

# Texas Register

Volume 15, Number 8, January 30, 1990

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The *Texas Register* (ISN 0362-4781) is published semi-weekly 100 times a year except June 1, 1990, July 20, 1990, November 9 and 27, 1990, and December 28, 1990. 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.

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

Governor—appointments, executive orders, and proclamations

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

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

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Withdrawn Sections—sections withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date

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

Open Meetings—notices of open meetings

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

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

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

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

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

## Texas Administrative Code

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

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

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

TAC stands for the *Texas Administrative Code*;

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



## Texas Register Publications

a section of the  
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P.O. Box 13824  
Austin, Texas 78711-3824  
512-463-5561

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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.

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Name: Yuki Enami

Grade: 12

School: Richardson High, Richardson

# The Governor

As required by Texas Civil Statutes, Article 6252-13a, §6, the *Texas Register* publishes executive orders issued by the Governor of Texas. Appointments and proclamations are also published. Appointments are published in Chronological order. Additional information on documents submitted for publication by the Governor's Office can be obtained by calling (512) 463-1814.

## Appointments Made January 19, 1990

to be a member of the **Board of Pardons and Paroles** for a term to expire February 1, 1991: Peggy McAdams, 2303 Robinson Way, Huntsville, Texas 77340. Mrs. McAdams is being appointed to a new position pursuant to House Bill 2335, 71st Legislature, Regular Session.

To be a member of the **Educational Economic Policy Center Committee** for a term to be determined later: Jack Ladd, 2500 Metz, Midland, Texas 79705. Mr. Ladd is being appointed pursuant to Senate Bill 417, 71st Legislature.

To be a member of the **Texas Board of Criminal Justice** for a term to expire February 1, 1991: Pedro (Pete) Diaz, Jr., 111

Pete Diaz Avenue, Rio Grande City, Texas 78582. Mr. Diaz is being appointed to a new position pursuant to House Bill 2335, 71st Legislature, Regular Session.

To be members of the **Task Force on Judicial Selection** for terms at the pleasure of the Governor. This task force is created pursuant to House Concurrent Resolution 142, 71st Legislature, Regular Session, 1989. Carol E. Dinkins, Vinson & Elkins, 2820 First City Tower, 1001 Fannin, Houston, Texas 77003-6760. Alfred H. Ebert, Jr., Andrews & Kurth, 4200 Texas Commerce Tower, Houston, Texas 77002. Byron Fullerton, 3970 Far West, Austin, Texas 78731. Joe R. Greenhill, Baker & Botts, 98 San Jacinto Boulevard, 1600 San Jacinto Center, Austin, Texas 78701. Andrew L. Jefferson, Jr., Jefferson & Mims, 707 Central Bank Building, 2100 Travis at Gray, Houston, Texas 77002. Dee'J. Kelly, Kelly,

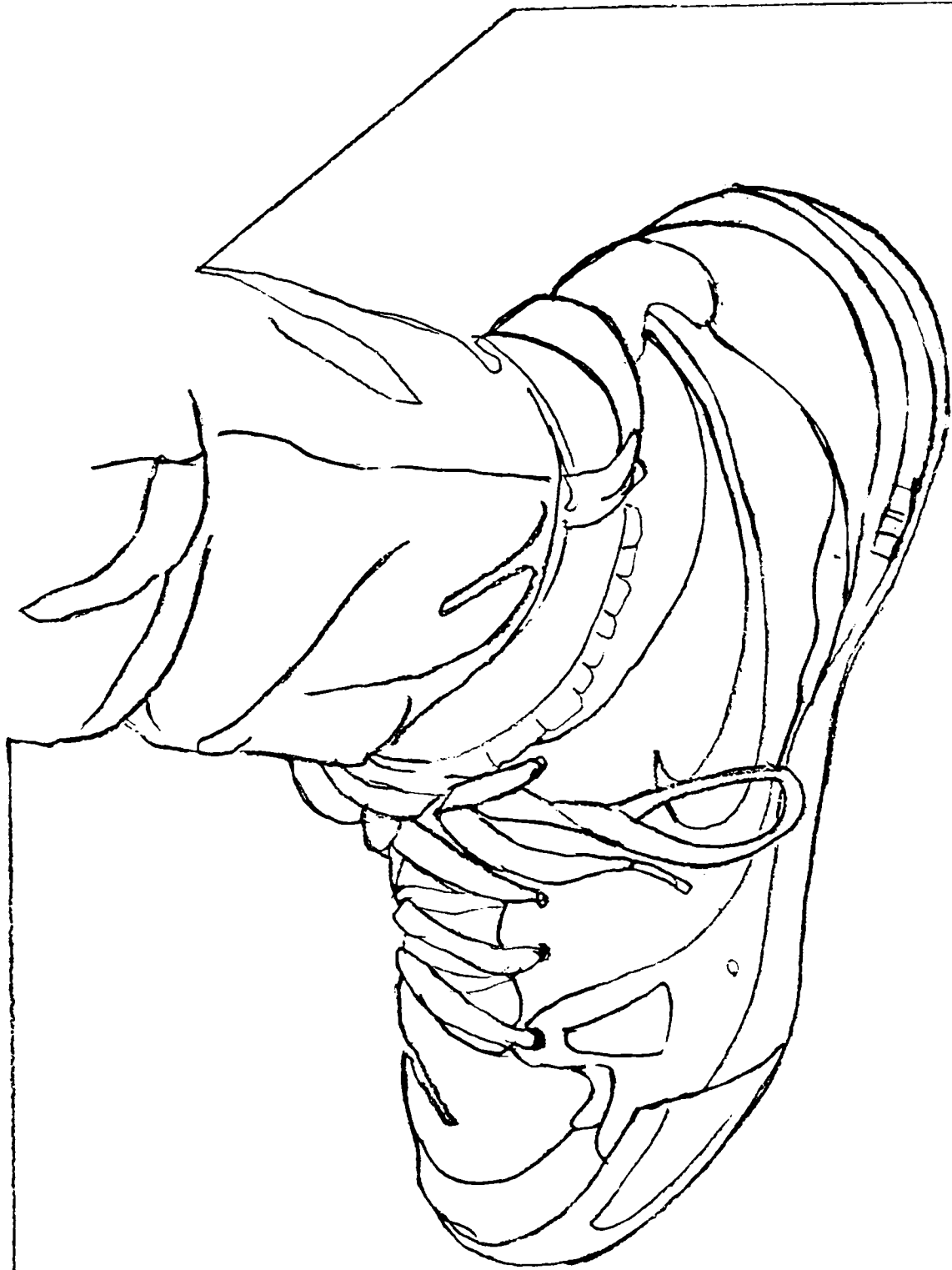
Appleman, Hart & Hallman, 2500 First City Bank Tower, Fort Worth Texas 76102. William B. Sechrest, 5400 Renaissance Tower, 1201 Elm, Dallas, Texas 75270.

To be a member of the **Texas Commission on Law Enforcement Officer Standards and Education** for a term to expire August 30, 1995: William P. Whitworth, 1111 North 123 Bypass & 303, Seguin, Texas 78155. Officer Whitworth will be replacing Ruben B. Cisneros of Corpus Christi, whose term expired.

To be a member of the **Teacher Retirement System of Texas** for a term to expire August 31, 1995: Sue McGarvey, Route 2, Box 512, Hallsville, Texas 75650. Mrs. McGarvey will be replacing Mary Williams Kasting of Copperas Cove, whose term expired.

Issued in Austin, Texas, January 22, 1990  
TRD-9000758





Name: Becky Shelton

Grade: 12

School: Richardson H. Richardson

# 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 34. PUBLIC FINANCE

### Part I. Comptroller of Public Accounts

#### Chapter 1. Central Administration

#### Practice and Procedure

##### • 34 TAC §1.31

The Comptroller of Public Accounts proposes an amendment to §1.31, concerning computation of time. The change applies the mailbox or postmark ruler to private mail or delivery services.

Ben Lock, director of the Comptroller's economic analysis center, 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. Lock 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 from incorporation into the ruler of clear information regarding agency policy on computation of time. 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 to Wade Anderson, Executive Counsel, P.O. Box 13528, Austin, Texas 78711.

The amendment is proposed under the Tax Code, §111.002, which provides the Comptroller with the authority to prescribe, adopt, and enforce rules relating to the administration and enforcement of the provisions of the Tax Code, Title 2.

*§1.31. Computation of Time.* In computing any period of time prescribed or allowed by these sections, by order of an

administrative law judge, or by any applicable statute, the period begins on the day after the act, event, or default identified and concludes on the last day of the computed period, unless it is a Saturday, Sunday, or legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday, nor a legal holiday. Documents required to be filed or served are filed or served when actually received or are deemed filed or served when deposited with the United States Postal Service or private mail service, postage or delivery charges paid. The postmark date indicated on a document is presumed to be the date of mailing but this is a rebuttable presumption.

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 January 22, 1990.

TRD-9000752      Bob Bullock  
Comptroller of Public  
Accounts

Earliest possible date of adoption: March 2, 1990

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



##### • 34 TAC §1.32

The Comptroller of Public Accounts proposes an amendment to §1.32, concerning service. The change allows service of documents by facsimile transmission.

Ben Lock, director of the Comptroller's economic analysis center, 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. Lock 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 from recognition of an alternative means of document service. 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 to Wade Anderson, Executive Counsel, P.O. Box 13528, Austin, Texas 78711.

The amendment is proposed under the Tax Code, §111.002, which provides the Comptroller with the authority to prescribe, adopt, and enforce rules relating to the administration and enforcement of the provisions of the Tax Code, Title 2.

*§1.32. Service.* When any document is required to be served on other parties, this may be accomplished by personal delivery or by mailing the document addressed to the party or the authorized representative at the last known address, postage paid. **Facsimile transmission is acceptable.** The document should indicate on its face that copies have been served on parties of record.

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 January 22, 1990.

TRD-9000753      Bob Bullock  
Comptroller of Public  
Accounts

Earliest possible date of adoption: March 2, 1990

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





Name: Julie Shipp

Grade: 11

School: Richardson High, Richardson

# Withdrawn Sections

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

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## TITLE 40. SOCIAL SERVICES AND ASSISTANCE

### Part I. Texas Department of Human Services

#### Chapter 35. Pharmacy Services

##### Subchapter A. Participation

###### • 40 TAC §§35.101, 35.102, 35.107

The Texas Department of Human Services is withdrawing from consideration proposed amendments to §35.101, §35.102 and 35.107, concerning participation in the vendor drug program. The effective date of withdrawal is January 24, 1990.

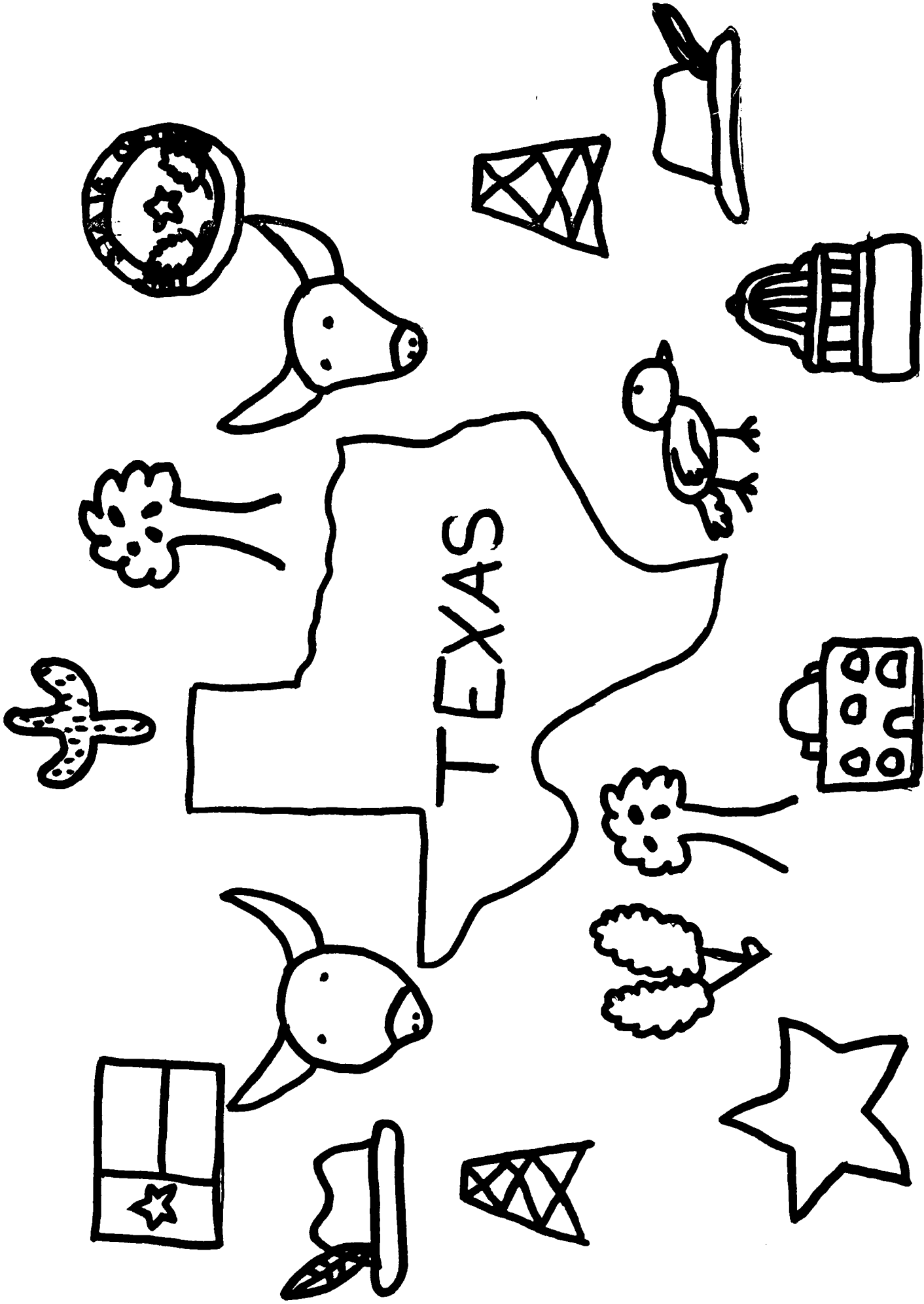
Issued in Austin, Texas, on January 24, 1990.

