

# Texas Register

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### Texas Register

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

Governor-Appointments, executive orders, and proclamations

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

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

Proposed Sections-sections proposed for adoption

Withdrawn Sections-sections withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date

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

Open Meetings-notices of open meetings

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

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

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

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

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

### Texas Administrative Code

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

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

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

TAC stands for the *Texas Administrative Code*;

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

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Texas Department of Human Services

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Kelly Trish

**TEXAS**

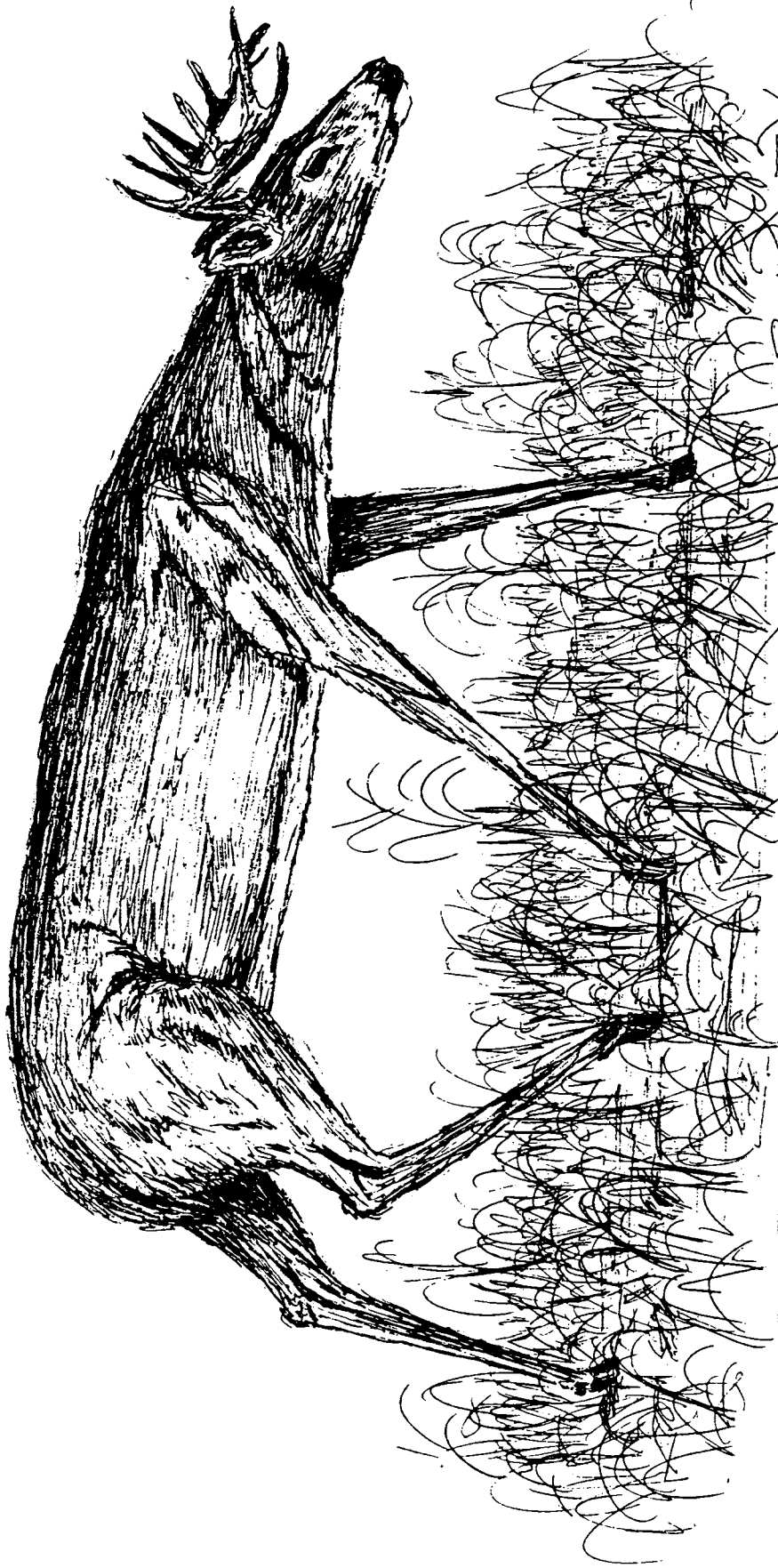
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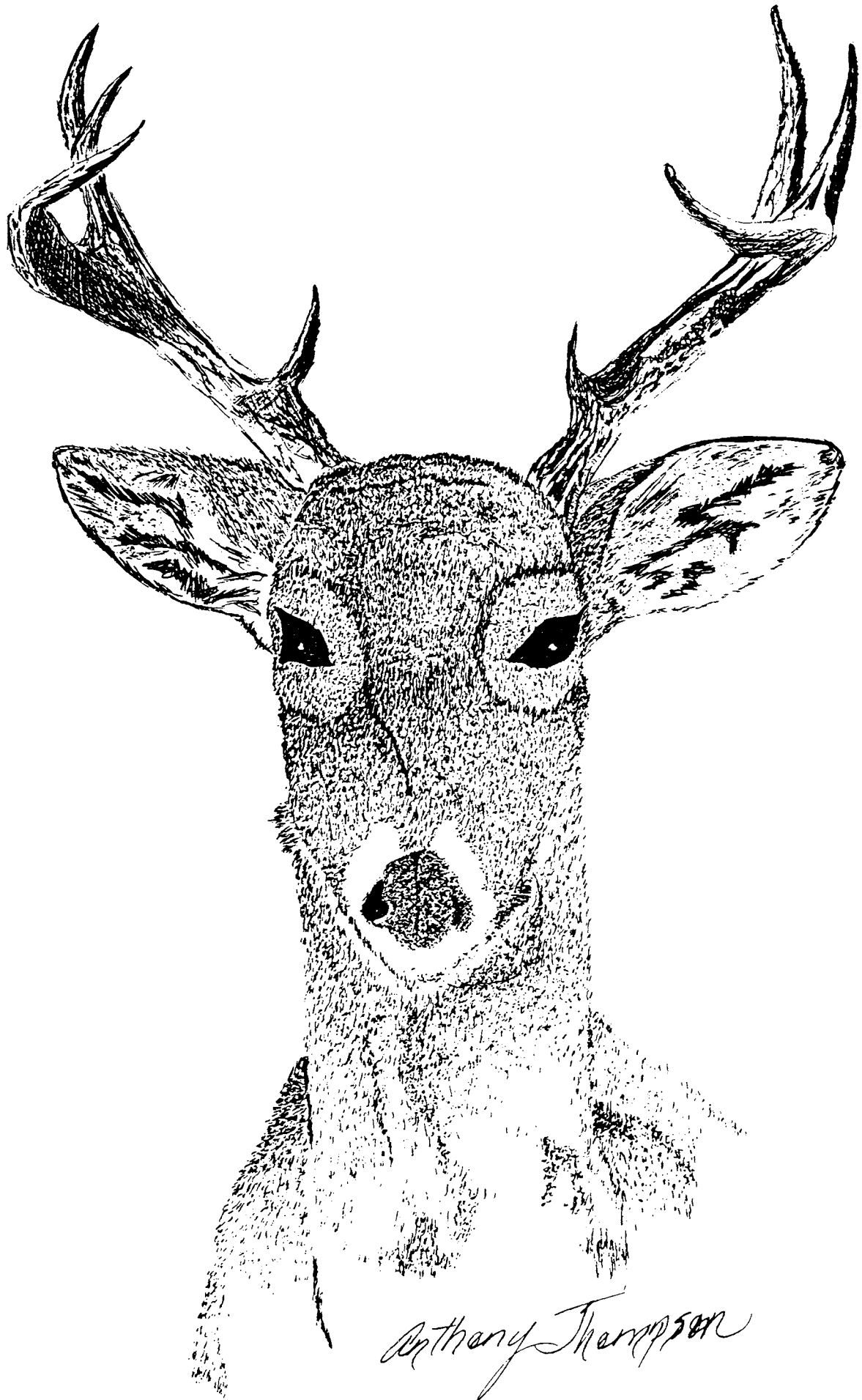
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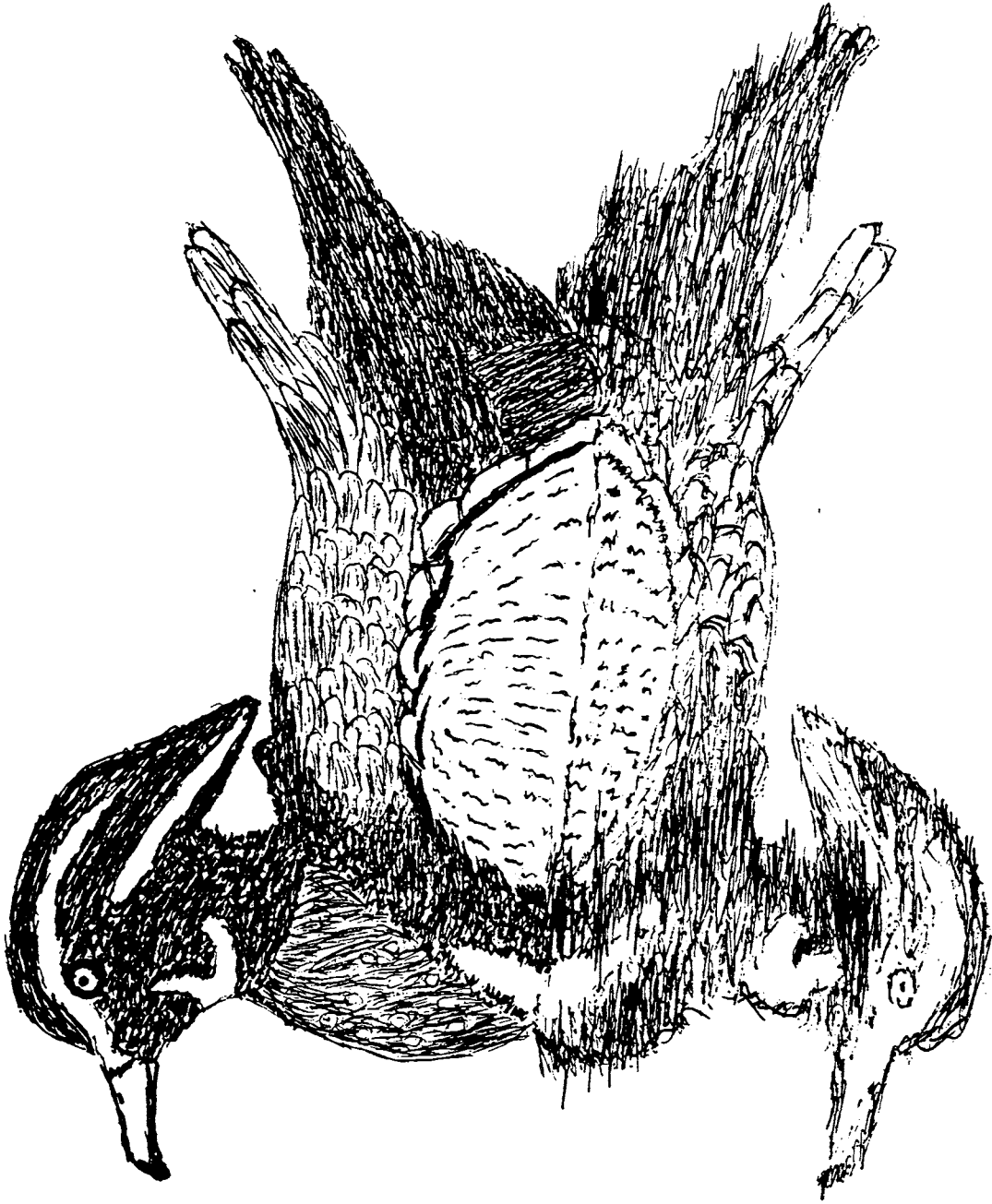


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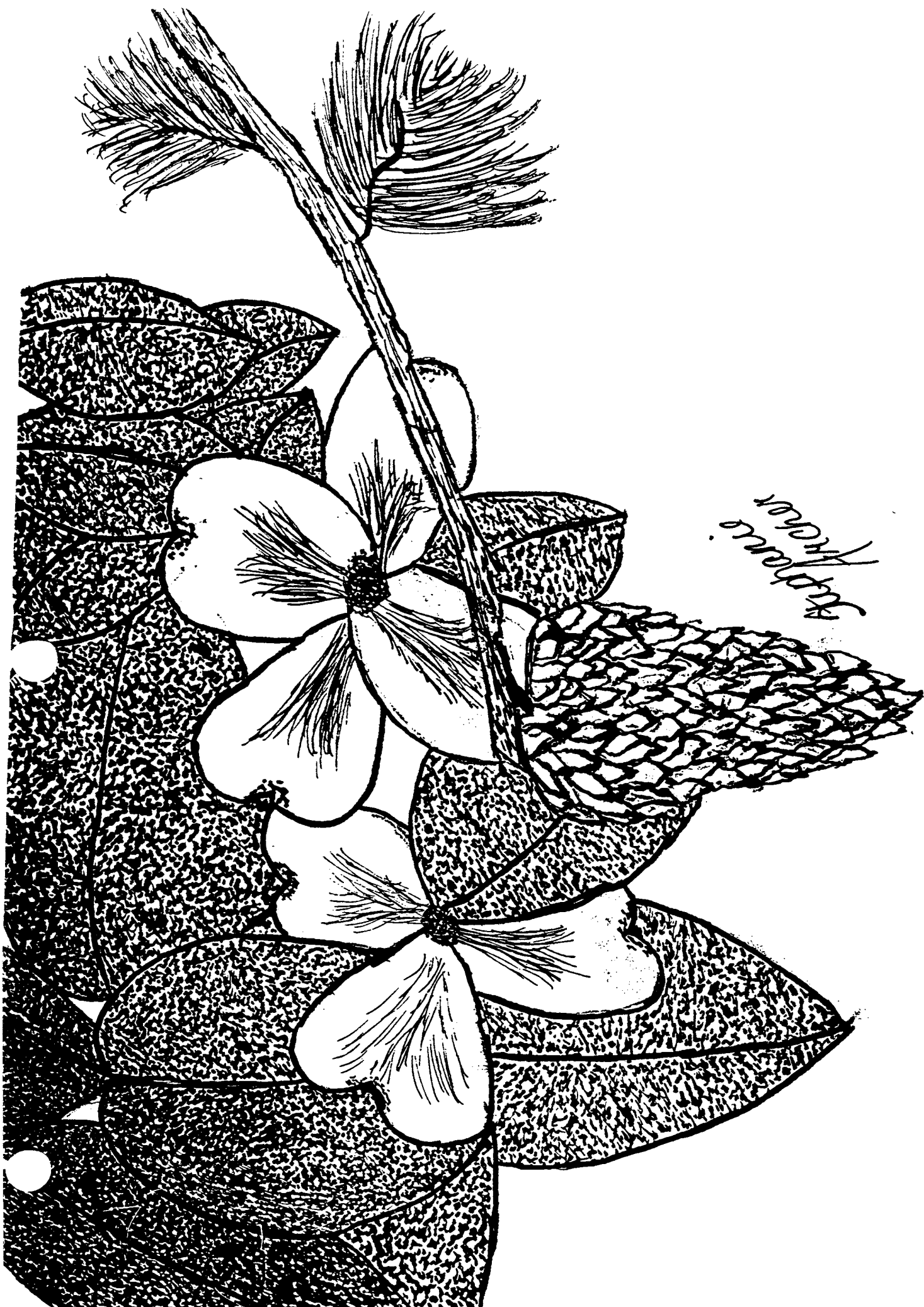
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*Scaphanus*



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# Attorney General

**Description of Attorney General submissions.** Under provisions set out in the Texas Constitution, the Texas Government Code, Title 4, §402.042 and numerous statutes, the attorney general is authorized to write advisory opinions for state and local officials. These advisory opinions are requested by agencies or officials when they are confronted with unique or unusually difficult legal questions. The attorney general also determines, under authority of the Texas Open Records Act, whether information requested for release from governmental agencies maybe held from public disclosure. Requests for opinions, opinions, and open record decisions are summarized for publication in the *Texas Register*. The Attorney General responds to many requests for opinions and open records decisions with letter opinions. A letter opinion has the same force and effect as a formal Attorney General Opinion, and represents the opinion of the Attorney General unless and until it is modified or overruled by a subsequent letter opinion, a formal Attorney General Opinion, or a decision of a court of record.

## Open Records Decisions

**ORD-554 (RQ-1516).** Request from Robert P. Rose, Assistant City Attorney, City of Austin, Department of Law, Austin, concerning availability under the Open Records Act, Texas Civil Statutes, Article 6252-17a, of information about hazardous materials used by private companies to manufacture semiconductors.

**Summary of Decision.** An open records request was made for the permit applications that two companies engaged in manufacturing semiconductors filed under the City of Austin Hazardous Materials Storage and Registration Ordinance. Information about plant design and layout and the volume and location of chemicals used by the companies is excepted from disclosure by the Open Records Act, §3(a)(10), as trade secret information. In addition, the identities of two chemicals used by one company are excepted from disclosure by §3(a)(10) as trade secret information. The identities of chemicals commonly used in the business do not constitute trade secrets.

TRD-9005327

**ORD-555 (RQ-1956).** Request from Ron Lindsey, Commissioner, Texas Department of Human Services, Austin, concerning whether information relating to an employee's termination is excepted from disclosure under the Open Records Act, Texas Civil Statutes, Article 6252-17a.

**Summary of Decision.** The Open Records Act does not require governmental bodies to provide answers to general inquiries. For the Texas Open Records Act, §3(a)(3), to apply, the information must relate to litigation that is pending or reasonably anticipated. The hiring of an attorney and

the assertion of that attorney of an intent to sue establish that litigation is reasonably anticipated.

TRD-9005326

**ORD-556 (RQ-1794).** Request from James R. Hine, Acting Commissioner, Texas Employment Commission, Austin, concerning availability to the claimant in a hearing before the Texas Employment Commission of certain administrative records held by the commission.

**Summary of Decision.** The advice, opinion, and recommendation of a commission employee, prepared for the use of the commissioners in making a decision in a contested case before the Texas Employment Commission may be withheld from the claimant in the case under the Open Records Act, §3(a)(11).

TRD-9005328

**ORD-557 (RQ-1934).** Request from Pat Campbell, Vice President and General Counsel, Texas Tech University, Health Sciences Center, Lubbock, concerning whether the animal care and use committee of a public university is subject to the Open Records Act, Texas Civil Statutes, Article 6252-17a, and whether certain information relating to the committee is excepted from required public disclosure under the Act, §§3(a)(1), (3)(a)(3), or (3)(a)(11).

**Summary of Decision.** The animal care and use committee of a public university, funded with public funds, is a governmental body under the Open Records Act, Texas Civil Statutes, Article 6252-17a, §2(1)(A). Minutes of committee meetings and records of committee proceedings are not on their face protected from disclosure by the Education Code, Article 51.914 but you may submit evidence to the contrary within

30 days.

Records of committee proceedings and committee reports concerning facilities are protected under §3(a)(11) only to the extent they contain opinion, advice, or recommendation. The names of committee members are not protected from disclosure by a constitutional right of privacy as incorporated into §3(a)(1); nor are they protected from disclosure under the Act, §3(a)(3).

TRD-9005329

## Opinions

**JM-1175 (RQ-1999).** Request from Kenneth W. Littlefield, Commissioner, Texas Department of Banking, Austin, concerning whether the Department of Banking may hire the son of a member of the Finance Commission.

