

# Texas Register

Volume 16, Number 17, March 5, 1991

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## Texas Register

The *Texas Register* (ISSN 362-4781) is published semi-weekly 100 times a year except January 4, July 9, September 6, December 3, December 31, 1991. Issues will be published by the Office of the Secretary of State, 1019 Brazos, Austin, Texas 78711.

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

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Withdrawn Sections-sections withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date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

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

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

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

In Order that readers may cite material more easily page numbers are now written as citations. Example: on page 2 in the lower left-hand corner of the page, would be written: "14 TexReg 2 issue date," while on the opposite page, page 3, in the lower right-hand corner, would be written "issue date 14 TexReg 3"

**How to Research:** The public is invited to research rules and information; of interest between 8 a.m. and 5 p.m. weekdays at the *Texas Register* office, Room 245, James Earl Rudder Building, Austin. Material can be found using *Texas Register* indexes, the *Texas Administrative Code*, sections number, or TRD number.

## Texas Administrative Code

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

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

1 indicates the title under which the agency appears in the *Texas Administrative Code*; TAC stands for the *Texas Administrative Code*; §27.15 is the section number of rule (27 indicates that the section is under Chapter 27 of Title 1; 15 represents the individual section within the chapter).



## Texas Register Publications

a section of the  
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P.O. Box 13824  
Austin, Texas 78711-3824

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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.

1421–Texas Department of Human Services

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# TAC Titles Affected

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## TAC Titles Affected—March

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#### *Part IV. Office of the Secretary of State*

1 TAC §21.51—1333

1 TAC §95.51—1417

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4 TAC §§5.70-5.75—1361

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7 TAC §3.33—1417

#### *Part II. Banking Department of Texas*

7 TAC §11.83—1407

#### *Part IV. Texas Savings and Loan Department*

7 TAC §63.11—1407

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7 TAC §91.402—1408

### TITLE 10. COMMUNITY DEVELOPMENT

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10 TAC §165.2—1361

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13 TAC §§9.1-9.14—1361

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#### *Part IV. Texas Department of Licensing and Regulation*

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22 TAC §309.3—1365

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34 TAC §§67.65, 67.87, 67.89, 67.101—1412

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37 TAC §15.6—1370

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

40 TAC §24.102—1413

40 TAC §48.2503—1418

40 TAC §48.3901, §48.3903—1355

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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 7. BANKING AND SECURITIES

### Part II. Banking Department of Texas

#### Chapter 11. Miscellaneous

##### Same Powers as National Banks

###### • 7 TAC §11.83

The Finance Commission of Texas proposes an amendment to §11.83, concerning other matters. The amendment permits a state bank to treat its investment in a community development corporation in the same manner as a national bank. Current §11.83(g) requires a state bank to charge off its investment in a community development corporation as an expense. However, under Interpretive Ruling 7.7480 (12 Code of Federal Regulations, §7.7480), a national bank may either charge off such an investment, or carry the investment as an asset provided that certain conditions are met. The amendment authorizes a state bank to charge off its investment in a community development corporation, or carry its investment as an asset under the same conditions as prescribed for national banks.

Ann Graham, general counsel, has determined that for the first five-year period the section is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the section.

Ms. Graham 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 to encourage state banks to invest in community development corporations which will promote community welfare, such as housing and economic rehabilitation and development of property in low- and moderate-income areas. The small business community should benefit from increased investment by state banks in community development corporations. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Ann Graham, General Counsel, Texas Department of Banking, 2601 North Lamar Boulevard, Austin, Texas 78705-4294.

The amendment is proposed under Texas Civil Statutes, Article 342-113, which provide the Finance Commission of Texas with the authority to promulgate rules not inconsistent with the constitution and statutes of this state to prevent state banks from concentrating an

excessive or unreasonable portion of their resources in any particular type or character of loan, security, or investment, to otherwise establish standards for investments by state banks, to permit state banks to transact their affairs in any manner or make any loan or investment which they could do under existing or any future law, rule, or regulation were they organized and operating as a national bank under the laws of the United States, and to define, identify, and determine incidental powers which a state bank may exercise as necessary to its specific powers.

##### §11.83. Other Matters.

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

(g) Investments in community development projects. Occasionally banks are asked to contribute to a community development corporation, wherein the bank will receive an equity interest in or evidence of debt which may have value in the future but which is clearly not a bankable asset by ordinary standards. Such investment may be made and charged off as a contribution. If the bank wishes to carry the investment as an asset the examiners will treat it as permissible under Texas Civil Statutes, Article 342-301; provided the following conditions are met:

(1) the project must be of a predominantly civic, community, or public nature and not merely private and entrepreneurial;

(2) The bank's investment in any one project does not exceed 2.0% of its capital and surplus and its aggregate investment in all such projects does not exceed 5.0% of its capital and surplus; and

(3) Such investments are accounted for on the bank's books under "other assets." [A state bank may make a contribution to a community development corporation and receive in return an equity interest in or evidence of debt which may have value in the future but which is clearly not a bankable asset by ordinary standards. Such contributions should be charged to expenses. The project must be of a predominantly civic, community, or public nature and not merely private and entrepreneurial.]

(h)-(l) (No change.)

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

Issued in Austin, Texas, on February 21, 1991.

TRD-9102378      Ann Graham  
General Counsel  
Texas Department of  
Banking

Earliest possible date of adoption: April 5, 1991

For further information, please call: (512) 479-1200

## Part IV. Texas Savings and Loan Department

### Chapter 63. Fees and Charges

#### • 7 TAC §63.11

The Texas Savings and Loan Department proposes an amendment to §63.11, concerning fees for application for change of control. The amendment is necessary to conform the rule with the current fee schedule approved by the Finance Commission of Texas on December 14, 1990.

James L. Pledger, Texas savings and loan commissioner, has determined that there will be fiscal implications for state government as a result of enforcing or administering the section. The effect on state government for the first five-year period the section is in effect will be an estimated additional cost of \$15,000 for fiscal years (fy) 1991-1995. There will be an estimated increase in revenue of \$7,500 for fy 1991-1995. There will be no fiscal implications for local government as a result of enforcing or administering the section.

Mr. Pledger 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 examinations by the department of proposed acquisitions of controlling interests in savings and loan associations. The effect on small businesses will be the filing fees addressed in these rules. The cost will be the same for small businesses and large businesses. The anticipated economic cost to persons who are required to comply with the section as proposed will be \$7,500 for each application for approval of change of control filed with the department.

Comments on the proposal may be submitted to James L. Pledger, Commissioner, Texas Savings and Loan Department, Finance Commission Building, 2601 North Lamar Boulevard, Suite 201, Austin, Texas 78705, or hand-delivered to the same address.

The amendment is proposed under Texas Civil Statutes, Article 342-114, which provide the Finance Commission of Texas with the authority to promulgate general rules and regulations not inconsistent with the constitution and statutes of the state and, from time to time, amend same, and under Texas Civil Statutes, Article 852a, §8.01(2), which authorize the Finance Commission of Texas to adopt rules relating to fees and procedures for processing, hearing, and deciding applications filed with the commissioner.

**§63.11. Fee for Change of Control.** The commissioner shall collect a filing fee of \$7,500 [\$5,000] for each application filed pursuant to Chapter 71 of this title (relating to Change of Control) for change of control of an association.

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

Issued in Austin, Texas, on February 26, 1991.

TRD-9102376 Mark H. Holland  
General Counsel  
Texas Savings and Loan  
Department

Earliest possible date of adoption: April 5, 1991

For further information, please call: (512) 479-1250

## Part VI. Credit Union Department

### Chapter 91. Chartering, Operations, Mergers, Liquidations

#### Powers of Credit Unions

##### • 7 TAC §91.402

*(Editor's note: The text of the following section proposed for repeal will not be published. The section may be examined in the offices of the Credit Union Department or in the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brazos Street, Austin.)*

The Credit Union Commission proposes repeal of §91.402, concerning the retention of records. The current requirements have become somewhat obsolete and need to be updated to accommodate current statutory and regulatory requirements, as well as new technology available for copying documents.

John R. Hale, commissioner, has determined that for the first five-year period the repeal is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the repeal.

Mr. Hale also has determined that for each year of the first five years the repeal is in effect the public benefit anticipated as a result of enforcing the repeal will be updated to meet statutory and regulatory requirements. There will be no effect on small businesses. The anticipated economic cost to persons who are required to comply with the repeal as proposed will likely not be greater than presently required.

Comments on the proposal may be submitted to Harry L. Elliott, Staff Services Officer, 914 East Anderson Lane, Austin, Texas 78752-1699.

The repeal is proposed under the provisions of Texas Civil Statutes, Article 2461-11.07, which provide the Credit Union Commission with the authority to adopt reasonable rules necessary for the administration of the Texas Credit Union Act.

#### §91.402. Permanent Records.

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

Issued in Austin, Texas, on February 27, 1991.

TRD-9102401 John R. Hale  
Commissioner  
Credit Union Department

Earliest possible date of adoption: April 5, 1991

For further information, please call: (512) 837-9236

## TITLE 16. ECONOMIC REGULATION

### Part IV. Texas Department of Licensing and Regulation

#### Chapter 60. Texas Commission of Licensing and Regulation

##### Subchapter C. Fees

##### • 16 TAC §60.69, §60.70

The Texas Department of Licensing and Regulation proposes amendments to §60.69 and §60.70, concerning manufactured housing division and industrialized housing and buildings fees. The proposed amendments increase the manufactured housing fees for in-plant inspections, increased frequency inspections, engineering services, Texas seals, inspection of alterations, registrant school, quick title, and title transactions. The proposed amendments increase the industrialized housing and buildings fees for monitoring of design review agencies and third-party inspection agencies.

Jimmy G. Martin, director of programs of manufactured housing/industrialized housing and buildings, has determined that there will be fiscal implications as a result of enforcing or administering the sections. The effect on state government for the first five-year period the sections are in effect will be an increase in revenue of \$739,201. There will be no effect on local government. The cost of compliance with the sections for small businesses will be approximately \$0.0145 per \$100 of sales. The average cost of compliance for both large and small manufacturers would be approximately \$3.10 for a single wide and \$6.38 for a double wide or \$0.0145 cost per \$100 of sales.

Mr. Martin also has determined that for each year of the first five years the sections are in

effect the public benefit anticipated as a result of enforcing the sections will be the assurance to consumers that their homes are inspected, installed, and titled properly for their safety, health, and welfare. The anticipated economic cost to persons who are required to comply with the sections as proposed will be \$13.19 to \$16.38 for each individual purchasing a new manufactured home.

Comments on the proposal may be submitted to Jimmy G. Martin, Director of Programs, Manufactured Housing/Industrialized Housing and Buildings, P.O. Box 12157, Austin, Texas 78711.

The amendments are proposed under Texas Civil Statutes, Article 9100, which provide the Texas Commission of Licensing and Regulation with the authority to adopt rules of practice setting forth the nature and requirements of all formal and informal procedures available.

#### §60.69. Manufactured Housing Division Fees.

(a) There shall be a fee of **\$12.50** [\$15] for the inspection of each [all] HUD-code manufactured floor [homes] manufactured or assembled within the State of Texas.

(b)-(d) (No change.)

(e) There shall be a fee of **\$40** [\$21] per hour for engineering services paid by the manufacturer. The manufacturer shall also be charged for reimbursement of mileage and per diem incurred by department personnel to and from the location of the manufacturer when such travel is incidental to the engineering services performed.

(f) There shall be a fee of **\$30** [\$15] per hour, not to exceed **\$240** [\$120] per day, for conducting initial 100% inspections at manufacturer location. The manufacturer shall also be charged for mileage and per diem incurred by department personnel to and from the location of the manufacturer.

(g) There shall be a fee of **\$30** [\$15] per man hour not to exceed **\$240** [\$120] per man day for increased frequency inspection. The manufacturer shall also be charged for reimbursement of mileage and per diem incurred by department personnel to and from the location of the manufacturer.

(h) There shall be a fee of **\$15** [\$10] for the issuance of Texas seals.

(i)-(k) (No change.)

(l) There shall be a fee of **\$30** [\$15] per hour or a minimum fee of **\$30** [\$25] for the inspection of alterations made upon the structure, plumbing, heating, or electrical systems of mobile homes and HUD-code manufactured homes. The person shall also be charged for reimbursement of mileage and per diem incurred by department personnel to and from the place of inspection.

(m) Each attendee at the course of instruction in the law and consumer protec-



tion regulations for registration applicants shall be assessed a fee of \$125 [\$110].

(n) (No change.)

(o) There shall be a fee of \$100 for the inspection of a consumer's home in accordance with a consumer complaint when requested by a manufacturer or retailer [rebuilder]. The fee shall accompany a written request for the inspection.

(p) Title transaction fees are as set out in paragraphs (1)-(5) of this subsection.

(1) There shall be a fee of \$35 [(\$25)] for each title transaction.

(2) There shall be a transaction fee of \$60 [\$50] for the issuance of a quick title.

(3) The \$35 [\$25] fee for all title transactions is payable for any subsequent issuance or reissuance of a manufactured home document of title except for the issuance of a corrected document of title in those instances where an error was made by the department in the document of title.

(4)-(5) (No change.)

#### *\$60.70. Industrialized Housing and Buildings Division Fees.*

(a) The manufacturer's registration fee is \$1,000 annually.

(b)-(f) (No change.)