TRD-9000838      Cathy Rossberg  
                         Agency Liaison, Policy  
                         Communication  
                         Services  
                         Texas Department of  
                         Human Services

Effective date: January 24, 1990.

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





Name: Elizabeth Reap

Grade: 4

School: Moss Elementary, Richardson

THE FRIENDSHIP STATE



# 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 V. State Purchasing and General Services Commission

##### Chapter 121.

##### Telecommunications Services Division

##### Telecommunications Services

##### • 1 TAC §§121.1-121.5, 121.8

The State Purchasing and General Services Commission adopts amendments to §§121.1-121.5 and 121.8, without changes to the proposed text as published in the November 7, 1989, issue of the *Texas Register* (14 TexReg 5823).

The amendments are necessary to update the rules, correct punctuation errors, reflect the change of the network's title from state telecommunications systems (STS) to Texas agency network (TEX-AN), reflect the change in name from Automated Information and Telecommunications Council to Department of Information Resources, to set forth the TEX-AN billing procedures, and to provide for waivers from use of TEX-AN.

The amendments correct and update the rules; will require billings to agencies to be based on each agency's proportionate use of and the actual costs of TEX-AN services; and will require the commission to evaluate requests for waiver from use of TEX-AN and the joint approval of waivers by the commission and the Department of Information Resources.

No comments were received regarding adoption of the amendments.

The amendments are adopted under Texas Civil Statutes, Article 601b, which provide the commission with the authority to promulgate rules necessary for the administration and enforcement of the Act.

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

Issued in Austin, Texas on January 24, 1990.

TRD-9000839

John R. Neel  
General Counsel  
State Purchasing and  
General Services  
Commission

Effective date: February 14, 1990

Proposal publication date: November 7, 1989

For further information, please call: (512) 463-3446

## TITLE 7. BANKING AND SECURITIES

### Part I. State Finance Commission

#### Chapter 3. Banking Section

##### Subchapter B. General

##### • 7 TAC §3.34

The Finance Commission of Texas adopts new §3.34, without changes to the proposed text as published in the November 10, 1989, issue of the *Texas Register* (14 TexReg 5913).

The section is adopted to provide that notice be posted in all financial institutions informing borrowers that certain loan agreements must be in writing. Further, the section is adopted to provide that both the borrower and financial institution must sign a notice provided by the financial institution, and to provide the language for such notice, as adopted by the State Finance Commission of Texas.

The section requires that all financial institutions conspicuously post in the public lobby of each of its offices, other than off-premises electronic deposit facilities, a notice summarizing requirements that loan agreements be in writing. The section also requires that for loans over \$50,000, the borrower and financial institution must sign a notice provided by the financial institution stating that the written loan agreement cannot be contradicted by evidence of any oral agreements by the parties, and that there are no unwritten oral agreements between the parties.

Only one comment was received on the proposed new section. The commenter stated his concern that the notice contains a misstatement of the new statute, and incorrectly requires that the financial institution sign the notice, when the statute only requires that the debtor or obligor sign the notice.

The commenter opposing adoption of the section was Kelley, Looney, Alexander and Sawyer.

The department disagrees with this commenter that the section misstates the statute in requiring financial institutions to sign the required notice. While the statute states "the notice... must be signed by the debtor or obligor or incorporated into one or more of the documents constituting the loan agreement," the statute specifically includes a signature line for the financial institution in the mandatory language for the notice. There-

fore, the department believes the section properly requires the financial institution to sign the notice, and is consistent with the statute.

The new section is adopted under the Texas Constitution, Article 16, §16(c), and Texas Civil Statutes, Article 342-113, which provides the State Finance Commission with the authority to promulgate rules not inconsistent with the constitution and statutes of this state.

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 January 24, 1990.

TRD-9000841

Ann Graham  
General Counsel  
Texas Department of  
Banking

Effective date: February 14, 1990

Proposal publication date: November 10, 1989

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

## TITLE 13. CULTURAL RESOURCES

### Part IV. Texas Antiquities Committee

#### Chapter 41. Practice and Procedure

##### • 13 TAC §41.5

The Texas Antiquities Committee adopts an amendment to §41.5, with changes to the proposed text as published in the October 27, 1989, issue of the *Texas Register* (14 TexReg 5711).

The amended section is needed to define new terms utilized in new §41.29 and §41.30 (concerning disposition of reported items of value and specific criteria for evaluation of historic significance of reported items of value). The new sections are being adopted in order to implement actions required by Senate Bill 222, Article V, §111, 71st Legislature, 1989, entitled "Incentive to Report Items of Value."

The amended section clarifies terms and defines words and phrases used in agency rules of practice and procedure concerning disposition of reported items of value and specific criteria for evaluation of historic significance of reported items of value. Three additional definitions were added to those published under the proposed section after public comments were received and reviewed.

During the public comment period, the committee received comments from the Comptroller of Public Accounts and the State Department of Highways and Public Transportation.

Comments were made by the comptroller regarding the promulgating of rules pursuant to the rider Article V, §111, of the General Appropriations Act of the 1990-1991 biennium. An appropriation rider may only detail, limit, or restrict the use of funds and cannot create a new reward program or activity. The commenter believes the rider is only valid if it is executed under existing law governing payment of rewards for information leading to recovery of property due the state which is Texas Civil Statutes, Article 4344g.

Further comments were made concerning the conflict of the amount of finders to be authorized. The rider authorizes a fee up to 25% of the value of an item. However, the article limits payments to 5.0% of the value of recovered property. The article also requires a written contract between the comptroller and the informant. The contract is not mentioned in the proposed section nor in the rider. Finally, the commenter favors a limitation of any reward up to 5.0% of the value of any property recovered and the addition of a contractual requirement between the informant and the comptroller.

The committee concurs with all comments received from the comptroller. A rider to an appropriations bill does not create a new reward program not already provided for by existing law. The Texas Constitution, Article III, §35, prohibits the enactment of new legislation in a general appropriations act (*Moore v. Sheppard*, 192 S.W.2d 559, 561-62 (Tex.1946)).

Additions were made to new §41.29 and §41.30 concerning disposition of reported items of value and specific criteria for evaluation of historic significance of reported items of value) which clarify reward payment procedures, contractual terms of the comptroller, and permit requirements of the committee.

Therefore, claims for reward for information leading to recovery of state-owned property filed under Senate Bill 222, Article 5, §111, "Incentive to Report Items of Value," 71st Legislature, 1989, must be enacted under Chapter 874, Title 70, Heads of Departments, Texas Civil Statutes, Article 4344g concerning contracts for information about state claims).

The rider and the article conflict on the amount of reward to be received. The enabling rider authorizes the Comptroller of Public Accounts to pay rewards up to 25% of any buried treasure recovered on either state or university onshore lands by individuals other than an employee or contractor of the state or university. The enacting article limits the reward amount to 5.0% of the value of any state-owned property recovered.

A project sponsor or permittee must enter into a written contract with the comptroller as an informant to receive payment. According to the article, requirements for payment under the contract shall be contingent upon a recovery by the state; may not exceed 5.0% of the amount of revenue or the value of the other property that the state recovers; and may be limited by agreement not to exceed a specified, absolute dollar amount.

Additional comments received from State Department of Highways and Public Transportation state the department has no problem with the proposed section. The department does, however, plan to limit access to right-of-way for the purpose of recovering items of value. Two reasons cited for this policy include safety to project sponsors and safety to the traveling public.

Also cited was possible violation of restrictive uses of acquired easements to which the department does not hold fee title. Article V, §88 of the current appropriations bill also prohibits the entrusting of state property to anyone for other than state purposes. Texas Civil Statutes, Article 6710d, §§93-96, prohibits stopping, standing, or parking vehicles on highways. The Texas Penal Code, §42.03, prohibits the obstruction of any highway, street, sidewalk, etc. and authorizes peace officers, firemen, or a person with authority, to control use of the premises, to order obstruction removed, or obstructors to move.

The committee acknowledges the comments from the State Department of Highways and Public Transportation regarding the proposed section and existing laws restricting activities within the public highway easement. The committee agrees that access requirements or restrictions for the recovery of reported items of value are subject to the existing rules of the land-owning agency or university.

The amendment is adopted under the Natural Resources Code, Title 9, Chapter 191 (revised by Senate Bill 231, 68th Legislature, 1983, and House Bill 2056, 70th Legislature, 1987), §191.052 which provides the Texas Antiquities Committee with the authority to promulgate rules and require contract or permit conditions to reasonably effect the purposes of Chapter 191.

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

**Appraisal**—A valuation of property by the estimate of an appraiser.

**Appraiser**—An individual authorized by the Texas Antiquities Committee estimating valuation of property.

**Bullion**—Uncoined gold or silver or other precious metal in bar or ingot form.

**Buried treasure**—An item of value as defined herein, any bullion, coins, or jewelry.

**Coins**—Usually flat, round pieces of metal issued by a governmental authority as money.

**Comptroller**—Comptroller of Public Accounts.

**Conservation**—Scientific laboratory process for cleaning, stabilizing, restoring, and preserving artifacts.

**Informant**—Project sponsor or permittee contracting with the comptroller for the payment of a reward for location information about and recovery of reported items of value belonging to the state.

**Item of value**—Any bullion, coins, or jewelry.

**Jewelry**—Objects of precious metal often set with gems and worn for adornment.

**Permittee**—An individual, institution, or company issued an antiquities permit for any archaeological investigation or historic preservation activity.

**Project sponsor**—An individual, institution, or company costs of archaeological work conducted under antiquities permit.

**Reward**—Contracted amount authorized by written contract with the comptroller.

**Valuation**—Act of assigning a monetary worth to an item by an authorized appraiser.

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 January 22, 1990.

TRD-9000818

Molly F. Godwin  
Certifying Official  
Texas Antiquities  
Committee

Effective date: February 13, 1990

Proposal publication date: October 27, 1989

For further information, please call: (512) 463-6098

◆ ◆ ◆  
**TITLE 16. ECONOMIC  
REGULATION**  
**Part IV. Texas Department  
of Licensing and  
Regulation**  
**Chapter 69. Manufactured  
Housing**

**Standards and Requirements**

• **16 TAC §§69.51, 69.53, 69.54**

The Texas Department of Licensing and Regulation adopts amendments to §§69.51, 69.53, and 69.54. Section 69.54 is adopted with changes to the proposed text as published in the October 24, 1989, issue of the *Texas Register* (14 TexReg 5675). Section 69.51 and §69.53 is adopted without changes and will not be republished.

These sections are being adopted to provide installation requirements for the many different types of new and used manufactured homes that are being installed in Texas.

The function of these sections is to allow the installation of manufactured homes in accordance with the manufacturers' instructions or generic installation instructions that are suitable for many types of homes. The second sentence of §69.54(a)(7) is adopted with a change that removes Colorado and Lavaca Counties from the list of counties in the hurricane zone.

One person commented that §69.54(a)(7) should also allow the use of frame ties that cross under a home.

The Texas Manufactured Housing Association made comments both in favor of and opposing adoption of the sections.

The department disagrees with the comment that §69.54(a)(7) should also allow the use of

frame ties that cross under a home, since these ties are only effective for most homes when used in combination with vertical over-the-top ties.

The amendments are adopted under Texas Civil Statutes, Article 5221f, which provide the commissioner with the authority to adopt rules and regulations, to take all action necessary to assure compliance with the intent and purpose of this Act, and to provide for uniform enforcement of all provisions of this Act.

**§69.54. Generic Installation Requirements.**

(a) All new and used HUD-code manufactured homes, mobile homes, and rebuilt salvaged homes shall be anchored in accordance with the manufacturer's installation instructions or these generic standards

approved and promulgated by the department.

(1) Ground anchors shall be approved in compliance with the requirements of these standards and shall be used in soil types for which the ground anchors are designed. The anchors shall be installed in accordance with the anchor manufacturer's instructions.

(2)-(5) (No change.)

(6) Ties shall be as evenly spaced as practicable along the length of the home, and the distance from each end of the home and the tie nearest that end shall not exceed four feet for frame ties and eight feet for vertical ties.

(7) The number of over-the-top vertical ties used to anchor a home shall be in accordance with the home manufacturer's installation instructions or the following hurricane and non-hurricane zone charts showing installation instructions for many types of homes. The following counties are in the hurricane zone: Aransas Bee, Brazoria, Brooks, Calhoun, Cameron, Chambers, Fort Bend, Galveston, Goliad, Hardin, Harris, Hidalgo, Jackson, Jasper, Jefferson, Jim Wells, Kenedy, Kleberg, Liberty, Live Oak, Matagorda, Montgomery, Newton, Nueces, Orange, Refugio, San Patricio, Victoria, Waller, Wharton, and Willacy.