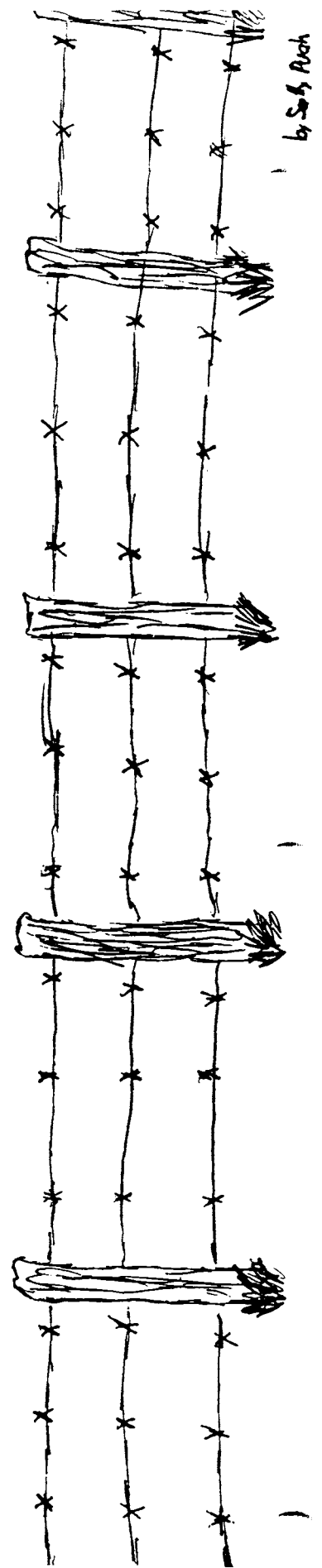
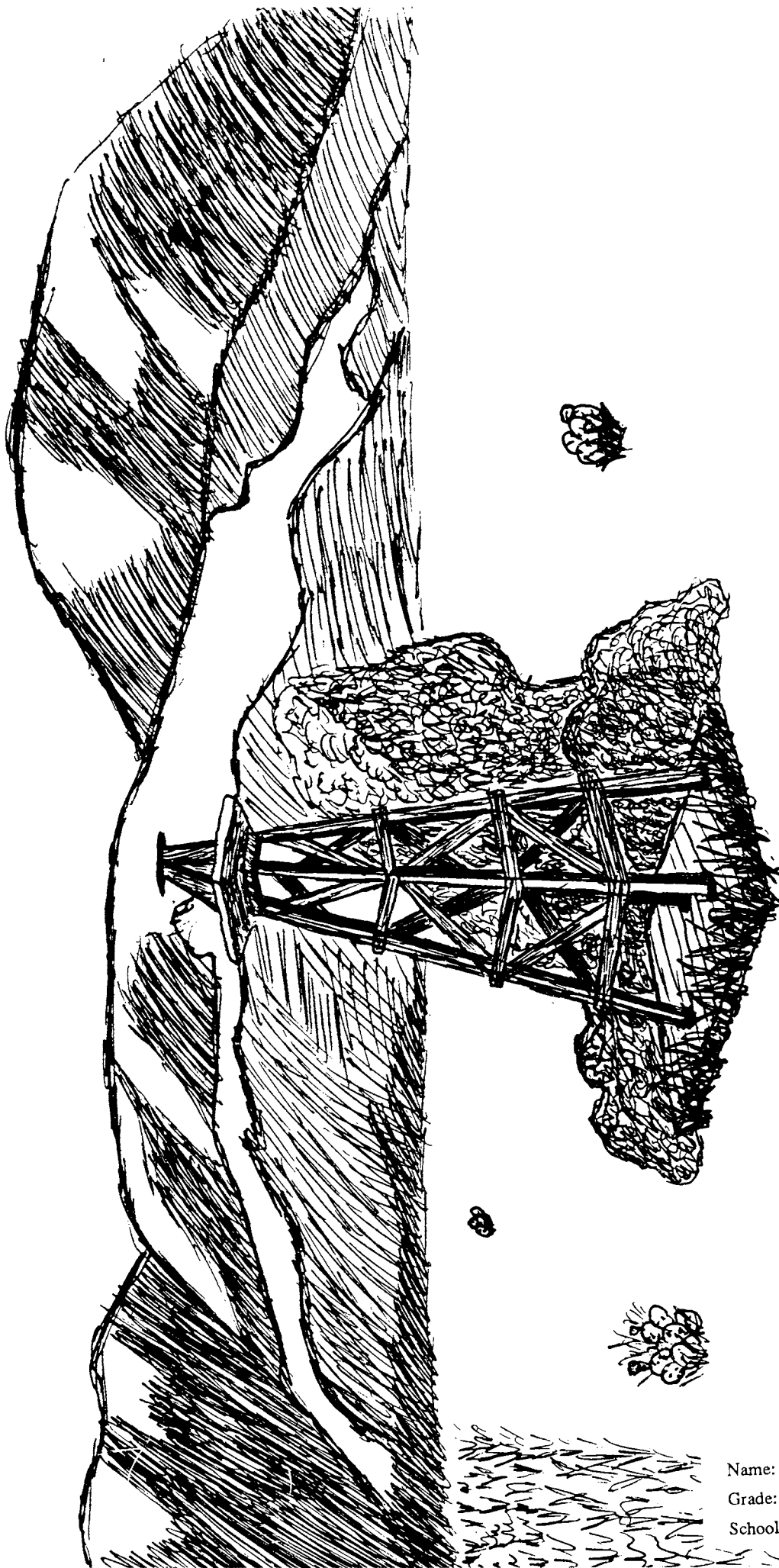
**Summary of Opinion.** The nepotism statute, Texas Civil Statutes Article 5996a, does not prevent the Banking Department from hiring the son of a member of the Finance Commission.

TRD-9005257

**JM-1176 (RQ-1949).** Request from W. N. Kirby, Commissioner of Education, Texas Education Agency, Austin, concerning authority of an independent school district to conduct a raffle.

**Summary of Opinion.** Independent school districts are not qualified to hold charitable raffles under the Charitable Raffle Enabling Act, Texas Civil Statutes, Article 179f. A parent-teacher association may be qualified to hold such raffles if it meets the requirements of the act.

TRD-9005258



by Scott Pugh

Name: Scotty Pugh

Grade: 10

School: Coppell High School, Coppell

18

# Emergency Sections

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

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

## TITLE 16. ECONOMIC REGULATION Part VIII. Texas Racing Commission

### Chapter 301. Definitions

#### • 16 TAC §301.1

The Texas Racing Commission adopts on an emergency basis an amendment to §301.1, concerning definitions. The amendment amends the definitions of coupled entry, false start, foul, purse or overnight race, in today horse, jockey, minus pool, mutuel field, no race, and outstanding ticket. The amendment adopted on an emergency basis is contemporaneously proposed for public comment in this issue of the *Texas Register*.

The amendment is adopted on an emergency basis to ensure the rules of pari-mutuel racing are in place for pari-mutuel racing scheduled to begin on May 26, 1990, at Gillespie County Fair and Festivals Association.

The amendment is adopted on an emergency basis under Texas Civil Statutes, Article 179e, §3.02, which provide the commission with the authority to adopt rules to administer the Texas Racing Act.

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

**Coupled entry**—Two or more horses entered in a race that, because of common ties of ownership are joined [or training, the stewards join] to be a single betting interest in that race.

**False start—Failure of the starting gate or box to open simultaneously** [A race in which the starting gate or box does not open automatically and the official starter of unable to open the gate or box manually].

**Foul**—An action by a horse or jockey that hinders or interferes [tends to hinder or interfere] with another horse or jockey during the running of a race.

**Horse race**—A running contest between horses for entry fees, purse, prize, or other reward, including the following.

(1)-(9) (No change.)

(10) **Purse or overnight race**—A race for which entries close 96 hours or less [less than 72 hours] before the time set for the race to be run and for which owners of horses entered are not required by its conditions to contribute money toward its purse.

(11)-(14) (No change.)

**In today horse**—A horse that is in the body of a race program which is entered into a race on the next consecutive race day [and is also entered in an upcoming overnight race, and who has no preference when entering a race].

**Jockey or apprentice**—A professional rider licensed by the commission to ride race horses [a race rider, including apprentice jockeys].

**Minus pool**—A pool in which there are insufficient net proceeds [profits] to pay the minimum price to holders of the winning tickets.

**Mutuel field**—A group of horses joined as a single betting interest in a race due to [the high odds on those horses and] the limited numbering capacity of the totalisator.

**No race**—A race that is canceled after being run due to a malfunction at the starting gate or box or any other applicable reason as determined by the rules of the commission [mechanical failure].

**Outstanding ticket**—A pari-mutuel ticket that is not presented [to a cashier] for payment before [48 hours after] the end of the race day for which the ticket was purchased.

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

TRD-9005418 Paula Cochran Carter  
General Counsel  
Texas Racing Commission

Effective date: May 24, 1990

Expiration date: September 21, 1990

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

### Chapter 305. Licenses for Pari-Mutuel Racing

#### Subchapter B. Individual Licenses

##### General Provisions

#### • 16 TAC §305.37

The Texas Racing Commission adopts on an emergency basis new §305.37, concerning restrictions on licensing. The new section describes the types of occupational licenses that the commission has determined are incompatible. The new section adopted on an emergency basis is contemporaneously proposed for public comment in this issue of the *Texas Register*.

The new section is adopted on an emergency basis to ensure the rules of pari-mutuel racing are in place for pari-mutuel racing scheduled to begin on May 26, 1990, at Gillespie County Fair and Festivals Association.

The new section is adopted on an emergency basis under Texas Civil Statutes, Article 179e, §3.02, which provide the commission with the authority to adopt rules to administer the Texas Racing Act.

#### §305.37. Restriction on Licensing.

(a) In determining whether to issue one or more individual license to an applicant, the stewards or racing judges shall consider the nature of the licenses sought or held, and whether holding a license or multiple licenses would create a conflict of interest that might affect the integrity of pari-mutuel racing.

(b) An individual licensed as a jockey, apprentice jockey, or farrier may not be licensed in another capacity.

(c) A racing official may not be licensed in any other capacity.

(d) An individual licensed as an owner may not be licensed as a jockey agent, nor may an individual licensed as a jockey agent be licensed as an owner.

(e) An individual licensee may not act in any capacity other than that for which he or she is licensed.

(f) A veterinarian licensed by the commission may also be licensed as an owner of a race animal, provided that:

(1) the veterinarian does not practice veterinary medicine on an association's grounds where his or her race animal is registered to race; and

(2) the veterinarian does not administer a prohibited drug, chemical, or other substance to a race animal entered in an race to be conducted on an association's grounds where his or her race animal is registered to race.

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TRD-9005420 Paula Cochran Carter  
General Counsel  
Texas Racing Commission

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Expiration date: September 21, 1990

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

## Specific Licensees

### • 16 TAC §305.42

The Texas Racing Commission adopts on an emergency basis an amendment to §305.42, concerning owners' licenses. The amendment clarifies that an owner must obtain an owner's license before his or her horse may start in a race. The amendment adopted on an emergency basis is contemporaneously proposed for public comment in this issue of the *Texas Register*.

The amendment is adopted on an emergency basis to ensure the rules of pari-mutuel racing are in place for pari-mutuel racing scheduled to begin on May 26, 1990, at Gillespie County Fair and Festivals Association.

The amendment is adopted on an emergency basis under Texas Civil Statutes, Article 179e, §3.02, which provide the commission with the authority to adopt rules to administer the Texas Racing Act.

#### §305.42. Owners.

(a) The owner of each horse or greyhound entered in a race in the owner's name must **obtain an owner's license issued** [be licensed] by the commission.

(b)-(e) (No change.)

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

TRD-9005422 Paula Cochran Carter  
General Counsel  
Texas Racing Commission

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

### • 16 TAC §305.43

The Texas Racing Commission adopts on an emergency basis an amendment to §305.43, concerning lessees' licenses. The amendment clarifies the requirements for a lessee's license. The amendment adopted on an emergency basis is contemporaneously proposed for public comment in this issue of the *Texas Register*.

The amendment is adopted on an emergency basis to ensure the rules of pari-mutuel racing are in place for pari-mutuel racing scheduled to begin on May 26, 1990, at Gillespie County Fair and Festivals Association.

The amendment is adopted on an emergency basis under Texas Civil Statutes, Article 179e, §3.02, which provide the commission with the authority to adopt rules to administer the Texas Racing Act.

#### §305.43. Lessee.

(a) The lessee of a horse or greyhound for racing purposes must **obtain an owner's license in accordance with §305.42, of this title (relating to Owners)**.

(b) The lessee must also provide a copy of the lease to the stewards, racing judges, or their designee at the time of application for an owner's license. [To be

licensed as the lessee of a horse or greyhound for racing purposes, a person must submit with the application:

(1) the name and address of the owner of the animal; and

(2) a copy of the lease.]

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

TRD-9005424 Paula Cochran Carter  
General Counsel  
Texas Racing Commission

Effective date: May 24, 1990

Expiration date: September 21, 1990

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

### • 16 TAC §305.44

The Texas Racing Commission adopts on an emergency basis an amendment to §305.44, concerning the licensing of trainers. The amendment includes a practical examination for licensure as a trainer, and clarifies the procedure for taking the written examination. The amendment adopted on an emergency basis is contemporaneously proposed for public comment in this issue of the *Texas Register*.

The amendment is adopted on an emergency basis to ensure the rules of pari-mutuel racing are in place for pari-mutuel racing scheduled to begin on May 26, 1990, at Gillespie County Fair and Festivals Association.

The amendment is adopted on an emergency basis under Texas Civil Statutes, Article 179e, §3.02, which provide the commission with the authority to adopt rules to administer the Texas Racing Act.

#### §305.44. Trainer.

(a) Except as otherwise provided by this section, to be licensed by the commission as a trainer, a person must:

(1) be at least 18 years of age; [and]

(2) satisfactorily complete a written examination prescribed by the commission; and

(3) satisfactorily complete a practical examination prescribed by the commission and administered by the stewards or racing judges.

(b) A passing grade for the written examination is 75 on a scale of 100. An applicant who fails the examination may not take the examination again before the 60th day after the date the applicant failed the examination. The commission may waive the requirement of a written examination for a person who has a current license issued by another pari-mutuel racing jurisdiction.

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

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

TRD-9005426 Paula Cochran Carter  
General Counsel  
Texas Racing Commission

Effective date: May 24, 1990

Expiration date: September 21, 1990

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

### • 16 TAC §305.45

The Texas Racing Commission adopts on an emergency basis an amendment to §305.45, concerning authorized agents' licenses. The amendment clarifies the requirements for appointing and revoking the appointment of authorized agent, as well as the term of such an appointment. The amendment adopted on an emergency basis is contemporaneously proposed for public comment in this issue of the *Texas Register*.

The amendment is adopted on an emergency basis to ensure the rules of pari-mutuel racing are in place for pari-mutuel racing scheduled to begin on May 26, 1990, at Gillespie County Fair and Festivals Association.

The amendment is adopted on an emergency basis under Texas Civil Statutes, Article 179e, §3.02, which provide the commission with the authority to adopt rules to administer the Texas Racing Act.

#### §305.45. Authorized Agent.

(a) To be appointed an authorized agent, an individual must be at least 18 years old and licensed as either an individual owner or trainer. A written agency appointment authorizing him or her to act on behalf of a licensed owner or licensed trainer in racing matters not directly related to the care and training of horses must accompany the appointment. The authorization shall be on a form provided by the commission and shall define the powers, limits, and term of the agency agreement. The authorization must be notarized and signed by the principals.

(b) A separate notarized agency appointment is required for each principal an authorized agent intends to represent.

(c) An agency appointment is valid for the duration of the race meeting, for which it was executed, unless the principal submits written notice of revocation to the stewards or racing judges. [To be licensed by the commission as an authorized agent, a person must:

(1) be at least 18 years of age; and

(2) submit with the application a copy of the document that authorizes the agent to represent the owner.]

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

TRD-9005428 Paula Cochran Carter  
General Counsel  
Texas Racing Commission

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

TRD-9005430

Paula Cochran Carter  
General Counsel  
Texas Racing Commission

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Expiration date: September 21, 1990

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

◆ ◆ ◆  
**Subchapter C. Racetrack Licenses**

**General Provisions**

◆ ◆ ◆  
**• 16 TAC §305.63**

The Texas Racing Commission adopts on an emergency basis an amendment to §305.63, concerning license certificates. The amendment clarifies the deadline for the commission to issue a license certificate, as well as the information to be included on the certificate. The amendment adopted on an emergency basis is contemporaneously proposed for public comment in this issue of the *Texas Register*.

The amendment is adopted on an emergency basis to ensure the rules of pari-mutuel racing are in place for pari-mutuel racing scheduled to begin on May 26, 1990, at Gillespie County Fair and Festivals Association.

The amendment is adopted on an emergency basis under Texas Civil Statutes, Article 179e, §3.02, which provide the commission with the authority to adopt rules to administer the Texas Racing Act.

**§305.63. License Certificate.**

(a) **Not later than 30 days after the commission order [On] granting a license to operate a racetrack is final and unappealable, the commission shall issue a license certificate to the association.**

(b) The license certificate must include:

- (1) the name [and address] of the association;
- (2) the type or class of racetrack [the location of the racetrack;]
- (3) the date of issuance;
- [(4) the expiration date;]
- (4)[(5)] the seal of the commission; and
- (5)[(6)] the signatures of **members of the section of the commission that granted the license** [the chairman and executive secretary of the commission].

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

TRD-9005432

Paula Cochran Carter  
General Counsel  
Texas Racing Commission

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Expiration date: September 21, 1990

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

**Chapter 307. Practice and Procedure**

**Subchapter C. Proceedings by Stewards and Racing Judges**

**General Provisions**

◆ ◆ ◆  
**• 16 TAC §307.201**

The Texas Racing Commission adopts on an emergency basis an amendment to §307.201, concerning the authority of stewards and racing judges. The amendment clarifies the stewards and judges authority to refer any matter to the commission. The amendment adopted on an emergency basis is contemporaneously proposed for public comment in this issue of the *Texas Register*.

The amendment is adopted on an emergency basis to ensure the rules of pari-mutuel racing are in place for pari-mutuel racing scheduled to begin on May 26, 1990, at Gillespie County Fair and Festivals Association.

The amendment is adopted on an emergency basis under Texas Civil Statutes, Article 179e, §3.02, which provide the commission with the authority to adopt rules to administer the Texas Racing Act.

**§307.201. General Authority.**

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

(d) **Regardless of whether the stewards or racing judges take action on a violation of the Act or a rule of the commission, the [The] stewards and racing judges may[, instead of taking action on a violation of the Act or a rule of the commission.] refer the matter to the commission [for action].**

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

TRD-9005434

Paula Cochran Carter  
General Counsel  
Texas Racing Commission

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Expiration date: September 21, 1990

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

◆ ◆ ◆  
**• 16 TAC §307.206**

The Texas Racing Commission adopts on an emergency basis an amendment to §307.206, concerning the effect of rulings against an individual licensee. The amendment clarifies that the rulings against an individual licensee apply to another person if the person is liable for the conduct of the licensee or the person benefited from the licensee's conduct. The amendment adopted on an emergency basis is contemporaneously proposed for public comment in this issue of the *Texas Register*.

The amendment is adopted on an emergency basis to ensure the rules of pari-mutuel racing are in place for pari-mutuel racing scheduled to begin on May 26, 1990, at Gillespie County Fair and Festivals Association.

The amendment is adopted on an emergency basis under Texas Civil Statutes, Article



**• 16 TAC §305.49**

The Texas Racing Commission adopts on an emergency basis new §305.49, concerning emergency licenses. The new section sets forth the procedure for obtaining an emergency license for an owner who is unable to complete a license application. The new section adopted on an emergency basis is contemporaneously proposed for public comment in this issue of the *Texas Register*.

The new section is adopted on an emergency basis to ensure the rules of pari-mutuel racing are in place for pari-mutuel racing scheduled to begin on May 26, 1990, at Gillespie County Fair and Festivals Association.

The new section is adopted on an emergency basis under Texas Civil Statutes, Article 179e, §3.02, which provide the commission with the authority to adopt rules to administer the Texas Racing Act.

**§305.49. Emergency License.**

(a) if an owner is unable to complete an application for an owner's license because of absence or illness, the licensed trainer desiring to enter a horse or greyhound in a race may to apply for an emergency owner's license on behalf of the absent owner.

(b) The trainer applying for an emergency owner's license on behalf of an absent owner must submit a written statement with the license application specifying the reasons the owner is unable to complete the application.

(c) The trainer applying for an emergency owner's license must submit at least the following information: the owner's full name, home or business address, telephone number, and social security number. At the time of application, the appropriate licensing fee must be paid to the commission. Failure to provide all of the foregoing information is grounds for denial of an emergency owner's license.