(g) When the department acts as a design review agency, the fee for such services is \$40 per engineer hour. The fee shall be paid by the manufacturer for whom the services are performed [offered] prior to the approval of the designs, plans, specifications, compliance control, and installation manuals and the release of the documents to the manufacturer.

(h)-(i) (No change.)

(j) The fee for department monitoring of design review agencies and third party inspection agencies outside headquarters shall be \$90 [\$25] per inspector hour and \$100 [\$35] per engineer hour. [;] The [the] department will present the agency a statement at the conclusion of the monitoring trip, and it is payable upon receipt.

(k) (No change.)

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

Issued in Austin, Texas, on February 25, 1991.

TRD-9102348

Larry E. Kosta  
Executive Director  
Texas Department of  
Licensing and  
Regulation

Earliest possible date of adoption: April 5, 1991

For further information, please call: (512) 463-3127

## Chapter 69. Manufactured Housing

### Titling

#### • 16 TAC §69.204

The Commissioner of the Texas Department of Licensing and Regulation proposes an amendment to §69.204, concerning titling forms. The addition of the new affidavit of installation form will identify homes that have been installed in a new location as a result of a sale or transfer. If the home was installed in a new location the installation report (Form TDLR-MH-7016, revised August 89) will be required to accompany the affidavit of disposition and affidavit of installation forms.

Jimmy G. Martin, director of programs of manufactured housing/industrialized housing and buildings, has determined that there will be fiscal implications as a result of enforcing or administering the section. The effect on state government for the first five-year period the section is in effect will be an increase in revenue of \$54,788. There will be no effect on local government.

Mr. Martin 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 assurance that the consumer's home installation is inspected by the Texas Department of Licensing and Regulation. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Jimmy G. Martin, Director of Programs, Manufactured Housing/Industrialized Housing and Buildings, P.O. Box 12157, Austin, Texas 78711.

The amendment is proposed under Texas Civil Statutes, Article 5221f, which provide the commissioner of the Texas Department of Licensing and Regulation with the authority to adopt rules of practice setting forth the nature and requirements of all formal and informal procedures available.

#### *\$69.204. Titling Forms.*

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

(c) Affidavit of installation.

(1) A notarized affidavit of installation shall accompany each affidavit of disposition.

(2) The affidavit and installation shall be in a form approved by the department and shall contain the following information:

(A) description of the home:

(i) serial number;

(ii) HUD label number or Texas seal number;

(iii) size of home;

(iv) name of manufacturer;

(B) whether or not the home was, or will be, moved as a result of the sale or transfer:

(C) whether or not the home was, or will be, installed at a new location as a result of the sale or transfer;

(D) the location of the home immediately prior to the sale or transfer;

(E) if moved, or to be moved, the location of the home after the move and the name and address of the person or company that moved, or will move, the home; and

(F) if installed, or to be installed, the location of the home after installation: and the name and address of the person or company that installed, or will install, the home.

(3) If the home was, or will be, installed as a result of the sale or transfer, an installation inspection fee of \$20 must be submitted along with the affidavit of installation and a completed installation report (Form TDLR-MH-7016, revised August 1989). The installation inspection fee must be submitted separately from the titling fee in the form of a cashier's check or money order payable to the Texas Department of Licensing and Regulation.

(d)[(c)] Manufactured home affidavit of transaction.

(1)-(7) (No change.)

(e) [(d)] Texas original certificate of ownership, manufactured home document of title.

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

(4) The department shall issue a document of title in the following cases:

(A) after receipt of a properly executed affidavit of disposition, affidavit of installation, and the manufacturer's certificate of origin upon the initial retail sale;

(B) after receipt of a properly executed affidavit of disposition, affidavit of installation and the original document of title when there is a transfer of ownership or the addition of a lien or lienholder;

(C) (No change.)

(5) (No change.)

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

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

Issued in Austin, Texas, on February 25, 1991.

TRD-9102349      Larry E. Kosta  
Executive Director  
Texas Department of  
Licensing and  
Regulation

Earliest possible date of adoption: April 5, 1991

For further information, please call: (512) 463-3127

◆      ◆      ◆  
**Chapter 75. Air Conditioning  
and Refrigeration Contractor  
License Law**

◆      ◆      ◆  
**• 16 TAC §75.20**

The Texas Department of Licensing and Regulation proposes an amendment to §75.20, concerning licenses. Subsection (c)(2) is being amended to clarify the size equipment on which a Class B license holder may work.

Meryl Vaughan, administrative assistant, boiler section, has determined that for the first five-year period the section is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the section.

Mr. Vaughan 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 public, and municipal building inspectors, will be more able to determine if a contractor is licensed for the proper size equipment. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Elvis Schulze, General Counsel, Texas Department of Licensing and Regulation, P.O. Box 12157, Austin, Texas 78711.

The amendment is proposed under Texas Civil Statutes, Article 8861, which provide the Texas Department of Licensing and Regulation with the authority to promulgate and enforce a code of rules and take all action necessary to assure compliance with the intent and purpose of the Act.

**§75.20. Licensing Requirements.**

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

(c) Licenses.

(1) (No change.)

(2) A Class B license entitles the licensee to perform air conditioning and refrigeration contracting, of each type for which the license is endorsed, on systems, products, or equipment of not more than 25 tons cooling capacity or of not more than 1.5 million British thermal units (Btus) per hour heating capacity. A system is single unit or combination of equipment that is interconnected by piping or duct work. [A combination of smaller units totaling

more than 25 tons of cooling capacity or more than 1.5 million Btus per hour of heating capacity shall not be construed as a system requiring a Class A license.]

(3)-(17) (No change.)

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

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

Issued in Austin, Texas, on February 25, 1991.

TRD-9102347      Larry E. Kosta  
Executive Director  
Texas Department of  
Licensing and  
Regulation

Earliest possible date of adoption: April 5, 1991

For further information, please call: (512) 463-3127

◆      ◆      ◆  
**Chapter 79. Vehicle Storage  
Facilities**

◆      ◆      ◆  
**• 16 TAC §79.10**

The Texas Department of Licensing and Regulation proposes an amendment to §79.10, concerning definitions. The section is being amended to clarify the meaning of "Day".

Elvis G. Schulze, general counsel, has determined that for the first five-year period the section is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the section.

Mr. Schulze 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 not be applicable, as the public is relatively unaffected by this particular proposed section. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Elvis G. Schulze, General Counsel, Texas Department of Licensing and Regulation, P.O. Box 12157, Austin, Texas 78711.

The amendment is proposed under Texas Civil Statutes, Article 6687-9a and 9100 which provide the Texas Department of Licensing and Regulation with the authority to adopt rules to regulate the Vehicle Storage Facility Program.

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

**Day**—Twentyfour continuous hours [a calendar day].

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

Issued in Austin, Texas, on February 25, 1991.

TRD-9102345

Larry E. Kosta  
Executive Director  
Texas Department of  
Licensing and  
Regulation

Earliest possible date of adoption: April 5, 1991

For further information, please call: (512) 463-3127

◆      ◆      ◆  
**Chapter 80. Tow Trucks**

◆      ◆      ◆  
**• 16 TAC §80.10**

The Texas Department of Licensing and Regulation proposes an amendment to §80.10, concerning definitions. The section is being amended to clarify the definition of tow truck.

Elvis G. Schulze, general counsel, has determined that for the first five-year period the section is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the section.

Mr. Schulze 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 not be applicable, as the public is relatively unaffected by this particular proposed section. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Elvis G. Schulze, General Counsel, Texas Department of Licensing and Regulation, P.O. Box 12157, Austin, Texas 78711.

The amendment is proposed under Texas Civil Statutes, Articles 6687-9b, which provide the Texas Department of Licensing and Regulation with the authority to adopt rules to regulate the Tow Truck Program.

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

**Tow truck**—A motor vehicle or mechanical device adapted or used to tow, winch, or otherwise move motor vehicles. Specifically, wheeled vehicles with a mechanical, electrical, or hydraulic winch, hydraulic wheel lift, or mechanical wheel lift, that are adapted or used to tow, winch, or otherwise move vehicles are considered tow trucks. Rollbacks and flat bed trucks with slings, winches, or wheel lifts are considered tow trucks. Mini-wreckers and auto trailers with a minimum 2,000 pound load capacity are also considered tow trucks, except where described in §80.30 of this title (relating to Exceptions).

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

Issued in Austin, Texas, on February 25, 1991.

TRD-9102346      Larry E. Kosta  
Executive Director  
Texas Department of  
Licensing and  
Regulation

Earliest possible date of adoption: April 5, 1991

For further information, please call: (512) 463-3127

## TITLE 22. EXAMINING BOARDS

### Part III. Texas Board of Chiropractic Examiners

#### Chapter 73. Licenses and Renewals

##### • 22 TAC §73.6

The Texas Board of Chiropractic Examiners proposes new §73.6 concerning licenses and renewal of licenses.

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

Ms. Smetana 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 doctors who have not completed their required continuing education will be put on probation until they complete their requirements. The public will be informed that the doctors license is on probation. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Jennie Smetana, Executive Director, Texas Board of Chiropractic Examiners, 8716 MoPac Expressway North, Suite 301, Austin, Texas 78759.

The new section is proposed under Texas Civil Statutes, Article 4512b, which provide the Texas Board of Chiropractic Examiners with the authority to promulgate procedural rules and regulations as deemed necessary.

##### *§73.6. Failure to Meet Continuing Education Requirements.*

(a) A licensee who fails to meet the minimum continuing education requirements imposed by Texas Civil Statutes, Article 4512b, §8b(a), shall have his license placed in a probated status for a period of 12 months.

(b) During probation under this section, a licensee may continue to practice provided that he enrolls in and satisfactorily completes the required continuing education requirements within the probationary period.

(c) Upon proof to the board of completion of the required continuing educational requirements, the board shall fully reinstate the licensee's license.

(d) If a licensee fails to have his license reinstated during any probationary

period, the licensee's license shall be cancelled and the licensee must obtain a new license as provided 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 February 19, 1991.

TRD-9102320

Jennie Smetana  
Executive Director  
Texas Board of  
Chiropractic Examiners

Earliest possible date of adoption: April 5, 1991

For further information, please call: (512) 343-1895

## Part XIV. Texas Optometry Board

### Chapter 279. Interpretations

##### • 22 TAC §279.12

The Texas Optometry Board proposes new §279.12, concerning the writing of prescriptions by optometrists. This rule will inform licensees of the board's interpretation of the Texas Optometry Act, §1.02, clarifying the writing of optical prescriptions by optometrists to be dispensed by ophthalmic dispensers, in that the prescribing doctor has the authority to specify any and all parameters and specifications of an optical prescription for the benefit of the patient. Further the rule will inform ophthalmic dispensers that prescriptions cannot be altered without the consent of the prescribing doctor.

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

Ms. Ewald 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 prescriptions as written by licensed optometrists cannot be altered by ophthalmic dispensers; thus, the patient is assured of receiving an optical prescription written for the benefit of the patient. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Lois Ewald, Executive Director, Texas Optometry Board, 9101 Burnet Road, Suite 214, Austin, Texas 78758, (512) 835-1938.

The new section is proposed under Texas Civil Statutes, Article 4552, §2.14, which provide the Texas Optometry Board with the authority to promulgate procedural and substantive rules.

*§279.12. Board Interpretation Number Twelve.* Under the Texas Optometry Act, §1.02(3)(a), the practice of optometry includes prescribing lenses or prisms, and an ophthalmic dispenser is charged to fill such

prescription in accordance with the specific directions of a written prescription signed by a licensed physician or optometrist. It is the interpretation of the board that the prescribing optometrist has the authority to specify any and all parameters of an optical prescription for the benefit of a patient and that the specifications may not be altered without the consent of the prescribing doctor.

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

Issued in Austin, Texas, on February 22, 1991.

TRD-9102368

Lois Ewald  
Executive Director  
Texas Optometry Board

Earliest possible date of adoption: April 5, 1991

For further information, please call: (512) 835-1938

## TITLE 25. HEALTH SERVICES

### Part II. Texas Department of Mental Health and Mental Retardation

#### Chapter 401. System Administration

##### Subchapter B. Interagency Agreements

##### • 25 TAC §401.51

The Texas Department of Mental Health and Mental Retardation (TDMHMR) proposes amendments to Exhibit H, which is adopted by reference in §401.51, concerning coordination of information, services, and resources for youth. The text of the section will not change. The coordination plan described in the current exhibit is time limited with the conditions of the agreement pertaining only to the implementation of a pilot program during 1988-1989 at Austin State Hospital. The amendments to the exhibit allow for statewide implementation of the coordination plan.

Leilani Rose, director, office of budget and fiscal services, has determined that there will be no fiscal implications for state or local government as a result of enforcing or administering the section.

David Bean, M.D., deputy commissioner, mental health services, 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 the adoption of a statewide plan for coordination of information, services, and resources between the department and the Texas Youth Commission. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the section as proposed. There is no significant local economic impact anticipated.

Written comments may be submitted to Linda Logan, director, Policy Development, Texas Department of Mental Health and Mental Retardation, P.O. Box 12668, Austin, Texas 78711-2668.

The amendment is proposed under Texas Civil Statutes, Article 5547-202, which provide the Texas Board of Mental Health and Mental Retardation with rulemaking powers, and under the provisions of Senate Bill 33 of the 70th Texas Legislature, which requires TDMHMR to adopt the memorandum of agreement by rule.