HURRICANE ZONE

| Length of Home Box Excluding Hitch | HOME BOX Width (Ft.) |            |          |            | Number of Vertical Ties Per side |
|------------------------------------|----------------------|------------|----------|------------|----------------------------------|
|                                    | 10 or less           | 12         | 14       | 16 or more |                                  |
| 46 or more                         |                      |            | 80       |            | 5                                |
| 45 to 35                           |                      |            | 79 to 60 |            | 4                                |
| 34 to 32                           |                      | 56 or more | 59 to 40 | 80 to 40   | 3                                |
|                                    |                      | 37 to 32   | 39 to 32 | 39 to 32   | 2                                |

NON-HURRICANE ZONE

| Length of Home Box Excluding Hitch | HOME BOX WIDTH (Ft.) | Number of Vertical Ties Per Side |
|------------------------------------|----------------------|----------------------------------|
|                                    | All Widths           |                                  |
|                                    | 40 or more           | 3                                |
|                                    | 39<br>to<br>32       | 2                                |

HURRICANE ZONE

|                                    | Home Box Width (Ft.) |                |                | No. Vertical Ties Per Side |
|------------------------------------|----------------------|----------------|----------------|----------------------------|
|                                    | 10                   | 12             | 14             |                            |
| Length of Home Box Excluding Hitch | 65<br>to<br>57       |                |                | 6                          |
|                                    | 56<br>to<br>46       | 80<br>to<br>75 | 80             | 5                          |
|                                    | 45<br>to<br>35       | 74<br>to<br>56 | 79<br>to<br>60 | 4                          |
|                                    | 34<br>to<br>33       | 55<br>to<br>38 | 59<br>to<br>40 | 3                          |
|                                    |                      | 37<br>to<br>33 | 39<br>to<br>33 | 2                          |

|               | No. of Diagonal Ties Per Side (All Widths) |                |                |                |                |
|---------------|--|----------------|----------------|----------------|----------------|
|               | 4  | 5              | 6              | 7              | 8              |
| Length of Box | 33<br>to<br>42                             | 43<br>to<br>52 | 53<br>to<br>63 | 64<br>to<br>73 | 74<br>to<br>80 |

NON-HURRICANE ZONE

| Length of Home Box Excluding Hitch | Home Box Width (Ft.) |                |                | No. Vertical Ties Per Side |
|------------------------------------|----------------------|----------------|----------------|----------------------------|
|                                    | 10                   | 12             | 14             |                            |
|                                    |                      | 80<br>to<br>40 | 80<br>to<br>40 | 3                          |
|                                    | 65<br>to<br>40       |                |                | 3                          |
|                                    | 39<br>to<br>33       | 39<br>to<br>33 | 39<br>to<br>33 | 2                          |

| Length of Box | No. of Diagonal Ties Per Side<br>(All Widths) |                |                |                |                |
|---------------|---|----------------|----------------|----------------|----------------|
|               | 3   | 4              | 5              | 6              | 7              |
|               | 33<br>to<br>37                                | 38<br>to<br>49 | 50<br>to<br>62 | 63<br>to<br>74 | 75<br>to<br>80 |

Many homes are designed with built-in over-the-top vertical ties or are designed without the need for any over-the-top vertical ties. Additional over-the-top vertical ties will not be necessary for homes with all of the following characteristics: 13.67 feet or more in width; 10 feet or less in wall height (including chassis height); the diagonal frame ties extend from under the side wall to the nearest longitudinal beam; the longitudinal beams are eight feet or more apart; and there is no evidence that vertical ties have been cut and removed. Over-the-top vertical ties that are built-in and

are still present shall be connected to anchors. Special column ties, if present, shall be connected to anchors. If an over-the-top vertical tie has been cut and removed on a used home and an additional over-the-top vertical tie can not be added because of the eaves (or other conditions), piers can be added to increase stability. Piers under the longitudinal beams shall be placed in accordance with subsection (b) of this section. The diagonal frame ties must extend from under the side wall to the nearest longitudinal beam. Piers shall also be placed under the perime-

ter walls at the locations of the cut straps. The original chassis to floor joist fasteners shall be intact. The diagonal frame ties used to anchor a home shall be spaced in accordance with the home manufacturer's installation instructions or shall be spaced no more than six feet apart on a side in the hurricane zone and no more than 10 feet apart on a side in the non-hurricane zone. The spacing of ties may be adjusted for obstructions, but the number of ties for a side for a length of home shall be a whole number or next highest whole number calculated by:

$$\left( \frac{\text{Length} - 8 \text{ feet}}{\text{required tie spacing}} \right) + 1$$

(b) All mobile homes, HUD-code manufactured homes, rebuilt salvaged homes, and used HUD-code manufactured homes shall be supported in accordance with the home manufacturer's installation instructions or the following requirements.

(1) Piers for single section homes are to be placed under each longitudinal main frame member not to exceed eight feet on-center spacing for homes that are 14 feet wide or less and six feet on-center spacing for homes that are over 14 feet wide. Where practical, end piers shall be placed within one foot of the ends of the main frame. When the location and spacing of wheels and axles or other structural members of the home frame or undercarriage prevent spacing of piers on eight or six feet centers, the spacing shall be as near eight or six feet maximum spacing as practicable in the area of the obstruction. Exterior doors must have piers directly under the sides of the opening. The minimum footing area shall be 240 square inches.

(2) Piers for multi-section homes are to be placed under each longitudinal main frame member not to exceed six feet on-center spacing. Where practical, end piers shall be placed within one foot of the ends of the main frame. When the location and spacing of wheels and axles or other structural members of the home frame or undercarriage prevent spacing of piers on six feet centers, the spacing shall be six feet maximum spacing in all other areas and shall be as near six feet maximum spacing as practicable in the area of the obstruction. Piers are to be placed under the center marriage line within one foot at each end, under support columns, and under both sides of openings greater than 12 feet. Exterior doors must have piers directly under the sides of the opening. The minimum footing area shall be 240 square inches.

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 January 16, 1990.

TRD-9000803

Larry Kosta  
Acting Executive Director  
Texas Department of  
Licensing and  
Regulation

Effective date: February 13, 1990

Proposal publication date: October 24, 1989

For further information, please call: (512) 463-3130

◆ ◆ ◆  
**TITLE 19. EDUCATION**  
**Part II. Texas Education**  
**Agency**

**Chapter 75. Curriculum**

The Texas Education Agency adopts amendments to §§75.24, 75.25, and 75.43, without changes to the proposed text as published in the December 15, 1989, issue of the *Texas Register* (14 TexReg 6524).

The amendments are adopted to provide consistency in the format of the curriculum rules adopted by the State Board of Education at its October 1989 meeting and published in the October 27, 1989, issue of the *Texas Register* (14 TexReg 5729).

No comments were received regarding adoption of the amendments.

**Subchapter B. Essential Elements—Prekindergarten—Grade Six**

◆ ◆ ◆  
**• 19 TAC §75.24, §75.25**

The amendments are adopted under the Texas Education Code, §21.101, which authorizes the State Board of Education to make rules concerning the well-balanced curriculum.

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 January 17, 1990.

TRD-9000807

W. N. Kirby  
Commissioner of Education

Effective date: February 13, 1990

Proposal publication date: December 15, 1989

For further information, please call:

◆ ◆ ◆  
**Subchapter C. Essential Elements—Grades Seven—Eight**

**• 19 TAC §75.43**

The amendment is adopted under the Texas Education Code, §21.101, which authorizes the State Board of Education to make rules concerning the well-balanced curriculum.

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 January 17, 1990.

TRD-9000805

W. N. Kirby  
Commissioner of Education

Effective date: February 13, 1990

Proposal publication date: December 15, 1989

For further information, please call: (512) 463-9701

◆ ◆ ◆  
**Subchapter D. Essential Elements—Grades Nine—12**

**• 19 TAC §75.63**

The Texas Education Agency adopts an amendment to §75.63, without changes to the

proposed text as published in the December 22, 1989, issue of the *Texas Register* (14 TexReg 6716). The amendment concerns essential elements. The amendments are adopted to provide consistency in the format of the curriculum rules adopted by the State Board of Education at its October 1989 meeting and published in the October 27, 1989, issue of the *Texas Register* (14 TexReg 5729). In addition, the amendments restore four mathematics courses which were inadvertently deleted when filed as adopted with the *Texas Register*. Other than restoring those courses, no substantive changes have been made.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Texas Education Code, §21.101, which authorizes the State Board of Education to make rules concerning the well-balanced curriculum.

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 January 23, 1990.

TRD-9000806 W. N. Kirby  
Commissioner of Education

Effective date: February 13, 1990

Proposal publication date: December 22, 1989

For further information, please call: (512) 463-9701

◆ ◆ ◆  
**TITLE 22. EXAMINING  
BOARDS**  
**Part XXV. Structural Pest  
Control Board**  
**Chapter 591. General  
Provisions**

• 22 TAC §591.10, §591.11

The Structural Pest Control Board adopts new §591.10 and §591.11. Section 591.11 is adopted with changes to the proposed text as published in the December 8, 1989, issue of the *Texas Register* (14 TexReg 6410). Section 591.10 is adopted without changes and will not be republished.

The sections are adopted as part of the board's implementation of House Bill 3167, 71st Legislature, 1989, which added §10B to Texas Civil Statutes, §4, Article 135b-6, authorizing assessment of administrative penalties by the board.

The sections, as adopted, will set the procedure for the issuance of a violation report by the executive director, notice requirements, and the basis for a hearing. Further, said sections establish guidelines for the determination of the amount of the administrative penalties.

No comments were received regarding adoption of the new sections.

The new sections are adopted under Texas Civil Statutes, Article 135b-6, §4(d), which provide the Structural Pest Control Board with the authority to promulgate rules and regula-

tions governing the methods and practices of structural pest control when it determines that the public's health and welfare necessitates such regulations in order to prevent adverse effects on human life and the environment.

**§591.11. Determination of Administrative Penalties.**

(a) Base penalty (BP) amounts will be established that consider the seriousness of the violation. Examples of possible violations of the Act and a possible base penalty for each violation and each day a violation exists are as follows. The violations are not limited to the list and the base penalty may vary depending upon the circumstances.

(1) Minor violations such as incomplete records or no TPCL numbers on vehicles may be assessed a penalty of \$100 to \$500 per violation.

(2) Violations which do not present a hazard to the public health, safety, welfare, or to the environment such as failure to honor contract or failure to notify the board of an address where a licensee may be reached may be assessed a penalty of \$250 to \$1,000 per violation.

(3) Violations which present a minor hazard to the public health, safety, welfare, or to the environment that may result from actions such as failure to supervise employees or failure to maintain proper insurance coverage may be assessed a penalty of \$500 to \$2,000 per violation.

(4) Violations which present a major hazard to the public health, safety, welfare, or to the environment that may result from actions such as use inconsistent with the label or intentional misrepresentation may be assessed a penalty of \$1,000 to \$5,000 per violation.

(b) Adjustment will be determined in the reduction or addition to the BP as appropriate in four categories.

(1) History of previous violations. Consideration will be given to such items as length of time since violation has occurred and inconsistency of compliance history.

(2) Amount necessary to deter future violations. Consideration will be given to such items as documents provided, licenses surrendered, and cooperative nature of persons charged.

(3) Efforts to correct the violation. Consideration will be given to such items as completeness of corrective effort and cooperation to accomplish correction.

(4) Other matters that justice may require. Consideration will be given to such items as ability to pay, and events beyond the control of the violator which caused the violation or affected the effort to correct the violation.

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 January 19, 1990.

TRD-9000808 Benny M. Mathis, Jr.  
Executive Director  
Structural Pest Control  
Board

Effective date: February 13, 1990

Proposal publication date: December 8, 1989

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

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**TITLE 31. NATURAL  
RESOURCES AND  
CONSERVATION**  
**Part X. Texas Water  
Development Board**  
**Chapter 375. State Water  
Pollution Control Revolving  
Fund**

The Texas Water Development Board (board) adopts amendments to §375.20 and §375.31, without changes to the proposed text as published in the December 15, 1989, issue of the *Texas Register* (14 TexReg 6540).

The amendments modify procedures for submitting an application for financial assistance from the state water pollution control revolving fund (SRF).

The board's amendments to §375.20 would allow an applicant for assistance to submit the required general information, fiscal data, and legal data upon request of the executive administrator, after March 15 of the funding year, instead of prior to March 15 as is currently required. Section 375.31(a) and (b) would be amended to require the political subdivision's financial advisor to attend the preplanning conference and to clarify the purpose of a preapplication conference. The amendments will minimize the problem of the applicant having to submit portions of the general, legal, and fiscal information because the project changed during review of the engineering planning documents.

No comments were received regarding adoption of the amendments.

**Program Requirements**

• 31 TAC §375.20

The amendment is adopted under the Texas Water Code, §6.101, which provides the board with the authority to adopt rules necessary to carry out its powers and duties, and the Texas Water Code, §15.605, which requires the board to adopt rules necessary for the SRF.

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 January 22, 1990.

TRD-9000814 Suzanne Schwartz  
General Counsel  
Texas Water Development  
Board



Effective date: February 13, 1990

Proposal publication date: December 15, 1989

For further information, please call: (512) 463-7855

## Applications for Assistance

### • 31 TAC §375.31

The amendment is adopted under the Texas Water Code, §6.101, which provides the board with the authority to adopt rules necessary to carry out its powers and duties, and the Texas Water Code, §15.605, which requires the board to adopt rules necessary for the state water pollution control revolving fund.

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

Issued in Austin, Texas, on January 22, 1990.

TRD-9000813 Suzanne Schwartz  
General Counsel  
Texas Water Development  
Board

Effective date: February 13, 1990

Proposal publication date: December 15, 1989

For further information, please call: (512) 463-7855

## TITLE 40. SOCIAL SERVICES AND ASSISTANCE

### Part I. Texas Department of Human Services

#### Chapter 81. Day Care Licensing

##### Subchapter B. Minimum Standards for Registered Family Homes

### • 40 TAC §§81.101-81.107

The Texas Department of Human Services adopts new §§81.101-81.107, with changes to the proposed text as published in the July 25, 1989, issue of the *Texas Register* (14 TexReg 3565). The department changed the standards to include requirements for minimum qualifications, education, and training of caregivers.

The new sections are justified because the quality of care provided in the registered family home should be improved as a result of enforcing these sections. The sections emphasize the competency and training of the caregiver.

The new sections will function by meeting the mandates of the Human Resources Code, Chapter 42.

During 1988, the department conducted 22 meetings across the state to obtain input about caregiver qualifications from providers

of registered family home care. The department also appointed an ad hoc committee composed of a parent representative and 15 registered family home care providers (nominated by those attending the 1988 meetings). During 1989, the department held 15 forums across the state to obtain input from providers concerning caregiver competency, number, and ages of children in care, health and safety, risk management, supervision, and home safety. The Advisory Committee on Child Care Administrators and Facilities also made recommendation about the standards.

During the public comment period, the department received 1,375 written comments concerning the proposed minimum standards for registered family homes. More than 150 people gave testimony at 18 public hearings.

The following organizations commented on the proposed sections: Providers/ABC; Home Base; Family Day Home Providers Association; A.P.H.C.A.; DHS Region 11 Day Care Licensing Advisory Committee; A.C.N.G.; BACCA; Texas CCFP Sponsors Association; El Paso City/County Health; Professional Home Child Care Association; YWCA of Texas; El Paso Human Services; Mental Health Association (Wichita Falls County); Corpus Christi Day Home Association; A.J. Distributors, Inc.; The Big Country Association of Regional Child Care; Greater Dallas Community of Churches; Child Care Providers United; Keller Association of Professional CCP; Child Care Dallas Resources & Referral; P.C.C.P.A.; A.C.C.P.A.; Professional Child Care Providers Association; PIHCA; Child Care Dallas; SW Human Development Services; Austin Family Day Care Provider Association.

A summary of the comments and the department's responses follows.