(d) Not later than the 21st day after the date an emergency owner's license is issued, the owner must submit a properly completed owner's application, fingerprint card, and fingerprint fee, if applicable. Failure to provide the foregoing information is grounds for suspension of the emergency owner's license. In addition, if the required information is not submitted due to an act or omission on the part of the trainer, the trainer may also be subject to disciplinary action.

(e) An owner granted an emergency license is prohibited from withdrawing any funds from his/her horseman's bookkeeper account until the license becomes permanent.

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



179e, §3.02, which provide the commission with the authority to adopt rules to administer the Texas Racing Act.

**§307.206. Applicability Of Rules and Rulings [Effect Of Suspension].**

(a) Rules pertaining to a licensee and rulings against a licensee apply to another person if continued participation in an activity by the other person would circumvent the intent of a rule or ruling by permitting the person to serve, in essence, as a substitute for the ineligible licensee because:

(1) the other person is legally liable for the conduct that violated the rule or is the subject of the ruling; or

(2) the other person benefited financially from that conduct.

(b) The fraudulent transfer of a horse to avoid application of a commission rule or ruling is prohibited. [Except as otherwise provided by the commission on appeal, the suspension of an individual's license extends to the spouse of the individual.]

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

TRD-9005436 Paula Cochran Carter  
General Counsel  
Texas Racing Commission

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Expiration date: September 21, 1990

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

◆ ◆ ◆  
**• 16 TAC §307.207**

The Texas Racing Commission adopts on an emergency basis an amendment to §307.207, concerning commission action on stewards' and judges' rulings. The amendment removes the 60-day deadline for the commission to increase a penalty imposed by the stewards or judges. The amendment adopted on an emergency basis is contemporaneously proposed for public comment in this issue of the *Texas Register*.

The amendment is adopted on an emergency basis to ensure the rules of pari-mutuel racing are in place for pari-mutuel racing scheduled to begin on May 26, 1990, at Gillespie County Fair and Festivals Association.

The amendment is adopted on an emergency basis under Texas Civil Statutes, Article 179e, §3.02, which provide the commission with the authority to adopt rules to administer the Texas Racing Act.

**§307.207. Action By Commission.**

(a) (No change.)

[(b) The commission may not increase a penalty imposed by the stewards or racing judges after the 60th day after the date of the stewards' or racing judges' action.]

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

TRD-9005438 Paula Cochran Carter  
General Counsel  
Texas Racing Commission

Effective date: May 24, 1990

Expiration date: September 21, 1990

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

◆ ◆ ◆  
**• 16 TAC §307.208**

The Texas Racing Commission adopts on an emergency basis an amendment to §307.208, concerning reciprocity for stewards and judges rulings. The amendment clarifies that the stewards and judges shall honor the rulings issued by other pari-mutuel racing commissions. The amendment adopted on an emergency basis is contemporaneously proposed for public comment in this issue of the *Texas Register*.

The amendment is adopted on an emergency basis to ensure the rules of pari-mutuel racing are in place for pari-mutuel racing scheduled to begin on May 26, 1990, at Gillespie County Fair Association.

The amendment is adopted on an emergency basis under Texas Civil Statutes, Article 179e, §3.02, which provide the commission with the authority to adopt rules to administer the Texas Racing Act.

**§307.208. Reciprocity. The stewards and racing judges shall honor the rulings issued by other pari-mutuel racing commission.** [The stewards and racing judges shall enforce the rulings of other racing jurisdictions.]

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TRD-9005440 Paula Cochran Carter  
General Counsel  
Texas Racing Commission

Effective date: May 24, 1990

Expiration date: September 21, 1990

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

◆ ◆ ◆  
**Objections and Protests**

**• 16 TAC §307.221**

The Texas Racing Commission adopts on an emergency basis an amendment to §307.221, concerning inquiries and investigations. The amendment clarifies the circumstances under which stewards and racing judges shall conduct inquiries. The amendment adopted on an emergency basis is contemporaneously proposed for public comment in this issue of the *Texas Register*.

The amendment is adopted on an emergency basis to ensure the rules of pari-mutuel racing are in place for pari-mutuel racing scheduled to begin on May 26, 1990, at Gillespie County Fair Association.

The amendment is adopted on an emergency basis under Texas Civil Statutes, Article 179e, §3.02, which provide the commission with the authority to adopt rules to administer the Texas Racing Act.

**§307.221. Inquiries and Investigations.** The stewards and racing judges shall conduct inquiries regarding any complaint, objection, or protest made on their own motion or[,] by another racetrack official [, or by another individual authorized by this subchapter].

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

TRD-9005442 Paula Cochran Carter  
General Counsel  
Texas Racing Commission

Effective date: May 24, 1990

Expiration date: September 21, 1990

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

◆ ◆ ◆  
**• 16 TAC §307.222**

The Texas Racing Commission adopts on an emergency basis an amendment to §307.222, concerning objections and entry. The amendment clarifies the procedure for objecting to the entry of a race animal. The amendment adopted on an emergency basis is contemporaneously proposed for public comment in this issue of the *Texas Register*.

The amendment is adopted on an emergency basis to ensure the rules of pari-mutuel racing are in place for pari-mutuel racing scheduled to begin on May 26, 1990, at Gillespie County Fair and Festivals Association.

The amendment is adopted on an emergency basis under Texas Civil Statutes, Article 179e, §3.02, which provide the commission with the authority to adopt rules to administer the Texas Racing Act.

**§307.222. Objection To Entry.**

(a) A person who wishes to protest the eligibility of a horse or greyhound entered in a race or to protest the weight to be carried by a horse or the weight of a greyhound must make the protest with the stewards, racing judges, or other racing officials not less than one hour before post time for the first race on the day in which the horse or greyhound is entered.

(b) Notwithstanding subsection (a) of this section, the stewards or racing judges may, on their own motion, take any action necessary to correct the eligibility, weight, or equipment of a horse or greyhound at any time before the start of the race in which the horse or greyhound is scheduled to compete.

(c) If the stewards or racing judges determine before the start of a race that a horse or greyhound entered in the race is not eligible for the race, the stewards or racing judges shall immediately scratch the ineligible horse or greyhound.

[(a) A person who wishes to object to the entry of a horse or greyhound in a race must make the objection in writing to the stewards or racing judges on a form

prescribed by the commission.

[(b) Except as otherwise provided by this section, the objection must be filed not later than two hours before post time for the first race on the day of the race in which the horse or greyhound is entered.

[(c) An objection to a decision of the clerk of scales must be filed before the horses or greyhounds leave the paddock or lockout kennel.

[(d) The objection must state in detail the grounds for the objection.

[(e) If the stewards or racing judges determine that the objection is valid, they may scratch the affected horse or greyhound.]

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

TRD-9005444 Paula Cochran Carter  
General Counsel  
Texas Racing Commission

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

## Chapter 309. Operation of Racetracks

### Subchapter A. General Provisions

#### Facilities and Equipment

##### • 16 TAC §309.18

The Texas Racing Commission adopts on an emergency basis an amendment to §309.18, concerning first aid. The amendment authorizes a licensed racetrack to provide a licensed vocational nurse, in lieu of a registered nurse. The amendment adopted on an emergency basis is contemporaneously proposed for public comment in this issue of the *Texas Register*.

The amendment is adopted on an emergency basis to ensure the rules of pari-mutuel racing are in place for pari-mutuel racing scheduled to begin on May 26, 1990, at Gillespie County Fair and Festivals Association.

The amendment is adopted on an emergency basis under Texas Civil Statutes, Article 179e, §3.02, which provide the commission with the authority to adopt rules to administer the Texas Racing Act.

##### §309.18. First Aid.

(a) During a race performance, an association shall provide:

(1) (No change.)

(2) the services of a physician licensed by the Texas State Board of Medical Examiners and a licensed vocational or [a] registered nurse.

(b) A horse racing [An] association shall provide a properly equipped and staffed ambulance for humans

at any time that the racetrack is open for racing or exercise. The ambulance must be parked at the entrance to the racing strip when not in use. If an ambulance is being used to transport an individual, the association may not conduct a race until the ambulance is replaced.

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

TRD-9005446 Paula Cochran Carter  
General Counsel  
Texas Racing Commission

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

##### • 16 TAC §309.25

The Texas Racing Commission adopts on an emergency basis an amendment to §309.25, concerning external communication. The amendment clarifies the procedures for limiting external communication during racing hours. The amendment adopted on an emergency basis is contemporaneously proposed for public comment in this issue of the *Texas Register*.

The amendment is adopted on an emergency basis to ensure the rules of pari-mutuel racing are in place for pari-mutuel racing scheduled to begin on May 26, 1990, at Gillespie County Fair and Festivals Association.

The amendment is adopted on an emergency basis under Texas Civil Statutes, Article 179e, §3.02, which provide the commission with the authority to adopt rules to administer the Texas Racing Act.

##### §309.25. External Communications.

(a) Except as otherwise provided in this section, an association may have telephone or telegraph systems on the premises during a race meeting for the benefit of the public press or for transacting ordinary business.

(b) Information regarding the results of any race may not be transmitted out of the racetrack before 15 minutes after the results are official except for races that are broadcast or televised live. For races broadcast or televised live, the results and payoffs may be announced as soon as the race is official.

(c) The telephone or telegraph systems may not be used to transmit money or other things of value, or to direct the placing of a wager on the result of a race.

(d) The association may not accept a telephone call, telegram, or message for any person attending or participating in the conduct of a race meeting nor give notice of such a telephone call, telegram, or message during the hours designated in subsection (f) of this section without prior permission of the stewards, racing judges, or the authorized representative of the commission.

(e) A telephone on a private line shall be provided in the offices of the commission. All costs of the telephone services shall be paid by the association and the service may not be interrupted at any time.

(f) All telephones or other instruments of communication, other than those designated for the sole use of the commission or those approved by the commission for use during racing, must be rendered inoperable between the hours starting 30 minutes before post time for the first race and the flashing of the "official" sign following the last race.

(g) A portable telephone, transmitter, or other instrument of communication that can be used for transmitting messages off association grounds is subject to confiscation by security personnel or by an employee of the commission.

[(a) On each race day, an association shall restrict the use of all external communication devices for the period beginning 30 minutes before post time for the first race and ending when the "official" sign is posted after the last race.

[(b) During the restricted period, an association:

[(1) shall make inoperable each telephone or other instrument of external communication located in the enclosure, other than those approved by or designated for the exclusive use of the commission;

[(2) may not permit an individual on association grounds to receive a telephone call, telegram, or other message from outside association grounds without the approval of the chief steward or racing judge; and

[(3) may confiscate until the end of the restricted period a portable telephone, transmitter, or other instrument of external communication, including a car phone, located on association grounds.

[(c) On approval by the commission, an association may authorize radio or television broadcasts of a race.]

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

TRD-9005448 Paula Cochran Carter  
General Counsel  
Texas Racing Commission

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Expiration date: September 21, 1990

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

##### • 16 TAC §309.26

The Texas Racing Commission adopts on an emergency basis an amendment to §309.26, concerning the internal communication system. The amendment authorizes the use of hand held radios in certain circumstances in

lieu of an internal communication system. The amendment adopted on an emergency basis is contemporaneously proposed for public comment in this issue of the *Texas Register*.

The amendment is adopted on an emergency basis to ensure the rules of pari-mutuel racing are in place for pari-mutuel racing scheduled to begin on May 26, 1990, at Gillespie County Fair and Festivals Association.

The amendment is adopted on an emergency basis under Texas Civil Statutes, Article 179e, §3.02, which provide the commission with the authority to adopt rules to administer the Texas Racing Act.

§309.26. *Internal Communication System.*

(a) An association shall provide an internal telephone communication system with outlets in:

(1)-(15) (No change.)

(b) The commission or its designee may approve hand held radio communication as an alternative to internal telephone communication in areas within the enclosure for which the commission or its designee has determined telephone communication is impractical.

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

TRD-9005450 Paula Cochran Carter  
General Counsel  
Texas Racing Commission

Effective date: May 24, 1990

Expiration date: September 21, 1990

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

◆ ◆ ◆  
• 16 TAC §309.34

The Texas Racing Commission adopts on an emergency basis new §309.34, concerning breathalyzer machines. The new section requires an association to provide a breathalyzer machine. The new section adopted on an emergency basis is contemporaneously proposed for public comment in this issue of the *Texas Register*.

The new section is adopted on an emergency basis to ensure the rules of pari-mutuel racing are in place for pari-mutuel racing scheduled to begin on May 26, 1990, at Gillespie County Fair and Festivals Association.

The new section is adopted on an emergency basis under Texas Civil Statutes, Article 179e, §3.02, which provide the commission with the authority to adopt rules to administer the Texas Racing Act.

§309.34. *Breathalyzer Machine.* An association shall provide and maintain a breathalyzer of a type approved by the commission for use by the commission staff. The breathalyzer shall be calibrated on a regular basis to ensure the integrity of the tests being conducted. A report of each calibration shall be recorded in a calibration log maintained by the association.

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

TRD-9005452 Paula Cochran Carter  
General Counsel  
Texas Racing Commission

Effective date: May 24, 1990

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

◆ ◆ ◆  
Operations

• 16 TAC §309.53

The Texas Racing Commission adopts on an emergency basis an amendment to §309.53, concerning records. The amendment clarifies the type of financial records the commission may require an association to submit. The amendment adopted on an emergency basis is contemporaneously proposed for public comment in this issue of the *Texas Register*.

The amendment is adopted on an emergency basis to ensure the rules of pari-mutuel racing are in place for pari-mutuel racing scheduled to begin on May 26, 1990, at Gillespie County Fair and Festivals Association.

The amendment is adopted on an emergency basis under Texas Civil Statutes, Article 179e, §3.02, which provide the commission with the authority to adopt rules to administer the Texas Racing Act.

§309.53. *Records.*

(a)-(d) (No change.)

(e) The commission may require an association to submit, not later than five business days after making such a request, a **balance sheet and profit and loss statements** [financial statements regarding the management and operation of the racetrack], to determine whether the association continues to be financially viable and capable of performing the duties of an association.

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TRD-9005454 Paula Cochran Carter  
General Counsel  
Texas Racing Commission

Effective date: May 24, 1990

Expiration date: September 21, 1990

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

◆ ◆ ◆  
• 16 TAC §309.55

The Texas Racing Commission adopts on an emergency basis an amendment to §309.55, concerning the stable or kennel area at a racetrack. The amendment clarifies the security service an association shall provide in the stable or kennel area. The amendment adopted on an emergency basis is contemporaneously proposed for public comment in this issue of the *Texas Register*.

The amendment is adopted on an emergency basis to ensure the rules of pari-mutuel racing are in place for pari-mutuel racing scheduled to begin on May 26, 1990, at Gillespie County Fair and Festivals Association.

The amendment is adopted on an emergency basis under Texas Civil Statutes, Article 179e, §3.02, which provide the commission with the authority to adopt rules to administer the Texas Racing Act.

§309.55. *Stable or Kennel Area.*

(a) An association shall provide continuous security service in the stable or kennel area:

(1) at a horse racetrack, for the period beginning 10 days before the first day of a race meeting and ending 10 days after the last day of a race meeting **unless otherwise approved by the commission or its designee**; and

(2) (No change.)

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

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

TRD-9005456 Paula Cochran Carter  
General Counsel  
Texas Racing Commission

Effective date: May 24, 1990

Expiration date: September 21, 1990

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

◆ ◆ ◆  
• 16 TAC §309.61

The Texas Racing Commission adopts on an emergency basis an amendment to §309.61, concerning vendors. The amendment pertains to vendors of food, animal feed, medication, or equipment in the stable or kennel area. The amendment adopted on an emergency basis is contemporaneously proposed for public comment in this issue of the *Texas Register*.

The amendment is adopted on an emergency basis to ensure the rules of pari-mutuel racing are in place for pari-mutuel racing scheduled to begin on May 26, 1990, at Gillespie County Fair and Festivals Association.

The amendment is adopted on an emergency basis under Texas Civil Statutes, Article 179e, §3.02, which provide the commission with the authority to adopt rules to administer the Texas Racing Act.

§309.61. *Vendors.*

(a)-(d) (No change.)

(e) **Vendors of food, animal feed, medication, or equipment in the stable or kennel area must produce proof of liability insurance at the time of licensure.**

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

TRD-9005458 Paula Cochran Carter  
General Counsel  
Texas Racing Commission

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Expiration date: September 21, 1990

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



Subchapter B. Horse  
Racetracks

Racetracks

• 16 TAC §309.115

The Texas Racing Commission adopts on an emergency basis an amendment to §309.115, concerning starting gates. The amendment requires an association to make at least one starting gate and qualified starting gate personnel available for schooling as often as necessary to accommodate the number of horses requiring schooling from the gate. The amendment adopted on an emergency basis is contemporaneously proposed for public comment in this issue of the *Texas Register*.

The amendment is adopted on an emergency basis to ensure the rules of pari-mutuel racing are in place for pari-mutuel racing scheduled to begin on May 26, 1990, at Gillespie County Fair and Festivals Association.

The amendment is adopted on an emergency basis under Texas Civil Statutes, Article 179e, §3.02, which provide the commission with the authority to adopt rules to administer the Texas Racing Act.

§309.115. Starting Gates.

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

(d) An association shall make at least one starting gate and qualified starting gate personnel available for schooling as often as necessary to accommodate the number of horses requiring schooling from the gate [for at least two hours each day during training hours].

(e) (No change.)

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TRD-9005460 Paula Cochran Carter  
General Counsel  
Texas Racing Commission

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



1/16 poles	Black and white stripes
1/8 poles	Green and white stripes
1/4 poles	Red and white stripes
[1/2 poles	Blue and white stripes]
220 yards	Green and white stripes
250 yards	Blue
300 yards	Yellow
330 yards	Black and white stripes
350 yards	Red
400 yards	Black
440 yards	Red and white stripes
550 yards	Black and white stripes
660 yards	Green and white stripes
770 yards	Black and white stripes
870 yards	Blue and white stripes

• 16 TAC §309.116

The Texas Racing Commission adopts on an emergency basis an amendment to §309.116, concerning distance markers. The amendment describes the starting point markers and distance poles requirements of a horse racetrack. The amendment adopted on an emergency basis is contemporaneously proposed for public comment in this issue of the *Texas Register*.

The amendment is adopted on an emergency basis to ensure the rules of pari-mutuel racing are in place for pari-mutuel racing scheduled to begin on May 26, 1990, at Gillespie County Fair and Festivals Association.

The amendment is adopted on an emergency basis under Texas Civil Statutes, Article 179e, §3.02, which provide the commission with the authority to adopt rules to administer the Texas Racing Act.

§309.116. Distance Markers.

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

(c) The starting point markers and distance poles must be marked as follows:

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TRD-9005462 Paula Cochran Carter  
General Counsel  
Texas Racing Commission

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Expiration date: September 21, 1990

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



Operations

• 16 TAC §309.198

The Texas Racing Commission adopts on an emergency basis an amendment to

§309.198, concerning the official program. The amendment clarifies what information the official program must contain each race day. The amendment adopted on an emergency basis is contemporaneously proposed for public comment in this issue of the *Texas Register*.

The amendment is adopted on an emergency basis to ensure the rules of pari-mutuel racing

are in place for pari-mutuel racing scheduled to begin on May 26, 1990, at Gillespie County Fair and Festivals Association.

The amendment is adopted on an emergency basis under Texas Civil Statutes, Article 179e, §3.02, which provide the commission with the authority to adopt rules to administer the Texas Racing Act.

§309.198. *Official Program.*

(a) For each race day, an association shall prepare an official program. The official program must contain the order of the races on that day and:

(1) for each race:

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

(E) the value of the race; [and]

(F) the claiming prices, if applicable; and

(G) the types of wagers to be offered for that race; and

(2) (No change.)

(b) (No change.)

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

TRD-9005464 Paula Cochran Carter  
General Counsel  
Texas Racing Commission

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Expiration date: September 21, 1990

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

◆ ◆ ◆  
• 16 TAC §309.199

The Texas Racing Commission adopts on an emergency basis an amendment to §309.199, concerning the horsemen's bookkeeper. The amendment clarifies the duties of the horsemen's bookkeeper and the stewards regarding the purse money disbursement. The amendment adopted on an emergency basis is contemporaneously proposed for public comment in this issue of the *Texas Register*.