*§401.51. Memorandum of Understanding: Coordination of Information, Services, and Resources for Youth.*

(a)-(b) (No Change.)

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

Issued in Austin, Texas, on February 26, 1991.

TRD-9102385  
Pattilou Dawkins  
Chairman  
Texas Department of  
Mental Health and  
Mental Retardation

Earliest possible date of adoption: April 5, 1991

For further information, please call: (512) 465-4670

◆ ◆ ◆  
• 25 TAC §401.55

The Texas Department of Mental Health and Mental Retardation (TDMHMR) proposes new §401.55, concerning services not provided under ICF-MR program, which adopts by reference Exhibit L, a joint memorandum of understanding between the department and the Texas Department of Human Services. Senate Bill 1426, 71st Legislature, directs the department and the TDHS by rule to adopt a memorandum of understanding that specifies the services covered by and the exclusions and limitations of the ICF-MR program.

Leilani Rose, director, Office of Budget and Fiscal Services, has determined that there will be no significant fiscal implications for state or local government as a result of enforcing the section as proposed.

Jaylon Fincannon, deputy commissioner, Mental Retardation Services, 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 the promulgation of rules consistent with law. There is no cost to persons required to comply with the section as proposed. There is no significant local economic impact anticipated.

Written comments may be submitted to Linda Logan, director, Policy Development, Texas Department of Mental Health and Mental Retardation, P.O. Box 12668, Austin, Texas 78711-2668.

The new section is proposed under Texas Civil Statutes, Article 5547-202, which provide the Texas Board of Mental Health and

Mental Retardation with rulemaking powers; and under the provisions of Senate Bill 1426 of the 71st Texas Legislature, which requires TDMHMR to adopt the memorandum of agreement by rule.

*§401.55. Memorandum of Understanding: Services Not Provided Under ICF-MR Program.*

(a) TDMHMR adopts by reference as Exhibit L a joint memorandum of understanding with the Texas Department of Human Services concerning services covered by and the exclusions and limitations of the ICF/MR Program.

(b) Copies of this memorandum of understanding are filed in the Office of Standards and Quality Assurance, TDMHMR, 909 West 45th Street, Austin, Texas 78756, and may be reviewed during regular business 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 February 26, 1991.

TRD-9102386  
Pattilou Dawkins  
Chairman  
Texas Department of  
Mental Health and  
Mental Retardation

Earliest possible date of adoption: April 5, 1991

For further information, please call: (512) 465-4670

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Chapter 403. Other Agencies  
and the Public

Subchapter F. Inspection of  
Department Records

• 25 TAC §§403.181-403.185

*(Editor's note: The text of the following sections proposed for repeal will not be published. The sections may be examined in the offices of the Texas Department of Mental Health and Mental Retardation or in the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brazos Street, Austin.)*

The Texas Department of Mental Health and Mental Retardation (TDMHMR) proposes the repeal of §§403.181-403.185, concerning the inspection of department records. The sections that would be repealed reiterate provisions of the Texas Open Records Act and rules of the State Purchasing and General Services Commission. The repeal is undertaken as part of TDMHMR's biennial sunset review of all departmental policies and procedures.

Leilani Rose, director, office of budget and fiscal services, has determined that for the first five-year period the repeals are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the repeals. There is no anticipated local economic impact.

Paul Mascot, acting director, office of legal services, has determined that for each year of the first five years the repeals are in effect the

public benefit anticipated as a result of enforcing the repeals as proposed will be the repeal of rules which repeat provisions of existing laws and other rules. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the repeals as proposed.

Comments on the proposal may be submitted to Linda Logan, director, Policy Development, Texas Department of Mental Health and Mental Retardation, P.O. Box 12668, Austin, Texas 78711-2668, within 30 days of publication.

The repeals are proposed under Texas Civil Statutes, Article 5547-202, §2. 11, which provide the Texas Board of Mental Health and Mental Retardation with rulemaking powers.

*§403.181. Purpose.*

*§403.182. Applicability.*

*§403.183. Definitions.*

*§403.184. Availability.*

*§403.185. Charges.*

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

Issued in Austin, Texas, on February 26, 1991.

TRD-9102387  
Pattilou Dawkins  
Chairman  
Texas Department of  
Mental Health and  
Mental Retardation

Earliest possible date of adoption: April 5, 1991

For further information, please call: (512) 465-4670

◆ ◆ ◆  
TITLE 34. PUBLIC FI-  
NANCE

Part IV. Employees  
Retirement System of  
Texas

Chapter 67. Hearings on  
Disputed Claims

• 34 TAC §§67.65, 67.87, 67.89,  
67.101

The Employees Retirement System of Texas proposes amendments to §§67.65, 67.87, 67.89, and 67.101, concerning hearings on disputed claims. The proposed rules will clarify what is permissible during the appeals process regarding introduction of evidence, oral argument before the trustees; and ex-parte communications.

William S. Nail, general counsel, has determined that for the first five-year period the sections are in effect there will be no fiscal implications for state or local government as

a result of enforcing or administering the sections.

Mr. Nail also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be that procedures involving hearings on contested cases will be clarified and parties to contested cases will receive copies of rules on the hearing process. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the sections as proposed.

Comments on the proposal may be submitted to William S. Nail, General Counsel, Employees Retirement System of Texas, P.O. Box 13207, Austin, Texas 78711-3207.

The amendments are proposed under the Texas Government Code, §815.102, which provides the Board of Trustees of the Employees Retirement System of Texas with the authority to adopt rules for the administration of the ERS and for the transaction of any other business of the Board of Trustees.

*§67.65. The Record.*

(a) (No change.)

(b) Closing the record.

(1) Upon the conclusion of the hearing, the hearing examiner shall close the record subject to receipt of any information requested by the examiner pursuant to §67.55(e) of this title (relating to Order of Procedure) and receipt of any late exhibits as described in §67.77 of this title (relating to Introduction of Exhibits.)

(2) Evidence of any kind other than that described in subsection (a) of this section, not made a part of the record prior to closing, shall be accepted by the hearing examiner and considered by the hearing examiner for inclusion in the record only upon a showing of good cause as to why the evidence could not reasonably have been presented at the hearing. The proposal for decision shall not be presented to the trustees until the examiner has made a ruling on such evidence.

(c)[(b)] Findings of fact. Findings of fact shall be based exclusively on the evidence and on matters officially noted.

*§67.87. Oral Argument Before the Board.* Any party may request oral argument before the board before the final determination of any contested case, but an oral argument shall be allowed only at the discretion of the board pursuant to a determination by two or more members that a need for oral argument exists. In the event that oral argument is allowed and all parties are present and prepared to present oral argument, the case will proceed. Otherwise, the case will be continued to the next meeting of the board. It is anticipated that oral argument would be used only in exceptional cases.

A request for oral argument may be incorporated in the exceptions, replies to exceptions, petition for reconsideration, or in a separate pleading.

*§67.89. Presentation of Contested Cases to the Board.*

(a)-(c) (No change.)

(d) [If a party has requested oral argument before the board, the trustee will decide whether such oral argument will be allowed.] If oral argument is allowed, then [the] each party will be given time, not to exceed five minutes, to present oral argument to the board. The board [trustee] may, in its sole discretion, allow additional oral argument not to exceed a total of 10 minutes for each party. Questions by the board and answers to such questions will not be considered as part of the time limitations described in this section. Oral argument concerning matters outside the record will not be allowed.

(e) (No change.)

*§67.101. Ex Parte Communications.*

(a) Unless required for the deposition of ex parte matters authorized by law, members or employees of an agency assigned to render a decision or to make findings of fact and conclusions of law in a contested case may not communicate, directly or indirectly, in connection with any issue of fact or law with any party or his representative, except on notice and opportunity for all parties to participate.

(b) Any contact with the board or any member thereof by a party or someone representing a party during the appeal process, other than that described in §67.87 of this title (relating to Oral Argument Before the Board), is improper.

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

Issued in Austin, Texas, on February 25, 1991.

TRD-9102328

Charles D. Travis  
Executive Director  
Employees Retirement  
System of Texas

Earliest possible date of adoption: April 5, 1991

For further information, please call: (512) 867-3336



## TITLE 40. SOCIAL SERVICES AND ASSISTANCE

### Part I. Texas Department of Human Services

#### Chapter 24. Reimbursement Methodology for Medical Assistance Programs

##### Subchapter A. Determination of Payment Rates

###### • 40 TAC §24.102

The Texas Department of Human Services proposes an amendment to §24.102, concerning the determination of payment rates, in its Reimbursement Methodology for Medical Assistance Programs chapter. The purpose of the amendment is to allow the department the option of presenting oral summaries of public rate hearing comments to the Texas Board of Human Services.

Burton F. Raiford, chief financial officer, 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 as a result of enforcing or administering the section.

Mr. Raiford 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 the time required for the rate-setting process will be kept at a minimum. Also, rates will be set in a timely manner. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

Questions about the content of this proposal may be directed to Kathy Hall at (512) 450-3702 in the Provider Reimbursement Department. Comments on the proposal may be submitted to Nancy Murphy, Policy and Document Support Services-033, Texas Department of Human Services E-503, P.O. Box 149030, Austin, Texas 78714-9030, within 30 days of publication in the *Texas Register*.

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

###### *§24.102. Methodology.*

(a)-(i) (No change.)

(j) Before the Texas Board of Human Services sets payment rates, DHS must hold a public hearing. [DHS must hold a public hearing before the Texas Board of Human Services sets payment rates.] The purpose of the hearing is to give interested persons an opportunity to comment on the department's proposed rates. The department must provide notice of the hearing to the public. At least 10 workdays [; and at least 10 working days] before the hearing takes place, the department must make material pertinent to the proposed rates available to the public. At a minimum,

this material must include the department's proposed rates, the inflation rates used to determine them, and the impact on rates of the major cost limits applied under the provisions of subsection (d) of this section. DHS must furnish this material to anyone who requests it from the DHS area [division] responsible for rate recommendations. After the hearing, DHS must provide the Texas Board of Human Services with a

written or oral summary of the comments made during the public hearing. When an oral summary is given to the board, DHS provides a written summary within two weeks of a request by any person.

(k) (No change.)

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

Issued in Austin, Texas, on February 27, 1991.

TRD-9102400

Nancy Murphy  
Agency Liaison, Policy and  
Document Support  
Texas Department of  
Human Services

Proposed date of adoption: May 1, 1991

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

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# Withdrawn Sections

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 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*.

## TITLE 7. BANKING AND SECURITIES

### Part VI. Credit Union Department

#### Chapter 91. Chartering, Operations, Mergers, Liquidations

##### Powers of Credit Unions

###### • 7 TAC §91.402

The Credit Union Department has withdrawn from consideration for permanent adoption a proposed new §91.402 which appeared in the September 4, 1990, issue of the *Texas Register* (15 TexReg 5054). The effective date of this withdrawal is February 27, 1991.

Issued in Austin, Texas, on February 27, 1991.

TRD-9102402      Harry L. Elliott  
Staff Services Officer  
Credit Union Department

Effective date: February 27, 1991

For further information, please call: (512) 837-9236



## TITLE 22. EXAMINING BOARDS

### Part XIV. Texas Optometry Board

#### Chapter 279. Interpretations

##### • 22 TAC §279.10

The Texas Optometry Board has withdrawn from consideration for permanent adoption a proposed new §279.10 which appeared in the January 8, 1991, issue of the *Texas Register* (16 TexReg 86). The effective date of this withdrawal is February 26, 1991.

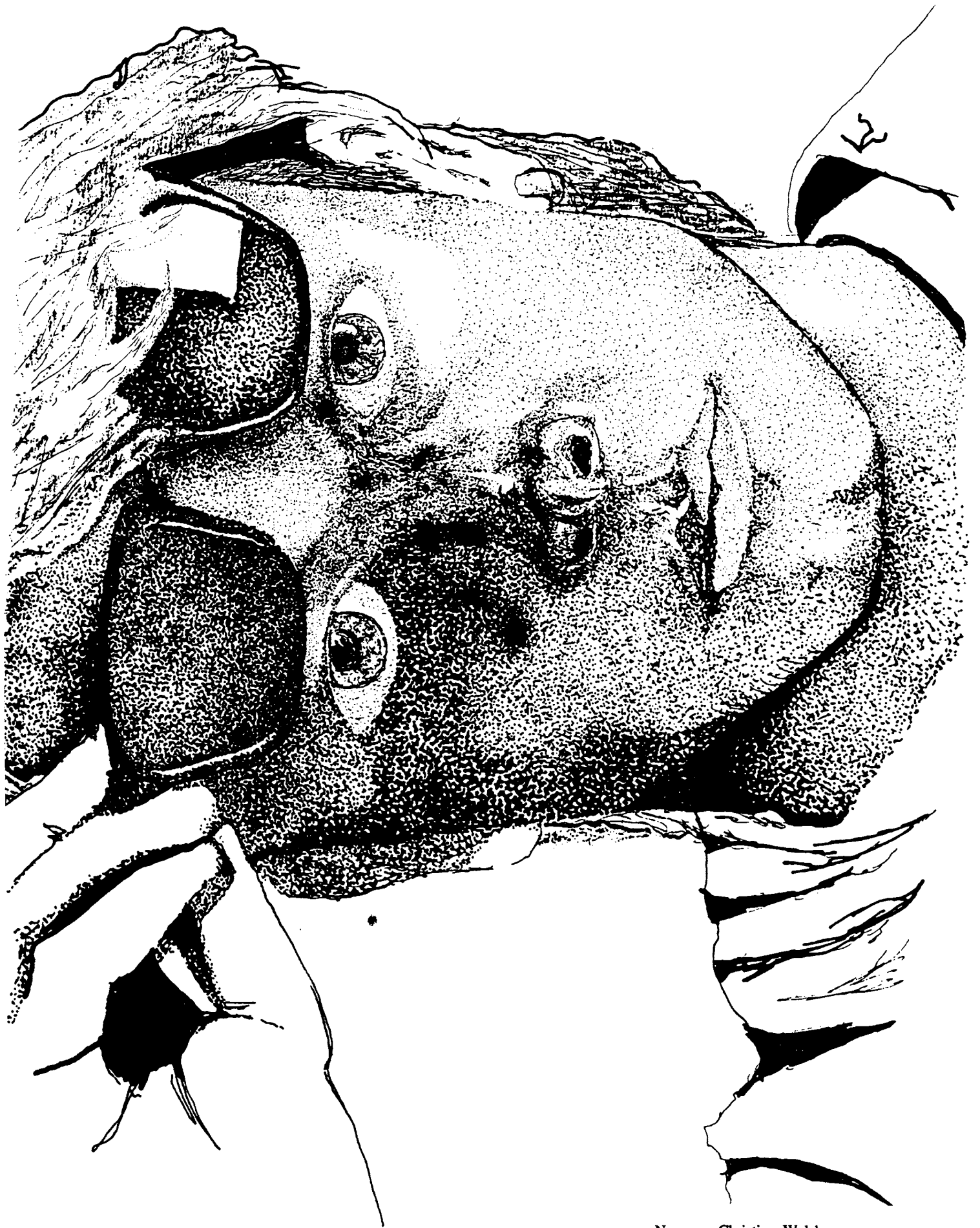
Issued in Austin, Texas, on February 26, 1991.