Section 81.102(a). Eighteen caregivers recommended that the age 18 (with no restrictions) be maintained for a caregiver requesting registration.

The department conducted a survey to determine the ages of registered family home caregivers. The survey indicated that only .37% of registered caregivers were actually younger than 21. Also, input from the forums strongly supported the minimum age of 21. The department is adopting this section as proposed.

Section 81.102(c). The department received a substantial number of comments about maintaining the current education requirement for the registered family home caregiver. No minimum education requirement exists in the current section. The department received 527 comments recommending the deletion of this section; 468 comments concurring with the proposed section; and 44 comments recommending training, testing, or experience as substitutes for education.

The department determined that 18% of the registered caregivers have less than a high school diploma. Although research has not shown that general educational attainment is a strong indicator of safe, quality child care, a high school diploma is considered a minimum qualification for entry to many fields. Attaining a high school diploma presumably establishes a basic level of competence in reading, writing, and arithmetic. A high school diploma also indicates that the caregiver

places some value on education, which may be important to the extent that the caregiver is perceived as a role model by children in care. The department rewrote the section to emphasize that current caregivers are exempt from this requirement and that the new section pertains only to those caregivers requesting to register after July 1, 1990. Also, as is true with all standards, a caregiver may apply for a waiver or variance of the education standard.

Section 81.102(d). For training that is required before registering, commenters made the following recommendations: 54 caregivers recommended that CPR, first aid, and orientation be deleted, and 498 caregivers concurred with the proposed section. For training that is required after registration, commenters made the following recommendations: 205 caregivers recommended that post-registration training be deleted, 98 recommended fewer clock hours from the specifically named fields, and 27 recommended exemption from the section for those with experience and education. Five hundred nine caregivers concurred with the proposed required post-registration training.

The department contends that the most serious incidents in registered family homes that resulted in harm to children are largely due to caregivers' lack of knowledge. Research has shown that the caregiver's training in child care-related areas has the most significant affect on the quality of care. In addition to the fact the Texas Legislature mandated a training requirement, input from forums, the ad hoc committee, and the advisory committee strongly supports requirements for both pre- and post-registration training. The department changed the proposed section to clarify the language.

Section 81.103(f). The department received 74 comments that opposed the no smoking requirement. Thirty-one caregivers recommended limiting smoking areas or times. The majority of commenters (485 caregivers) concurred with the proposed section.

Research has shown the dangers of smoking and inhaling passive smoke. These findings support the concept that smoking in the presence of children increases risks to their health. The department is adopting this section as proposed.

Section 81.106(d)(1). The department received 28 comments opposing CPR training for the substitute caregiver. The majority of commenters (451 caregivers) concurred with the proposed section.

CPR training is readily available across the state. It is impossible to pre-determine when a CPR-trained person may be needed to save a child's life. It is the department's belief that substitute caregivers must be required to be certified in CPR. The department is adopting this section as proposed.

The new sections are adopted under the Human Resources Code, Title 2, Chapters 22 and 42, which provides the department with the authority to administer public assistance and general licensing programs.

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

Own children—The caregiver's children by birth, adoption, marriage, or conservatorship.

Parent—A biological or adopted mother or father, legal guardian, or a managing conservator.

School-age children—Children whose ages are five-13 and who regularly attend school in addition to the registered family home.

Self-instructional material—Material that is designed with specifically stated objectives, curriculum, activities, and evaluation as design components of the material. Self-instructional material is designed to be used by one individual and has a means of evaluation to determine whether the person who has used the self-instructional material has obtained the information necessary to meet the stated objectives.

Training—Time spent in workshops; conferences of registered family homes, early childhood, or education associations; formal schooling; self-instructional material; or planned learning opportunities provided by consultants.

#### §81.102. Caregiver Qualifications.

(a) A caregiver requesting registration must be at least 21 years old. A person who is 18-20 years old may be the caregiver if she has:

- (1) a child development associate credential;
- (2) an associate of arts degree in child care;
- (3) a community or junior college certificate in child care;
- (4) an accreditation or credential recognized by the licensing branch; or
- (5) documentation of satisfactory completion of a course of study recognized by the licensing branch. The course may be correspondence, self-instructional material, workshop, college hours, home economics cooperative education in child development. People qualifying according to this paragraph, however, must also have at least nine months experience in registered or licensed day care.

(b) A caregiver requesting registration must have a certificate of completion for the department's orientation in health, safety, and sanitation (related to preventing risk to children in care). This section does not apply to caregivers registered by July 1, 1990.

(c) A caregiver requesting registration must have a high school diploma or Texas Certificate of High School Equivalency (GED) or similar credential. This sec-

tion does not apply to caregivers registered by July 1, 1990.

(d) The caregiver must display the registration certificate in a prominent place where parents and others may see it.

(e) The caregiver must have and maintain:

(1) a current certificate indicating successful completion of a course in first aid; and

(2) a current certificate indicating successful completion of a course in cardiopulmonary resuscitation of infants and children.

(f) Each year the caregiver must obtain 20 clock hours of training chosen from the following fields:

(1) child development, discipline and guidance, nutrition, and age and developmentally appropriate activities;

(2) sanitation, health, and safety; and

(3) business management, risk reduction/risk management, communication with peers and other professionals, parent involvement, and utilizing community resources.

(g) A person who takes care of the children when the caregiver is gone must be 18 years old and able to ensure the safety of the children. A person who is 14-17 years old may help the caregiver but must never be left alone with the children.

#### §81.103. People in the Home.

(a) When children are present, people whose behavior or health endangers the health, safety, or well-being of the children must not be in the registered family home. Caregivers, family members, visitors, parents, or other people with symptoms of a contagious disease, a physical or mental condition that would be harmful to the children, or who appear to be under the influence of alcohol or other drugs must not be in the home when children are present.

(b) When children are present, a person who is convicted of any of the following offenses is not allowed in the home and must not be in contact with the children while in care (see Appendix VIII, relating to Criminal Offenses from the Texas Penal Code, in the *Minimum Standards for Registered Family Homes*):

(1) felony or misdemeanor classified as an offense against the person or the family;

(2) felony or misdemeanor classified as public indecency; or

(3) felony violation of any law intended to control the possession or distribution of any substance included as a controlled substance in the Texas Controlled Substances Act.

(c) Until charges are dropped, a person who is indicted for any of the offenses listed in subsection (b) of this section or who is the subject of an official criminal complaint (related to those offenses) that has been accepted by a county or district attorney must not be in the home or have contact with the children while the children are in care. The department must be notified of the indictments or complaints within 24 hours of awareness or by the next workday.

(d) The caregiver must submit a completed criminal history information form for any new caregiver, substitute caregiver, or adult resident of the home within two weeks after that person begins the new role.

(e) When children are present, a person who is over 14 years old and in the home must have a record of a tuberculosis examination indicating that the person was free of tuberculosis disease. The examination must have occurred within 12 months before the date the home was first registered with the department or within 12 months before the person comes to the home. If the local health authority or the regional office of the Texas Department of Health recommends further examinations, the caregiver must comply. The caregiver must keep a copy of the examination records in the home.

(f) People must not smoke in the home during hours of operation.

#### §81.104. The Number of Children in Care.

(a) The maximum number of children the caregiver may care for in a registered family home is determined by the ages of the children. The caregiver must count all children present, including her own.

(b) If more than six children are present in the home, the children in excess of six must be school-age children in care. After school hours also include school holidays, summer vacations, and periods during which the school is in operation, but students are not expected to attend.

(c) School-age children are those whose ages are five-13 and who regularly attend school in addition to the registered family home.

(d) There must not be more children in the home at the same time than is shown in one of the lines across the chart:

Limits on Numbers of Children in Care by Age

| Infants<br>0-17 mos. | Preschoolers<br>18 mos. and older | School Age Children<br>5-13 yrs. | Maximum Allowed |
|----------------------|-----------------------------------|----------------------------------|-----------------|
| 0                    | 6                                 | 6                                | 12              |
| 0                    | 5                                 | 7                                | 12              |
| 0                    | 4                                 | 8                                | 12              |
| 0                    | 3                                 | 9                                | 12              |
| 0                    | 2                                 | 10                               | 12              |
| 0                    | 1                                 | 11                               | 12              |
| 0                    | 0                                 | 12                               | 12              |
| 1                    | 5                                 | 4                                | 10              |
| 1                    | 4                                 | 5                                | 10              |
| 1                    | 3                                 | 6                                | 10              |
| 1                    | 2                                 | 7                                | 10              |
| 1                    | 1                                 | 8                                | 10              |
| 1                    | 0                                 | 9                                | 10              |
| 2                    | 4                                 | 2                                | 8               |
| 2                    | 3                                 | 3                                | 8               |
| 2                    | 2                                 | 4                                | 8               |
| 2                    | 1                                 | 5                                | 8               |
| 2                    | 0                                 | 6                                | 8               |
| 3                    | 3                                 | 1                                | 7               |
| 3                    | 2                                 | 2                                | 7               |
| 3                    | 1                                 | 3                                | 7               |
| 3                    | 0                                 | 4                                | 7               |
| 4                    | 2                                 | 0                                | 6               |
| 4                    | 1                                 | 1                                | 6               |
| 4                    | 0                                 | 2                                | 6               |

**§81.105. Admission Requirements.** When accepting a child for care, the caregiver must comply with the following admission requirements.

(1) The caregiver must obtain and keep:

(A) current immunization records and tuberculosis test reports for each child in the home including her own children's records;

(B) telephone numbers at which parents may be reached while children are in care; and

(C) emergency medical authorization.

(2) The caregiver must review with and give parents a copy of the Texas Department of Human Services *Parents' Guide to Registered Family Homes* and obtain a signed receipt. The caregiver keeps the receipt as long as that child is in her care.

(3) The caregiver must not refuse to care for a child because of race.

(4) On a 24-hour basis, care for a child must not exceed 30 days at any one time and no more than 45 days per year.

**§81.106. Health and Safety.**

(a) Fire prevention, sanitation, and safety. The following requirements pertain to fire prevention, sanitation, and safety of the family home.

(1) The caregiver must keep the home, indoors and out, free of hazards and otherwise safe and healthy for children.

(2) If there is a swimming pool, wading pool, pond, creek, or other body of water on or near the premises of the home, the caregiver must ensure that children are protected from unsupervised access to the water. If the caregiver allows children in care to participate in water activities, she must follow the requirements in Appendix V (relating to Water Activities, in the *Minimum Standards for Registered Family Homes*).

(3) If providing transportation, the caregiver must transport each child in an infant carrier, a child seat, or a seat belt as appropriate to the child's age and size.

(4) When taking the children away from the home, the caregiver must take the children's emergency medical forms and emergency contact information, and first aid supplies.

(b) Nutrition. The caregiver must ensure that children in care have nutritious meals and snacks in adequate amounts as shown in Appendix VII (relating to Kinds and Amounts of Foods To Be Served To

Meet Nutritional Needs, in the *Minimum Standards for Registered Family Homes*).

(c) Telephone. The registered family home must have:

(1) a working telephone; and

(2) the following telephone numbers posted near the phone:

(A) ambulance service or emergency medical services (EMS);

(B) local police or sheriff's department;

(C) fire department;

(D) local poison control center;

(E) local DHS licensing office;

(F) each child's telephone number where parents or other designated person may be reached in case of an emergency;

(G) location, address, and telephone number of caregiver; and

(H) child abuse hot line.

(d) Accidents and illnesses. The following requirements pertain to the prevention of accidents in the registered family home:

(1) If the caregiver is not present while children are in care, an adult certified in CPR must be at the home and available to intervene in an emergency.

(2) The caregiver must keep first aid supplies readily available in a designated location but out of the children's reach. She must keep a guide to first aid emergency care accessible at all times.

(3) The caregiver is allowed to give medicine to a child in care only if a physician or the child's parents have given written permission and instructions.

(4) If a child gets sick or is injured, the caregiver must notify the child's parents at once. If the illness or injury is serious, the caregiver must call the physician listed on the emergency care form, take the child for emergency care, or call for emergency transportation.

#### §81.107. Child Care.

(a) Supervision. Children must be supervised:

(1) at all times by an adult who is able to take care of them; and

(2) in a way that ensures that the caregiver is aware of what the children are

doing at all times and can assist or redirect activities when necessary. In deciding how closely to supervise the children, the caregiver must think about the following points:

(A) age of the children;

(B) individual differences and abilities;

(C) layout of the house and play area (floor plan, arrangement, intercoms, established boundaries); and

(D) neighborhood circumstances, hazards, and risks.

(b) Abuse or neglect of children in care. Children must not be abused or neglected while in the registered family home. If a child appears to be abused or neglected when he comes to the home, the caregiver must call the nearest Department of Human Services Child Protective Services office or the local or state law enforcement agency immediately as required in the Texas Family Code, Chapter 34, Reporting of Child Abuse. This law provides immunity to anyone who makes a good faith report. The caregiver must display in a prominent place a sign explaining the requirement to report abuse or neglect. This sign is required by law. The department provides the sign.

(c) Activities. The caregiver must provide regular indoor and outdoor activi-

ties appropriate to the developmental needs of the children. The caregiver must include quiet and active play and make available sufficient toys and equipment that are appropriate for the developmental stages of children in care. The caregiver must provide appropriate activities for infants outside their cribs for periods of time during each day.

(d) Discipline. Children in care must not be punished cruelly, harshly, or in an unusual way. A child of any age must never be shaken or hit. A child under five years old must never be spanked. If the child's parents give signed permission, the caregiver is allowed to spank only a child five years old or older. Only an open hand may be used to spank, and the caregiver may spank only the child's buttocks.

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 January 23, 1990.

TRD-9000811 Cathy Rossberg  
Agency liaison, Policy  
Communication  
Services  
Texas Department of  
Human Services

Effective date: July 1, 1990.

Proposal publication date: July 25, 1989.

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



## State Board of Insurance Exempt Filing

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

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

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

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

The State Board of Insurance has adopted a filing submitted by the State Department of Highways and Public Transportation for a new bond form (certificate of title surety bond).

In accordance with the provisions of the Texas Insurance Code, Article 5.97, a text of the proposed filing has been filed in the Office of the Chief Clerk of the State Board of Insurance. The proposed filing has been available for public inspection for 15 days and a public hearing was not requested by any party.