The amendment is adopted on an emergency basis to ensure the rules of pari-mutuel racing are in place for pari-mutuel racing scheduled to begin on May 26, 1990, at Gillespie County Fair and Festivals Association.

The amendment is adopted on an emergency basis under Texas Civil Statutes, Article 179e, §3.02, which provide the commission with the authority to adopt rules to administer the Texas Racing Act.

§309.199. *Horsemen's Bookkeeper.*

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

(d) Except as otherwise provided by these rules [this section], an association shall make purse money from a race

available to the people who are entitled to the money **immediately** [not later than 10 days] after a commission staff member, designated by the executive secretary:

(1) certifies to the stewards [association] that the results of all tests on the participants in the race have been received; [and]

(2) advises the stewards that the race has been cleared for payment; and

(3) the stewards advise the horsemen's bookkeeper that the race has been cleared for payment [presiding steward of the test results and the presiding steward declares the official results of the race].

(e)-(f) (No change.)

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

TRD-9005466 Paula Cochran Carter  
General Counsel  
Texas Racing Commission

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Expiration date: September 21, 1990

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

◆ ◆ ◆  
Subchapter C. Greyhound  
Racetracks

Operations

• 16 TAC §309.359

The Texas Racing Commission adopts on an emergency basis an amendment to §309.359, concerning live lures. The amendment restricts the ability of greyhounds to race if the greyhound was trained in a state that does not prohibit the use of live lures. The amendment adopted on an emergency basis is contemporaneously proposed for public comment in this issue of the *Texas Register*.

The amendment is adopted on an emergency basis to ensure the safety and health of racing greyhounds.

The amendment is adopted on an emergency basis under Texas Civil Statutes, Article 179e, §3.02, which provide the commission with the authority to adopt rules to administer the Texas Racing Act.

§309.359. *Live Lures.*

(a) (No change.)

(b) An association may not permit a greyhound to be kenneled or to race on association grounds if the association knows or can reasonably be expected to know that the greyhound was trained in a state that by statute or rule does not prohibit the knowing use of live lures [with the use of a live lure].

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TRD-9005468 Paula Cochran Carter  
General Counsel  
Texas Racing Commission

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Expiration date: September 21, 1990

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

◆ ◆ ◆  
Chapter 311. Conduct and  
Duties of Individual  
Licensees

Subchapter A. General  
Provisions

• 16 TAC §311.4

The Texas Racing Commission adopts on an emergency basis an amendment to §311.4, concerning bribes. The amendment prohibits a licensee to offer, give, solicit, or accept a bribe to purchase or cash a mutuel ticket for another person. The amendment adopted on an emergency basis is contemporaneously proposed for public comment in this issue of the *Texas Register*.

The amendment is adopted on an emergency basis to ensure the rules of pari-mutuel racing are in place for pari-mutuel racing scheduled to begin on May 26, 1990, at Gillespie County Fair and Festivals Association.

The amendment is adopted on an emergency basis under Texas Civil Statutes, Article 179e, §3.02, which provide the commission with the authority to adopt rules to administer the Texas Racing Commission.

§311.4. *Bribes Prohibited.*

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

(c) A licensee may not offer, give, solicit, or accept a bribe to purchase or cash a mutuel ticket for another person.

(d) (No change.)

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TRD-9005298 Paula Cochran Carter  
General Counsel  
Texas Racing Commission

Effective date: May 24, 1990

Expiration date: September 21, 1990

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

◆ ◆ ◆  
• 16 TAC §311.5

The Texas Racing Commission adopts on an emergency basis an amendment to §311.5, concerning wagering. The amendment clarifies which licenses are prohibited from wagering in the State of Texas during the term of their license. The amendment adopted on an emergency basis is contemporaneously proposed for public comment in this issue of the *Texas Register*.

The amendment is adopted on an emergency basis to ensure the rules of pari-mutuel racing are in place for pari-mutuel racing scheduled to begin on May 26, 1990, at Gillespie County Fair and Festivals Association.

The amendment is adopted on an emergency basis under Texas Civil Statutes, Article

179e, §3.02, which provide the commission with the authority to adopt rules to administer the Texas Racing Commission.

§311.5. Wagering.

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

(c) The following licensees are prohibited from wagering in the State of Texas during the term of their license:

(1) all racetrack and association officials; and

(2) assistant starters [A licensee who is scheduled to serve as the starter or assistant starter for a race may not wager on that race].

(d) The following licensees are prohibited from wagering in the State of Texas as the association at which they are employed:

(1) valets or leadouts;

(2) photo-finish operators or employees;

(3) security personnel; and

(4) any licensee whose duties requires the licensee to work in the jockey's quarters or animal testing facilities [A person licensed to operate pari-mutuel wagering machines may not wager on a race while the person is on duty].

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

TRD-9005300 Paula Cochran Carter  
General Counsel  
Texas Racing Commission

Effective date: May 24, 1990

Expiration date: September 21, 1990

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



◆ 16 TAC §311.10

The Texas Racing Commission adopts on an emergency basis an amendment to §311.10, concerning conduct. The amendment states that a licensee may not use offensive, obscene, or threatening language or gestures to a racetrack or association official, representatives of the racing commission, or to another licensee. The amendment adopted on an emergency basis is contemporaneously proposed for public comment in this issue of the *Texas Register*.

The amendment is adopted on an emergency basis to ensure the rules of pari-mutuel racing are in place for pari-mutuel racing scheduled to begin on May 26, 1990, at Gillespie County Fair and Festivals Association.

The amendment is adopted on an emergency basis under Texas Civil Statutes, Article 179e, §3.02, which provide the commission with the authority to adopt rules to administer the Texas Racing Commission.

§311.10. Conduct.

(a) (No change.)

(b) A licensee may not use offensive, obscene, or threatening language or gestures to a racetrack or association official, representatives of the racing commission, or to another licensee [A licensee may not use offensive or obscene language another licensee or to a representative of the commission].

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

TRD-9005302 Paula Cochran Carter  
General Counsel  
Texas Racing Commission

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Expiration date: September 21, 1990

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

◆ ◆ ◆  
Subchapter B. Specific Licensees

General Provisions

◆ 16 TAC §311.103

The Texas Racing Commission adopts on an emergency basis an amendment to §311.103, concerning an illness report by a trainer. The amendment states that a trainer or kennel owner shall immediately notify the commission veterinarian or designee of unusual symptoms in a horse or greyhound that is in the care and custody of the trainer or kennel owner. The amendment adopted on an emergency basis is contemporaneously proposed for public comment in this issue of the *Texas Register*.

The amendment is adopted on an emergency basis to ensure the rules of pari-mutuel racing are in place for pari-mutuel racing scheduled to begin on May 26, 1990, at Gillespie County Fair and Festivals Association.

The amendment is adopted on an emergency basis under Texas Civil Statutes, Article 179e, §3.02, which provide the commission with the authority to adopt rules to administer the Texas Racing Act.

§311.103. Illness Report by Trainer.

(a) A trainer or kennel owner shall immediately notify the [racing judges or stewards and] commission veterinarian or designee of [an illness or] unusual symptoms in a horse or greyhound that is in the care and custody of the trainer or kennel owner.

(b) (No change.)

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

TRD-9005306 Paula Cochran Carter  
General Counsel  
Texas Racing Commission

Effective date: May 24, 1990

Expiration date: September 21, 1990

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



◆ 16 TAC §311.106

The Texas Racing Commission adopts on an emergency basis an amendment to §311.106, concerning stable or kennel names. The amendment clarifies stable or kennel name registration. The amendment adopted on an emergency basis is contemporaneously proposed for public comment in this issue of the *Texas Register*.

The amendment is adopted on an emergency basis to ensure the rules of pari-mutuel racing are in place for pari-mutuel racing scheduled to begin on May 26, 1990, at Gillespie County Fair and Festivals Association.

The amendment is adopted on an emergency basis under Texas Civil Statutes, Article 179e, §3.02, which provide the commission with the authority to adopt rules to administer the Texas Racing Act.

§311.106. Stable or Kennel Names.

(a) A stable or kennel name may be registered with the commission by ownership entity by filing an application on a form prescribed by the commission and paying the prescribed annual fee. A person may not use the real name of an owner of race horses or greyhounds as a stable or kennel name. A stable or kennel name which has already been registered with the Texas Racing Commission may not be registered by another owner. [An owner, trainer, or kennel owner who wished to enter a horse or greyhound under a stable or kennel name must:

[(1) be licensed by the commission;

[(2) register the stable or kennel name with the commission; and

[(3) register the stable or kennel name with the appropriate breed registry.]

(b) Registering a stable or kennel name registration with the commission does not affect a person's obligation to file or register a fictitious name as provided by the laws of Texas. [To register a stable or kennel name, an owner, trainer, or kennel owner must apply to the commission on forms prescribed by the commission and pay a registration fee of \$50. For each person having at least 5% ownership interest in the stable or kennel, the application must state:

[(1) the person's full name;

[(2) the person's residence and business addresses and telephone numbers; and

[(3) the person's social security number.]

(c) An application to register a stable or kennel name must disclose the real names of all interests participating in the stable or kennel and the percentage of ownership interest of each, including the interest owned by a corporation, general partnership, limited partnership, trust, estate, or individual

[If an owner or kennel owner listed under subsection (b) of this section is not an individual, the application must include the information required by that subsection for the chief executive officer of the owner or kennel owner].

(d) A stable or kennel name may be changed by registering a new stable or kennel name and by paying the prescribed annual fee. A stable or kennel name may be abandoned by giving written notice to the commission. A change of 5.0% or more in ownership of a stable or kennel registered under a stable or kennel name shall be immediately reported to the commission [A licensee registering a name under this section shall immediately report to the commission any change in the ownership of the stable or kennel].

(e) A stable or kennel name that advertises a product or service other than the stable or kennel may not be registered. [A licensee who has registered a name under this section may cancel the registration by notifying the commission in writing.

(f) A licensee may not register a name under this section if:

[(1) the name is registered by a different person in another racing jurisdiction;

[(2) the name is the legal name of another owner, trainer, or kennel owner of a race horse or greyhound;

[(3) the name is not plainly distinguishable from all other registered stable or kennel names; or

[(4) the commission determines the licensee intends the name to be primarily to advertise a product or service other than the stable or kennel.]

(f)[g] A licensee who has registered a stable or kennel name under this section may not use the licensee's real name for racing purposes, except on approval of the commission.

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

TRD-9005308 Paula Cochran Carter  
General Counsel  
Texas Racing Commission

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Expiration date: September 21, 1990

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

## Licensees for Horse Racings

### • 16 TAC §311.151

The Texas Racing Commission adopts on an emergency basis an amendment to §311.151, concerning change of trainer. The amendment clarifies the procedure for changing a trainer. The amendment adopted on an emergency basis is contemporaneously

proposed for public comment in this issue of the *Texas Register*.

The amendment is adopted on an emergency basis to ensure the rules of pari-mutuel racing are in place for pari-mutuel racing scheduled to begin on May 26, 1990, at Gillespie County Fair and Festivals Association.

The amendment is adopted on an emergency basis under Texas Civil Statutes, Article 179e, §3.02, which provide the commission with the authority to adopt rules to administer the Texas Racing Act.

§311.151. *Change of Trainer.* An owner may change the trainer of his or her horse registered at a licensed race meeting provided [(a) The owner of a horse who wishes to change the trainer of the horse shall]:

(1) the request to change trainers is submitted for approval to the stewards on a form provided by the association and approved by the commission; [immediately notify the commission in writing of the change; and]

(2) the trainer from whom the horse is being transferred signs the form releasing custody of the horses;

(3) the trainer to whom the horse is being transferred signs the form for accepting responsibility for the horses; and

(4) the stewards approve the transfer. [if the change occurs during a race meeting, notify the stewards in writing of the change.]

[(b) An association may not allow a horse to race under a new trainer unless the new trainer signs the owner's registration.]

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

TRD-9005310 Paula Cochran Carter  
General Counsel  
Texas Racing Commission

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Expiration date: September 21, 1990

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

## Licensees for Horse Racing

### • 16 TAC §311.152

The Texas Racing Commission adopts on an emergency basis an amendment to §311.152, concerning trainer employees. The amendment clarifies the duties of a trainer regarding the submission of a current list of employees. The amendment adopted on an emergency basis is contemporaneously proposed for public comment in this issue of the *Texas Register*.

The amendment is adopted on an emergency basis to ensure the rules of pari-mutuel racing are in place for pari-mutuel racing scheduled to begin on May 26, 1990, at Gillespie County Fair and Festivals Association.

The amendment is adopted on an emergency

basis under Texas Civil Statutes, Article 179e, §3.02, which provide the commission with the authority to adopt rules to administer the Texas Racing Act.

§311.152. *Trainer Employees.*

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

(c) A trainer shall submit an original list of the trainer's employees on association grounds to the licensing office at the racetrack and must keep the list current.

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

TRD-9005312 Paula Cochran Carter  
General Counsel  
Texas Racing Commission

Effective date: May 24, 1990

Expiration date: September 21, 1990

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

### • 16 TAC §311.154

The Texas Racing Commission adopts on an emergency basis an amendment to §311.154, concerning suspended trainers. The amendment clarifies the prohibition against certain relatives assuming the responsibilities of a suspended trainer. The amendment adopted on an emergency basis is contemporaneously proposed for public comment in this issue of the *Texas Register*.

The amendment is adopted on an emergency basis to ensure the rules of pari-mutuel racing are in place for pari-mutuel racing scheduled to begin on May 26, 1990, at Gillespie County Fair and Festivals Association.

The amendment is adopted on an emergency basis under Texas Civil Statutes, Article 179e, §3.02, which provide the commission with the authority to adopt rules to administer the Texas Racing Act.

§311.154. *Suspended Trainers.*

(a) A person may not assume the responsibilities of a trainer whose license is suspended [relating to the care, custody, or control of horses] if the person is related to the trainer within the first degree of consanguinity of affinity.

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

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

TRD-9005314 Paula Cochran Carter  
General Counsel  
Texas Racing Commission

Effective date: May 24, 1990

Expiration date: September 21, 1990

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

• 16 TAC §311.155

The Texas Racing Commission adopts on an emergency basis an amendment to §311.155, concerning reporting to the clock-er. The amendment clarifies the persons who may report training information to the morning clocker. The amendment adopted on an emergency basis is contemporaneously proposed for public comment in this issue of the *Texas Register*.

The amendment is adopted on an emergency basis to ensure the rules of pari-mutuel racing are in place for pari-mutuel racing scheduled to begin on May 26, 1990, at Gillespie County Fair and Festivals Association.

The amendment is adopted on an emergency basis under Texas Civil Statutes, Article 179e, §3.02, which provide the commission with the authority to adopt rules to administer the Texas Racing Act.

§311.155. *Reporting to Clocker.* When taking a horse onto a racetrack to work, a trainer or an assistant of the trainer shall report the horse's name and distance to be worked to the morning clocker or an assistant clocker or shall instruct the jockey or exercise rider to transmit the information to the clocker or assistant clocker.

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TRD-9005316 Paula Cochran Carter  
General Counsel  
Texas Racing Commission

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Expiration date: September 21, 1990

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

• 16 TAC §311.156

The Texas Racing Commission adopts on an emergency basis an amendment to §311.156, concerning jockeys. The amendment removes the prohibition against someone paying a fine on behalf of a jockey. The amendment adopted on an emergency basis is contemporaneously proposed for public comment in this issue of the *Texas Register*.

The amendment is adopted on an emergency basis to ensure the rules of pari-mutuel racing are in place for pari-mutuel racing scheduled to begin on May 26, 1990, at Gillespie County Fair and Festivals Association.

The amendment is adopted on an emergency basis under Texas Civil Statutes, Article 179e, §3.02, which provide the commission with the authority to adopt rules to administer the Texas Racing Act.

§311.156. *Jockeys.*

(a)-(d) (No change.)

[(e) A jockey shall pay any fine imposed on the jockey and may not permit another person to pay the fine for the jockey.]

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TRD-9005318 Paula Cochran Carter  
General Counsel  
Texas Racing Commission

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Expiration date: September 21, 1990

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

• 16 TAC §311.157

The Texas Racing Commission adopts on an emergency basis new §311.157, concerning absent trainers. The new section clarifies the duties of a trainer regarding the appointment of a substitute if the trainer must be absent from association grounds. The new section adopted on an emergency basis is contemporaneously proposed for public comment in this issue of the *Texas Register*.

The new section is adopted on an emergency basis to ensure the rules of pari-mutuel racing are in place for pari-mutuel racing scheduled to begin on May 26, 1990, at Gillespie County Fair and Festivals Association.

The new section is adopted on an emergency basis under Texas Civil Statutes, Article 179e, §3.02, which provide the commission with the authority to adopt rules to administer the Texas Racing Act.

§311.157. *Trainer Absent.* If a trainer must be absent because of illness or any other cause, the trainer shall appoint another licensed trainer to fulfill his or her duties, and promptly report the appointment to the stewards. The absent trainer and substitute trainer have joint responsibility for the condition of the horses normally trained by the absent trainer.

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TRD-9005320 Paula Cochran Carter  
General Counsel  
Texas Racing Commission

Effective date: May 24, 1990

Expiration date: September 21, 1990

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

• 16 TAC §311.158

The Texas Racing Commission adopts on an emergency basis new §311.158, concerning restrictions on racing. The new section prohibits an owner or trainer from entering a horse in a race if the owner or trainer is a part owner of the racetrack or is involved in the sale of tip sheets at the racetrack. The new section adopted on an emergency basis is contemporaneously proposed for public comment in this issue of the *Texas Register*.

The new section is adopted on an emergency basis to ensure the rules of pari-mutuel racing are in place for pari-mutuel racing scheduled to begin on May 26, 1990, at Gillespie County Fair and Festivals Association.

The new section is adopted on an emergency basis under Texas Civil Statutes, Article 179e, §3.02, which provide the commission

with the authority to adopt rules to administer the Texas Racing Act.

§311.158. *Restrictions on Racing.* An owner or trainer may not enter a horse or cause a horse to be entered in a race if:

(1) the owner or trainer owns an interest of 5.0% or more in the association conducting the race; or

(2) the owner or trainer is involved in any way with the sale or publication of racing selections on association grounds.

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

TRD-9005322 Paula Cochran Carter  
General Counsel  
Texas Racing Commission

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

Subchapter C. Alcohol and Drug Testing

Alcohol

• 16 TAC §311.221

The Texas Racing Commission adopts on an emergency basis an amendment to §311.221, concerning prohibited conduct. The amendment prohibits a licensee to be under the influence of an alcoholic beverage while the licensee is engaged in the performance of the licensee's duties. The amendment adopted on an emergency basis is contemporaneously proposed for public comment in this issue of the *Texas Register*.

The amendment is adopted on an emergency basis to ensure the rules of pari-mutuel racing are in place for pari-mutuel racing scheduled to begin on May 26, 1990, at Gillespie County Fair and Festivals Association.

The amendment is adopted on an emergency basis under Texas Civil Statutes, Article 179e, §3.02, which provide the commission with the authority to adopt rules to administer the Texas Racing Act.

§311.221. *Prohibited Conduct.*

(a) (No change.)

(b) A licensee may not be under the influence of an alcoholic beverage or have an alcoholic concentration of more than 0.0% in his or her body while the licensee is engaged in the performance of the licensee's duties [A licensee may not possess or consume an alcoholic beverage while in the stable or kennel area of the association grounds].

(c) During racing or training hours, a licensee may not consume alcoholic beverages while in the stable or kennel area [A licensee serving as a jockey, apprentice jockey, starter, assistant starter, or outrider may not have in his or her body an alcohol concentration of more than

0.0% while:

(1) the licensee is in the stable or kennel area on association grounds; or

(2) the licensee is engaged in performing the duties of the licensee].

(d) Notwithstanding subsection (b) of this section, an owner of a horse or greyhound whose involvement is limited to that of a spectator during racing hours may consume alcoholic beverages while in the grandstand area [Except as otherwise provided by this section, a licensee may not have in his or her body an alcohol concentration of more than 0.05% while:

(1) the licensee is in the stable or kennel area on association grounds; or

(2) the licensee is engaged in performing the duties of the licensee].