TRD-9102366      Lois Ewald  
Executive Director  
Texas Optometry Board

Effective date: February 26, 1991

For further information, please call: (512) 835-1938





Name: Christine Walsh

Grade: 12

School: Plano Senior High School, Plano ISD



# 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 1. ADMINISTRATION

### Part IV. Office of the Secretary of State

#### Chapter 95. Uniform Commercial Code

##### Standard Forms

###### • 1 TAC §95.51

The Office of the Secretary of State adopts an amendment to §95.51, without changes to the proposed text as published in the August 31, 1990, issue of the *Texas Register* (15 TexReg 4999).

The amendment increases agency's efficiency in processing Uniform Commercial Code filings. Rules also promote compliance with form printing specifications.

The amendment provides a method for approval of Texas standard Uniform Commercial Code forms and provides a grade period for filing previously approved standard forms.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Texas Business and Commerce Code, §9.409, which provide the Office of the Secretary of State with the authority to prescribe the forms to be used in making any filing or in requesting any information under the Texas Business and Commerce Code (UCC).

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

Issued in Austin, Texas, on February 25, 1991.

TRD-9102393

Audrey Seidon  
Assistant Secretary of  
State  
Office of the Secretary of  
State

Effective date: March 20, 1991

Proposal publication date: August 31, 1990

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



## TITLE 7. BANKING AND SECURITIES

### Part I. State Finance Commission

#### Chapter 3. Banking Section

##### Subchapter B. General

###### • 7 TAC §3.33

The Finance Commission of Texas, Banking Section, adopts §3.33, without changes to the proposed text as published in the November 2, 1990, issue of the *Texas Register* (15 TexReg 6275).

The rule sets forth the time periods within which applications for any form of authorization granted by the commissioner must be accepted for filing or returned for additional information.

The rule provides for a uniform time period of 10 days for applications for any form of authorization granted by the banking commissioner to issue a written notice informing each applicant either that the application is complete and accepted for filing, or that the application is deficient and that specific additional information is required.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 342-113, which provide, the Finance Commission of Texas with the authority to promulgate rules not inconsistent with the constitution and the statutes of this state, and those articles of the Texas Banking Code, Texas Civil Statutes, Article 342-101, et seq., which require application to the banking commissioner for any form of authorization.

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

Issued in Austin, Texas, on February 27, 1991.

TRD-9102390

Ann Graham  
General Counsel  
Texas Department of  
Banking

Effective date: March 20, 1991

Proposal publication date: November 2, 1990

For further information, please call: (512) 479-1200



## TITLE 22. EXAMINING BOARDS

### Part III. Texas Board of Chiropractic Examiners

#### Chapter 80. Practice of Chiropractic

###### • 22 TAC §80.2

The Texas Board of Chiropractic Examiners adopts new §80.2, with changes to the proposed text as published in the January 18, 1991, issue of the *Texas Register* (16 TexReg 296).

The new section will specify what titles or designations may be used by a licensed chiropractor in the State of Texas.

The licensees will be required to use specific titles in conjunction with their chiropractic practice. The public will be able to clearly differentiate a doctor of chiropractic.

The board requested an Attorney General's Opinion on this subject. The opinion stated that the board has the authority to promulgate a rule permitting its licensees to employ the term "chiropractic physician", if the phrase is employed in addition to one of the terms or phrases that the board's licensees are required to employ by Texas Civil Statutes, Article 4590e.

The new section is adopted under Texas Civil Statutes, Article 4512b, which provide the Texas Board of Chiropractic Examiners with the authority to promulgate procedural rules as deemed necessary.

##### §80.2. Titles.

(a) A licensee may use any of the following titles:

- (1) chiropractor;
- (2) doctor of chiropractic;
- (3) D.C.;
- (4) doctor, D.C.;
- (5) chiropractic physician;

(6) or any derivative of the above listed terms with the exception of the term "chiropractic physician" which shall not be modified or altered in such a manner that would result in the use of the title "physician" by itself.

(b) Regardless of which of the above titles a licensee chooses to use, licensee shall in the professional use of his or her name use one of the following terms or

titles to be in compliance with the Healing Arts Identification Act, Article 4590e:

- (1) chiropractor;
- (2) doctor, D.C.;
- (3) doctor of chiropractic;
- (4) D.C.

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

Issued in Austin, Texas, on February 19, 1991.

TRD-9102321 Jennie Smetana  
Executive Director  
Texas Board of  
Chiropractic Examiners

Effective date: March 18, 1991

Proposal publication date: January 18, 1991

For further information, please call: (512) 343-1895

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**Part XIV. Texas  
Optometry Board  
Chapter 279. Interpretations**

• 22 TAC §279.11

The Texas Optometry Board adopts new §279.11, without changes to the proposed text as published in the January 8, 1991, issue of the *Texas Register* (16 TexReg 86).

The rule will provide information to licensees regarding the providing of follow-up care in the practice of optometry when optometrists serve patients confined to nursing homes.

The rule informs licensees that to provide such adequate follow-up care, he/she must have an office location or place of practice within 100 miles of such nursing home; or in the alternative, the licensee must provide adequate follow-up care through written arrangements with a qualified eye health professional located within 100 miles of such nursing home.

No comments were received regarding adoption of the new section.

The new section is adopted under Texas Civil Statutes, Article 4552, §2.14, which provide the Texas Optometry Board with the authority to promulgate procedural and substantive rules.

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

Issued in Austin, Texas, on February 22, 1991.

TRD-9102367 Lois Ewald  
Executive Director  
Texas Optometry Board

Effective date: March 19, 1991

Proposal publication date: January 8, 1991

For further information, please call: (512) 835-1938

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**TITLE 40. SOCIAL SERVICES AND ASSISTANCE**

**Part I. Texas Department of Human Services  
Chapter 48. Community Care for Aged and Disabled**

**Waiver Program for Medically Dependent Children**

• 40 TAC §48.2503

The Texas Department of Human Services (DHS) adopts new §48.2503, without changes to the proposed text as published in the January 8, 1991, issue of the *Texas Register* (16 TexReg 110).

Justification for the new section is to expand the program to include out-of-home nursing care.

The new section will function by increasing access to community services and making more flexibility possible in individual family life.

No comments were received regarding adoption of the new section.

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

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

Issued in Austin, Texas, on February 27, 1991.

TRD-9102399 Nancy Murphy  
Agency Liaison, Policy and  
Document Support  
Texas Department of  
Human Services

Effective date: April 1, 1991

Proposal publication date: January 8, 1991

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

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# Open Meetings

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

**Friday, March 15, 1991, 9:30 a.m.** The Texas Antiquities Committee will meet at the Stephen F. Austin Building, 1700 North Congress Avenue, Room 118, Austin. According to the agenda summary, the committee will approve minutes of previous meeting of January 18, 1991; approve a resolution in support of HR 536, the Coastal State Extension Act of 1991; hear a legislative and FY 1992-1993 budget updates; nominate properties for State Archaeological Landmark status in Bexar, Dallas, Webb, Brazoria, and Harris counties; and hear a staff report.

**Contact:** Molly Godwin, P.O. Box 12276, Austin, Texas 78711, (512) 463-6098.

**Filed:** February 27, 1991, 8:36 a.m.

TRD-9102392

## Child Care Development Board

**Friday, March 8, 1991, 10 a.m.** The Child Care Development Board will meet at the Sam Houston State Office Building, 201 East 14th Street, Seventh Floor Conference Room, Austin. According to the complete agenda, the board will welcome guests and members; approve minutes from previous meeting; election of officers; review plans for current space for center; review legislation; possible new space for center; and discuss RFP.

**Contact:** Judith Dale, 1700 North Congress Avenue, Austin, Texas 78701, (512) 463-5130.

**Filed:** February 27, 1991, 10:32 a.m.

TRD-9102404

## Texas State Board of Dental Examiners

**Thursday-Saturday, March 7-9, 1991, 8 a.m.** The Texas State Board of Dental Examiners will meet at the DoubleTree Hotel, 400 Dallas Street, Houston. According to

the agenda summary, the board on Thursday will discuss approval of settlement conference orders; requests for modification of board orders; discussion on: ADA proposal for continuing dental education; ADA consideration of unification of DDS and DMD; request from AADE for copies of exam forms and materials; meet in executive session to discuss litigative and personnel matters; appearances before the board by Dr. Carl Schow, Dr. Michael Rassner, Dr. George Angelos, Mr. Frederic Martin; consideration for approval for decision and issuance of orders; discussion on proposed symposium on HIV-AIDS in Texas; training session on grade cards/grade record; discussion of Rule 113.2; consideration of DHAC criteria for appointment; report on meeting with Department of Health; and discussion of proposed rules. On Friday the board will hear president's report; board committee reports; Ad Hoc Committee reports; executive director's report; consideration of conscious sedation/anesthesia permit application; approval of Dallas Board minutes; and hold a public hearing on proposed rules revisions; and Saturday, a public hearing on proposed rules revisions.

**Contact:** C. Thomas Camp, 327 Congress Avenue, Suite 500, Austin, Texas 78701, (512) 477-2985.

**Filed:** February 27, 1991, 8:06 a.m.

TRD-9102389

## Texas Education Agency

**Tuesday-Wednesday, March 5-6, 1991, 3 p.m. and 8:30 a.m. respectively.** The Advisory Committee on Technology Standards of the Texas Education Agency will hold an emergency meeting at the Wyndham Hotel, IH-35 South at Ben White Boulevard, Austin. According to the complete agenda, the committee will hear subcommittee reports on various aspects of technology; discussion of timeline for producing a set of recommendations for technology standards; complete tasks associated with distribution of technology fund; adoption of guidelines or standards for equal access to instruction in using technology, teaching tools of high

quality, hardware, and information resources; discussion of responsibilities and mission of the Advisory Committee on Technology Standards. The emergency status is necessary as the agency finds it of urgent public necessity for this meeting to be held to enable the committee to produce a set of technology standards recommendations by the end of June 1991.

**Contact:** Lane Scott, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9087.

**Filed:** February 27, 1991, 4:16 p.m.

TRD-9102447

**Thursday-Friday, March 7-8, 1991, at 10 a.m.** The Computer Software Advisory Committee of the Texas Education Agency will meet at the Wyndham Hotel, IH-35 South at Ben White Boulevard, Austin. According to the complete agenda, the committee will hear a report from the Advisory Committee on Technology Standards; discussion of software guides; discussion of how education service centers can assist the Software Advisory Committee; presentation on the Texas Center for Educational Technology; and discussion of long-range plans and timeline.

**Contact:** Karen Kahan, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9087.

**Filed:** February 27, 1991, 4:16 p.m.

TRD-9102446

**Thursday, March 7, 1991, 2 p.m.** The State Board of Education Committee of the Whole of the Texas Education Agency will meet at the William B. Travis Building, 1701 North Congress Avenue, Room 1-104, Austin. According to the complete agenda, the committee will hold a work session on the Academic Excellence Indicator System.

**Contact:** Thomas E. Anderson, Jr., 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-8994.

**Filed:** February 27, 1991, 4:13 p.m.

TRD-9102438

**Friday, March 8, 1991, 8:30 a.m.** The State Board of Education Committee on

Personnel of the Texas Education Agency will meet at the William B. Travis Building, 1701 North Congress Avenue, Room 1-111, Austin. According to the agenda summary, the committee will hear public testimony; 19 TAC §§137.428, Student Assessment Specialist, 141.246, requirements for professional special education certificates, and §143.11, requirements for assignment of school personnel; request for modification to the examinee fees for the examination for the certification of educators in Texas; recommendations for appointments to the commission on standards for the teaching profession; approval of waiver requests; review of legislative recommendations to the 72nd Texas Legislature; review of passing standards for the Texas master teacher examination; evaluation study of the Texas teacher appraisal system; academic excellence indicator system; status report on the accreditation of school districts.