Texas Civil Statutes, Article 6687-1, was revised by House Bill 2745 as passed by the 71st Legislature to be effective September 1, 1989. The article requires the creation of the certificate of title surety bond, which can be filed by an applicant, with the Texas Department of Highways and Public Transportation (department), to obtain a certificate of title on a motor vehicle for which the department has previously refused to issue a certificate of title or has suspended or revoked the certificate of title. The bond shall be in an amount equal to one and one-half times the value of the vehicle as determined by the department.

The bond is conditioned to indemnify any prior owner, lienholder, subsequent purchaser of the vehicle, or any person acquiring a security interest in the vehicle, for loss or damage, including reasonable attorney's fees, by reason of the issuance of the certificate of title for the vehicle or on account of any defect in or undisclosed security interest upon the right, title, and interest of the applicant in and to said vehicle. Any such interested person has a right of action to recover on the bond for any breach of its condition.

The bond shall remain in full force and effect for a period of three years after the effective date of said bond. After expiration, the bond shall be returned to the person posting the bond, unless the department has been noti-

fied of the pendency of an action to recover on the bond.

The State Board of Insurance has adopted a rate of \$15 per M on the bond penalty for the term of the obligation. The class code is 468.

This filing becomes effective at 12:01 a.m., on the 15th day after notice of this action is published in the *Texas Register*.

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

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

Issued in Austin, Texas, on January 23, 1990.

TRD-9000843 Nicholas Murphy  
Chief Clerk  
State Board of Insurance

Effective date: February 14, 1990

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



# Open Meetings

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

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

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

## Texas Department of Agriculture

**Friday, February 2, 1990, 11 a.m.** The Texas Peanut Producers Board of the Texas Department of Agriculture will meet at the Howard Johnson Motor Inn, 7800 North IH-35, Austin. According to the agenda, the board will discuss referendum and directors election; executive director's report; production report; and other business.

**Contact:** Mary Webb, P.O. Box 398, Gorman, Texas 76454, (817) 734-2853.

**Filed:** January 23, 1990, 2:34 p.m.

TRD-9000815

## Texas Council on Alzheimer's Disease and Related Disorders

**Monday, February 5, 1990, 1 p.m.** The Texas Council on Alzheimer's Disease and Related Disorders will meet in Room T-607, Texas Department of Health, 1100 West 49th Street, Austin. According to the agenda summary, the council will approve minutes; hear testimony regarding statewide Alzheimer's needs and input regarding legislative goals. The executive committee will meet previous to this meeting.

**Contact:** Morris H. Craig, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7534.

**Filed:** January 23, 1990, 3:08 p.m.

TRD-9000825

**Tuesday, February 6, 1990, 1 p.m.** The Texas Council on Alzheimer's Disease and Related Disorders will meet in Room T-709, Texas Department of Health, 1100 West 49th Street, Austin. According to the agenda summary, the general council will hear reports from research committee; education committee; direct services committee; state agency resources pamphlet; Alzheimer's population update; clarification of Texas Department on Aging respite care (short term and number persons served); summary (no council action required); elec-

tion of officers. The research committee, education committee, and direct services committee will meet previous to this meeting.

**Contact:** Morris H. Craig, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7534.

**Filed:** January 23, 1990, 3:08 p.m.

TRD-9000826

## Texas Bond Review Board

**Friday, January 26, 1990, 10 a.m.** The Staff Planning Meeting of the Texas Bond Review Board held an emergency meeting in the Senate Reception Room 214, State Capitol, Austin. According to the agenda, the staff discussed operating rules of public school facilities and funding program. The emergency status was necessary to allow timely consideration by staff prior to scheduled January 31, 1990 board meeting.

**Contact:** Tom K. Pollard, 201 East 14th Street, Room 506, Sam Houston Building, Austin, Texas 78711, (512) 463-1741.

**Filed:** January 23, 1990, 3:58 p.m.

TRD-9000831

**Wednesday, January 31, 1990, 10 a.m.** The Texas Bond Review Board will meet in the Senate Reception Room 214, State Capitol, Austin. According to the agenda, the board will discuss operating rules of public school facilities funding program.

**Contact:** Tom Pollard, Room 506, Sam Houston Building, Austin, Texas 78711, (512) 463-1741.

**Filed:** January 23, 1990, 3:58 p.m.

TRD-9000832

## Texas Commission for the Deaf

**Friday, January 26, 1990, 7 p.m.** The Board for Evaluation of Interpreters (BEI) of the Texas Commission for the Deaf met in the Basement Conference Room, 510

South Congress Avenue, Austin. According to the agenda, the board received public comments, approved previous meeting minutes, and discussed BEI calendar. An executive session reviewed certificate comparisons/reciprocal equivalences; reviewed intermediary test level I; and review certificate recommendations, evaluations, and revocations. Final open session was a presentation of board recommendations from executive session, staff report and chairperson's report. The emergency status was necessary because meeting minutes had been completed and were ready for approval.

**Contact:** Larry D. Evans, 510 South Congress Avenue, Austin, Texas 78704, (512) 469-9891.

**Filed:** January 24, 1990, 2:05 p.m.

TRD-9000852

## Texas State Board of Dental Examiners

**Thursday-Saturday, January 25-27, 1990, 8:30 a.m.** The Texas State Board of Dental Examiners met at the Loews Anatole Hotel, 2201 Stemmons Freeway, Dallas. According to the emergency revised agenda, the board discussed a request for approval of a temporary institutional license for Baylor University Medical Center. The emergency status was necessary because it was necessary for the board to act on this request before the next scheduled board meeting in March.

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

**Filed:** January 24, 1990, 9:39 a.m.

TRD-9000840

## Texas Education Agency

**Tuesday, January 30, 1990, 9:30 a.m.** The Teachers' Professional Practices Commission of Texas of the Texas Education Agency will hold an emergency meeting in Room 1-110, William B. Travis Building,

1701 North Congress Avenue, Austin. According to the agenda summary, the commission will consider jurisdictional appeal, Cottrell v. Lucich; Cottrell v. Roberts; appointment of hearing panel, Dixon v. Miller; report on reappointment of commission members; consideration of dismissal, Sigler v. Gibson; discussion of proposed rule on attorney's arguments in jurisdictional appeals; discussion of disposition of complaint files; director's report; setting of next meeting date. The emergency status was necessary because the commission finds it is of urgent public necessity for this meeting to be held because a hearing panel needs to be appointed in the case of Dixon v. Miller; other cases pending before the commission need prompt resolution; and members are to be appointed for continued operation of the commission.

**Contact:** Edward M. Vodicka, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9337.

**Filed:** January 24, 1990, 4:21 p.m.

TRD-9000860

## Texas Higher Education Coordinating Board

**Thursday, February 1, 1990, 9:30 a.m.** The Texas Higher Education Coordinating Board will meet at the Bevington A. Reed Building, Board Room 255, 200 East Riverside Drive, Austin. According to the agenda, the board will consider agenda items IV-A regarding consideration of formulas for use by governor and legislative budget board in making appropriations recommendations to the legislature, and for use by the public institutions of higher education in preparing appropriations requests for the 1992-1993 biennium and agenda item IV-B regarding consideration of definitions of the elements of institutional costs for public institutions of higher education upon the basis of which appropriations shall be made and financial records maintained.

**Contact:** Kenneth H. Ashworth, P.O. Box 12788, Austin, Texas 78711, (512) 462-6400.

**Filed:** January 23, 1990, 10:04 a.m.

TRD-9000827

## Employees Retirement System of Texas

**Friday, February 9, 1990, 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, Austin. According to the agenda, the committee will discuss issues involving the insured plan.

**Contact:** James W. Sarver, 18th and Brazos Streets, Austin, Texas 78701, (512)

476-6431, ext. 217.

**Filed:** January 24, 1990, 4:18 p.m.

TRD-9000859

## Texas Department of Health

**Wednesday, January 31, 1990, 10 a.m.** The Home Health Services Advisory Council of the Texas Department of Health will meet in Room T-507, Texas Department of Health, 1100 West 49th Street, Austin. According to the agenda summary, the council will approve minutes of last meeting; discuss and take possible action concerning rules and curriculum relating to home health aides for Class A and B agencies and Omnibus Budget Reconciliation Act (OBRA) requirements; announcement and discuss without council action.

**Contact:** Nance Kerrigan, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7245.

**Filed:** January 23, 1990, 3:09 p.m.

TRD-9000823

**Sunday, February 4, 1990, 9:30 a.m.** The Advisory Board of Athletic Trainers of the Texas Department of Health will meet at the Woodfin Suites/Austin, 7685 Northcross Drive, Austin. According to the agenda summary, the board will approve minutes; reports from executive secretary's, program administrator's, continuing education and test committee; individual requests on Patricia Putnam and Kevin Coupe; ratification of physical therapists on Robert Marwood, Gregory Campbell, Ross E. Mansker, Shelly Cooper; proposal for decision and order on James W. Rowe, Jr.; consider and may take action on: Texas Wesleyan University's athletic trainer/education program; apprenticeship at Houston Baptist University; Kristi Schirmer; violations of Article 4512d by unlicensed person(s); request for Attorney General's Opinion; Texas Education Agency; amendments to 25 TAC Chapter 313; legislation in the 72nd Texas Legislature; announcements and comments (no council action required); setting of next meeting date.

**Contact:** Becky Berryhill, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7539.

**Filed:** January 23, 1990, 3:09 p.m.

TRD-9000822

**Friday, February 9, 1990, 9 a.m.** The Municipal Solid Waste Management and Resource Recovery Advisory Council of the Texas Department of Health will meet in Room T-607, Texas Department of Health, 1100 West 49th Street, Austin. According to the agenda summary, the council will approve minutes of November 10, 1989, and December 1, 1989 meeting; hear report concerning update on staffing and fees, calculating tonnage for sludge, status of ad-

vance funding and rule changes, mailing list notification, appointments to advisory council, EPA landfill rules, CPA criteria for air emissions from waste-to-energy plants; overview on Texas Water Commission; potential project on Texas Water Development Board; Texas Department of Commerce; Keep Texas Beautiful; Governor's Office of Budget and Planning; initiatives of Lower Colorado River Authority.

**Contact:** Hector Mendieta, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7271.

**Filed:** January 23, 1990, 3:09 p.m.

TRD-9000824

## Department of Information Resources

**Friday, January 26, 1990, 9 a.m.** The Open Board of the Department of Information Resources held an emergency meeting at the John H. Reagan Building, Room 106, 105 West 15th Street, Austin. According to the agenda, the board held roll call and witness registration; discussed executive director's report; approval of October 6, 1989 minutes; approval of December 8, 1989 minutes; policy issues: discussion of House Bill 2736 requirements; discussion and adoption of rules relating to the agency strategic plan, initial operating plan, final operating plan and procurement review; discussion and adoption of instructions for agency strategic plan; discussion and adoption of instructions for initial operating plan; discussion and adoption of instructions for final operating plan; discussion of agency annual performance report requirements; and discussion of state strategic plan mission statement and public testimony. The emergency status was necessary because of statutory deadlines for board action.

**Contact:** Molly Yates, 3307 Northland, Suite 300, Austin, Texas 78731, (512) 371-1120.

**Filed:** January 24, 1990, 4:40 p.m.

TRD-9000861

## State Board of Insurance

**Wednesday, January 31, 1990, 10 a.m.** The State Board of Insurance will meet in Room 414, State Insurance Building, 1110 San Jacinto Street, Austin. According to the agenda summary, the board will discuss applications by Texas Hospital Insurance Exchange, Financial Casualty and Surety, Inc., EmShare Insurance Exchange, Bell Indemnity Company, and Texas Citrus and Vegetable Insurance Exchange for exemption from membership in the Texas Workers' Compensation Assigned Risk Pool. Final action on amendments to 28 TAC §§5.4603, 21.704, 33.1-33.3, 33.107,

33.108, 33.401, 33.404, 33.405, 33.505, and 33.506. Board orders on several different matters as itemized on the complete agenda. Appointments to Fire Protection Advisory Council, Agent's Conduct Advisory Committee and Managing General Agents Advisory Committee. Decision on the appeal of Bradley Moore from action of the Texas Catastrophe Property Insurance Association. Personnel matters, Litigation, and Solvency matters.

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

**Filed:** January 23, 1990, 2:59 p.m.

TRD-9000829

### Texas State Board of Medical Examiners

**Friday-Saturday, January 26-27, 1990, 8:30 a.m.** The Texas State Board of Medical Examiners met at 1101 Camino LaCosta, Austin. According to the emergency revised agenda summary, the board discussed lease agreement; deletion of some probationers, an executive session provision; addition of more agreed orders. The emergency status was necessary because information had just come to the attention of office and merited prompt attention by board.

**Contact:** Jean Davis, P.O. Box 13562, Austin, Texas 78711, (512) 452-1078.

**Filed:** January 25, 1990, 8:16 a.m.

TRD-9000862

**Tuesday, February 13, 1990, 9 a.m.** The District Review Committee Number One of the Texas State Board of Medical Examiners will meet at 1101 Camino La Costa, Austin. According to the agenda summary, the committee will review liability claims and investigative files; conduct executive session under authority of Article 6252-17, as related to Article 4495b, 2.07, 3.05(d), 4.05(d), 5.06(e)(1) and Opinion Attorney General 1974, Number H-484.

**Contact:** Jean Davis, Box 13562, Austin, Texas 78711, (512) 452-1078.

**Filed:** January 24, 1990, 10:40 a.m.

TRD-9000847

### Texas Council on Offenders with Mental Impairments

**Thursday, February 1, 1990, 9 a.m.** The Executive Committee of the Texas Council on Offenders with Mental Impairments will meet at the Texas Mental Health Association, 8401 Shoal Creek Boulevard, Austin. According to the agenda summary, the executive committee will be given an overview of the fiscal committee meeting; review the roles and responsibilities of the

council committees; discuss the 1990 calendar; February council agenda; old and new business.

**Contact:** Dee Kifowit, 720 Brazos, Suite 1112, Austin, Texas 78711.

**Filed:** January 24, 1990, 1:21 p.m.

TRD-9000849

### Public Utility Commission of Texas

**Wednesday, January 31, 1990, 9 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 agenda summary, the commissioners will consider the following dockets: 6668, 8848, 9034, 8702, et al., 8585 and 8218 and P9181.