(e) (No change.)

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TRD-9005324 Paula Cochran Carter  
General Counsel  
Texas Racing Commission

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



### Chapter 313. Officials and Rules of Horse Races

#### Subchapter A. Officials

#### General Provisions

##### • 16 TAC §313.1

The Texas Racing Commission adopts on an emergency basis an amendment to §313.1, concerning racetrack and association officials. The amendment clarifies which racetrack and association officials must be present at a horse race meetings. The amendment adopted on an emergency basis is contemporaneously proposed for public comment in this issue of the *Texas Register*.

The amendment is adopted on an emergency basis to ensure the rules of pari-mutuel racing are in place for pari-mutuel racing scheduled to begin on May 26, 1990, at Gillespie County Fair and Festivals Association.

The amendment is adopted on an emergency basis under Texas Civil Statutes, Article 179e, §3.02, which provide the commission with the authority to adopt rules to administer the Texas Racing Act.

##### §313.1. Racetrack and Association Officials.

(a) Except as otherwise provided by this section, the following racetrack officials must be present at each horse race conducted in this state:

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

(3) an official starter [a horse identifier]; [and]

(4) at least one placing judge;

(5) at least one patrol judge;

(6) a paddock judge;

(7) a clerk of scales;

(8) an official timer;

(9) a horseshoe inspector; and

(10)[(4)] any other officials having responsibilities to the commission.

(b) Except as otherwise provided by this section, the following association officials must be present at each horse race conducted in this state:

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

(5) horse identifier [a starter and assistant starters];

(6) (No change.)

[(7) at least one placing judge;

[(8) at least one patrol judge;

[(9) a paddock judge;

[(10) a clerk of scales;]

(7)[(11)] a jockey room custodian;

[(12) an official timer;]

(8)[(13)] a stable superintendent;

[(14) an announcer;]

(9)[(15)] at least one morning clocker;

[(16) a horseshoe inspector;

[(17) at least two outriders;

[(18) test barn technicians;

(10)[(19)] a horsemen's bookkeeper; and

(11)[(20)] any other officials having responsibilities to the association.

(c) A patrol judge is [and a placing judge are] not required for a race meeting at a Class 2 or Class 3 racetrack.

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TRD-9005379 Paula Cochran Carter  
General Counsel  
Texas Racing Commission

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##### • 16 TAC §313.6

The Texas Racing Commission adopts on an emergency basis an amendment to §313.6, concerning approval of compensation. The amendment removes the horse identifier from the list of officials for whom the commission will set the compensation. The amendment adopted on an emergency basis is contemporaneously proposed for public

comment in this issue of the *Texas Register*.

The amendment is adopted on an emergency basis to ensure the rules of pari-mutuel racing are in place for pari-mutuel racing scheduled to begin on May 26, 1990, at Gillespie County Fair and Festivals Association.

The amendment is adopted on an emergency basis under Texas Civil Statutes, Article 179e, §3.02, which provide the commission with the authority to adopt rules to administer the Texas Racing Act.

§313.6 Approval of Compensation. The commission shall approve the amount of per diem compensation to be paid to:

(1) (No change.)

(2) the commission veterinarians; and

[(3) the horse identifier; and]

(3)[(4)] the test barn technicians.

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TRD-9005381 Paula Cochran Carter  
General Counsel  
Texas Racing Commission

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### Duties of Stewards

#### • 16 TAC §313.21

The Texas Racing Commission adopts on an emergency basis an amendment to §313.21, concerning eligibility of appointment. The amendment clarifies the requirements for eligibility to serve as a steward. The amendment adopted on an emergency basis is contemporaneously proposed for public comment in this issue of the *Texas Register*.

The amendment is adopted on an emergency basis to ensure the rules of pari-mutuel racing are in place for pari-mutuel racing scheduled to begin on May 26, 1990, at Gillespie County Fair and Festivals Association.

The amendment is adopted on an emergency basis under Texas Civil Statutes, Article 179e, §3.02, which provide the commission with the authority to adopt rules to administer the Texas Racing Act.

##### §313.21. Eligibility of Appointment.

(a) Except as otherwise provided by this section, to be appointed to serve as a steward, an individual must:

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

(5) participate in an oral interview conducted by the executive secretary or a designee of the executive secretary [attend, at the individual's expense, at least 100 hours of training for prospective stewards administered or approved by the commission]; and

(6) (No change.)

(b) To be appointed to serve as a steward, an individual must:

(1) (No change.)

(2) demonstrate to the satisfaction of the [director of racing and] executive secretary [for the commission] that the individual has sufficient experience in a racing-related field to perform the duties of a steward.

[(c) To be appointed to serve as the presiding steward, an individual must serve as a racing official at a pari-mutuel race meeting recognized by the commission for at least 150 days in the three-year period preceding the period.]

(c)[(d)] The executive secretary or a designee of the executive secretary [director of racing for the commission] shall administer the written examination for stewards. A passing grade for the written examination is 85 [70] on a scale of 100. The written examination will consist of:

(1) 85 [50] multiple choice questions; and

[(2) 25 true-false questions;

[(3) 25 matching questions; and]

(2) three [(4) five] essay questions.

(d)[(e)] An association may request stewards from an approved steward list on a file with [the director of racing for] the commission.

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TRD-9005385 Paula Cochran Carter  
General Counsel  
Texas Racing Commission

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

◆ ◆ ◆  
• 16 TAC §313.22

The Texas Racing Commission adopts on an emergency basis an amendment to §313.22, concerning general duties. The amendment removes the requirement that a steward be present in the paddock for saddling. The amendment adopted on an emergency basis is contemporaneously proposed for public comment in this issue of the *Texas Register*.

The amendment is adopted on an emergency basis to ensure the rules of pari-mutuel racing are in place for pari-mutuel racing scheduled to begin on May 26, 1990, at Gillespie County Fair and Festivals Association.

The amendment is adopted on an emergency basis under Texas Civil Statutes, Article 179e, §3.02, which provide the commission with the authority to adopt rules to administer the Texas Racing Act.

§313.22. *General Duties.*

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

[(c) One steward shall be present in the paddock for the saddling of the horses for a race.

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TRD-9005387 Paula Cochran Carter  
General Counsel  
Texas Racing Commission

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

◆ ◆ ◆  
• 16 TAC §313.24

The Texas Racing Commission adopts on an emergency basis an amendment to §313.24, concerning records and reports. The amendment clarifies the duties of the stewards regarding the keeping of records and reports on their activities. The amendment adopted on an emergency basis is contemporaneously proposed for public comment in this issue of the *Texas Register*.

The amendment is adopted on an emergency basis to ensure the rules of pari-mutuel racing are in place for pari-mutuel racing scheduled to begin on May 26, 1990, at Gillespie County Fair and Festivals Association.

The amendment is adopted on an emergency basis under Texas Civil Statutes, Article 179e, §3.02, which provide the commission with the authority to adopt rules to administer the Texas Racing Act.

§313.24. *Record and Reports.*

(a) The stewards [presiding steward] shall prepare a report of all actions taken and observations made during each day's race program. The report must contain the name of the racetrack, the date, the weather and track conditions, claims, inquiries, and objections, and any unusual circumstances or conditions. The report must be signed by each steward and be filed with the commission not later than 72 hours after the end of the race day.

(b) The stewards [presiding steward] shall maintain a detailed log of the stewards' official activities. The log must describe all questions, disputes, protests, complaints, or objections brought to the attention of the stewards and all interviews, investigations, and rulings made by the stewards. The log must be available at all time for inspection by the commission or a representative of the commission.

(c) Not later than seven days after the last day of a race meeting, the stewards [presiding steward] shall submit to the commission a written report regarding the race meeting. The report must contain:

(1) (No change.)

(2) any recommendations for improvement by the association or action by the commission and any recommendations for changes to the

rules of racing.

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TRD-9005389 Paula Cochran Carter  
General Counsel  
Texas Racing Commission

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

◆ ◆ ◆  
• 16 TAC §313.25

The Texas Racing Commission adopts on an emergency basis an amendment to §313.25, concerning the stewards' list. The amendment clarifies the procedure for removing a horse from the stewards' list. The amendment adopted on an emergency basis is contemporaneously proposed for public comment in this issue of the *Texas Register*.

The amendment is adopted on an emergency basis to ensure the rules of pari-mutuel racing are in place for pari-mutuel racing scheduled to begin on May 26, 1990, at Gillespie County Fair and Festivals Association.

The amendment is adopted on an emergency basis under Texas Civil Statutes, Article 179e, §3.02, which provide the commission with the authority to adopt rules to administer the Texas Racing Act.

§313.25. *Steward's List.*

(a) The stewards shall maintain a steward's list of horses that are ineligible to be entered in a race because of poor or inconsistent performance or behavior on the race track that endangers the health or safety of other participants in racing.

(b) To be removed from the steward's list a horse must, during a workout or schooling race, perform in a manner satisfactory to show the stewards that it will no longer pose a threat to other participants and it will be competitive in a race in which it participates.

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TRD-9005391 Paula Cochran Carter  
General Counsel  
Texas Racing Commission

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

◆ ◆ ◆  
• 16 TAC §313.45

The Texas Racing Commission adopts on an emergency basis an amendment to §313.45, concerning the clerk of scales. The amendment clarifies the duties of the clerk of scales. The amendment adopted on an emergency basis is contemporaneously proposed for public comment in this issue of the *Texas Register*.

The amendment is adopted on an emergency basis to ensure the rules of pari-mutuel racing are in place for pari-mutuel racing scheduled

to begin on May 26, 1990, at Gillespie County Fair and Festivals Association.

The amendment is adopted on an emergency basis under Texas Civil Statutes, Article 179e, §3.02, which provide the commission with the authority to adopt rules to administer the Texas Racing Act.

§313.45. Duties of the Clerk of Scales.

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

(d) **The** [At the end of each race day, the] clerk of scales shall:

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

(e) The clerk of scales shall supervise the conduct of the jockeys and their attendants while they are in the jockey's room [paddock or on the racetrack].

(f) (No change.)

[(g) The clerk of scales shall notify the mutuel manager of any late scratches for a performance.]

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TRD-9005393 Paula Cochran Carter  
General Counsel  
Texas Racing Commission

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

• 16 TAC §313.50

The Texas Racing Commission adopts on an emergency basis an amendment to §313.50, concerning the horse identifier. The amendment clarifies the method used by the identifier to identify horses. The amendment adopted on an emergency basis is contemporaneously proposed for public comment in this issue of the *Texas Register*.

The amendment is adopted on an emergency basis to ensure the rules of pari-mutuel racing are in place for pari-mutuel racing scheduled to begin on May 26, 1990, at Gillespie County Fair and Festivals Association.

The amendment is adopted on an emergency basis under Texas Civil Statutes, Article 179e, §3.02, which provide the commission with the authority to adopt rules to administer the Texas Racing Act.

§313.50. Horse Identifier.

(a) (No change.)

(b) The horse identifier shall inspect, identify, and prepare identification records [in a manner prescribed by the commission] on all horses that race at a race meeting and have not been previously identified in Texas.

(c)-(d) (No change.)

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TRD-9005395 Paula Cochran Carter  
General Counsel  
Texas Racing Commission

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

Duties of Other Officials

• 16 TAC §313.56

The Texas Racing Commission adopts on an emergency basis an amendment to §313.56, concerning the stable superintendent. The amendment changes the person to whom the stable superintendent must deliver health certificates. The amendment adopted on an emergency basis is contemporaneously proposed for public comment in this issue of the *Texas Register*.

The amendment is adopted on an emergency basis to ensure the rules of pari-mutuel racing are in place for pari-mutuel racing scheduled to begin on May 26, 1990, at Gillespie County Fair and Festivals Association.

The amendment is adopted on an emergency basis under Texas Civil Statutes, Article 179e, §3.02, which provide the commission with the authority to adopt rules to administer the Texas Racing Act.

§313.56. Stable Superintendent.

(a) (No change.)

(b) The stable superintendent shall collect the health certificates of horses as they arrive on association grounds and deliver the certificates and records of arrival to the racing secretary [commission veterinarian].

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TRD-9005397 Paula Cochran Carter  
General Counsel  
Texas Racing Commission

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

Subchapter B. Entries, Declarations, and Allowances

Entries

• 16 TAC §313.101

The Texas Racing Commission adopts on an emergency basis an amendment to §313.101, concerning entry procedure. The amendment clarifies the persons who may sign an entry form. The amendment adopted on an emergency basis is contemporaneously proposed for public comment in this issue of the *Texas Register*.

The amendment is adopted on an emergency basis to ensure the rules of pari-mutuel racing are in place for pari-mutuel racing scheduled to begin on May 26, 1990, at Gillespie County Fair and Festivals Association.

The amendment is adopted on an emergency basis under Texas Civil Statutes, Article 179e, §3.02, which provide the commission with the authority to adopt rules to administer the Texas Racing Act.

§313.101. Entry Procedure.

(a) (No change.)

(b) Except as otherwise provided by this section, an entry must be in writing on a form provided by the association. The form must be signed by the horse's owner, trainer or assistant trainer, or jockey agent authorized in writing by the trainer. [:]

[(1) the owner of the horse or the owner's authorized agent; or

[(2) the trainer or assistant trainer of the horse or an authorized agent of the trainer.]

(c)-(e) (No change.)

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TRD-9005399 Paula Cochran Carter  
General Counsel  
Texas Racing Commission

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

• 16 TAC §313.103

The Texas Racing Commission adopts on an emergency basis an amendment to §313.103, concerning eligibility requirements for entry. The amendment clarifies the eligibility requirements for entry in a stakes race. The amendment adopted on an emergency basis is contemporaneously proposed for public comment in this issue of the *Texas Register*.

The amendment is adopted on an emergency basis to ensure the rules of pari-mutuel racing are in place for pari-mutuel racing scheduled to begin on May 26, 1990, at Gillespie County Fair and Festivals Association.

The amendment is adopted on an emergency basis under Texas Civil Statutes, Article 179e, §3.02, which provide the commission with the authority to adopt rules to administer the Texas Racing Act.

§313.103. Eligibility Requirements.

(a) A horse may not enter [start in] a race unless:

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

(3) the horse is owned by a licensed owner and is in the care of a licensed trainer, except that the owner and trainer of a horse entered in a stakes race must be licensed before the horse may start in that race.

(4) (No change.)

(5) the horse is present on association grounds not later than the time



prescribed by the commission veterinarian [8 a.m. on the day of the race and];

(6) (No change.)

(7) the horse has had one published workout, if the horse has not started in the 45-day period preceding the date of the race; and

(8) the horse has had two published workouts, if the horse has not started in the 60-day period preceding the date of the race.

(b) A horse that has been barred [disqualified] in any racing jurisdiction is ineligible to start or be entered in a race without the approval of the stewards.

(c) (No change.)

(d) A horse may not be entered in more than one race scheduled for one race day, unless at least one of the races is a stakes race.

(e) A horse may not start in a stakes race unless:

(1) the nominating, sustaining, entry, and starting fees have been paid in full by cash, cashier's check, certified check, or money order on or before the time specified in the conditions of the race; or

(2) the amount of the applicable fees are on account with the horsemen's bookkeeper at the time the fees are due as specified by the conditions of the race.

(f)[(e)] If a horse has started in a race in the 45-day period preceding a race, there is no workout requirement for eligibility to start. If a horse has not started in the 45-day period preceding a race, the horse must have one published workout to be eligible to start in that race. However, if a horse has not started in the 60-day period preceding the race, the horse must have two published workouts to be eligible to start in that race.

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TRD-9005401 Paula Cochran Carter  
General Counsel  
Texas Racing Commission

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

◆ ◆ ◆  
• 16 TAC §313.107

The Texas Racing Commission adopts on an emergency basis an amendment to §313.107, concerning the draw for post position. The amendment expands the types of people who may be designated to draw the post positions. The amendment adopted on an emergency basis is contemporaneously proposed for public comment in this issue of the *Texas Register*.

The amendment is adopted on an emergency basis to ensure the rules of pari-mutuel racing are in place for pari-mutuel racing scheduled to begin on May 26, 1990, at Gillespie County Fair and Festivals Association.

The amendment is adopted on an emergency basis under Texas Civil Statutes, Article 179e, §3.02, which provide the commission with the authority to adopt rules to administer the Texas Racing Act.

§313.107. Draw for Post Position.

(a) After the entries are closed, the racing secretary shall designate two people who are owners, [or] trainers, or racing officials [who are present in the racing office] to draw the entry sheets and post position numbers.

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

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TRD-9005403 Paula Cochran Carter  
General Counsel  
Texas Racing Commission

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

◆ ◆ ◆  
• 16 TAC §313.108

The Texas Racing Commission adopts on an emergency basis an amendment to §313.108, concerning the preferred list. The amendment clarifies the duties of the racing secretary regarding the preferred list. The amendment adopted on an emergency basis is contemporaneously proposed for public comment in this issue of the *Texas Register*.

The amendment is adopted on an emergency basis to ensure the rules of pari-mutuel racing are in place for pari-mutuel racing scheduled to begin on May 26, 1990, at Gillespie County Fair and Festivals Association.

The amendment is adopted on an emergency basis under Texas Civil Statutes, Article 179e, §3.02, which provide the commission with the authority to adopt rules to administer the Texas Racing Act.

§313.108. Preferred List.

(a) (No change.)

(b) The racing secretary shall update daily the preference designation for each horse, based on the races for which the horse has been entered, started, or declared out of the race. [The racing secretary shall post the preferred list after updating.] A trainer or owner may file any claim of error in the preferred list with the racing secretary.

(c) (No change.)

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TRD-9005405 Paula Cochran Carter  
General Counsel  
Texas Racing Commission

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

◆ ◆ ◆  
• 16 TAC §313.110

The Texas Racing Commission adopts on an emergency basis an amendment to §313.110, concerning coupled entries. The amendment clarifies the requirements for coupling entries. The amendment adopted on an emergency basis is contemporaneously proposed for public comment in this issue of the *Texas Register*.

The amendment is adopted on an emergency basis to ensure the rules of pari-mutuel racing are in place for pari-mutuel racing scheduled to begin on May 26, 1990, at Gillespie County Fair and Festivals Association.

The amendment is adopted on an emergency basis under Texas Civil Statutes, Article 179e, §3.02, which provide the commission with the authority to adopt rules to administer the Texas Racing Act.

§313.110. Coupled Entries.

(a) Not more than two horses that have common ties through ownership, training, or lease may be entered in an overnight [a purse] race, unless the race is divided.

(b) When a person makes a double entry, the person must make a preference for one horse. A [The second choice has no preference over a single entry in a purse race, but a] second choice has preference over an in-today horse.

(c) If two horses entered in a race are owned in whole or in part by the same individual or entity, or if the trainer owns an interest in either horse, the entry shall be coupled as a single wagering interest. [At the time of the entry, the person making the entry must indicate a preference so that each horse may be entered in a division of the race if the race is divided.]

[(d) This section does not apply to a stakes or handicap race.]

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TRD-9005383 Paula Cochran Carter  
General Counsel  
Texas Racing Commission

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

◆ ◆ ◆  
• 16 TAC §313.111

The Texas Racing Commission adopts on an emergency basis an amendment to §313.111, concerning age restrictions. The amendment clarifies the age restrictions for horses and horse races. The amendment adopted on an emergency basis is contemporaneously proposed for public comment in this issue of the *Texas Register*.

The amendment is adopted on an emergency basis to ensure the rules of pari-mutuel racing are in place for pari-mutuel racing scheduled to begin on May 26, 1990, at Gillespie County Fair and Festivals Association.

The amendment is adopted on an emergency basis under Texas Civil Statutes, Article 179e, §3.02, which provide the commission with the authority to adopt rules to administer the Texas Racing Act.

§313.111. *Age Restrictions.*

(a) (No change.)

(b) A two-year-old horse may not start in a pari-mutuel race in Texas before March 1 [of the two-year-old year].

(c) A racing secretary may not schedule:

(1) a race for two-year-old quarter horses longer than 350 yards before May 1 or longer than 400 yards before September 1; or

(2) a race for two-year-old thoroughbreds longer than 4-1/2 furlongs before May 1 or at one mile or longer before September 1. [A two-year-old quarter horse may not start in a race longer than 350 yards before May 1 of the two-year-old year.]

