, Executive Administrator, Texas Water Development Board, P.O. Box 13231, Austin, Texas 78711-3231.

Requests for information, regional planning objectives, and applicable planning rules in accordance with 31 TAC §§355.10-355.19, may be directed to T. James Fries at the preceding address or (512) 463-7926.

**Statement of Contract Terms and Required Completion Date.** Procedures for awarding contracts shall comply with Texas Civil Statutes, Article 6252-11c, and Article 664-4, where applicable, and with 31 TAC §§355.10-355.19. Contractual agreements and associated funding will terminate on August 31, 1989. Completion date:

August 31, 1989.

Issued in Austin, Texas on November 28, 1988.

TRD-8812120

Suzanne Schwartz  
General Counsel  
Texas Water Development Board

Filed: November 28, 1988

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

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The Texas Water Development Board (Board) requests, pursuant to 31 Texas Administrative Code (TAC) §355.13(a), the submission of regional planning proposals from political subdivisions leading to the award of a contract to evaluate and determine the most feasible alternatives to meet water supply needs, estimate the costs associated with implementing feasible water supply alternatives, and identify institutional arrangements to provide water services for all or a portion of Jack, Wise, Parker, Tarrant, Johnson, Ellis, Freestone, Navarro, Hill, Limestone, Denton, Kaufman, Van Zandt, Henderson, and Anderson Counties. In order for a political subdivision to receive a grant, the applicant must have the authority to plan, implement, and operate water supply facilities.

**Description of Planning Objective.** The purpose of this project is to prepare a plan that documents service needs, identifies feasible alternatives to meet water supply needs, and presents estimates of costs and schedules associated with providing water supply source, conveyance, treatment, and distribution system(s). A water conservation plan and a drought management plan will be developed to ensure that existing and future sources are used efficiently and as a basis for confirming demand projections of future need.

Discrete phases to implement water supply facilities to meet projected needs will be identified. Cost estimates shall be made for each respective implementation phase to determine the capital, operation, and maintenance requirements during a 60-year planning period. Separate cost estimates shall be made for each supply system component, including the water conservation program. Cost estimates for facilities shall be divided into water supply source(s), conveyance to treatment facilities, water treatment facilities, and storage and distribution facilities. The planning period for the proposed work shall extend from 1990 through the year 2050 shall include project implementation schedules by service area and by type of service facility and activity for the respective phases.

**Description of Funding Consideration.** The board has determined that there is an urgent need for regional water supply planning in the Tarrant County Water Control Improvement District Number 1 planning area. Fifty percent state funding for a state amount of up to \$100,000 has been authorized from the board's Research and Planning Fund. In the event that no acceptable proposal is submitted, the Board retains the right to make no award of contract funds as specified by provisions of 31 Texas Administrative Code (TAC) §355.13(a)(3).

The selected proposer will have 90 days from board approval to enter into the contract and to demonstrate to the executive administrator that it has its matching share committed and available.

**Deadlines and Contact Person for Additional Information.** Ten copies of the full regional planning proposal must be filed with the board prior to 5 p. m., January 16, 1989. A contract must be completed and work must be directed to M. Reginald Arnold II, Executive Administrator, Texas Water Development Board, P. O. Box 13231,

Austin, Texas 78711-3231.

Requests for information, regional planning objectives, and applicable planning rules in accordance with 31 TAC §§355.10-355.19, may be directed to T. James Fries at the preceding address or (512) 463-7926.

**Statement of Contract Terms and Required Completion Date.** Procedures for awarding contracts shall comply with Texas Civil Statutes, Article 6252-11c, and Article 664-4, where applicable, and with 31 TAC §§355.10-355.19. Contractual agreements and associated funding

will terminate on August 31, 1989. Completion date: August 31, 1989.

Issued in Austin, Texas on November 28, 1988.

TRD-8812120

Suzanne Schwartz  
General Counsel  
Texas Water Development Board

Filed: November 28, 1988

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

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<b>Banking</b> . . . . .	<b>Late October</b>
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<b>Economic Regulation</b> . .	<b>Early November</b>
<b>Education</b> . . . . .	<b>Mid-November</b>
<b>Natural Resources</b> . . .	<b>Mid-November</b>
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We're also working on the remaining eight individual titles and an all new general index. We'll let you know their exact publication dates in future issues of the Texas Register.

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