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

**Filed:** January 23, 1990, 3:14 p.m.

TRD-9000821

**Wednesday, January 31, 1990, 1 p.m.** The Administrative of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450N, Austin. According to the agenda, there will be an administrative meeting to discuss: reports, discussion and action on budget and fiscal matters including a report on the status of construction on the P.U.C. offices, project Bluebonnet; status report on the nuclear facilities serving Texas; consideration of P.U.C. response to task force on Public Utility Regulation's final report to governor and legislature and follow-up action; consideration of delegation of approval of TECA expenses relating to administration of the Universal Service Fund; annual local exchange company assessment; selection of a firm to conduct an audit of the Universal Service Fund; consideration of H.R. 2273, the "Americans with Disabilities Act of 1989" proposing to require inter- and intra-state deaf relay services. Adjournment for executive session to consider litigation matters. Reconvene for discussion 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:** January 23, 1990, 3:15 p.m.

TRD-9000820

**Thursday, March 1, 1990, 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 agenda, the division will hold a prehearing conference on docket number 8289—petition of the City of Panorama Village, Texas for termination of mandatory extended area service between

the Cities of Panorama Village and New Waverly, Texas.

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

**Filed:** January 24, 1990, 3:25 p.m.

TRD-9000857

### University of Texas Health Center at Tyler

**Thursday, February 1, 1990, 12 noon** The Animal Research Committee of the University of Texas Health Center at Tyler will meet in the Chaplain's Conference Room, University of Texas Health Center, Highways 155 South and 271 North, Tyler. According to the agenda, the committee will hear the chairman's report; continuing review of protocols—Dr. Carraway; review of animal use application—Dr. Peterson; new business; protocol review—use of sheep in silicosis study.

**Contact:** Dr. Barry Peterson, University of Texas Health Center at Tyler, P.O. Box 2003, Tyler, Texas 75710, (214) 877-7012.

**Filed:** January 24, 1990, 3:09 p.m.

TRD-9000856

### Texas Water Commission

**Wednesday, January 24, 1990, 2:30 p.m.** The Texas Water Commission held an emergency meeting at 1700 North Congress Avenue, Room 118, Austin. According to the agenda summary, the commission considered various matters within the regulatory jurisdiction of the commission. In addition, the commission considered 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. The emergency status was necessary because of imminent threat to health and public safety.

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

**Filed:** January 24, 1990, noon.

TRD-9000848

**Wednesday, January 31, 1990, 2 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 various matters within the regulatory jurisdiction of the commission. In addition, the commission will consider items previously posted for open meeting and at such meeting verbally postponed or continued to this date. With regard to any item,

the commission may take various actions, including but not limited to scheduling an item in the entirety or for particular action at a future date or time.

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

**Filed:** January 23, 1990, 1:20 p.m.

TRD-9000819

**Friday, February 2, 1990, 10 a.m.** The Waste Reduction Advisory Committee of the Texas Water Commission will meet in Room 119, 1700 North Congress Avenue, Stephen F. Austin Building, Austin. According to the agenda summary, the committee will discuss operating procedures and review recent legislative changes. The committee shall also be briefed on the structure and function of the commission and its hazardous and solid waste division and waste minimization program.

**Contact:** Priscilla Seymour, 1700 North Congress Avenue, Austin, Texas 78711, (512) 463-7761.

**Filed:** January 25, 1990, 9:25 a.m.

TRD-9000864

## Regional Meetings

### Meetings Filed January 23, 1990

**The Bexar-Medina-Atascosa Counties Water Control 7, Improvement District Number 1** Board of Directors will meet at the District Office, Highway 81, Natalia, February 5, 1990 at 10 a.m. Information may be obtained from C. A. Mueller, P.O. Box 170, Natalia, Texas 78059, (512) 663-2132.

**The Central Counties Center for Mental Health Mental Retardation Services** Board of Trustees-Workshop Meeting will meet at the Killeen Mental Health Mental Retardation Center, 100 East Avenue A, Killeen, January 30, 1990, at 7 p.m. Information may be obtained from Michael K. Muegge, 304 South 22nd, Temple, Texas 76501, (817) 778-4841.

**The Deep East Texas Regional Mental**

**Health Mental Retardation Services** Board of Trustees will meet at the Ward R. Burke Community Room-Administration Facility, 4101 South Medford Drive, Lufkin, January 30, 1990, at 4 p.m. Information may be obtained from Jim McDermott, 4101 South Medford Drive, Lufkin, Texas 75901, (409) 639-1141.

**The El Oso Water Supply Corporation** Board of Directors met at their offices in Karnes City, January 23, 1990, at 7:30 p.m. Information may be obtained from Hilmer Wagener, P.O. Box 309, Karnes City, Texas 78118, 780-3539.

TRD-9000804

### Meetings Filed January 24, 1990

**The Capital Area Rural Transportation System (CARTS)**, Board of Directors will meet at 5111 East First Street, Austin, January 30, 1990, at 9:30 a.m. Information may be obtained from Dave Marsh, 5111 East 1st Street, Austin, Texas 78702.

**The Central Texas Mental Health Mental Retardation Center** Board of Trustees met at 408 Mulberry Drive, Brownwood, January 29, 1990, at 5 p.m. Information may be obtained from Danny Armstrong, P.O. Box 250, Brownwood, Texas 76804, (915) 646-9574.

**The Deep East Texas Council of Governments** Grants Application Review Committee will meet at the Citizens State Bank, Highway 190, Woodville, January 30, 1990, at 11 a.m. Information may be obtained from Rusty Phillips, 274 East Lamar, Jasper, Texas 75951, (409) 384-5704.

**The Golden Crescent Regional Planning Commission** Board of Directors and Executive Committee will meet at GCRPC Board Room/Conference Room, Regional Airport, Building 102, Victoria, January 31, 1990, at 4:30 p.m. Information may be obtained from Patrick J. Kennedy, P.O. Box 2028, Victoria, Texas 77902, (512) 578-1587.

**The Gonzales County Appraisal District** Appraisal Review Board met at 928 St. Paul Street, Gonzales, January 29, 1990, at 6

p.m. Information may be obtained from Glenda Strackbein, P.O. Box 867, Gonzales, Texas 78629, (512) 672-2879.

**The Heart of Texas Region Mental Health Mental Retardation** Board of Trustees will meet at 110 South 12th Street, Waco, January 30, 1990, at 11:45 a.m. Information may be obtained from Helen Jasso, 110 South 12th Street, Waco, Texas 76701, (817) 752-3451.

**The Middle Rio Grande Development Council** Board of Directors added an emergency agenda revision to the regularly scheduled meeting at Fort Clark Springs Restaurant, Highway 90, Brackettville, January 24, 1990, at 1:30 p.m. The emergency status was necessary because the COG needed to file for license prior to February 15th and this was the only time that the issue could be addressed before the Board of Directors. Information may be obtained from Michael Patterson, P.O. Box 1199, Carrizo Springs, Texas 78834, (512) 876-3533.

TRD-9000833

### Meetings Filed January 25, 1990

**The Brazos Valley Development Council** Regional Advisory Committee on Aging will meet in the Council Offices, 3006 East 29th Street, Bryan, February 1, 1990, at 2 p.m. Information may be obtained from Roberta Lindquist, 3006 East 29th Street, Bryan, Texas 77805, (409) 776-2277.

**The Education Service Center-Region XVII** Board of Directors will meet in the Board Room, ESC Region XVII, 1111 West Loop 289, Lubbock, February 6, 1990, at 9 a.m. Information may be obtained from Weldon E. Day, 1111 West Loop 289, Lubbock, Texas 79416, (806) 792-4000, ext. 202.

**The Hunt County Tax Appraisal District** Agricultural Advisory Committee will meet at the Hunt County Tax Appraisal District-Board Room, 4801 King Street, Greenville, January 30, 1990, at 9 a.m. Information may be obtained from Joe Pat Davis or Shirley Smith, P.O. Box 1339, Greenville, Texas 75401, (214) 454-3510.

TRD-9000863



# In Addition

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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.

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## Texas Department on Aging Options for Independent Living Bidders Conference

The Texas Department on Aging wishes to announce that it will hold a bidders conference for Area Agencies on Aging who wish to make application for monies allocated by the 71st Texas Legislature under Senate Bill 482 for the purpose of establishment and continuation of the Texas Department on Aging Options for Independent Living Demonstration projects within the state.

The bidders conference will be held on February 8, 1990, in Austin, in the main conference room on the third floor of the Texas Department on Aging office building, 1949 L.H. 35 South. The bidders conference will begin exactly at 1:30 p.m. and should be completed by 4 p.m.

Area Agencies on Aging who desire to participate in the bidders conference should notify the Texas Department on Aging immediately upon receipt of this notice of their intent to attend so that adequate handouts and other information may be prepared to facilitate participation in the conference.

Additional information may be acquired from Linda Heath, Chief of the Specialties Section, Texas Department on Aging, (512) 444-2727.

Issued in Austin, Texas, on January 23, 1990.

TRD-9000812      O. P. (Bob) Bobbitt  
Executive Director  
Texas Department on Aging

Filed: January 23, 1990

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

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## Ark-Tex Council of Governments Consultant Proposal Requests

Pursuant to Texas Civil Statutes, Article 6252-11c the Ark-Tex Council of Governments (ATCOG) is in the process of selecting a computer-assisted instruction system that will improve student performance in basic academic subjects.

The computer-assisted instructional system selected will be expected to meet the requirements set forth in the request for proposal (RFP). The vendor may respond to either a hardware solution or a software solution or both. The courseware management system must run under a UNIX (R) operating system.

Those firms interested in receiving a request for proposal package should contact Brenda Davis, Accountant/Auditor, P.O. Box 5307, Texarkana, Texas 75505, (214) 832-8636. The deadline for requesting the above package is January 31, 1990.

The contract will be awarded based on the applicant's abilities, experience, and qualifications as defined in detail

in the Request for Proposal. Selection will be made by the Ark-Tex Private Industry Council (ATPIC).

Issued in Wake Village, Texas, on January 19, 1990.

TRD-9000754      James D. Goerke  
Executive Director  
Ark-Tex Council of Governments

Filed: January 22, 1990

For further information, please call: (512) 832-8636

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Pursuant to Texas Civil Statutes, Article 6252-11c the Ark-Tex Council of Governments (ATCOG) is in the process of selecting a computer-assisted instruction system that will improve student performance in basic academic subjects.

ATCOG is offering two request for proposals. One request requires that the courseware management system run under a UNIX (R) operating system. The other request requires hardware that consists of MS-DOS-based microcomputers connected to a file server in a local area network that features high-performance network interfaces. On both requests, the vendor may propose either hardware or software or both.

Those firms interested in receiving either or both request for proposals should contact Brenda Davis, Accountant/Auditor, P.O. Box 5307, Texarkana, Texas 75505, (214) 832-8636. The deadline for requesting the above proposal is January 31, 1990.

The contract will be awarded based on the applicant's abilities, experience, and qualifications as defined in detail in the request for proposal. Selection will be made by the Ark-Tex Private Industry Council (ATPIC).

Issued in Wake Village, Texas, on January 19, 1990.

TRD-9000755      James D. Goerke  
Executive Director  
Ark-Tex Council of Governments

Filed: January 22, 1990

For further information, please call: (512) 832-8636

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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 state bank to file an application with the banking commissioner for the commissioner's approval to purchase control of a particular bank. A hearing may be held if the application is denied by the commissioner.

On January 22, 1990, the banking commissioner received an application to acquire control of The First State Bank of Chico, Chico, by Perry Johnson, Paul Reasoner, and Berniece Bailey, all of Chico.

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

Issued in Austin, Texas, on January 22, 1990.

TRD-9000816 William F. Aldridge  
Director of Corporate Affairs  
Texas Department of Banking

Filed: January 23, 1990

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

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## State Banking Board Notice of Hearings

The Hearing Officer of the State Banking Board will conduct a hearing on Tuesday, March 6, 1990, at 2601 North Lamar Boulevard, Austin, on the charter application for Colonial Trust Company, Hillsboro, Hill County.

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

Issued in Austin, Texas, on January 22, 1990.

TRD-9000817 William F. Aldridge  
Director of Corporate Activities  
State Banking Board

Filed: January 23, 1990

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

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The State Banking Board has accepted a domicile change application from Bank of the West (In Organization), El Paso. The bank proposes to relocate from 415 North Mesa Street, El Paso, to a new location at 330 North Mesa Street, El Paso.

The hearing officer of the board will conduct a public hearing on this application on February 21, 1990, in Austin. Anyone who desires to become a party to the application must file a written notice of intent to appear, including a brief statement of position, with the State Banking Board, 2601 North Lamar Boulevard, Austin, Texas 78705, no later than February 9, 1990. A copy of this notice and any other correspondence must be sent to the representative of the applicants, Larry Temple, 400 West 15th Street, Suite 1510, Austin, Texas 78701. If no protest is timely filed, the board may cancel the hearing and consider the application at its next scheduled meeting.

Note: This notice must be published in a newspaper of general circulation in El Paso County pursuant to the enclosed State Banking Board Rule no later than January 22, 1989.

Issued in Austin, Texas, on January 22, 1990.

TRD-9000763 William F. Aldridge  
Director of Corporate Activities  
State Banking Board

Filed: January 22, 1990

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

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## Department of Health Correction of Errors

The Texas Department of Health submitted adopted sections which contained an error as submitted by the depart-

ment in the November 14, 1989, issue of the *Texas Register* (14 TexReg 6012). A previous correction of error notice was published December 12, 1989, (14 TexReg 6497).

In §301.12(a)(4)(F), the sixth sentence should read as follows. "Pump tanks shall have a minimum excess volume equivalent to 10 minutes of pump flow after the alarm is activated, and shall be constructed as a separate unit or watertight chamber."

◆ ◆ ◆

The Texas Department of Health submitted adopted sections which contained errors as published in the January 2, 1990, issue of the *Texas Register* (15 TexReg 29).

In §125.6(a)(2)(L), the word "performing" should not include a hyphen.

In §125.6(a)(8)(B), the word "assistance" should not include a hyphen.

In §125.6(c)(5)(O), the word "Loosee" should be spelled "Loose".

In §125.6(d)(5), the word "insects" should not include a hyphen.

In §125.6(d)(6), there should not be a hyphen between the words "window" and "shall".

In §125.6(e)(3)(A), the first sentence should read as follows: "Recreation, living, and day room space and furniture shall be provided to allow seating of all residents at one time."