Contact: Thomas E. Anderson, Jr., 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-8994.

Filed: February 27, 1991, 4:15 p.m.

TRD-9102442

Friday, March 8, 1991, 8:30 a.m. The State Board of Education Committee on Students of the Texas Education Agency will meet at the William B. Travis Building, 1701 North Congress Avenue, Room 1-100, Austin. According to the complete agenda, the committee will hear public testimony; 19 TAC §75.141, description of a well-balanced elementary curriculum; alternatives to social promotion; proclamation of the State Board of Education advertising bids on textbooks for 1991; State Board of Education Textbook Proclamation Advisory Committees for the 1992 Proclamation; evaluation study of effectiveness of special education in providing life skills for students after public school; review of legislative recommendations to the 72nd Texas Legislature; the State plan to reduce the dropout rate; legislative report on prekindergarten and early childhood care; proposed amendments to University Interscholastic League 1990-1991 constitution and contest rules.

Contact: Thomas E. Anderson, Jr., 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-8994.

Filed: February 27, 1991, 4:15 p.m.

TRD-9102443

Friday, March 8, 1991, 8:30 a.m. The State Board of Education Committee on School Finance of the Texas Education Agency will meet at the William B. Travis Building, 1701 North Congress Avenue, Room 1-104, Austin. According to the complete agenda, the committee will hear public testimony; update on Edgewood versus Kirby; review of legislative recommendations to the 72nd Texas Legislature; recommendations for appointment to the State Textbook Subject Area Committees; request

for approval of program budgets for federal funds for fiscal year 1991-1992; review of program budgets for federal funds for fiscal year 1991-1992.

Contact: Thomas E. Anderson, Jr., 1701 North Congress Avenue, Austin, Texas 78701; (512) 463-8994.

Filed: February 27, 1991, 4:16 p.m.

TRD-9102444

Friday, March 8, 1991, 10 a.m. The State Board of Education Committee on the Permanent School Fund (PSF) of the Texas Education Agency will meet at the William B. Travis Building, 1701 North Congress Avenue, Room 1-109, Austin. According to the agenda summary, the committee will hear public testimony; review of PSF securities transactions and the investment portfolio; recommended PSF investment program for March and the funds available for the program; review of legislative recommendations to the 72nd Texas Legislature; appointments to the Investment Advisory Committee on the PSF; and report of the chief investment officer.

Contact: Thomas E. Anderson, Jr., 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-8994.

TRD-9102439

Friday, March 8, 1991, 10 a.m. The State Board of Education Committee on Long-Range Planning of the Texas Education Agency will meet at the William B. Travis Building, 1701 North Congress Avenue, Room 1-104, Austin. According to the agenda summary, the committee will hear public testimony; proposed new 19 TAC Chapter 65, Technology, Subchapter A, Texas Center for Educational Technology; innovative programs established by Senate Bill 1-proposals recommended for award; review of legislative recommendations to the 72nd Texas Legislature; and biennial report.

Contact: Thomas E. Anderson, Jr., 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-8994.

Filed: February 27, 1991, 4:14 p.m.

TRD-9102440

Friday, March 8, 1991, 2 p.m. The State Board of Education (SBOE) of the Texas Education Agency will meet at the William B. Travis Building, 1701 North Congress Avenue, Room 1-104, Austin. According to the agenda summary, the board will hear public testimony; resolutions of the SBOE; Texas Center for Education Technology; innovative programs; legislative recommendations; biennial report; permanent school fund; March Investment Program and Advisory Committee; student assessment specialist, requirements for professional special education certificates, and requirements for assignment of school personnel; examinee fees for examination for the certification of educators in Texas; commission on stan-

dards for the teaching profession; waiver requests; master teacher examination; elementary curriculum; social promotion; proclamation advertising for bids on textbooks; Textbook Proclamation Advisory Committees; life skills for students after public school; dropout rate; prekindergarten and early childhood care; University Interscholastic League; update on Edgewood versus Kirby; State Textbook Subject Area Committees; program budgets for federal funds for 1991-1992; and information on agency administration.

Contact: Thomas E. Anderson, Jr., 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-8994.

Filed: February 27, 1991, 4:15 p.m.

TRD-9102441

Thursday, March 14, 1991, 2 p.m. The Interagency Coordinating Council on Dropout Prevention and Recovery of the Texas Education Agency will meet at the Texas Higher Education Coordinating Board, 7745 Chevy Chase, IH-35 at 183, Building Five, Room 200, Austin. According to the complete agenda, the council will review by-laws; hear subcommittee report on early identification of dropouts; compendium update; and date, time, and place of next meeting.

Contact: RoseAnn M. Renteria, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9512.

Filed: February 27, 1991, 4:16 p.m.

TRD-9102445

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**Advisory Commission on  
State Emergency Commu-  
nications**

Wednesday, March 6, 1991, 9:30 a.m. The Administration Committee of the Advisory Commission on State Emergency Communications will meet at the Guest Quarters Suite Hotel, Longhorn Room, 303 West 15th Street, Austin. According to the complete revised agenda, the committee will call the meeting to order and recognize guests; hear public comment; ACSEC financial report; report and recommendation on proposed settlement of Western Union surcharge remittance delinquency; report on the commission's compliance with the administrative procedures and Texas Register Act; legislative update; progress report on statewide addressing program; consider any new business; and adjourn.

Contact: Glenn Roach, 1101 Capital of Texas Highway South, B-100, Austin, Texas 78746, (512) 327-1911.

Filed: February 26, 1991, 1:28 p.m.

TRD-9102373

Wednesday, March 6, 1991, 1:15 p.m. The Advisory Commission on State Emer-

gency Communications will meet at the Guest Quarters Suite Hotel, Bluebonnet Room, 303 West 15th Street, Austin. According to the revised agenda summary, the commission will call the meeting to order and recognize guests; hear public comment; hear committee reports; discuss and consider any action items; consider any new business; approval of previous meeting minutes; and adjourn.

Contact: Glenn Roach, 1101 Capital of Texas Highway South, B-100, Austin, Texas 78746, (512) 327-1911.

Filed: February 26, 1991, 1:28 p.m.

TRD-9102372

### Employees Retirement System of Texas

Thursday, March 7, 1991, 9 a.m. The Group Insurance Advisory Committee of the Employees Retirement System of Texas will meet at the Texas Rehabilitation Commission, 4900 North Lamar Boulevard, Room 1410, Austin. According to the agenda summary, the committee will call the meeting to order; recognize visitors and guests; approve minutes from previous meeting; ERS update; report from the Subcommittee on Prescription Drug Program (PDP) Alternatives; standing subcommittee reports; other related insurance matters; and adjourn.

Contact: James W. Sarver, 18th and Brazos Streets, Austin, Texas 78701, (512) 476-6431, ext. 217.

Filed: February 27, 1991, 9:43 a.m.

TRD-9102403

### Texas Public Finance Authority

Friday, March 1, 1991, 10:30 a.m. The Board of the Texas Public Finance Authority met at 1711 San Jacinto Street, Room 402, Austin. According to the complete emergency revised agenda, the board called the meeting to order; organization of the board; presentation of momento; met in executive session to discuss personnel matters; may have approved minutes; considered resolution authorizing TDMHMR to undertake additional projects; discussed future request from TDCJ for GO Bond Issue; considered action to implement master equipment lease program; considered process for selection of bond counsel and financial advisor for future bond issues; and action regarding outstanding billings from bond counsel. The emergency status was necessary due to revised agenda to include an executive session as per the board chairman.

Contact: Pam Scivicque, 1201 Brazos Street, Austin, Texas 78701, (512) 463-5544.

Filed: February 26, 1991, 2:14 p.m.

TRD-9102379

### Texas Department of Health

Friday, March 1, 1991, 10 a.m. The Poison Control Coordinating Committee of the Texas Department of Health held an emergency meeting at the Texas Department of Health, Room G-107, 1100 West 49th Street, Austin. According to the complete agenda, the committee approved minutes from previous meeting; considered and possibly acted on proposed legislation; workload measures; services areas; report from work committees; and considered other related items not requiring committee action. The emergency status was necessary due to unforeseeable circumstances.

Contact: Gene Weatherall, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7550.

Filed: February 26, 1991, 10:43 a.m.

TRD-9102365

### Texas Hospital Equipment Financing Council

Thursday, March 7, 1991, 10:30 a.m. The Board of Trustees of the Texas Hospital Equipment Financing Council will meet at the Texas State Treasury Department, LBJ Office Building, 111 East 17th Street, Austin. According to the complete agenda, the board will approve minutes from November 16, 1990 meeting; election of officers; hear financial report; review annual report; discussion regarding State Auditor's findings; and discussion of possible agenda for next meeting.

Contact: Rose-Michel Munguia, 111 East 17th Street, Austin, Texas 78711, (512) 463-5971.

Filed: February 27, 1991, 2:28 p.m.

TRD-9102417

### Texas Department of Human Services

Thursday-Friday, March 7-8, 1991, 1 p.m. The Council on Child Abuse and Neglect Prevention of the Texas Department of Human Services will meet at 8140 Mopac Boulevard, Building Four, Suite 200, Austin. According to the complete agenda, the council will hear the chairperson's report; director's report; contract specialist's report; child care connection report; steps ahead project report; request for proposal process overview; Rio Grande Council, Inc. report; Yucca Council presentation; Alamo Area Council presentation; child abuse in Texas survey; partners for parenting project; Intercultural Development Re-

search Association project (IDRA) update; discuss new business; and adjourn.

Contact: Janie D. Fields, 8140 Mopac, Building Four, Suite 200, Austin, Texas 78759, (512) 345-9218.

Filed: February 26, 1991, 1:36 p.m.

TRD-9102374

Friday, March 8, 1991, 10:30 a.m. The Texas Board of Human Services of the Texas Department of Human Services will meet at 701 West 51st Street, Sixth Floor, West Tower, Room 652, Austin. According to the complete agenda, the staff will provide an orientation briefing on department operations for new appointees to the Board of Human Services. No board action will be taken at this briefing.

Contact: Bill Woods, P.O. Box 149030, Austin, Texas 78714-9030, (512) 450-3047.

Filed: February 27, 1991, 2:51 p.m.

TRD-9102421

### State Board of Insurance

Wednesday, March 6, 1991, 9 a.m. The State Board of Insurance will meet at the State Insurance Building, Room 460, 1110 San Jacinto Street, Austin. According to the agenda summary, the board will hear requests for exemption from the Small Premium Policy Plan; appointments to the Governing Committee of the Texas Workers' Compensation Insurance facility; request from Trinity Universal Companies for cessation of acceptance of policies through the Small Premium Policy Plan; extension of emergency effectiveness of new 28 TAC 7.60, repeal of 1.803 and 11.804, amendment to 11.802 and new 11.803-11.807; board orders on several different matters; motion for rehearing in the appeal of Haas Paving Company from action of the Texas Workers' Compensation Assigned Risk Pool; draft report from internal audit on Commodore County Mutual; discuss personnel matters; and litigation.

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

Filed: February 26, 1991, 3:48 p.m.

TRD-9102383

Thursday, March 7, 1991, 1:30 p.m. The State Board of Insurance will meet at the State Insurance Building, Room 460, 1110 San Jacinto Street, Austin. According to the agenda summary, the board will meet with the commissioner concerning personnel matters, litigation, solvency matters and standards of conduct for officers and employees of the State Board of Insurance.

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

Filed: February 27, 1991, 11:50 a.m.

TRD-9102408

## Texas Juvenile Probation Commission

Friday, March 8, 1991, 9 a.m. The Board of the Texas Juvenile Probation Commission will meet at 2015 South IH-35, Austin. According to the complete agenda, the board will approve minutes of February 8, 1991; excused absences; summary of Senate Bill 111; budget reduction plan; discussion of the Commission on Children, Youth and Family Services statement of philosophy; discussion of consolidation of state agencies; director's report; legislative report; hear public comments; and adjournment.

Contact: Bernard Licarione, P.O. Box 13547, Austin, Texas 78711, (512) 443-2001.

Filed: February 27, 1991, 1:23 p.m.

TRD-9102409

## Texas Commission on Law Enforcement Officer Standards and Education

Tuesday, March 12, 1991, 1:30 p.m. The Texas Commission on Law Enforcement Officer Standards and Education will meet at the Doubletree Hotel, 6505 IH-35 North, Austin. According to the agenda summary, the commission will call the meeting to order and recognize visitors; purpose of work session; discussion of applications for academy license: Eastfield College, Midland College, Pharr Police Department; report on academy evaluations of Golden Crescent COG, Victoria and Permian Basis Regional Planning Commission Area; Law Enforcement Management institute report; Peace Officer Memorial Committee report; general discussion of \$211.80, minimum standards for licensing, subsection (a) (11)(B), GED; and and \$211.81, agency and chief administrator reporting responsibilities, Subsection (f); report on testing; report on pending legislation; and adjourn.

Contact: Johanna McCully-Bonner, 1033 LaPosada, Suite 175, Austin, Texas 78752, (512) 450-0188.

Filed: February 26, 1991, 12:15 p.m.