[(d) A two-year-old thoroughbred may not start in a race longer than 4-1/2 furlongs before May 1 of the two-year-old year. A two-year-old thoroughbred may not start in a race around more than one turn before September 1 of the two-year-old year.]

(d)[(e)] After December 31, 1990, a maiden that is more than seven years of age] A maiden may not start in a pari-mutuel race in this state if the maiden: [.]

(1) during 1990, is 13 years old or older;

(2) during 1991, is seven years old or older; or

(3) during 1992, and thereafter is six years old or older. [After December 31, 1990, and before January 1, 1992, a maiden that is more than six years of age may not start in a race in this state. After December 31, 1991, a maiden that is more than five years of age may not start in a race in this state.]

(e)[(f)] A horse that is more than 12 years of age may not start in a pari-mutuel race on the flat in this state.

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TRD-9005407 Paula Cochran Carter  
General Counsel  
Texas Racing Commission

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



## Declarations and Scratches

### • 16 TAC §313.132

The Texas Racing Commission adopts on an emergency basis an amendment to §313.132, concerning scratch time. The amendment authorizes the association to designate a scratch time. The amendment adopted on an emergency basis is contemporaneously proposed for public comment in this issue of the *Texas Register*.

The amendment is adopted on an emergency basis to ensure the rules of pari-mutuel racing are in place for pari-mutuel racing scheduled to begin on May 26, 1990, at Gillespie County Fair and Festivals Association.

The amendment is adopted on an emergency basis under Texas Civil Statutes, Article 179e, §3.02, which provide the commission with the authority to adopt rules to administer the Texas Racing Act.

§313.132. *Scratch Time.*

(a) An association [The stewards] shall designate a scratch time for each race day.

(b) The [owner or] trainer of a horse that has drawn into or is also eligible for a race who does not wish the horse to start in the race must submit a request to scratch the horse from the race before scratch time.

(c) (No change.)

(d) An association may set [adopt a policy setting] a minimum number of horses remaining in the body of a race, other than a stakes race, before a veterinary reason is required to scratch a horse. [The policy may not restrict the right of an owner or trainer to scratch a horse from a stakes race before scratch time for any reason.]

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



## Allowances and Penalties

### • 16 TAC §313.161

The Texas Racing Commission adopts on an emergency basis an amendment to §313.161, concerning the responsibility for correct weight. The amendment clarifies the person who is responsible for a horse carrying the correct weight. The amendment adopted on an emergency basis is contemporaneously proposed for public comment in this issue of the *Texas Register*.

The amendment is adopted on an emergency basis to ensure the rules of pari-mutuel racing are in place for pari-mutuel racing scheduled to begin on May 26, 1990, at Gillespie County Fair and Festivals Association.

The amendment is adopted on an emergency basis under Texas Civil Statutes, Article 179e, §3.02, which provide the commission with the authority to adopt rules to administer the Texas Racing Act.

§313.161. *Responsibility for Correct Weight.*

(a) The [owner and] trainer of a horse entered in a race shall ensure that the horse carries the correct weight for that race.

(b) (No change.)

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

TRD-9005411 Paula Cochran Carter  
General Counsel  
Texas Racing Commission

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



### • 16 TAC §313.166

The Texas Racing Commission adopts on an emergency basis an amendment to §313.166, concerning the apprentice allowance. The amendment clarifies that the apprentice allowance does not apply to a jockey riding in a stakes race. The amendment adopted on an emergency basis is contemporaneously proposed for public comment in this issue of the *Texas Register*.

The amendment is adopted on an emergency basis to ensure the rules of pari-mutuel racing are in place for pari-mutuel racing scheduled to begin on May 26, 1990, at Gillespie County Fair and Festivals Association.

The amendment is adopted on an emergency basis under Texas Civil Statutes, Article 179e, §3.02, which provide the commission with the authority to adopt rules to administer the Texas Racing Act.

§313.166. *Apprentice Allowance.*

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

(d) This section does not apply to jockeys in:

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

(3) a handicap or stakes race.

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

TRD-9005413 Paula Cochran Carter  
General Counsel  
Texas Racing Commission

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## Subchapter B. Entries, Declarations, and Allowances

### Allowances

#### • 16 TAC §313.167

The Texas Racing Commission adopts on an emergency basis an amendment to §313.167, concerning prohibited allowances. The amendment clarifies the prohibition against a weight allowance solely for having been beaten in a race. The amendment adopted on an emergency basis is contemporaneously proposed for public comment in this issue of the *Texas Register*.

The amendment is adopted on an emergency basis to ensure the rules of pari-mutuel racing are in place for pari-mutuel racing scheduled to begin on May 26, 1990, at Gillespie County Fair and Festivals Association.

The amendment is adopted on an emergency basis under Texas Civil Statutes, Article 179e, §3.02, which provide the commission with the authority to adopt rules to administer the Texas Racing Act.

#### §313.167. Prohibited Allowances.

(a) Except as otherwise provided by this section, a horse may not be allowed a [an extra] weight reduction solely for having been beaten in a race.

(b) (No change.)

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

TRD-9005470 Paula Cochran Carter  
General Counsel  
Texas Racing Commission

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

## Subchapter C. Claiming Races

#### • 16 TAC §313.301

The Texas Racing Commission adopts on an emergency basis an amendment to §313.301, concerning eligibility to claim. The amendment clarifies the persons who may claim a horse. The amendment adopted on an emergency basis is contemporaneously proposed for public comment in this issue of the *Texas Register*.

The amendment is adopted on an emergency basis to ensure the rules of pari-mutuel racing are in place for pari-mutuel racing scheduled to begin on May 26, 1990, at Gillespie County Fair and Festivals Association.

The amendment is adopted on an emergency basis under Texas Civil Statutes, Article 179e, §3.02, which provide the commission with the authority to adopt rules to administer the Texas Racing Act.

#### §313.301. Eligibility To Claim.

(a) Except as otherwise provided by this section, in a claiming race, each horse is subject to be claimed for its entered price by:

(1) a licensed owner or lessee who has a horse whose registration certificate is on file in the racing office at the current race meeting or an authorized agent acting on behalf of the owner or lessee; or

(2) a person who has applied for an owner's license and has been granted approval by the stewards to make a claim.

(b) A claim may not be made[.]:

[(1)] directly or indirectly[.], by an owner for his or her own horse[; or

[(2)] by a lessee or a lessor under the lessee or lessor license].

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TRD-9005472 Paula Cochran Carter  
General Counsel  
Texas Racing Commission

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

#### • 16 TAC §313.302

The Texas Racing Commission adopts on an emergency basis an amendment to §313.302, concerning claim procedure. The amendment clarifies the claim procedure relating to the amount on deposit. The amendment adopted on an emergency basis is contemporaneously proposed for public comment in this issue of the *Texas Register*.

The amendment is adopted on an emergency basis to ensure the rules of pari-mutuel racing are in place for pari-mutuel racing scheduled to begin on May 26, 1990, at Gillespie County Fair and Festivals Association.

The amendment is adopted on an emergency basis under Texas Civil Statutes, Article 179e, §3.02, which provide the commission with the authority to adopt rules to administer the Texas Racing Act.

#### §313.302. Claim Procedure.

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

(f) After the deadline for filing claims for a race, a steward or a designee of the stewards shall open the box, examine the claims, and notify the stewards of all accurate claims. The steward or designee will then notify the horsemen's bookkeeper of the claims to determine whether the appropriate amount is on deposit with the bookkeeper in accordance with §313.305 of this title (relating to Amounts on Deposit) and to debit the claimant's account for the amount of the claim, plus all applicable fees. If more than one person enters a claim for a horse, a steward or a designee of the stewards shall determine the disposition of the horse by lot.

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TRD-9005474 Paula Cochran Carter  
General Counsel  
Texas Racing Commission

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

#### • 16 TAC §313.303

The Texas Racing Commission adopts on an emergency basis an amendment to §313.303, concerning effective time of claim. The amendment clarifies the owner for which a claimed horse runs. The amendment adopted on an emergency basis is contemporaneously proposed for public comment in this issue of the *Texas Register*.

The amendment is adopted on an emergency basis to ensure the rules of pari-mutuel racing are in place for pari-mutuel racing scheduled to begin on May 26, 1990, at Gillespie County Fair and Festivals Association.

The amendment is adopted on an emergency basis under Texas Civil Statutes, Article 179e, §3.02, which provide the commission with the authority to adopt rules to administer the Texas Racing Act.

#### §313.303. Effective Time of Claim.

(a) A person who has a valid claim to a horse becomes the owner of the horse when the stall door of the starting gate opens in front of the horse. This subsection applies regardless of subsequent injury to the horse during or after the race.

(b) On the day claimed, a claimed horse runs in the interest of and for the account of the owner from whom the horse was claimed.

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TRD-9005476 Paula Cochran Carter  
General Counsel  
Texas Racing Commission

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

#### • 16 TAC §313.305

The Texas Racing Commission adopts on an emergency basis an amendment to §313.305, concerning amounts on deposit. The amendment clarifies the types of negotiable instruments that may be on deposit to claim a horse. The amendment adopted on an emergency basis is contemporaneously proposed for public comment in this issue of the *Texas Register*.

The amendment is adopted on an emergency basis to ensure the rules of pari-mutuel racing are in place for pari-mutuel racing scheduled to begin on May 26, 1990, at Gillespie County Fair and Festivals Association.

The amendment is adopted on an emergency basis under Texas Civil Statutes, Article 179e, §3.02, which provide the commission with the authority to adopt rules to administer the Texas Racing Act.

§313.305. Amounts on Deposit.

(a) To make a valid claim, a person must have on deposit with the horsemen's bookkeeper an amount equal to the amount of the claim, plus all transfer fees, in the form of cash, money order, certified check, or cashier's check. A personal check may be deposited for the amount of the claim and all applicable fees if the check has received prior written approval by the association. The association shall guarantee and be liable for any insufficient funds related to the personal check.

(b) (No change.)

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TRD-9005478 Paula Cochran Carter  
General Counsel  
Texas Racing Commission

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



• 16 TAC §313.306

The Texas Racing Commission adopts on an emergency basis an amendment to §313.306, concerning transfer of a claimed horse. The amendment authorizes the association to determine the location for delivering a claimed horse. The amendment adopted on an emergency basis is contemporaneously proposed for public comment in this issue of the *Texas Register*.

The amendment is adopted on an emergency basis to ensure the rules of pari-mutuel racing are in place for pari-mutuel racing scheduled to begin on May 26, 1990, at Gillespie County Fair and Festivals Association.

The amendment is adopted on an emergency basis under Texas Civil Statutes, Article 179e, §3.02, which provide the commission with the authority to adopt rules to administer the Texas Racing Act.

§313.306. Transfer of Claimed Horse.

(a) A horse that has been claimed in a claiming race shall be taken after the race to the area designated by the association [paddock] for delivery to the claimant, unless the horse is designated for testing.

(b) (No change.)

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TRD-9005480 Paula Cochran Carter  
General Counsel  
Texas Racing Commission

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



• 16 TAC §313.311

The Texas Racing Commission adopts on an emergency basis an amendment to §313.311, concerning the right to claim by depleted stables. The amendment clarifies the procedure by which a depleted stable may make a claim. The amendment adopted on an emergency basis is contemporaneously proposed for public comment in this issue of the *Texas Register*.

The amendment is adopted on an emergency basis to ensure the rules of pari-mutuel racing are in place for pari-mutuel racing scheduled to begin on May 26, 1990, at Gillespie County Fair and Festivals Association.

The amendment is adopted on an emergency basis under Texas Civil Statutes, Article 179e, §3.02, which provide the commission with the authority to adopt rules to administer the Texas Racing Act.

§313.311. Right To Claim By Depleted Stables.

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

(c) An owner who wishes to make a claim at a subsequent race meeting under subsection (a) [(2)] of this section must file with the claim a certificate from the stewards of the meeting at which the stable was depleted.

(d) (No change.)

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TRD-9005482 Paula Cochran Carter  
General Counsel  
Texas Racing Commission

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



• 16 TAC §313.312

The Texas Racing Commission adopts on an emergency basis an amendment to §313.312, concerning protests. The amendment clarifies the procedure for protesting the claim of a horse that is found to have a prohibited drug, chemical, or substance. The amendment adopted on an emergency basis is contemporaneously proposed for public comment in this issue of the *Texas Register*.

The amendment is adopted on an emergency basis to ensure the rules of pari-mutuel racing are in place for pari-mutuel racing scheduled to begin on May 26, 1990, at Gillespie County Fair and Festivals Association.

The amendment is adopted on an emergency basis under Texas Civil Statutes, Article 179e, §3.02, which provide the commission with the authority to adopt rules to administer the Texas Racing Act.

§313.312. Protests.

(a) A person wishing to protest the claim of a horse must file the protest with the stewards not later than 48 hours after the time the stewards declared the race in

which the horse was claimed to be official.

(b) On a finding by the laboratory director that a test specimen from a horse claimed under this subchapter contained a prohibited drug, chemical or other substance pursuant to §319.362 of this title (relating to Split Specimen) the claimant may, within 72 hours of notification of such a finding, refuse to accept the claimed horse. The claiming price, applicable transfer fees, and actual costs incurred for the care of the horse from the time of the claim until the time the horse is returned is immediately due and payable to the claimant from the owner from whom the horse was claimed.

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TRD-9005484 Paula Cochran Carter  
General Counsel  
Texas Racing Commission

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• 16 TAC §313.314

The Texas Racing Commission adopts on an emergency basis an amendment to §313.314, concerning disclosure of mare in foal. The amendment clarifies the date on which a veterinarian's certificate must be issued regarding a mare that has been serviced. The amendment adopted on an emergency basis is contemporaneously proposed for public comment in this issue of the *Texas Register*.

The amendment is adopted on an emergency basis to ensure the rules of pari-mutuel racing are in place for pari-mutuel racing scheduled to begin on May 26, 1990, at Gillespie County Fair and Festivals Association.

The amendment is adopted on an emergency basis under Texas Civil Statutes, Article 179e, §3.02, which provide the commission with the authority to adopt rules to administer the Texas Racing Act.

§313.314. Disclosure of Mare in Foal.

[(a) Except as otherwise provided by this section, a person may not enter a mare or filly in a claiming race if the person knows the mare is pregnant].

(a)[(b)] A person may enter a mare or filly that has been serviced in a claiming race, provided:

(1) the owner files with the racing secretary a certificate from a licensed veterinarian, dated no earlier [not more] than 40 days after the date the mare or filly was last serviced, that states the mare or filly is not pregnant; or

(2) before entering the mare or filly:

(A) full disclosure of the servicing of the mare or filly is on file with and posted in the office of the racing secretary;

(B) the owner files with the racing secretary a signed statement agreeing to deliver without cost to a successful claimant the valid stallion service certificate regarding the servicing of the mare or filly; and

(C) all payments due for the stallion service or for any resulting live foal are paid in full.

(b)[(c)] A successful claimant of a mare or filly in a claiming race may file with the stewards, not more than 30 days after the date of the claim, a petition to rescind the claim if:

(1) the claimant learns the mare or filly is pregnant; and

(2) the owner has not complied with subsection (a) [(b)] of this section.

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General Counsel  
Texas Racing Commission

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

## Subchapter D. Running of the Race

### Jockeys

#### • 16 TAC §313.401

The Texas Racing Commission adopts on an emergency basis an amendment to §313.401, concerning the reporting by jockeys before races. The amendment clarifies the responsibility to report on each day the jockey is scheduled to ride. The amendment adopted on an emergency basis is contemporaneously proposed for public comment in this issue of the *Texas Register*.

The amendment is adopted on an emergency basis to ensure the rules of pari-mutuel racing are in place for pari-mutuel racing scheduled to begin on May 26, 1990, at Gillespie County Fair and Festivals Association.

The amendment is adopted on an emergency basis under Texas Civil Statutes, Article 179e, §3.02, which provide the commission with the authority to adopt rules to administer the Texas Racing Act.

#### §313.401. Jockeys To Report.

(a) A jockey engaged to ride in a race must be in the jockey's room at the reporting time specified by the stewards on each day the jockey is scheduled to ride. Upon arrival, the jockey shall report to the clerk of scales. [Except on

permission of the stewards, A jockey engaged to ride in a race shall report to the jockey room at least one hour before post time of the first race and shall weight out at the appointed time.]

(b) A jockey reporting to the jockeys' room must remain there until the jockey has fulfilled all of that day's riding engagements. While in the jockeys' room, the jockey may have no contact or communication with any person outside the jockeys' room other than with an owner or trainer from whom the jockey is riding that day, or with the stewards or other personnel authorized by the stewards. [After reporting, a jockey may not leave the jockey room except to ride in a race until all the jockey's engagements for the day have been fulfilled or until the jockey is excused by the stewards.]

(c) A jockey engaged to ride in a race shall report his or her riding weight to the clerk of scales at the time specified by the association.

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TRD-9005498 Paula Cochran Carter  
General Counsel  
Texas Racing Commission

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

#### • 16 TAC §313.402

The Texas Racing Commission adopts on an emergency basis an amendment to §313.402, concerning weighing out. The amendment clarifies the jockey's responsibility to report to the clerk of scales for weighing out. The amendment adopted on an emergency basis is contemporaneously proposed for public comment in this issue of the *Texas Register*.

The amendment is adopted on an emergency basis to ensure the rules of pari-mutuel racing are in place for pari-mutuel racing scheduled to begin on May 26, 1990, at Gillespie County Fair and Festivals Association.

The amendment is adopted on an emergency basis under Texas Civil Statutes, Article 179e, §3.02, which provide the commission with the authority to adopt rules to administer the Texas Racing Act.

#### §313.402. Weighing Out.

(a) A jockey engaged to ride in a race must report to the clerk of scales for weighing-out not more than 30 minutes before post time for the first race, if the jockey is riding in that race, and not sooner than the running of the preceding race, if the jockey is riding in any other race. [Each jockey participating in a race must be weighed out by the clerk of scales not more than one hour before the time set for the race.]

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

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TRD-9005500 Paula Cochran Carter  
General Counsel  
Texas Racing Commission

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

#### • 16 TAC §313.403

The Texas Racing Commission adopts on an emergency basis an amendment to §313.403, concerning maximum overweight. The amendment clarifies the circumstances under which a jockey may not weight out. The amendment adopted on an emergency basis is contemporaneously proposed for public comment in this issue of the *Texas Register*.

The amendment is adopted on an emergency basis to ensure the rules of pari-mutuel racing are in place for pari-mutuel racing scheduled to begin on May 26, 1990, at Gillespie County Fair and Festivals Association.

The amendment is adopted on an emergency basis under Texas Civil Statutes, Article 179e, §3.02, which provide the commission with the authority to adopt rules to administer the Texas Racing Act.

§313.403. Maximum Overweight A jockey may not weigh-out if the jockey is more than two pounds over the weight assigned to his or her horse without permission of the owner or trainer. [A horse may not carry more than two pounds overweight without the consent of the owner or trainer or an authorized agent for the owner.]

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TRD-9005502 Paula Cochran Carter  
General Counsel  
Texas Racing Commission

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#### • 16 TAC §313.404

The Texas Racing Commission adopts on an emergency basis an amendment to §313.404, concerning items included in weight. The amendment clarifies the items which are to be included in determining the jockey's weight. The amendment adopted on an emergency basis is contemporaneously proposed for public comment in this issue of the *Texas Register*.

The amendment is adopted on an emergency basis to ensure the rules of pari-mutuel racing are in place for pari-mutuel racing scheduled to begin on May 26, 1990, at Gillespie County Fair and Festivals Association.

The amendment is adopted on an emergency basis under Texas Civil Statutes, Article 179e, §3.02, which provide the commission

with the authority to adopt rules to administer the Texas Racing Act.

**§313.404. Items Included In Weight.** A jockey's weight includes the riding clothing (excluding helmet), boots, saddle, and pad [, but excludes the safety helmet, whip, and horse's bridle].

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TRD-9005504 Paula Cochran Carter  
General Counsel  
Texas Racing Commission

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

◆ ◆ ◆  
• 16 TAC §313.405

The Texas Racing Commission adopts on an emergency basis an amendment to §313.405, concerning whips and other equipment. The amendment clarifies the equipment a jockey may not use. The amendment adopted on an emergency basis is contemporaneously proposed for public comment in this issue of the *Texas Register*.