In §125.6(f)(2)(B), there should not be a comma in the first sentence.

In §125.6(f)(4)(D), there should not be a comma between the words "personnel" and "shall" or the words "transfer" and "of".

In §125.6(f)(5)(A), the phrase "in accordance" should be separated by a space.

In §125.6(f)(7)(A)(i), should read as follows: "identification data as identified in paragraph (1)(D) of this subsection;

In §125.6(f)(7)(D)(i), there should not be an apostrophe after the word "medical".

The telephone number for further information is incorrect. The correction telephone number is 458-7531.

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## Request For Proposals

The Interagency Council on Early Childhood Intervention announces:

Applications are available for continuation, expansion, and new funding under the Texas Early Childhood Intervention Program.

Applications may be submitted by public and private agencies and organizations that are current or potential providers of services to children with developmental delays.

The purpose of this program is to provide comprehensive intervention services for children with developmental delays or who are at risk of developmental delay and their families.

Funding priorities are established by the interagency council and will be detailed in the application. Quality ranking

will be based upon priorities addressed, interagency grant review team ranking, geographic needs, and ECI staff recommendations.

Closing date for transmittal of application:

Applications must be received in the ECI office by 5 p.m., March 30, 1990, or be postmarked on or before March 29, 1990.

Applications should be mailed to ECI Program, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756. Inquiries regarding this request for proposals should be directed to the ECI Administrative Office at (512) 458-7673.

Funding available for support of these applications is contingent upon state and federal legislative appropriations. Funding will be effective September 1, 1990.

Issued in Austin, Texas, on January 24, 1990.

TRD-9000844 Robert A. MacLean, M.D.  
Deputy Commissioner for Professional Services  
Texas Department of Health.

Filed: January 24, 1990.

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



### Texas Higher Education Coordinating Board

#### Notice of Meeting

The Advising Conference Program Committee will meet on Thursday, February 1, 1990, from 10 a.m. to 4 p.m. The meeting will be held in Room 402, EEOC Conference Room at 150 East Riverside Drive in Austin. For additional information contact the TASP Program at the Coordinating Board at (512) 462-6485. The contact person is Elena de la Garza.

Note: Open to the public.

Issued in Austin, Texas, on January 19, 1990.

TRD-9000809 Suzanne Ortiz  
Special Projects Director  
Texas Higher Education Coordinating Board

Filed: January 23, 1990

For further information, please call: (512) 462-6420



| County Number | Precinct Number | County Name | County Number | Precinct Number | County Name |
|---------------|-----------------|-------------|---------------|-----------------|-------------|
| 005           |                 | Archer      | 114           |                 | Howard      |
| 015           | 4               | Bexar       | 125           |                 | Jim Wells   |
| 051           |                 | Cottle      | 219           |                 | Swisher     |
| 099           |                 | Hardeman    |               |                 |             |

Issued in Austin, Texas on January 24, 1990.

TRD-9000836 Cathy Rossberg  
Agency liaison, Policy Communication Services  
Texas Department of Human Services

Filed: January 24, 1990.

### Texas Department of Human Services Consultant Proposal Request

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

**Description of Services:** The consultant will provide consultation to the CPS resource outcome management project (ROMP) by conducting research and developing procedures establishing unit costing for child protective services. This contract is being proposed as an adjunct to an internal study to be conducted by DHS research staff assigned to the ROMP project.

**Total Value and Terms:** The contract period is March 12, 1990, -August 31, 1990. Payments under this contract will not exceed \$80,000.

**Contact Person:** To request a RFP package, please contact Homer Kern, Program Specialist, P.O. Box 149030 (MC 576-E), Austin, Texas 78714-9030, (512) 450-3287.

**Closing Date:** The closing date and time for receipt of proposals is Wednesday, February 28, 1990, at 4 p.m.

**Criteria for Award:** DHS intends to award the contract to the American Association for Protecting Children unless a substantially superior proposal is received.

Issued in Austin, Texas, on January 24, 1990.

TRD-9000837 Cathy Rossberg  
Agency Liaison, Policy Communication Services  
Texas Department of Human Services

Filed: January 24, 1990.

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



### Public Notice of Closed Solicitation

Pursuant to 40 TAC §16.1513 and the Human Resources Code, Title 2, Chapter 22 and 32, the Texas Department of Human Services is closing the solicitation for new Medicaid beds in certain counties previously appearing in open solicitation notices for Medicaid beds. The solicitation for Medicaid beds is being closed effective the date of this public notice for the following counties:

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



### Public Notice Open Solicitation

Pursuant to 40 TAC §16.1513, as amended in the September 29, 1989, issue of the *Texas Register* (14 TexReg 5099), and Title 2, Chapters 22 and 32 of the Human

Resources Code, the Texas Department of Human Services (TDHS) is announcing an open solicitation period of 30 days, effective the date of this public notice, for the following counties identified, where Medicaid contracted nursing facility occupancy rates exceed the threshold (90% occupancy) in each of five months in the continuous June–November 1989, six-month period. Potential contractors seeking to contract for existing beds which are currently licensed as nursing home beds or hospital beds in the county identified in this public notice must submit a written reply (as described in 40 TAC §16.1513) to TDHS, Long Term Care Department, Provider Services Section, Mail Code 646-E, P. O. Box 149030, Austin, Texas

78714-9030. The written reply must be received by TDHS by 5 p.m., March 1, 1990, the last day of the open solicitation period. Potential contractors will be placed on a waiting list for the primary selection process in the order in which the Texas Department of Health originally licensed the beds that are being proposed for Medicaid participation. The primary selection process will be completed on March 12, 1990. If there are insufficient available beds after the primary selection to reduce occupancy rates to less than 80%, TDHS will place a public notice in the *Texas Register* announcing an additional open solicitation period for those individuals wishing to construct a facility.

| County Number | County Name | Number of Months Over | June | July | Aug  | Sept | Oct  | Nov  |
|---------------|-------------|-----------------------|------|------|------|------|------|------|
| 113           | Houston     | 5                     | 90.2 | 89.0 | 91.2 | 91.9 | 92.3 | 91.8 |
| 230           | Upshur      | 5                     | 89.6 | 91.0 | 91.8 | 91.7 | 91.8 | 91.8 |

Issued in Austin, Texas on January 24, 1990.

TRD-9000834 Cathy Rossberg  
Agency liaison, Policy Communication  
Services  
Texas Department of Human Services

Filed: January 24, 1990.

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



## Requests for Proposals

The Texas Department of Human Services (TDHS) is requesting proposals for homemaker services in TDHS Region 11.

**Description of services.** Emergency homemaker service places a trained homemaker in the home with a child to provide care and supervision of the child during emergency situations to prevent the child's removal from the home. The protective homemaker services places a trained homemaker in the home with the family to prevent the removal of a child from the home by helping the family learn home management, child care, and the use of resources.

**Limitation.** The request for proposal will extend for a maximum of four years. The contract(s) awarded will be for the one-year period of September 1, 1990,–August 31, 1991. TDHS may or may not elect to renew at the end of each year covered by the RFP. The amount of award(s) is dependent on Region 11's allocated of funds.

**Contact person.** For information regarding the proposal, please contact Finley L. Morton (MC 175-1), Contract Manager, Texas Department of Human Services, P.O. Box 16017, Houston, Texas 77222-6017, (713) 696-7386.

**Evaluation.** Areas to be evaluated in proposals will include: general administration, prior experience, program description, and costs.

**Closing date.** The closing date is Friday, May 4, 1990 at 4 p.m.

**Selection.** Final selection will be made by the regional director for protective services for families and children, based on submitted qualifications and staff recommenda-

tion. The department will award contracts based on the evaluation of the previously listed criteria.

Issued in Austin, Texas on January 24, 1990.

TRD-9000835 Cathy Rossberg  
Agency liaison, Policy Communication  
Services  
Texas Department of Human Services

Filed: January 24, 1990.

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



## 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 incorporation in Texas of Southwest Vision Plan Insurance Company, a domestic life, accident, and/or health insurance company. The home office is in Rockwall.
2. Application for admission to do business in Texas of Kay Benefit Administrators, Inc., a foreign third party administrator. The home office is in Indianapolis, Indiana.
3. Application for admission to do business in Texas of Insurers Administrative Corporation, a foreign third party administrator. The home office is in Phoenix, Arizona.
4. Application for incorporation in Texas of Donovan Benefit Systems, Inc., a domestic third party administrator. The home office is in Houston.
5. Application for incorporation in Texas of Ronald Ray Romack, a domestic third party administrator. The home office is in Houston.

Issued in Austin, Texas, on January 23, 1990.

TRD-9000830 Nicholas Murphy  
Chief Clerk  
State Board of Insurance

Filed: January 23, 1990

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



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 Century Life Assurance Company, a foreign life, accident, and/or health insurance company. The home office is in Oklahoma City, Oklahoma.

2. Application for admission to do business in Texas of Diamond State Insurance Company, a foreign fire and/or casualty insurance company. The home office is in Philadelphia, Pennsylvania.

3. Application for incorporation in Texas of Financial Bankers Life Insurance Company, a domestic life, accident, and/or health insurance company. The home office is in Fort Worth.

4. Application for admission to do business in Texas of Independent Administration Company, a foreign third party administrator. The home office is in Minnetonka, Minnesota.

5. Application for incorporation in Texas of Association of Risk Management Agency, Incorporated, a domestic third party administrator. The home office is in Austin.

6. Application for incorporation in Texas of NHA Administrators, Inc. a domestic third party administrator. The home office is in Houston.

7. Application for incorporation in Texas of Associations Combined Trust Management Corporation, a domestic third party administrator. The home office is in Dallas.

Issued in Austin, Texas, on January 23, 1990.

TRD-9000828      Nicholas Murphy  
Chief Clerk  
State Board of Insurance

Filed: January 23, 1990

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

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 Meridian Title Insurance Company, a foreign title insurance company. The home office is in Prussia, Pennsylvania.

2. Application for name change by Cudis Insurance Society, Inc., a foreign life insurance company. The home office is in Madison, Wisconsin. The proposed new name is Cumis Life Insurance, Inc.

Issued in Austin, Texas, on January 16, 1990.

TRD-9000756      Nicholas Murphy  
Chief Clerk  
State Board of Insurance

Filed: January 22, 1990

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

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

1. Application for incorporation in Texas of PCA Health Plans of Texas, Inc. a domestic health maintenance organization. The home office is in Austin.

2. Application for incorporation in Texas of North Texas Healthcare Network, a domestic third party administrator. The home office is in Irving.

Issued in Austin, Texas, on January 18, 1990.

TRD-9000575      Nicholas Murphy  
Chief Clerk  
State Board of Insurance

Filed: January 22, 1990

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

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 American General Property Insurance Company, a foreign casualty insurance company. The home office is in Nashville, Tennessee.

2. Application for admission to do business in Texas of Eliot K. Nymeyer and Associates, a foreign third party administrator. The home office is in South Holland, Illinois.

3. Application for incorporation in Texas of Script Care, Inc., a domestic third party administrator. The home office is in Bridge City.

Issued in Austin, Texas, on January 22, 1990.

TRD-9000842      Nicholas Murphy  
Chief Clerk  
State Board of Insurance

Filed: January 24, 1990

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

## Texas State Library and Archives Commission

### Appointment of Local Government Records Committee

Notice is hereby given, pursuant to the Texas Government Code, Chapter 441, Subchapter J, §441.163(f), of appointments made by the director and librarian to the Local Government Records Committee and of ex-officio designees who will serve on the committee.

The following persons have been appointed by the director and librarian to the Local Government Records Committee in accordance with provisions of the Texas Government Code, Chapter 441, Subchapter J, §441.163. The terms of all committee members expire February 1, 1991.

Rosamond Adair, City Secretary, City of Hollywood Park, Number 2 Mecca Drive, San Antonio, Texas 78232.

Hugh Anderson, Chief of Police, City of Georgetown, P.O. Box 409, Georgetown, Texas 78627.

Dr. Larry Blair, Superintendent, Schleicher ISD, P.O. Box W, Eldorado, Texas 76936.

J. M. Cardoza, Chief of Police, City of Los Fresnos, 200 North Brazil, Los Fresnos, Texas 78566.

Martha Chambers, Records Manager, City of Fort Worth, 1000 Throckmorton, Fort Worth, Texas 76102.

Bill Chiabotta, Director of Personnel, City of Mesquite, P.O. Box 137, Mesquite, Texas 75149.

Alice Church, City Secretary, City of Garland, P.O. Box 469002, Garland, Texas 75046.

Jorge Cruz-Aedo, Director of Finance, City of Temple, 3 North Main, Temple, Texas 76501.

The Honorable Maxine Darst, County Judge, Kaufman County, County Courthouse, Kaufman, Texas 75142.

Joe Erwin, Fire Chief, City of Hurst, 1505 Precinct Line Road, Hurst, Texas 76054.

The Honorable Katy Gilmore, County Treasurer, Burnet County, 220 South Pierce, Burnet, Texas 78611.

The Honorable Fred Guerra, Council Member, City of San Marcos, 630 East Hopkins, San Marcos, Texas 78666.

David L. Harper, President, Anderson Mill Municipal Utility District, 10506 Water Gap Road, Austin, Texas 78750.

Ruth Hertel, Tax Assessor-Collector, City of Angleton, P.O. Box 726, Angleton, Texas 77515.

Brenton Lewis, City Manager, City of Henderson, 400 West Main, Henderson, Texas 75652.

Patti McFee, Director of Certification/Records, Cypress-Fairbanks ISD, P.O. Box 692003, Houston, Texas 77269.

Brenda McMahan McKeon, Director, Medical Records, John Peter Smith Hospital, Tarrant County Hospital District, 1500 South Main, Fort Worth, Texas 76102.

The Honorable Becky McPherson, District Attorney, Floyd County, County Courthouse, Floydada, Texas 79235.

Foy Mitchell, Chief Appraiser, Dallas Central Appraisal District, 1420 West Mockingbird Lane, Dallas, Texas 75247.

George Moff, Chief Appraiser, Nueces County Appraisal District, 1305 North Shoreline Boulevard, Corpus Christi, Texas 78401.

Audrey Nichols, City Secretary, City of West University Place, 3800 University Boulevard, Houston, Texas 77005.