TRD-9102369

Wednesday, March 13, 1991, 9 a.m. The Texas Commission on Law Enforcement Officer Standards and Education will meet at the Doubletree Hotel, 6505 North IH-35, Austin. According to the agenda summary, the commission will call the meeting to order; recognize visitors; election of officers if a new commissioner is appointed; approval of minutes of December 11-12, 1990 meetings; reschedule quarterly June work session and regular meeting; take action on application for academy license for Eastfield College, Midland College, and Pharr Police Department; review and action

on recommendations by the Achievement Awards Committee; report on waivers issued: psychological, fingerprint and provisional license; staff activities; consider reinstatement of Danny Lance, license actions in revocations, suspensions, cancellations, and voluntary surrenders; meet in executive session to consider pending litigation and legal advice on the rule making process; (Article 6252-17, Vernon's Annotated Civil Statutes, §2(e); and adjourn.

Contact: Johanna McCully-Bonner, 1033 LaPosada, Suite 175, Austin, Texas 78752, (512) 450-0188.

Filed: February 26, 1991, 12:15 p.m.

TRD-9102370

## Texas Motor Vehicle Commission

Wednesday, March 6, 1991, 9 a.m. The Texas Motor Vehicle Commission will meet at 815 Brazos Street, Suite 302, Brazos Building, Austin. According to the agenda summary, the commission will call the meeting to order; take roll call; approve minutes of commission meetings of December 5-6, 1990, and February 7, 1991; proposal for decision: licensing and enforcement; lemon law cases set for oral argument; lemon law cases with exceptions only; lemon law cases, nor arguments or exceptions; agreed orders: enforcement; settlement order: consumer complaints; orders of dismissal: licensing and enforcement; proposed rules and other matters: consideration of adoption of proposed amendments to commission lemon law rule, 16 TAC §107.8(5) concerning calculation of purchase price of a leased vehicle in lemon law cases where repurchase of vehicle is ordered; consideration of agency policy regarding processing complaints of advertising rules violations and deferred adjudication of complaints; review for publication in *Texas Register*, amendments to agency rules of procedure 16 TAC §103.5, concerning time for filing protests of dealer license applications and 16 TAC §101.13, concerning filing documents by mail, as approved at commission meeting on December 5, 1990; discussion of proposed rule regarding submission of materials relating to matters on meeting agenda at least 15 days prior to meeting; discussion of proposed rule defining "demonstrator" vehicles for purposes of applying §5.02(16) of TMVC Code; discussion of proposed rule to require conference certificates prior to setting hearings on motions; discussion of independent service contract status on bankruptcy of dealer and/or company issuing service contracts; consideration of establishment of agency sick leave pool and adoption of rules and procedures; legislative progress report Sunset review and appropriations; review of consumer complaint recap report; litigation status report; schedule future meeting dates; and adjournment.

Contact: Russell Harding, 815 Brazos Street, Suite 300, Austin, Texas 78701, (512) 476-3587.

Filed: February 26, 1991, 1:44 p.m.

TRD-9102375

## State Board of Plumbing Examiners

Monday, March 11, 1991, 9 a.m. The State Board of Plumbing Examiners will meet at 929 East 41st Street, Austin. According to the complete agenda, the examiners will take roll call; recognize visitors; approve minutes of last meeting; review financial report; discuss field department activity; discuss examination data; review hardship cases; discuss definition of appliance dealer; review of films; Legislative Committee report-two-year license, backflow prevention device specialist, medical gas piping installer endorsement, 5,000 population bracket provision, minimum statewide plumbing code, and other legislation; report by Plumbing Inspector Examination and Qualifications Committee; report by Examination Committee; report on meeting with Water Development Board and State Health Department regarding water conservation fixtures; report on City of Austin permit ordinance regarding possible conflict with state licensing law; Attorney General's Opinion JM-1278 regarding on-site sewage disposal installations; report on visit by State of Kentucky officials to observe the Texas Examination regarding its content and administration; and any other topic for discussion that may come before the board.

Contact: Lynn Brown, 929 East 41st Street, P.O. Box 4200, Austin, Texas 78765, (512) 458-2145.

Filed: February 27, 1991, 10:38 a.m.

TRD-9102405

## Public Utility Commission of Texas

Thursday, March 7, 1991, 9 a.m. The Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450N, Austin. According to the agenda summary, the commissioners will consider the following dockets: 9750, 0782, 8702, 8922, 8939, 8940, 8946, 8233, 8944, 8945, 8947, 8948, 8949, 9144, 9519, 9572, 9584, 9716, 7952, 8783, 9227, 9913, 9755, 9694, 9748, 10043, and P10079.

Contact: Mary Ross McDonald, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: February 27, 1991, 3:37 p.m.

TRD-9102427

Thursday, March 7, 1991, 9:05 a.m. The

Administrative Committee of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450N, Austin. According to the agenda summary, the committee will discuss reports; discussion and action on budget and fiscal matters; monthly financial statements; legislative update; status report on UIS-System Requirements Analysis; approval of policies to be included in PUC Policies and Procedures Manual; consideration of internal audit policy; staff presentation of Sugar Land Telephone Company management audit; approval of amendment to agreement among Nielson-Wurster Group Inc., the PUC, and TUEC to increase ceiling on payments; adjournment for executive session to consider litigation matters and personnel matters; reconvene for discussion and decisions on matters considered in executive session; set time and place for next meeting; and final adjournment.

Contact: Mary Ross McDonald, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: February 27, 1991, 3:37 p.m.

TRD-9102426

Friday, March 8, 1991, 10 a.m. The Hearings Division of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450N, Austin. According to the complete agenda, the division will hold a prehearing conference in Docket Number 9469-application of Brazos Electric Power Cooperative, Inc. for a Certificate of Convenience and Necessity for a proposed transmission line and substation within Dallas and Denton Counties.

Contact: Mary Ross McDonald, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: February 26, 1991, 3:13 p.m.

TRD-9102381

Thursday, March 14, 1991, 10 a.m. The Hearings Division of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450N, Austin. According to the complete agenda, the division will hold a posthearing conference in Docket Number 9300-application of Texas Utilities Electric Company for authority to change rates.

Contact: Mary Ross McDonald, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: February 26, 1991, 3:13 p.m.

TRD-9102382

Tuesday, March 12, 1991, 10 a.m. The Hearings Division of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450N, Austin. According to the complete agenda, the division will hold a prehearing conference in Docket Number 9796-petition of Southwestern Bell Telephone Company for a Cease and Desist Order.

Contact: Mary Ross McDonald, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: February 27, 1991, 3:36 p.m.

TRD-9102425

### Texas Racing Commission

Friday, March 8, 1991, 10:30 a.m. The Texas Racing Commission will meet at the Joe C. Thompson Conference Center, 2405 East Campus Drive, Austin. According to the agenda summary, the commission will call the meeting to order; take roll call; approve minutes from February 11, 1991 meeting; consider and act on horse and greyhound rulemaking; Galveston County greyhound racetrack licensing, Number 89-R1-001, motions for rehearing/responses; request by Trinity Meadows Raceway, Inc., to reaffirm 1991 race dates; proposal for decision, exceptions, and reply to exceptions regarding the exclusion of Frank Capps; decision making process in the application for the Class 1 racetrack license in Harris County; administrative rehearing regarding the application of Gillespie County Fair and Festivals Association and Bandera Downs, Inc., to reconfigure 1991 race dates; discuss old business; new business, TxRc 1991 meeting dates; and adjourn.

Contact: Paula Cochran Carter, P.O. Box 12080, Austin, Texas 78711, (512) 794-8461.

Filed: February 27, 1991, 3:17 p.m.

TRD-9102422

### Texas County and District Retirement System

Friday, March 8, 1991, 9 a.m. The Board of Trustees of the Texas County and District Retirement System will meet at the Four Seasons Hotel, 98 San Jacinto Boulevard, Austin. According to the agenda summary, the board chairman will open meeting; approve minutes of December 7, 1990, board meeting; consider and pass on applications for service retirement benefits and disability retirement benefits; consider applications for TCDRS participation; consideration of proposed amendments to Texas County and District Retirement System Act; hearing of Rudy de la Garza interest claim; review and act on reports from director, actuary, and investment counsel; and set date for June meeting.

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

Filed: February 27, 1991, 4:34 p.m.

TRD-9102418

### Teacher Retirement System of Texas

Thursday, March 7, 1991, 9:30 a.m. The Investment Advisory Committee of the Teacher Retirement System of Texas will meet at 1000 Red River, 5th Floor Board Room, Austin. According to the agenda summary, the committee will approve minutes; investment counsel's view of economic outlook and market conditions; staff's view of economic outlook and market conditions; allocation of cash flow for current quarter; report of real estate counsel; review of investments and report on forward commitments; consideration of changes to approved common stock list; consideration of changes to smaller company growth stock list; report of real estate finance committee; review of portfolio performance; consideration of changes to investment policy; consideration of participation in Texas growth fund; broker selection procedures.

Contact: Mary Godzik, 1000 Red River, Austin, Texas 78701, (512) 397-6400.

Filed: February 27, 1991, 4:58 p.m.

TRD-9102450

### Texas Woman's University

Wednesday, March 6, 1991, 9 a.m. The Board of Regents, Finance Committee of Texas Woman's University will meet at the Administration and Conference Tower, TWU, 16th Floor, Denton. According to the complete agenda, the committee will consider the approval of the minutes of the meeting of December 5, 1990; consider recommending the approval of personnel additions and changes; consider recommending the acceptance of gifts and grants; consider recommending the approval of agreements and contracts; consider recommending the acceptance of allocations of federal funds; recommending the approval of the renewal and extension of insurance; consider recommending the approval of the sale of surplus University property; consider the approval of Certificates of Substantial Completion of the project to reroof the Student Health Services Building (Architect's Project Number 90-20) and renovation of Margo Jones Auditorium (Architect's Project Number 87-16); consider the approval of the transfer of certain designated funds (accounts numbered 36107, 36110, 36170, and 36390) to quasi-endowment funds, Board of Regents account; and hear report of the chair.

Contact: Shirley S. Chater, P.O. Box 23925, Denton, Texas 76204, (817) 898-3201.

Filed: February 27, 1991, 1:59 p.m.

TRD-9120411

Wednesday, March 6, 1991, 9:40 a.m. The Board of Regents, Academic Affairs



Committee of Texas Woman's University will meet at the Administration and Conference Tower, TWU, 16th Floor, Denton. According to the complete agenda, the committee will consider the approval of the minutes of the meeting of December 5, 1990; consider recommending approval of Small Class Report; approval of faculty promotion and tenure policies and procedures; approval of the imposition of a fee of \$3.00 for drop/adds initiated by student requests, effective fall semester, 1991; fees will not be charged for drop/adds due to schedule alterations or enrollment changes; and hear report of the committee chair.

Contact: Shirley S. Chater, P.O. Box 23925, Denton, Texas 76204, (817) 898-3201.

Filed: February 27, 1991, 2 p.m.

TRD-9102412

**Wednesday, March 6, 1991, 10:05 a.m.**  
The Board of Regents Committee on Institutional Advancement of Texas Woman's University will meet at the Administration and Conference Tower, TWU, 16th Floor, Denton. According to the complete agenda, the committee will consider the approval of the minutes of the meeting of December 5, 1990; consider a report on alumnae relations, development and public information activities of the Office of Institutional Advancement; and hear report of the Committee Chair.

Contact: Shirley S. Chater, P.O. Box 23925, Denton, Texas 76204, (817) 898-3201.

Filed: February 27, 1991, 2 p.m.

TRD-9102413

**Wednesday, March 6, 1991, 10:25 a.m.**  
The Board of Regents Student Affairs Committee of Texas Woman's University will meet at the Administration and Conference Tower, TWU, 16th Floor, Denton. According to the complete agenda, the committee will consider the approval of the minutes of the meeting of December 5, 1990; consider a report from the vice president for student life concerning the Kellogg grant, the student center renovation, conference scheduling, and the international student handbook; and hear report of the Committee Chair.

Contact: Shirley S. Chater, P.O. Box 23925, Denton, Texas 76204, (817) 898-3201.

Filed: February 27, 1991, 2 p.m.

TRD-9102414

**Wednesday, March 6, 1991, 1:30 p.m.**  
The Board of Regents of Texas Woman's University will meet at the Administration and Conference Tower, TWU, 16th Floor, Denton. According to the agenda summary, the board will meet in executive session to approve minutes of December 5, 1990; consider approval of: personnel additions and changes, gifts and grants, agreements and contracts, allocation of federal funds, the

schedule of renewal and extension of insurance, sale of surplus University property, Certificates of Substantial Completion, transfer of certain designated to quasi endowment funds, Small Class Report, faculty promotion and tenure policies and procedures, the imposition of a fee of \$3.00 for drop/adds; consider reports by Dr. Paul Travis on the concepts of enrollment management, reports from finance committee chair, Academic Affairs Committee Chair, Institutional Advancement Committee Chair, Student Affairs Committee Chair, and from the president.

Contact: Shirley S. Chater, P.O. Box 23925, Denton, Texas 76204, (817) 898-3201.

Filed: February 27, 1991, 1:59 p.m.

TRD-91022410

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**The University of Texas at Austin**

**Wednesday, March 6, 1991, 11:30 a.m.**  
The Intercollegiate Athletics Council for Men of The University of Texas at Austin will meet at 21st and San Jacinto Boulevard, Alumni Center (Nowotny Room), Austin. According to the complete agenda, the council will meet in executive session; reconvene in open meeting to approve minutes of December 14, 1990; discuss items from executive session; schedules and schedule changes; awards; new business; tickets/ticket policy; construction; development; and old business.