The amendment is adopted on an emergency basis to ensure the rules of pari-mutuel racing are in place for pari-mutuel racing scheduled to begin on May 26, 1990, at Gillespie County Fair and Festivals Association.

The amendment is adopted on an emergency basis under Texas Civil Statutes, Article 179e, §3.02, which provide the commission with the authority to adopt rules to administer the Texas Racing Act.

**§313.405. Whips and Other Equipment.**

(a) A jockey may not use a whip that weighs more than one pound [or a bride that weighs more than two pounds].

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

(e) Except on permission of the stewards, blinkers may not be placed on a horse until after the horse has been identified by the horse identifier.]

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TRD-9005506 Paula Cochran Carter  
General Counsel  
Texas Racing Commission

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

◆ ◆ ◆  
• 16 TAC §313.406

The Texas Racing Commission adopts on an emergency basis an amendment to §313.406, concerning colors and numbers. The amendment clarifies the required attire for jockeys. The amendment adopted on an emergency basis is contemporaneously proposed for public comment in this issue of the *Texas Register*.

The amendment is adopted on an emergency basis to ensure the rules of pari-mutuel racing are in place for pari-mutuel racing scheduled to begin on May 26, 1990, at Gillespie County Fair and Festivals Association.

The amendment is adopted on an emergency basis under Texas Civil Statutes, Article 179e, §3.02, which provide the commission with the authority to adopt rules to administer the Texas Racing Act.

**§313.406. Colors and Number.**

(a) A horse starting in a race must carry a conspicuous saddle cloth number, and shall [may] carry a head number, corresponding to its number of the official program.

(b) The jockey for a horse starting in a race shall be properly attired for riding in the race and wear:

(1) the racing colors provided by the owner of the horse the jockey is to ride, plus white riding pants, boots, and a number on the right shoulder corresponding to the mount's number as shown on the saddle cloth, head number, and in the daily program [the colors of the owner of the horse the jockey is to ride]; and

(2) a helmet of a type approved by the commission or its designee while mounted on any horse at a licensed racetrack [the appropriate sleeve number or helmet number].

(c) If an owner does not have colors, the jockey shall wear colors provided by the association. [in accordance with the post position of the horse as follows:

- [(1) red;
- [(2) white;
- [(3) blue;
- [(4) yellow;
- [(5) green;
- [(6) black;
- [(7) orange;
- [(8) purple;
- [(9) pink;
- [(10) light blue;
- [(11) brown; and
- [(12) gold.]

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TRD-9005508 Paula Cochran Carter  
General Counsel  
Texas Racing Commission

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

◆ ◆ ◆  
• 16 TAC §313.407

The Texas Racing Commission adopts on an emergency basis an amendment to §313.407, concerning duty to fulfill jockey engagements. The amendment clarifies the circumstances under which a jockey may be excused from a riding engagement. The amendment adopted on an emergency basis is contemporaneously proposed for public comment in this issue of the *Texas Register*.

The amendment is adopted on an emergency basis to ensure the rules of pari-mutuel racing are in place for pari-mutuel racing scheduled to begin on May 26, 1990, at Gillespie County Fair and Festivals Association.

The amendment is adopted on an emergency basis under Texas Civil Statutes, Article 179e, §3.02, which provide the commission with the authority to adopt rules to administer the Texas Racing Act.

**§313.407. Duty To Fulfill Jockey Engagements.**

(a) Except as otherwise provided by this section, a [A] jockey engaged for a certain race or for a specified time may not fail or refuse to abide by the engagement agreement, unless excused by the stewards.

(b) A jockey may be excused by the stewards from filling the jockey's riding engagements if:

(1) the jockey believes the horse he or she is to ride is unsafe, or the racecourse he or she is to ride on is unsafe; or

(2) the jockey is ill or injured.

(c) The stewards may require a jockey that is excused from fulfilling a riding engagement because of illness or injury to pass a physical examination conducted by a licensed physician before resuming race riding.

(d) A trainer or owner may demand a written confirmation of an engagement from a jockey or jockey agent.

(e)[(c)] The stewards shall decide conflicting claims for the services of a jockey.

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TRD-9005510 Paula Cochran Carter  
General Counsel  
Texas Racing Commission

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

◆ ◆ ◆  
• 16 TAC §313.408

The Texas Racing Commission adopts on an emergency basis an amendment to §313.408, concerning jockey agents. The amendment clarifies the procedure for severing a relationship with a jockey agent. The amendment adopted on an emergency basis is contemporaneously proposed for public

comment in this issue of the *Texas Register*.

The amendment is adopted on an emergency basis to ensure the rules of pari-mutuel racing are in place for pari-mutuel racing scheduled to begin on May 26, 1990, at Gillespie County Fair and Festivals Association.

The amendment is adopted on an emergency basis under Texas Civil Statutes, Article 179e, §3.02, which provide the commission with the authority to adopt rules to administer the Texas Racing Act.

§313.408. *Jockey Agents.*

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

(d) **A jockey must notify the stewards in writing on a form provided by the commission if the jockey intends to sever a business relationship with an agent. The notification must be signed by both the jockey and agent.**

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TRD-9005512 Paula Cochran Carter  
General Counsel  
Texas Racing Commission

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

◆ ◆ ◆  
• 16 TAC §313.409

The Texas Racing Commission adopts on an emergency basis an amendment to §313.409, concerning jockey mount fees. The amendment clarifies the time at which a jockey mount fee is considered earned. The amendment adopted on an emergency basis is contemporaneously proposed for public comment in this issue of the *Texas Register*.

The amendment is adopted on an emergency basis to ensure the rules of pari-mutuel racing are in place for pari-mutuel racing scheduled to begin on May 26, 1990, at Gillespie County Fair and Festivals Association.

The amendment is adopted on an emergency basis under Texas Civil Statutes, Article 179e, §3.02, which provide the commission with the authority to adopt rules to administer the Texas Racing Act.

§313.409. *Jockey Mount Fees.*

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

(d) **A jockey mount fee is considered earned by a jockey when the jockey is weighted-out by the clerk of scales, except:**

(1) **when a jockey elects to take himself or herself off a mount; and**

(2) **when the stewards replace the jockey with a substitute jockey for reasons other than the jockey suffering an injury during the time between weighing-out and the start of the race.**

(e) **If the jockey does not weigh-out because the owner or trainer replaces the jockey with another jockey, the**

**owner or trainer shall pay the appropriate fee to each jockey engaged for the race.**

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TRD-9005514 Paula Cochran Carter  
General Counsel  
Texas Racing Commission

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

◆ ◆ ◆  
• 16 TAC §313.410

The Texas Racing Commission adopts on an emergency basis an amendment to §313.410, concerning contracts and certificates for jockeys. The amendment prohibits a person from employing a jockey to prevent the jockey from riding another horse. The amendment adopted on an emergency basis is contemporaneously proposed for public comment in this issue of the *Texas Register*.

The amendment is adopted on an emergency basis to ensure the rules of pari-mutuel racing are in place for pari-mutuel racing scheduled to begin on May 26, 1990, at Gillespie County Fair and Festivals Association.

The amendment is adopted on an emergency basis under Texas Civil Statutes, Article 179e, §3.02, which provide the commission with the authority to adopt rules to administer the Texas Racing Act.

§313.410. *Contracts and Certificates for Jockeys.*

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

(g) **A person may not employ or engage a jockey to prevent the jockey from riding another horse.**

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TRD-9005516 Paula Cochran Carter  
General Counsel  
Texas Racing Commission

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

◆ ◆ ◆  
• 16 TAC §313.411

The Texas Racing Commission adopts on an emergency basis new §313.411, concerning suspended jockeys. The new section requires the stewards to designate the races in which a suspended jockey can complete. The new section adopted on an emergency basis is contemporaneously proposed for public comment in this issue of the *Texas Register*.

The new section is adopted on an emergency basis to ensure the rules of pari-mutuel racing are in place for pari-mutuel racing scheduled to begin on May 26, 1990, at Gillespie County Fair and Festivals Association

The new section is adopted on an emergency basis under Texas Civil Statutes, Article

179e, §3.02, which provide the commission with the authority to adopt rules to administer the Texas Racing Act.

§313.411. *Suspended Jockeys.*

(a) Before opening day of a race meeting, the steward shall designate the stakes or other races at that meeting in which a jockey will be permitted to compete, notwithstanding the fact that the jockey is under suspension for 10 days or less for a riding infraction at the time the designated race is to be run.

(b) Official rulings for riding infractions of 10 days or less must state: "The term of this suspension does not prohibit participation in designated races."

(c) The stewards shall post a listing of the designated races in the jockeys' room, racing office, and any other place determined to be appropriate by the stewards.

(d) A suspended jockey must be named at time of entry to participate in any designated race.

(e) A day in which a jockey participated in one designated race while on suspension does not count as a suspension day.

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

TRD-9005518 Paula Cochran Carter  
General Counsel  
Texas Racing Commission

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

◆ ◆ ◆  
Pre-race Procedure

• 16 TAC §313.421

The Texas Racing Commission adopts on an emergency basis an amendment to §313.421, concerning horses to the pre-race holding area. The amendment clarifies the time when blinkers may be placed on a race horse. The amendment adopted on an emergency basis is contemporaneously proposed for public comment in this issue of the *Texas Register*.

The amendment is adopted on an emergency basis to ensure the rules of pari-mutuel racing are in place for pari-mutuel racing scheduled to begin on May 26, 1990, at Gillespie County Fair and Festivals Association.

The amendment is adopted on an emergency basis under Texas Civil Statutes, Article 179e, §3.02, which provide the commission with the authority to adopt rules to administer the Texas Racing Act.

§313.421. *Horses To Pre-Race Holding Area.*

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

(c) The commission veterinarian shall report to the stewards the failure of a horse to report to the pre-race holding area at the appropriate time. The stewards may [shall] declare a horse out of the race if the horse is reported under this subsection.

(d) Except on permission of the stewards, blinkers may not be placed on a horse until after the horse has been identified by the horse identifier.

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TRD-9005520 Paula Cochran Carter  
General Counsel  
Texas Racing Commission

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Expiration date: September 21, 1990

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

◆ ◆ ◆  
Chapter 319. Veterinary  
Practices and Drug Testing  
Subchapter A. General  
Provisions

• 16 TAC §319.3

The Texas Racing Commission adopts on an emergency basis an amendment to §319.3, concerning restricted medication. The amendment prohibits a person from administering or causing the administration of a prohibited drug, chemical, or other substance. The amendment adopted on an emergency basis is contemporaneously proposed for public comment in this issue of the *Texas Register*.

The amendment is adopted on an emergency basis to ensure the rules of pari-mutuel racing are in place for pari-mutuel racing scheduled to begin on May 26, 1990, at Gillespie County Fair and Festivals Association.

The amendment is adopted on an emergency basis under Texas Civil Statutes, Article 179e, §3.02, which provide the commission with the authority to adopt rules to administer the Texas Racing Act.

§319.3 *Medication Restricted.*

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

(f) Except as otherwise provided by this chapter, a person may not administer or cause to be administered to a horse or greyhound a prohibited drug, chemical, or other substance, including any restricted medication pursuant to subsection (d) of this section, by injection, by oral or topical administration, by rectal infusion or suppository, or by inhalation, during the 24-hour period before the post time for the race in which the animal is entered

(g) (No change.)

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

TRD-9005583 Paula Cochran Carter  
General Counsel  
Texas Racing Commission

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Expiration date: September 21, 1990

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

◆ ◆ ◆  
• 16 TAC §319.5

The Texas Racing Commission adopts on an emergency basis an amendment to §319.5, concerning report by veterinarians. The amendment clarifies when a veterinarian shall report the treatment of a race animal to the commission veterinarian. The amendment adopted on an emergency basis is contemporaneously proposed for public comment in this issue of the *Texas Register*.

The amendment is adopted on an emergency basis to ensure the rules of pari-mutuel racing are in place for pari-mutuel racing scheduled to begin on May 26, 1990, at Gillespie County Fair and Festivals Association.

The amendment is adopted on an emergency basis under Texas Civil Statutes, Article 179e, §3.02, which provide the commission with the authority to adopt rules to administer the Texas Racing Act.

§319.5. *Report by Veterinarians.*

(a) Not later than 24 hours after a veterinarian treats a race animal that is [entered in a race or] on an association's grounds, the veterinarian shall report the treatment to the commission veterinarian.

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

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

TRD-9005585 Paula Cochran Carter  
General Counsel  
Texas Racing Commission

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

◆ ◆ ◆  
Subchapter B. Treatment of  
Horses

Veterinary Practices

• 16 TAC §319.101

The Texas Racing Commission adopts on an emergency basis an amendment to §319.101, concerning racing soundness examinations. The amendment clarifies the time that racing soundness examinations will be conducted. The amendment adopted on an emergency basis is contemporaneously proposed for public comment in this issue of the *Texas Register*.

The amendment is adopted on an emergency basis to ensure the rules of pari-mutuel racing are in place for pari-mutuel racing scheduled to begin on May 26, 1990, at Gillespie County Fair and Festivals Association.

The amendment is adopted on an emergency

basis under Texas Civil Statutes, Article 179e, §3.02, which provide the commission with the authority to adopt rules to administer the Texas Racing Act.

§319.101. *Racing Soundness Examination.*

(a) A [Not later than two hours before a race, a] commission veterinarian shall examine each horse entered in a [the] race on the day it is to race to determine the horse's health and soundness for racing.

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

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

TRD-9005587 Paula Cochran Carter  
General Counsel  
Texas Racing Commission

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Expiration date: September 21, 1990

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

◆ ◆ ◆  
• 16 TAC §319.102

The Texas Racing Commission adopts on an emergency basis an amendment to §319.102, concerning the veterinarian's list. The amendment clarifies the procedures for placing a horse on and taking a horse off the veterinarian's list. The amendment adopted on an emergency basis is contemporaneously proposed for public comment in this issue of the *Texas Register*.

The amendment is adopted on an emergency basis to ensure the rules of pari-mutuel racing are in place for pari-mutuel racing scheduled to begin on May 26, 1990, at Gillespie County Fair and Festivals Association.

The amendment is adopted on an emergency basis under Texas Civil Statutes, Article 179e, §3.02, which provide the commission with the authority to adopt rules to administer the Texas Racing Act.

§319.102. *Veterinarian's List.*

(a) (No change.)

(b) On a form prescribed by the commission, the commission veterinarian shall notify the racing secretary and the trainer of a horse placed on the veterinarian's list as soon as practical [not later than 72 hours] after placing the horse on the list.

(c) (No change.)

(d) Before removing a horse from the veterinarian's list, the commission veterinarian may require the horse to perform satisfactorily in a work-out or qualifying race. Performance in such a work-out or qualifying race must be conducted in accordance with §319.3 of this title (relating to Medication Restricted). The commission veterinarian may require the collection of test specimens from a horse after a work-out or race required under this subsection. If a specimen is collected under this subsection, the commission veterinarian may not remove the horse from the veteri-



may not remove the horse from the veterinarian's list until the results of the test are negative.

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TRD-9005590 Paula Cochran Carter  
General Counsel  
Texas Racing Commission

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Expiration date: September 21, 1990

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

◆ ◆ ◆  
• 16 TAC §319.106

The Texas Racing Commission adopts on an emergency basis an amendment to §319.106, concerning nerved horses. The amendment clarifies the duties of the racing secretary regarding the list of nerved horses. The amendment adopted on an emergency basis is contemporaneously proposed for public comment in this issue of the *Texas Register*.

The amendment is adopted on an emergency basis to ensure the rules of pari-mutuel racing are in place for pari-mutuel racing scheduled to begin on May 26, 1990, at Gillespie County Fair and Festivals Association.

The amendment is adopted on an emergency basis under Texas Civil Statutes, Article 179e, §3.02, which provide the commission with the authority to adopt rules to administer the Texas Racing Act.

§319.106. *Nerved Horses.*

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

(c) The racing secretary shall maintain a list of nerved horses that are registered to race at that track [on association grounds] and make the list available for inspection by other licensees participating in the race meeting.

(d) (No change.)

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TRD-9005592 Paula Cochran Carter  
General Counsel  
Texas Racing Commission

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Expiration date: September 21, 1990

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

◆ ◆ ◆  
• 16 TAC §319.108

The Texas Racing Commission adopts on an emergency basis an amendment to §319.108, concerning the postmortem examination. The amendment clarifies the scope of postmortem examinations. The amendment adopted on an emergency basis is contemporaneously proposed for public comment in this issue of the *Texas Register*.

The amendment is adopted on an emergency basis to ensure the rules of pari-mutuel racing are in place for pari-mutuel racing scheduled to begin on May 26, 1990, at Gillespie County Fair and Festivals Association.

The amendment is adopted on an emergency basis under Texas Civil Statutes, Article 179e, §3.02, which provide the commission with the authority to adopt rules to administer the Texas Racing Act.

§319.108. *Postmortem Examination.*

(a) The commission veterinarian shall order a postmortem examination on each horse that, while on an association's grounds, dies or suffers a breakdown in training or in competition and is subsequently destroyed. The examination shall be conducted at a time and place acceptable to the commission veterinarian and to the extent reasonably necessary to determine the injury or sickness that resulted in the death or breakdown of the horse.

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

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

TRD-9005594 Paula Cochran Carter  
General Counsel  
Texas Racing Commission

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

◆ ◆ ◆  
Subchapter D. Drug Testing  
General Provisions

• 16 TAC §319.302

The Texas Racing Commission adopts on an emergency basis an amendment to §319.302, concerning reasonable diligence required. The amendment requires the owner, trainer, groom, or other person who has care and custody of a race animal to guard the horse prior to the race to prevent the administration of a drug, chemical, or other prohibited substance. The amendment adopted on an emergency basis is contemporaneously proposed for public comment in this issue of the *Texas Register*.

The amendment is adopted on an emergency basis to ensure the rules of pari-mutuel racing are in place for pari-mutuel racing scheduled to begin on May 26, 1990, at Gillespie County Fair and Festivals Association.

The amendment is adopted on an emergency basis under Texas Civil Statutes, Article 179e, §3.02, which provide the commission with the authority to adopt rules to administer the Texas Racing Act.

§319.302. *Reasonable Diligence Required.* The owner, trainer, groom, or other person who has care and custody of a race animal shall guard each horse trained by him or her in such a manner and for such time prior to racing the horse as to prevent [use reasonable diligence in preventing] the administration of drug, chemical, or other substance prohibited by these rules.

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

TRD-9005596 Paula Cochran Carter  
General Counsel  
Texas Racing Commission

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

◆ ◆ ◆  
• 16 TAC §319.306

The Texas Racing Commission adopts on an emergency basis an amendment to §319.306, concerning the effects of rulings on a purse. The amendment clarifies that if the stewards or racing judges disqualify a race animal under §319.304, concerning disqualification for positive test, the stewards or racing judges shall order the purse for the affected race held until the commission approves the redistribution of the purse. The amendment adopted on an emergency basis is contemporaneously proposed for public comment in this issue of the *Texas Register*.

The amendment is adopted on an emergency basis to ensure the rules of pari-mutuel racing are in place for pari-mutuel racing scheduled to begin on May 26, 1990, at Gillespie County Fair and Festivals Association.

The amendment is adopted on an emergency basis under Texas Civil Statutes, Article 179e, §3.02, which provide the commission with the authority to adopt rules to administer the Texas Racing Act.

§319.306. *Effects of Rulings on Purse.*

If [(a) Except as otherwise provided by this section, if] the stewards or racing judges disqualify a race animal under §319.304 of this title (relating to Disqualification for Positive Test), the stewards or racing judges shall order the purse for the affected race held until the commission approves the redistribution of the purse.

[(b) The stewards or racing judges may not require an association to hold the purse for a race affected by the results of a drug test conducted more than 21 days after the date of the race.]