Merril Nunn, City Attorney, City of Amarillo, P.O. Box 1971, Amarillo, Texas 79186.

John Philpott, Director of Public Works, City of Waco, P.O. Box 2570, Waco, Texas 76702-2570.

The Honorable Anita Rodeheaver, County Clerk, Harris County, P.O. Box 1525, Houston, Texas 77002.

Dr. Don Rogers, Superintendent, Eanes ISD, 601 Camp Craft Road, Austin, Texas 78746.

C. A. Rohre, Chief of Police, City of Plano, P.O. Box 860358, Plano, Texas 75086.

Donald Schelfhout, Vice President, Clear Lake City Water Authority, 3715 Lonniewood, Houston, Texas 77059.

The Honorable Dan Smith, Sheriff, Bell County, P.O. Box 749, Belton, Texas 76513.

Dr. Kay M. Stansbery, Director of Technical Services and Archives, Tarrant County Junior College District, 828 Harwood Drive, Hurst, Texas 76053.

The Honorable Billy Ray Stubblefield, County Attorney, Williamson County, 3016 Gabriel View, Georgetown, Texas 78626, (512) 869-4459.

The Honorable Neva Thigpen, Tax Assessor-Collector, Goliad County, P.O. Box 800, Goliad, Texas 77963.

The Honorable Linda Uecker, District Clerk, Kerr County, County Courthouse, Kerrville, Texas 78028.

Jerry L. Ware, County Auditor, Jefferson County, 1149 Pearl Street, Beaumont, Texas 77701.

The Honorable John H. Williams, Justice of the Peace, Nueces County, Route 1, Box 120, Robstown, Texas 78380.

The Attorney General has designated the following member of his staff as his designee for service on the committee: Jennifer Riggs, General Litigation Division, Administrative Law Section, Office of the Attorney General, Supreme Court Building, Austin, Texas 78711.

The State Comptroller of Public Accounts has designated the following member of his staff as his designee for service on the committee: Tom Nilsen, Manager, Local Government Program, Office of the State Comptroller, 111 East Seventh Street, Austin, Texas 78774.

Issued in Austin, Texas, on January 19, 1990.

TRD-9000762      Raymond Hitt  
Assistant State Librarian  
Texas State Library and Archives  
Commission

Filed: January 22, 1990

For further information, please call: (512) 463-5440

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**Public Utility Commission of Texas**  
**Correction of Error**

The correction of error notice published in the January 9, 1990, issue of the *Texas Register* was omitted from the Table of Contents. The following notice appeared on 15 TexReg 144.

The Public Utility Commission of Texas submitted an emergency section which contained errors as published in the December 22, 1989, issue of the *Texas Register* (14 TexReg 6703).

In §23.55(b), the word "no" was omitted.

Paragraph (8) should read as follows. (8) "0-" call-A call made by the caller dialing the digit "0" and no other digits within five seconds. A "0-" call may be made after a digit to access the network is dialed.

In Subsection (f) the "0-" was omitted twice, in (f) and (f)(2).

In Subsection (h)(3)(A)(i), the 0 was omitted. It should read as follows. "(i) Access to interexchange carriers by "10XXX+0" dialing may be blocked if the end office serving the originating line does not have originating line screening capability."

◆                   ◆                   ◆  
**Texas Water Commission**  
**Notice of Application For Waste  
Disposal Permit**

Notice is given by the Texas Water Commission of public notices of waste disposal permit applications issued during the period of January 15-19, 1990.

No public hearing will be held on these applications unless an affected person has requested a public hearing. Any such request for a public hearing shall be in writing and contain the name, mailing address, and phone number of the person making the request; and a brief description of how the requester, or persons represented by the requester, would be adversely affected by the granting of the applica-

tion. If the commission determines that the request sets out an issue which is relevant to the waste discharge permit decision, or that a public hearing would serve the public interest, the commission shall conduct a public hearing, after the issuance of proper and timely notice of the hearing. If no sufficient request for hearing is received within 30 days of the date of publication of notice concerning the applications, the permit will be submitted to the commission for final decision on the application.

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

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

City of Archer City; wastewater treatment facility; approximately 3/4 mile northeast of the intersection of State Highway 25 and State Highway 79 in Archer County; 10393-02; renewal.

E.I. Du Pont De Nemours and Company; Ingleside; wastewater treatment facility; on the south side of State Highway 361, approximately three miles southeast of the City of Gregory, San Patricio County; 01651; amendment.

City of George West; wastewater treatment facility; approximately 3,000 feet northeast of the intersection of U.S. Highway 59 (By-Pass) and U.S. Highway 281, 500 feet east-southeast of the intersection of U.S. Highway 59 (By-Pass) and the Missouri Pacific Railroad, on the north side of Timon Creek, east of the City of George West, in Live Oak County; 10455-01; amendment.

City of Giddings; North Wastewater Treatment Plant; approximately 1.5 miles west of the intersection of U.S. Highway 77 and FM Road 2440, on the south side of FM 2440, Lee County; 10456-01; renewal.

Keller Industries, Inc.; Woodville; wastewater treatment facility; east of U. S. Highway 69 and two miles north of the City of Woodville, Tyler County; 02633; amendment.

Lake LBJ Municipal Utility District; Horseshoe Bay; Slick Rock Creek and Pecan Creek Wastewater Treatment Plants; Pecan Creek site is in Horseshoe Bay West Subdivision, approximately 3,600 feet northwest of the intersection of FM Road 2147 and Bay West Boulevard while Slick Rock creek site is south of FM Road 2147 and approximately three miles northeast of the intersection of FM Road 2147 and State Highway 71 in the Horseshoe Bay Subdivision, Llano County; 11217-01 and 11217-02; amendments.

Rodney W. McNeal doing business as Texaz Dairy; Dublin; a dairy; on the east side of FM Road 1702, approxi-

mately 1.5 miles south of the intersection of FM Road 1702 and FM Road 219 and 3.4 miles southeast of Dublin in Erath County; 03124; new.

Mills Road Municipal Utility District; Houston; Mills Road MUD Sewage Treatment Plant; 10128 Peachridge Drive, approximately 3,000 feet southwest of the intersection of Perry Road and Mills Road, northwest of the City of Houston in Harris County; 11907-02; renewal.

Newpark Shipbuilding and Repair, Inc.; Houston; wastewater treatment plant; on Brady Island between the Houston Ship Channel and Old Buffalo Bayou in the City of Houston, Harris County; 02034; amendment.

City of Pineland; wastewater treatment plant; at the intersection of Thomas Street and Transmission Boulevard in the City of Pineland, approximately 1 1/4 miles southeast of the intersection of U.S. Highway 96 and FM Road 83 in Sabine County; 10249-01; renewal.

Sequa Corporation; St. Louis; a coil coating plant; 16402 Jacintoport Boulevard, in the Jacintoport Industrial Park, approximately three miles south of the Town of Channelview, Harris County; 02160; renewal.

Shell Development Company, Westhollow Research Center; Houston; an existing Class I hazardous industrial solid waste storage facility; on a central parcel of land of approximately 130 acres, bounded on the north, east, and south sides by smaller parcels owned by Shell Oil Company, at 3333 Highway 6 South in the City of Houston, Harris County; HW-50298, EPA I.D. Number TXD-000820118-0; new; 45-day notice.

United States Army Corps of Engineers; Somerville; a recreation park area; approximately 3.2 miles west-southwest of the intersection of State Highway 36 and FM Road 1361 (i.e. within the City of Somerville), three miles southeast of the intersection of FM Road 60 and State Recreation Road 4, on the western edge of Big Creek Park, in Burleson County; 13489-01; new.

United States Department of the Interior, US Bureau of Mines, Helium Field Operations; Amarillo; Helium Plant; approximately one mile west of the City of Amarillo, adjacent to U.S. Highway 66 at its intersection with Helium Road, Potter County; 02234; renewal.

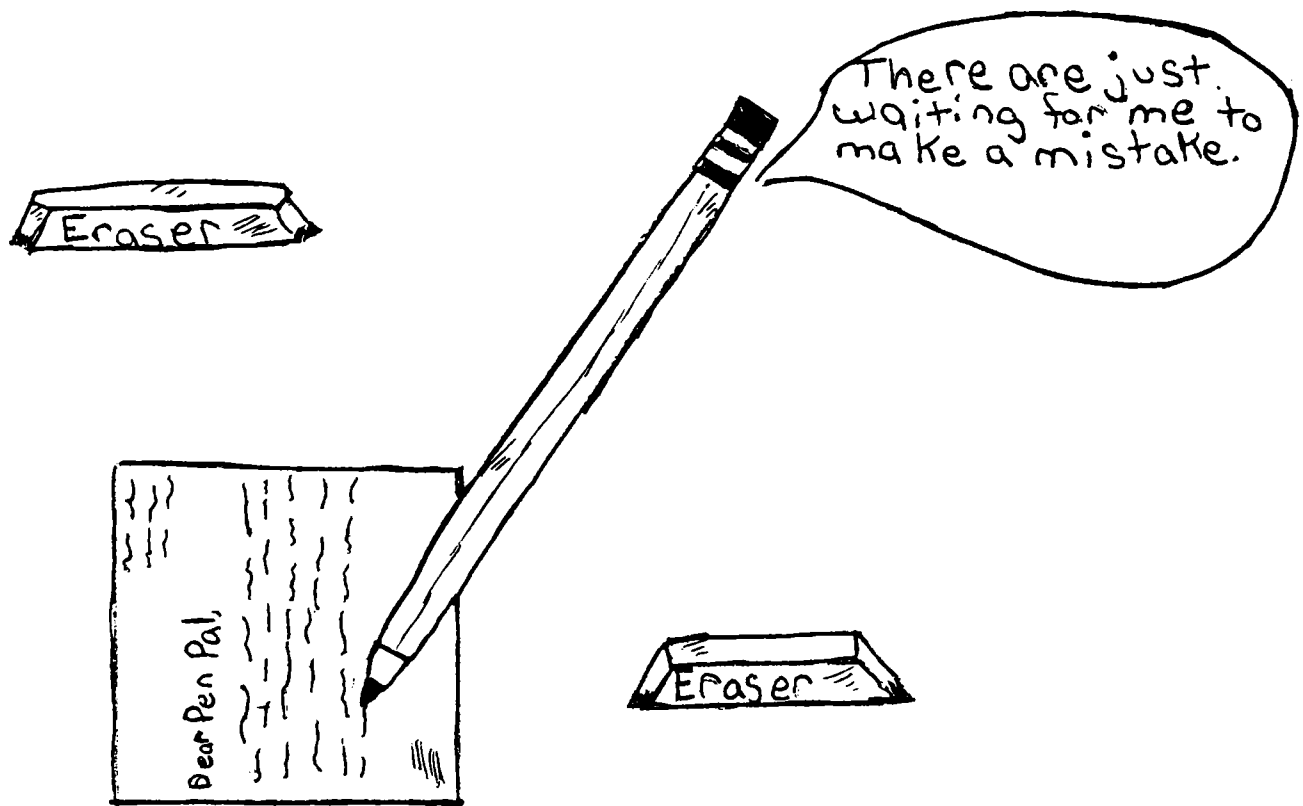
Issued in Austin, Texas, on January 22, 1990

TRD-9000810 Brenda W. Foster  
Chief Clerk  
Texas Water Commission

Filed: January 23, 1990

For further information, please call: (512) 463-7906

◆ ◆ ◆



Name: Gloria Reitzer  
Grade: 5  
School: Forbes Elementary #124, San Antonio



## Texas Guaranteed Student Loan Corporation

In creating the Texas Guaranteed Student Loan Corporation (TGSLC), the Legislature declared that: "the state can achieve its full economic and social potential only if every individual has the opportunity to contribute to the full extent of his or her capabilities and only when financial barriers to his or her economic, social and educational goals are removed." The TGSLC was organized in 1980 as a public non-profit corporation to operate under the Federal Guaranteed Student Loan Program.

The intent of Texas guaranteed loans for education is to help students and parents pay for post-secondary education. The TGSLC is responsible for guaranteeing these loans, assuring the lender full repayment in the event of the borrower's death, total disability, bankruptcy or default. To maintain adequate reserves for this purpose, the agency charges borrowers a fee that is deducted from loan proceeds.

Currently, TGSLC administers three programs offering access to low-interest loans that do not require collateral: the Guaranteed Student Loan Program (GSL), the Parent Loan for Undergraduate Students Program (PLUS), and the Supplemental Loans for Students Program (SLS). Each requires the student beneficiary to attend an eligible college, university, technical

or vocational school on at least a half-time basis. Eligibility is further determined by the financial aid office at the school the student plans to attend.

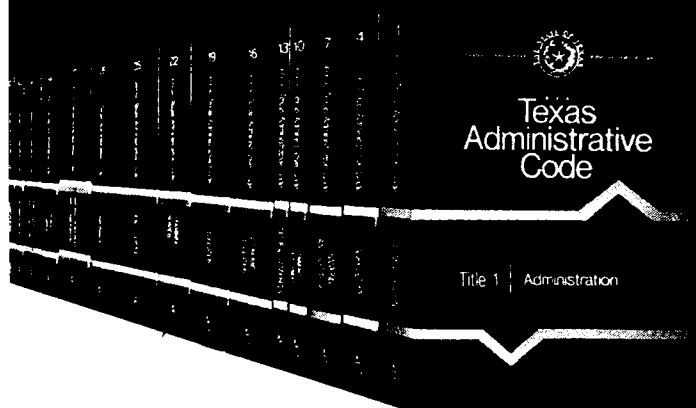
Once eligibility is established, borrowers must locate a lender to provide capital for the loan. More than 700 lenders now participate in Texas guaranteed loan programs. Loan applications may be obtained from any of these institutions or from TGSLC.

In 1985, the Legislature designated TGSLC as the state's "lender of last resort" for student loans. This allows the agency to make loans to those students who cannot obtain an educational loan from any other source, public or private.

The TGSLC is governed by an eleven-member board of directors, including three individuals from the lending community, three from the education community, and two persons from the public at large. All are appointed by the governor, with the advice and consent of the Senate, for staggered six-year terms. As required by statute, the remaining board positions are filled by the Comptroller of Public Accounts, a member of the Texas Higher Education Coordinating Board, and one student appointed by the commissioner of higher education.

The Texas Guaranteed Student Loan Corporation is located in Austin and may be contacted at (512) 835-1900.

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