Contact: Betty Corley, P.O. Box 7399, Austin, Texas 78713, (512) 499-4402.

Filed: February 27, 1991, 4:19 p.m.

TRD-9102449

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**University of Houston System**

**Monday, March 4, 1991, 11:30 a.m.**  
The Board of Regents of the University of Houston System met at 1600 Smith Street, 34th Floor, Conference Room I, University of Houston System, Houston. According to the complete agenda, the board discussed and/or approved the following: Special Investment Fund: proposal by EQUUS, Select Endowment Fund Investment Manager finalists, future meetings of the Asset Management Committee and endowment audit management report and supplement schedules.

Contact: Peggy Cervenka, 1600 Smith Street, 34th Floor, Houston, Texas 77002, (713) 754-7440.

Filed: February 26, 1991, 10:42 a.m.

TRD-9102363

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**Thursday, March 7, 1991, noon.**  
The Animal Research Committee of the University of Texas Health Center at Tyler will meet at the U.T. Health Center, Chaplain's Conference Room, Highways 155S and 271N, Tyler. According to the complete agenda, the committee will approve the minutes of the February meeting; hear chairman's report on activities since last meeting-Dr. Peterson; veterinarian's report-Dr. Theford; discuss old business: interpretation of federal register rules-Dr. Theford; and review of policy concerning addenda to applications-Dr. Peterson.

Contact: Dr. Barry Peterson, P.O. Box 2003, Tyler, Texas 75710, (903) 877-7012.

Filed: February 26, 1991, 2:41 p.m.

TRD-9102380

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**University Interscholastic League**

**Friday and Sunday, March 8 and 10, 1991, 1 p.m. and 10 a.m. respectively.**  
The Legislative Council of the University Interscholastic League will meet at the Radisson Plaza Hotel, 700 San Jacinto Boulevard, Austin. According to the agenda summary, the council will conduct a public hearing regarding reclassification and realignment. Final action will be taken by the Legislative Council on Sunday.

Contact: Bonnie Northcutt, P.O. Box 8028, UT Station, Austin, Texas 78713-8028, (512) 471-5883.

Filed: February 27, 1991, 4:17 p.m.

TRD-9102448

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**Texas Water Commission**

**Wednesday, March 13, 1991, 9 a.m.**  
The Texas Water Commission will meet at 1700 North Congress Avenue, Stephen F. Austin Building, Room 118, Austin. According to the agenda summary, the commission will consider various matters within the regulatory jurisdiction of the commission. In addition, the commission will consider items previously posted for open meeting and at such meeting verbally postponed or continued to this date. With regard to any item, the commission may take various actions, including but not limited to scheduling an item in the entirety or for particular action at a future date or time.

Contact: Gloria Barrera, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: February 27, 1991, 3:50 p.m.

TRD-9102435

**Wednesday, March 13, 1991, 3 p.m.**  
The Texas Water Commission will meet at 1700 North Congress Avenue, Stephen F. Austin



Building, Room 118, Austin. According to the agenda summary, the commission will consider items previously posted for open meeting and at such meeting verbally postponed or continued to this date. With regard to any item, the commission may take various actions, including but not limited to scheduling an item in the entirety or for particular action at a future date or time.

Contact: Gloria Barrera, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: February 27, 1991, 3:50 p.m.

TRD-9102434

**Tuesday, March 26, 1991, 10 a.m.** The Office of Hearings Examiners of the Texas Water Commission will meet at 1700 North Congress Avenue, Stephen F. Austin Building, Room 119, Austin. According to the complete agenda, the commission will hold a hearing by Larry Wilde, Application Number 5335 for a permit to authorize the reuse of groundwater.

Contact: Joe O'Neal, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: February 27, 1991, 3:51 p.m.

TRD-9102437

**Monday, April 1, 1991, 10 a.m.** The Texas Water Commission will meet at the William B. Travis State Office Building, 1701 North Congress Avenue, Room 6-101, Austin. According to the agenda summary, the commission will hold a hearing on a rate increase for HCH Utility Company, Inc., Docket Number 8821-R.

Contact: Angela M. Demerle, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: February 27, 1991, 3:48 p.m.

TRD-9102429

**Wednesday, April 3, 1991, 9 a.m.** The Texas Water Commission will meet at 1700 North Congress Avenue, Stephen F. Austin Building, Room 118, Austin. According to the agenda summary, the commission will consider an application by Fort Bend County Municipal Utility District Number 19 for adoption of standby fees.

Contact: Gloria Vasquez, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: February 27, 1991, 3:49 p.m.

TRD-9102433

**Thursday, April 4, 1991, 10 a.m.** The Office of Hearings Examiners of the Texas Water Commission will meet at 1700 North Congress Avenue, Stephen F. Austin Building, Room 119, Austin. According to the agenda summary, the commission will consider a rate increase for Willis Water Company, Docket Number 8920-R.

Contact: Leslie A. Limes, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: February 27, 1991, 3:49 p.m.

TRD-9102432

**Monday, April 8, 1991, 10 a.m.** The Texas Water Commission will meet at 1700 North Congress Avenue, Stephen F. Austin Building, Room 1028A, Austin. According to the agenda summary, the commission will consider a rate increase for Chaparral Utility Company, Docket Number 8883-R.

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

Filed: February 27, 1991, 3:48 p.m.

TRD-9102431

**Friday, April 12, 1991, 10 a.m.** The Texas Water Commission will meet at 1700 North Congress Avenue, Stephen F. Austin Building, Room 1149B, Austin. According to the agenda summary, the commission will consider a rate increase for Royal Oaks Water System in Kerr County, Docket Number 8950-G.

Contact: Angela M. Demerle, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: February 27, 1991, 3:48 p.m.

TRD-9102430

## Regional Meetings

### Meetings Filed February 26, 1991

The Atascosa County Appraisal District Appraisal Review Board will meet at the Atascosa County Appraisal District Office, Fourth and Avenue J, Poteet, March 5, 1991, at 8 a.m. Information may be obtained from Vernon A. Warren, P.O. Box 139, Poteet, Texas 78065, (512) 742-3591. TRD-9102377.

The Deep East Texas Regional Mental Health and Mental Retardation Services Board of Trustees met at the Ward R. Burke Community Room, Administration Facility, 4101 South Medford Drive, Lufkin, February 26, 1991, at 3:30 p.m. The emergency revised agenda was necessary as a copy of Senate Bill had just arrived that day. Information may be obtained from Sandy Vann, 4101 South Medford Drive, Lufkin, Texas 75901, (409) 639-1141. TRD-9102371.

The Lampasas County Appraisal District Board of Directors will meet at 109 East Fifth Street, Lampasas, March 7, 1991, at 7 p.m. Information may be obtained from Janice Henry, P.O. Box 175, Lampasas, Texas 76550, (512) 556-8058. TRD-9102394.

The Lavaca County Central Appraisal District Board of Directors will meet at the Lavaca County Central Appraisal District, 113 North Main Street, Hallettsville, March 11, 1991, at 4 p.m. Information may be obtained from Diane Munson, P.O. Box 386, Hallettsville, Texas 77964, (512) 798-4396. TRD-9102396.

The Panhandle Ground Water Conservation District Number Three Board of Directors will meet at the Water District Office, 300 South Omohundro, White Deer, March 5, 1991, at 7 p.m. Information may be obtained from C. E. Williams, P.O. Box 637, White Deer, Texas 79097, (806) 883-2501. TRD-9102362.

The Upshur County Appraisal District Board of Directors will meet at the Upshur County Appraisal District Office, Warren and Trinity Streets, Gilmer, March 11, 1991, at 1 p.m. Information may be obtained from Louise Stracener, P.O. Box 280, Gilmer, Texas 75644, (903) 843-3041. TRD-9102395.

### Meetings Filed February 27, 1991

The Dawson County Central Appraisal District Board of Directors will meet at 920 North Dallas Avenue, Lamesa, March 6, 1991, at 7 a.m. Information may be obtained from Tom Anderson, P.O. Box 797, Lamesa, Texas 79331, (806) 872-7060. TRD-9102415.

The Middle Rio Grande Development Council Texas Review and Comment System Committee met at the Fort Clark Springs Restaurant, Highway 90 West, Brackettville, March 4, 1991, at 10 a.m. Information may be obtained from Dora T. Flores, P.O. Box 1199, Carrizo Springs, Texas 78834, (512) 876-3533. TRD-9102419.

The Middle Rio Grande Development Council Board of Directors will meet at Neal's Lodge, Highway 127, Concan, March 6, 1991, at 1 p.m. Information may be obtained from Michael Patterson, P.O. Box 1199, Carrizo Springs, Texas 78834, (512) 876-3533. TRD-9102420.

The Texas Panhandle Mental Health Authority Board of Trustees will meet at 7120 I-40 West, Suite 150, Amarillo, March 7, 1991, at 10:30 a.m. Information may be obtained from Claire Rigler, P.O. Box 3250, Amarillo, Texas 79106, (806) 353-3699. TRD-9102416.

### Meetings Filed February 28, 1991

The Austin-Travis County Mental Health and Mental Retardation Center Board of Trustees Personnel Committee will meet at 1430 Collier Street, Conference Room Number One, Austin, March 5, 1991, at 6 p.m. Information may be obtained from Sharon Taylor, 1430 Collier Street, Austin, Texas 78704, (512) 447-4141. TRD-9102451.

The Brazos Valley Development Council Regional Advisory Committee on Aging will meet at the Council Offices, 3006 East 29th Street, Suite Number Tow, Bryan, March 7, 1991, at 2 p.m. Information may

be obtained from Roberta Lindquist, P.O.  
Drawer 4128, Bryan, Texas 77805-4128,  
(409) 776-2277. TRD-9102454.

The Wise County Appraisal District  
Board of Directors will meet at 206 South  
State Street, Board Room, Decatur, March  
7, 1991, at 9 a.m. Information may be ob-  
tained from Brenda Jones, 206 South State  
Street, Decatur, Texas 76234, (817)  
627-3081, ext. 4. TRD-9102455.



# 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 Aircraft Pooling Board Notification of Rates for Aircraft Use

The following rates, indicated in bold type, are now in effect for the various types of aircraft operated by the State Aircraft Pooling Board. These rates have been established

in accordance with procedures developed by the Legislative Budget Board.

Also listed are approximate charges for a round trip flight to various cities in Texas. The charges have been calculated based on estimated flying times, and may differ from actual flight times due to weather conditions or alternate routing by traffic controllers.

### Round trip:

Austin to and return	Waco	Hunts- ville	Del Rio	Wichita Falls	Amarillo
Type of Aircraft					
Rate*	196	260	408	516	824
Capacity**	Miles	Miles	Miles	Miles	Miles
King Air 200 \$525/hr. 7 to 10	\$525.00	\$735.00	\$945.00	\$1,155.00	\$1,785.00
King Air 90 \$475/hr. 5 to 8	\$475.00	\$665.00	\$950.00	\$1,235.00	\$1,805.00
Cessna 425 \$415/hr. 5 to 7	\$415.00	\$581.00	\$830.00	\$996.00	\$1,494.00
Cessna 402 \$265/hr. 4 to 5	\$371.00	\$424.00	\$636.00	\$1,219.00	\$1,219.00
Barron 58 \$260/hr. 3 to 4	\$364.00	\$416.00	\$624.00	\$780.00	\$1,196.00
Cessna 310 \$250/hr. 3 to 4	\$350.00	\$450.00	\$700.00	\$850.00	\$1,300.00

\* Rates may change without notice due to increased fuel prices.

\*\* The higher capacity for passengers allows minimal luggage and requires the use of the copilot's seat and/or jump seat(s).

Please call Georgia Hopper, Scheduler, at (512) 477-8900 with any questions, any need to schedule a flight, or any need for estimated charges for other locations.

Issued in Austin, Texas, on February 25, 1991.

TRD-9102364  
Bob DuLaney  
Executive Director  
State Aircraft Pooling Board

Filed: February 26, 1991

For further information, please call: (512) 477-8900

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**Texas Department of Banking**  
Notice of Application

Texas Civil Statutes, Article 342-401a, requires any person who intends to buy control of a bank to file an application with the banking commissioner for the commissioner's approval to purchase control of a particular bank. A hearing may be held if the application is denied by the commissioner.

On February 22, 1991, the banking commissioner received an application to acquire control of The Chireno State Bank, Chireno; by W. Michael Richards, Houston; Cody Birdwell, Houston; and Robert Hall, Jasper.

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

Issued in Austin, Texas on February 22, 1991.

TRD-9102338 William F. Aldridge  
Director of Corporate Activities  
Texas Banking Department

Filed: February 25, 1991

For further information, please call: (512) 479-1200

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**Texas Department of Human Services**  
Consultant Proposal Request

In accordance with Texas Civil Statutes, Article 6252-11c, the Texas Department of Human Services (TDHS) is inviting proposals for consultant services.

**Description of services.** The Children's Trust Fund (CTF) Council currently supports approximately 50 child abuse and neglect prevention programs across the state in addition to 15-16 service contracts. Based upon the recommendations of the current computer contractor, the CTF is requesting the design, installation, implementation, and staff training for an automated grants management system. This system will be customized to produce the reports and other data required by the CTF staff, will be a multi-user system and written in common PC language with full written documentation. In addition, progress meetings will be conducted on a monthly basis throughout the contract period. Technical support of new system and other software programs will be provided either by telephone or on-site as requested. An average of 10 hours per month of technical support for the contract period is anticipated.

**Contact person.** To obtain a copy of the work statement, contact Sue Marshall, Texas Department of Human Service, P.O. Box 149030-MC Y-911, Austin, Texas 78714-9030, (512) 345-9218.

**Closing Date for Receipt of Offers.** The last date offers will be received is March 21, 1991.

**Evaluation and selection.** Evaluation criteria will include the following: is very familiar with and has a working knowledge of DBASE III, Lotus 1-2-3, WordPerfect, some of the grants management programs, and networking; has extensive knowledge and experience with microcomputers, printers, and modems and connectivity of this equipment; has experience in developing information system plans; has the ability to write a user manual and system documentation; has the ability to complete the project in the specified timeframe; quality of approach, and cost. This

project must be completed no later than August 31, 1991. This is a continuation of a previous project, and unless a substantially better proposal is received, the award will be made to the current consultant.

Issued in Austin, Texas, on February 27, 1991.

TRD-9102397 Nancy Murphy  
Agency liaison, Policy and Document  
Support  
Texas Department of Human Services

Filed: February 27, 1991

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

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**Notice of Correction for Public Hearing**

The Texas Department of Human Services will not receive comments on the department's proposed reimbursement rates for the Day Activity and Health Services program at the public hearing to be held on March 12, 1991. If there are questions concerning this change, please contact Kathy E. Hall, MC E-601, P. O. Box 149030, Austin, Texas 78714-9030, (512) 450-3702.

Issued in Austin, Texas, on February 27, 1991.

TRD-9102398 Nancy Murphy  
Agency liaison, Policy and Document  
Support  
Texas Department of Human Services

Filed: February 27, 1991

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

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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 PHICO Insurance Company, a foreign casualty insurance company. The home office is in Mechanicsburg, Pennsylvania.
2. Application for admission to do business in Texas of Klais and Company, Inc., a foreign third party administrator. The home office is in Akron, Ohio.
3. Application for admission to do business in Texas of Acordia Health Industry Benefits, Inc., a foreign third party administrator. The home office is in Indianapolis, Indiana.
4. Application for admission to do business in Texas of Insurance Benefit Services, Inc., doing business as World Administrators Company, a foreign third party administrator. The home office is in King of Prussia, Pennsylvania.

Issued in Austin, Texas, on February 22, 1991.

TRD-9102384 Nicholas Murphy  
Chief Clerk  
State Board of Insurance

Filed: February 26, 1991

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

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**Texas Parks and Wildlife Department**  
Executive Director Order Number 91-001

The executive director of the Texas Parks and Wildlife Department finds that effective December 27, 1990, the

species of native bird *Dendroica chrysoparia* (Golden-cheeked Warbler) was added to the United States list of Endangered Animal Species.

Accordingly, the executive director hereby ORDERS that the native bird species is given state endangered classification.

This order is issued pursuant to the Texas Parks and Wildlife Code, Chapter 68, and is effective immediately.

Issued in Austin, Texas, on February 27, 1991.

TRD-9102391 Paul M. Shinkawa  
General Counsel  
Texas Parks and Wildlife Department

Filed: February 27, 1991

For further information, please call: (512) 389-4867

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**Texas Racing Commission**

**Correction of Error**

The Texas Racing Commissions submitted proposed and adopted rules for publications in the February 22, 1991, issue of the *Texas Register* (16 TexReg 1125).

In 16 TAC §309.357, the proposed preamble should read as follows. The Texas Racing Commission proposes an amendment to §309.357, concerning schooling. The amendment clarifies the school requirements for greyhound's eligibility to enter a race.

Paula Cochran Carter, General Counsel for the Texas Racing Commission, has determined that for the first five-year period the section is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the section.

Ms. Carter 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 the assurance that pari-mutuel racing will be safe for the race animals. There will be no effect on small businesses as a result of enforcing the section. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

Comments on the proposal may be submitted before April 1, 1991, to Paula Cochran Carter, General Counsel, Texas Racing Commission, P.O. Box 12080, Austin, Texas 78711.

The amendment is proposed under Texas Civil Statutes, Article 179e, §3.02, which authorize the commission to adopt rules to conduct races with wagering and to administer the Texas Racing Act.

In adopted 16 TAC §303.95, the phrase "two races" in subsection (a) was misspelled.

In the preamble to adopted §305.68 the section is incorrectly described as "new". It should read "amended". The reference to §303.68 should read "§305. 68".

In the preamble to §305.102 the reference to §321.102 should read §315. 102".

In the In Addition Section, the Notice of Deadline for Motions to Intervene corrections should be made as follows. The word "participant" is singular not plural in the second paragraph, second sentence and in the third paragraph. In the second paragraph, fourth sentence, "filed" is misspelled.

## 1991 Publication Schedule for the *Texas Register*

Listed below are the deadline dates for the January-December 1991 issues of the *Texas Register*. Because of printing schedules, material received after the deadline for an issue cannot be published until the next issue. Generally, deadlines for a Tuesday edition of the *Texas Register* are Wednesday and Thursday of the week preceding publication, and deadlines for a Friday edition are Monday and Tuesday of the week of publication. A bullet beside a publication date indicates that the deadlines have been moved because of state holidays.

FOR ISSUE PUBLISHED ON	ALL COPY EXCEPT NOTICES OF OPEN MEETINGS BY 10 A.M.	ALL NOTICES OF OPEN MEETINGS BY 10 A.M.
1 *Tuesday, January 1	Friday, December 21	Thursday, December 27
Friday, January 4	NO ISSUE PUBLISHED	
2 Tuesday, January 8	Wednesday, January 2	Thursday, January 3
3 Friday, January 11	Monday, January 7	Tuesday, January
4 Tuesday, January 15	Wednesday, January 9	Thursday, January 10
5 Friday, January 18	Monday, January 14	Tuesday, January 15
6 Tuesday, January 22	Wednesday, January 16	Thursday, January 17
Friday, January 25	1990 ANNUAL INDEX	
7 Tuesday, January 29	Wednesday, January 23	Thursday, January 24
8 Friday, February 1	Monday, January 28	Tuesday, January 29
9 Tuesday, February 5	Wednesday, January 30	Thursday, January 31
10 Friday, February 8	Monday, February 4	Tuesday, February 5
11 Tuesday, February 12	Wednesday, February 6	Thursday, February 7
12 Friday, February 15	Monday, February 11	Tuesday, February 12
13 Tuesday, February 19	Wednesday, February 13	Thursday, February 14
14 *Friday, February 22	Friday, February 15	Tuesday, February 19
15 Tuesday, February 26	Wednesday, February 20	Thursday, February 21
16 Friday, March 1	Monday, February 25	Tuesday, February 26
17 Tuesday, March 5	Wednesday, February 27	Thursday, February 28
18 Friday, March 8	Monday, March 4	Tuesday, March 5
19 Tuesday, March 12	Wednesday, March 6	Thursday, March 7
20 Friday, March 15	Monday, March 11	Tuesday, March 12
21 Tuesday, March 19	Wednesday, March 13	Thursday, March 14
22 Friday, March 22	Monday, March 18	Tuesday, March 19
23 Tuesday, March 26	Wednesday, March 20	Thursday, March 21
24 Friday, March 29	Monday, March 25	Tuesday, March 26
25 Tuesday, April 2	Wednesday, March 27	Thursday, March 28
26 Friday, April 5	Monday, April 1	Tuesday, April 2
27 Tuesday, April 9	Wednesday, April 3	Thursday, April 4
28 Friday, April 12	Monday, April 8	Tuesday, April 9
29 Tuesday, April 16	Wednesday, April 10	Thursday, April 11
*Friday, April 19	FIRST QUARTERLY INDEX	

30 Tuesday, April 23	Wednesday, April 17	Thursday, April 18
31 Friday, April 26	Monday, April 22	Tuesday, April 23
32 Tuesday, April 30	Wednesday, April 24	Thursday, April 25
33 Friday, May 3	Monday, April 29	Tuesday, April 30
34 Tuesday, May 7	Wednesday, May 1	Thursday, May 2
35 Friday, May 10	Monday, May 6	Tuesday, May 7
36 Tuesday, May 14	Wednesday, May 8	Thursday, May 9
37 Friday, May 17	Monday, May 13	Tuesday, May 14
38 Tuesday, May 21	Wednesday, May 15	Thursday, May 16
39 Friday, May 24	Monday, May 20	Tuesday, May 21
40 Tuesday, May 28	Wednesday, May 22	Thursday, May 23
41 *Friday, May 31	Friday, May 24	Tuesday, May 28
42 Tuesday, June 4	Wednesday, May 29	Thursday, May 30
43 Friday, June 7	Monday, June 3	Tuesday, June 4
44 Tuesday, June 11	Wednesday, June 5	Thursday, June 6
45 Friday, June 14	Monday, June 10	Tuesday, June 11
46 Tuesday, June 18	Wednesday, June 12	Thursday, June 13
47 Friday, June 21	Monday, June 17	Tuesday, June 18
48 Tuesday, June 25	Wednesday, June 19	Thursday, June 20
49 Friday, June 28	Monday, June 24	Tuesday, June 25
50 Tuesday, July 2	Wednesday, June 26	Thursday, June 27
51 Friday, July 5	Monday, July 1	Tuesday, July 2
Tuesday, July 9	NO ISSUE PUBLISHED	
52 Friday, July 12	Monday, July 8	Tuesday, July 9
53 Tuesday, July 16	Wednesday, July 10	Thursday, July 11
54 Friday, July 19	Monday, July 15	Tuesday, July 16
Tuesday, July 23	SECOND QUARTERLY INDEX	
55 Friday, July 26	Monday, July 22	Tuesday, July 23
56 Tuesday, July 30	Wednesday, July 24	Thursday, July 25
57 Friday, August 2	Monday, July 29	Tuesday, July 30
58 Tuesday, August 6	Wednesday, July 31	Thursday, August 1
59 Friday, August 9	Monday, August 5	Tuesday, August 6
60 Tuesday, August 13	Wednesday, August 7	Thursday, August 8
61 Friday, August 16	Monday, August 12	Tuesday, August 13
62 Tuesday, August 20	Wednesday, August 14	Thursday, August 15
63 Friday, August 23	Monday, August 19	Tuesday, August 20
64 Tuesday, August 27	Wednesday, August 21	Thursday, August 22
65 Friday, August 30	Monday, August 26	Tuesday, August 27
66 Tuesday, September 3	Wednesday, August 28	Thursday, August 29
Friday, September 6	NO ISSUE PUBLISHED	

67 Tuesday, September 10	Wednesday, September 4	Thursday, September 5
68 Friday, September 13	Monday, September 9	Tuesday, September 10
69 Tuesday, September 17	Wednesday, September 11	Thursday, September 12
70 Friday, September 20	Monday, September 16	Tuesday, September 17
71 Tuesday, September 24	Wednesday, September 18	Thursday, September 19
72 Friday, September 27	Monday, September 23	Tuesday, September 24
73 Tuesday, October 1	Wednesday, September 25	Thursday, September 26
74 Friday, October 4	Monday, September 30	Tuesday, October 1
75 Tuesday, October 8	Wednesday, October 2	Thursday, October 3
76 Friday, October 11	Monday, October 7	Tuesday, October 8
Tuesday, October 15	THIRD QUARTERLY INDEX	
77 Friday, October 18	Monday, October 14	Tuesday, October 15
78 Tuesday, October 22	Wednesday, October 16	Thursday, October 17
79 Friday, October 25	Monday, October 21	Tuesday, October 22
80 Tuesday, October 29	Wednesday, October 23	Thursday, October 24
81 Friday, November 1	Monday, October 28	Tuesday, October 29
82 Tuesday, November 5	Wednesday, October 30	Thursday, October 31
83 Friday, November 8	Monday, November 4	Tuesday, November 5
84 Tuesday, November 12	Wednesday, November 6	Thursday, November 7
85 *Friday, November 15	Friday, November 8	Tuesday, November 12
86 Tuesday, November 19	Wednesday, November 13	Thursday, November 14
87 Friday, November 22	Monday, November 18	Tuesday, November 19
88 Tuesday, November 26	Wednesday, November 20	Thursday, November 21
89 Friday, November 29	Monday, November 25	Tuesday, November 26
Tuesday, December 3	NO ISSUE PUBLISHED	
90 Friday, December 6	Monday, December 2	Tuesday, December 3
91 Tuesday, December 10	Wednesday, December 4	Thursday, December 5
92 Friday, December 13	Monday, December 9	Tuesday, December 10
93 Tuesday, December 17	Wednesday, December 11	Thursday, December 12
94 Friday, December 20	Monday, December 16	Tuesday, December 17
95 Tuesday, December 24	Wednesday, December 18	Thursday, December 19
96 *Friday, December 27	Friday, December 20	Monday, December 23
Tuesday, December 31	NO ISSUE PUBLISHED	
1.*Friday, January 3	Friday, December 27	Tuesday, December 31
2 *Tuesday, January 7	Tuesday, December 31	Thursday, January 2
3 Friday, January 10	Monday, January 6	Tuesday, January 7
4 Tuesday, January 14	Wednesday, January 8	Thursday, January 9
5 Friday, January 17	Monday, January 13	Tuesday, January 14



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