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TRD-9005598 Paula Cochran Carter  
General Counsel  
Texas Racing Commission

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

◆ ◆ ◆  
Chapter 321. Pari-Mutuel  
Wagering

Subchapter A. Regulation and  
Totalisator Operations

Mutuel Tickets

• 16 TAC §321.34

The Texas Racing Commission adopts on an

emergency basis an amendment to §321.34, concerning claim for payment. The amendment clarifies the form prescribed in which an association shall accept a claim for payment from a pari-mutuel pool in any case where the association has withheld payment or has refused to cash a pari-mutuel ticket presented for payment. The amendment adopted on an emergency basis is contemporaneously proposed for public comment in this issue of the *Texas Register*.

The amendment is adopted on an emergency basis to ensure the rules of pari-mutuel racing are in place for pari-mutuel racing scheduled to begin on May 26, 1990, at Gillespie County Fair and Festivals Association.

The amendment is adopted on an emergency basis under Texas Civil Statutes, Article 179e, §3.02, which provide the commission with the authority to adopt rules to administer the Texas Racing Act.

#### §321.34. Claim for Payment.

(a) An association shall accept a claim for payment from a pari-mutuel pool in any case where the association has withheld payment or has refused to cash a pari-mutuel ticket presented for payment. The claim must be sworn and be made on a form prescribed by the association [commission]. The original of the claim shall be promptly forwarded to the commission.

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

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

TRD-9005557 Paula Cochran Carter  
General Counsel  
Texas Racing Commission

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

#### • 16 TAC §321.38

The Texas Racing Commission adopts on an emergency basis an amendment to §321.38, concerning claim for payment. The amendment clarifies when an association may cancel a ticket. The amendment adopted on an emergency basis is contemporaneously proposed for public comment in this issue of the *Texas Register*.

The amendment is adopted on an emergency basis to ensure the rules of pari-mutuel racing are in place for pari-mutuel racing scheduled to begin on May 26, 1990, at Gillespie County Fair and Festivals Association.

The amendment is adopted on an emergency basis under Texas Civil Statutes, Article 179e, §3.02, which provide the commission with the authority to adopt rules to administer the Texas Racing Act.

§321.38. Cancellation of Tickets. An association may cancel a ticket if:

(1) the pari-mutuel teller [cashier] made an error in issuing the ticket and the patron requests that the ticket be

canceled before the patron leaves the seller's window and before the ticket-issuing machines are locked; or

(2) (No change.)

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TRD-9005559 Paula Cochran Carter  
General Counsel  
Texas Racing Commission

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

#### • 16 TAC §321.39

The Texas Racing Commission adopts on an emergency basis an amendment to §321.39, concerning teller's records. The amendment clarifies that each pari-mutuel teller for an association shall retain and account for all tickets refunded or cancelled by the cashier. The amendment adopted on an emergency basis is contemporaneously proposed for public comment in this issue of the *Texas Register*.

The amendment is adopted on an emergency basis to ensure the rules of pari-mutuel racing are in place for pari-mutuel racing scheduled to begin on May 26, 1990, at Gillespie County Fair and Festivals Association.

The amendment is adopted on an emergency basis under Texas Civil Statutes, Article 179e, §3.02, which provide the commission with the authority to adopt rules to administer the Texas Racing Act.

§321.39. Teller's [Cashier's] Records. Each pari-mutuel teller [cashier] for an association shall retain and account for all tickets refunded or cancelled by the cashier.

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TRD-9005561 Paula Cochran Carter  
General Counsel  
Texas Racing Commission

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Expiration date: September 21, 1990

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

#### Regulation of Wagering

#### • 16 TAC §321.65

The Texas Racing Commission adopts on an emergency basis an amendment to §321.65, concerning wagering interests. The amendment clarifies that in the event the number of race animals competing in a race exceeds the numbering capacity of the totalisator system, the highest numbered horse and any horses grouped with that horse constitute the mutuel field. The amendment adopted on an emergency basis is contemporaneously proposed for public comment in this issue of the *Texas Register*.

The amendment is adopted on an emergency basis to ensure the rules of pari-mutuel racing

are in place for pari-mutuel racing scheduled to begin on May 26, 1990, at Gillespie County Fair and Festivals Association.

The amendment is adopted on an emergency basis under Texas Civil Statutes, Article 179e, §3.02, which provide the commission with the authority to adopt rules to administer the Texas Racing Act.

#### §321.65. Wagering Interests.

(a) If the stewards or racing judges determine that two or more race animals entered in a race have common ties through ownership [or training], the stewards or judges shall join the animals as a coupled entry.

(b) If the number of race animals competing in a race exceeds the numbering capacity of the totalisator system, the highest numbered horse and any horses grouped with that horse constitute the mutuel field [the animals that are assigned with the highest odds in the morning line are the mutuel field].

(c)-(d) (No change.)

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

TRD-9005563 Paula Cochran Carter  
General Counsel  
Texas Racing Commission

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Expiration date: September 21, 1990

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

#### • 16 TAC §321.70

The Texas Racing Commission adopts on an emergency basis new §321.70, concerning tip sheets. The new section describes the types of requirements for tip sheet vendors and how the tip sheets are to be made available to the patrons at the racetrack. The new section adopted on an emergency basis is contemporaneously proposed for public comment in this issue of the *Texas Register*.

The new section is adopted on an emergency basis to ensure the rules of pari-mutuel racing are in place for pari-mutuel racing scheduled to begin on May 26, 1990, at Gillespie County Fair and Festivals Association.

The new section is adopted on an emergency basis under Texas Civil Statutes, Article 179e, §3.02, which provide the commission with the authority to adopt rules to administer the Texas Racing Act.

#### §321.70. Tip Sheets.

(a) An association shall ensure that at least two independently-handicapped tip sheets are available at the racetrack. Each handicapper must sign and deliver the sheet at least one hour before post time for the first race to a commission representative at the racetrack.

(b) The association must display the previous race day's tip sheets and their outcome in a conspicuous place in the

grandstand area of the racetrack for inspection by patrons.

(c) A person holding a tip sheet concession at the racetrack must be licensed as a vendor by the commission and such a person may not hold an ownership interest in a horse or greyhound participating at the race meeting at which his or her tip sheets are sold.

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TRD-9005565 Paula Cochran Carter  
General Counsel  
Texas Racing Commission

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Expiration date: September 21, 1990

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

◆ ◆ ◆  
**Subchapter B. Distribution of  
Pari-Mutuel Pools**

◆ ◆ ◆  
**• 16 TAC §321.108**

The Texas Racing Commission adopts on an emergency basis an amendment to §321.108, concerning the quinella. The amendment clarifies that the distribution of the money in a quinella race in the event no ticket is sold on the winning combination or quinella tickets bear the number of either the winner or the second place animal, the quinella is considered "no contest" and the association shall carry forward to the next consecutive quinella race, all money wagered in the quinella. The amendment adopted on an emergency basis is contemporaneously proposed for public comment in this issue of the *Texas Register*.

The amendment is adopted on an emergency basis to ensure the rules of pari-mutuel racing are in place for pari-mutuel racing scheduled to begin on May 26, 1990, at Gillespie County Fair and Festivals Association.

The amendment is adopted on an emergency basis under Texas Civil Statutes, Article 179e, §3.02, which provide the commission with the authority to adopt rules to administer the Texas Racing Act.

**§321.108. Quinella.**

(a)-(j) (No change.)

(k) If no ticket is sold on the winning combination in a quinella race and no quinella tickets bear the number of either the winner or the second place animal, the quinella is considered "no contest" and the association shall carry forward to the next consecutive quinella race [refund] all money wagered in the quinella.

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TRD-9005569 Paula Cochran Carter  
General Counsel  
Texas Racing Commission

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

◆ ◆ ◆  
**• 16 TAC §321.109**

The Texas Racing Commission adopts on an emergency basis an amendment to §321.109, concerning the exacta. The amendment clarifies the distribution of the money in an exacta race in the event the exacta is considered "no contest." The association shall carry forward to the next consecutive exacta pool all money wagered in the exacta pool. The amendment adopted on an emergency basis is contemporaneously proposed for public comment in this issue of the *Texas Register*.

The amendment is adopted on an emergency basis to ensure the rules of pari-mutuel racing are in place for pari-mutuel racing scheduled to begin on May 26, 1990, at Gillespie County Fair and Festivals Association.

The amendment is adopted on an emergency basis under Texas Civil Statutes, Article 179e, §3.02, which provide the commission with the authority to adopt rules to administer the Texas Racing Act.

**§321.109. Exacta.**

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

(j) If no ticket is sold that would require distribution under this section, the exacta is considered "no contest" and the association shall carry forward to the next consecutive exacta pool [refund] all money wagered in the exacta pool.

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

TRD-9005571 Paula Cochran Carter  
General Counsel  
Texas Racing Commission

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

◆ ◆ ◆  
**• 16 TAC §321.110**

The Texas Racing Commission adopts on an emergency basis an amendment to §321.110, concerning the trifecta. The amendment clarifies the distribution of the money in a trifecta race in the event the trifecta is considered "no contest." The association shall carry forward to the next consecutive trifecta pool all money wagered in the trifecta pool. The amendment adopted on an emergency basis is contemporaneously proposed for public comment in this issue of the *Texas Register*.

The amendment is adopted on an emergency basis to ensure the rules of pari-mutuel racing are in place for pari-mutuel racing scheduled to begin on May 26, 1990, at Gillespie County Fair and Festivals Association.

The amendment is adopted on an emergency basis under Texas Civil Statutes, Article 179e, §3.02, which provide the commission with the authority to adopt rules to administer the Texas Racing Act.

**§321.110. Trifecta.**

(a)-(l) (No change.)

(m) If no ticket is sold that would require distribution under this section, the trifecta is considered "no contest" and the association shall carry forward to the next consecutive trifecta pool [refund] all money wagered in the trifecta pool.

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

TRD-9005573 Paula Cochran Carter  
General Counsel  
Texas Racing Commission

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Expiration date: September 21, 1990

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

◆ ◆ ◆  
**• 16 TAC §321.112**

The Texas Racing Commission adopts on an emergency basis an amendment to §321.112, concerning the pick six. The amendment clarifies that if there are two or more identical favorites in the win pool, all the favorites will be substituted for the nonstarting selection. The amendment adopted on an emergency basis is contemporaneously proposed for public comment in this issue of the *Texas Register*.

The amendment is adopted on an emergency basis to ensure the rules of pari-mutuel racing are in place for pari-mutuel racing scheduled to begin on May 26, 1990, at Gillespie County Fair and Festivals Association.

The amendment is adopted on an emergency basis under Texas Civil Statutes, Article 179e, §3.02, which provide the commission with the authority to adopt rules to administer the Texas Racing Act.

**§321.112. Pick Six.**

(a)-(d) (No change.)

(e) If a pick six ticket designates a selection and the selection is scratched, declared out, or prevented from racing, the favorite, as determined by the amounts wagered in the win pool at the start of the race, will be substituted for the nonstarting selection for all purposes, including mutuel pool calculations and payoffs to the public. If there are two or more identical favorites in the win pool, all the favorites [the animal with the lower number post position] will be substituted for the nonstarting selection.

(f)-(j) (No change.)

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

TRD-9005575 Paula Cochran Carter  
General Counsel  
Texas Racing Commission

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

• 16 TAC §321.113

The Texas Racing Commission adopts on an emergency basis new §321.113, concerning the pick three. The section describes the method for calculating and distributing the pari-mutuel pools on the "pick three" wager. The new section adopted on an emergency basis is contemporaneously proposed for public comment in this issue of the *Texas Register*.

The new section is adopted on an emergency basis to ensure the rules of pari-mutuel racing are in place for pari-mutuel racing scheduled to begin on May 26, 1990, at Gillespie County Fair and Festivals Association.

The new section is adopted on an emergency basis under Texas Civil Statutes, Article 179e, §3.02, which provide the commission with the authority to adopt rules to administer the Texas Racing Act.

§321.113. Pick Three.

(a) The pick three pari-mutuel pool is not a parley and has no connection with or relation to any other pari-mutuel pool conducted by the association, nor to the win, place, and show pools shown on the totalisator board.

(b) A pick three ticket is evidence of a binding contract between the holder of the ticket and the association and the ticket constitutes an acceptance of this section.

(c) The pick three pari-mutuel pool consists of amounts contributed for a selection to win only on each of three races designated by the association with the approval of the commission. Each person purchasing a pick three ticket shall designate the winning animal in each of the three races comprising the pick three.

(d) A coupled entry or mutuel field in a race that is part of the pick three shall race as a single wagering interest of the purpose of the pick three pari-mutuel pool calculations and payoffs to the public. If any part of a coupled entry or mutuel field is a starter in a race, the entry or field selection remains as the designated selection to win in that race for the pick three calculation, and the selection may not be deemed a scratch.

(e) The pick three pari-mutuel pool shall be distributed in accordance with this section. One hundred percent of the net amount in the pari-mutuel pool subject to distribution among winning ticket holders shall be distributed among the holders of pari-mutuel tickets which correctly designate the official winner in each of the three races comprising the pick three.

(f) If no pari-mutuel ticket is sold combining the three winners of the pick three, 100% of the net amount in the pari-mutuel pool shall be distributed among the holders of pari-mutuel tickets which include the winners of two of the three races comprising the pick three.

(g) If no pari-mutuel ticket is sold combining two winners of the pick three, 100% of the net amount in the pari-mutuel pool shall be distributed among the holders of pari-mutuel tickets which include the winner of any one race comprising the pick three.

(h) If no pari-mutuel ticket is sold that would require distribution of the pick three pool under subsections (e)-(g) of this section, 100% of the net amount of the pick three pari-mutuel pool for the next succeeding race date as an additional net amount to be distributed.

(i) If, for any reason, the final day of racing is canceled or the pick three pool has not been distributed, the pool shall be escrowed by the association, and the pool, as well as all accrued interest, shall be carried over and included in the pick three pari-mutuel pool for the next succeeding race date as an additional net amount to be distributed.

(j) If for any reason one or two of the races comprising the pick three is canceled, the net amount of the pari-mutuel pool shall be distributed as provided in subsections (f)-(h) of this section.

(k) If for any reason all of the races comprising the pick three are canceled, the association shall refund the pari-mutuel tickets sold on the pick three on that day. One hundred percent of the remaining amount in the pick three pari-mutuel pool shall be carried over and included in the pick three pari-mutuel pool for the next succeeding race date as an additional net amount to be distributed.

(l) If a pick three tickets designates a selection in one or more of the races comprising the pick three and that selection is scratched, excused, or determined by the stewards to be a nonstarter in the race, the actual favorite, as shown by the amounts wagered in the win pool at the time of the start of the race, will be substituted for the nonstarting selection for all purposes, including pool calculations and payoffs.

(m) In the event of a dead heat for win between two or more animals in a pick three race, all the animals in the dead heat for win shall be considered as winning animals in the race for the purpose of calculating the pool.

(n) A pari-mutuel ticket for the pick three pool may not be sold, exchanged, or canceled after the time of the closing of wagering in the first of the three races comprising the pick three, except for refunds on pick three tickets as required by subsection (k) of this section. A person may not disclose the number of tickets sold in the pick three pool or the number or amount of tickets selecting winners of pick three races until the stewards or racing judges have determined the last race comprising the pick three to be official.

(o) After the second of the three

races comprising the pick three has been declared official, an association may, with approval of the commission, post possible payoff prices to the public before the start of the third race of the pick three.

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

TRD-9005577

Paula Cochran Carter  
General Counsel  
Texas Racing Commission

Effective date: May 24, 1990

Expiration date: September 21, 1990

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

◆ ◆ ◆  
• 16 TAC §321.114

The Texas Racing Commission adopts on an emergency basis new §321.114, concerning prevention of start. The section described the method for distributing the pari-mutuel pools if a malfunction of the starting gate or box prevents an animal from getting a fair start in the race. The new section adopted on an emergency basis is contemporaneously proposed for public comment in this issue of the *Texas Register*.

The new section is adopted on an emergency basis to ensure the rules of pari-mutuel racing are in place for pari-mutuel racing scheduled to begin on May 26, 1990, at Gillespie County Fair and Festivals Association.

The new section is adopted on an emergency basis under Texas Civil Statutes, Article 179e, §3.02, which provide the commission with the authority to adopt rules to administer the Texas Racing Act.

§321.114. Prevention of Start.

(a) In a race, if the doors of a mechanically or electronically operated starting gate or box fail to open simultaneously with the other doors, thereby preventing a horse or greyhound from obtaining a fair start when the starter dispatches the field, this section applies to the distribution of the pari-mutuel pools.

(b) If an animal is prevented from starting, the entire amount in the win, place, and show pools wagered on that animal shall be promptly refunded unless the animal finishes first, second, or third. In that case, the animal shall be considered a starter for straight pools in which the animal earned a placing and a nonstarter in all other straight pools. There shall not be a refund if the animal is part of a coupled entry or field.

(c) If an animal is prevented from starting, the entire amount in the exacta, quinella, or trifecta pools wagered on that animal shall be promptly refunded unless the animal finishes first, second, or third. In that case, the animal shall be considered a starter for the exacta, quinella, or trifecta pool in which the animal earned a placing. There shall not be a refund if the animal is a part of a coupled entry or field.

(d) If an animal is prevented from

starting so that the total number of starters is less than five:

(1) if four animals of different betting interest leave the gate or box, the association may refund the entire amount wagered in the show pool;

(2) if two or three animals of different betting interests leave the gate or box, the association may refund the entire amount of the show pool, the place pool, or both pools; and

(3) if fewer than two animals of different betting interests leave the gate or boxes, the association shall cancel the race and refund the entire amount wagered in the win, place, and show pools.

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

TRD-9005579 Paula Cochran Carter  
General Counsel  
Texas Racing Commission

Effective date: May 24, 1990

Expiration date: September 21, 1990

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

## TITLE 22. EXAMINING BOARDS

### Part IX. Texas Board of Nurse Examiners

#### Chapter 221. Advanced Nurse Practitioners

##### • 22 TAC §221.1

The Texas Board of Nurse Examiners is renewing the effectiveness of the emergency adoption of amended §221.1, for a 60-day period effective May 25, 1990. The text of amended §221.1 was originally published in the February 9, 1990, issue of the *Texas Register* (15 TexReg 679).

Issued in Austin, Texas, on May 25, 1990.

TRD-9005353 Louise Waddill, R.N., Ph.D.  
Executive Secretary  
Texas Board of Nurse  
Examiners

Effective date: May 25, 1990

Expiration date: July 9, 1990

For further information, please call: (512) 835-8650

##### • 22 TAC §221.7

The Texas Board of Nurse Examiners is renewing the effectiveness of the emergency adoption of repealed §221.7, for a 60-day period effective May 25, 1990. The text of repealed §221.7 was originally published in the February 9, 1990, issue of the *Texas Register* (15 TexReg 679).

Issued in Austin, Texas, on May 25, 1990.

TRD-9005355 Louise Waddill, R.N., Ph.D.  
Executive Secretary  
Texas Board of Nurse  
Examiners

Effective date: May 25, 1990

Expiration date: July 9, 1990

For further information, please call: (512) 835-8650

##### • 22 TAC §221.7, §221.8

The Texas Board of Nurse Examiners is renewing the effectiveness of the emergency adoption of new §221.7, and §221.8 for a 60-day period effective May 25, 1990. The text of new §221.7, and §221.8 was originally published in the February 9, 1990, issue of the *Texas Register* (15 TexReg 680).

Issued in Austin, Texas, on May 25, 1990.

TRD-9005354 Louise Waddill, R.N., Ph.D.  
Executive Secretary  
Texas Board of Nurse  
Examiners

Effective date: May 25, 1990

Expiration date: July 9, 1990

For further information, please call: (512) 835-8650

## TITLE 43. TRANSPORTATION

### Part I. State Department of Highways and Public Transportation

#### Chapter 1. Administration

#### Sick Leave Pool Program

##### • 43 TAC §§1.300-1.305

The State Department of Highways and Public Transportation adopts on an emergency basis new §§1.300-1.305 concerning the sick leave pool program. The new sections prescribe the policy and procedures for administering the department's sick leave pool program which includes purpose, definitions, administration of the pool, eligibility, procedures, and equal treatment. These emergency sections provide for the creation of a sick leave pool from voluntary contributions of sick leave from an employee's personal leave account and authorizes the use of sick leave from the pool by an employee when the employee or a member of the employee's immediate family has a catastrophic illness or injury. The new sections describe the purpose of the program, eligibility criteria for participation, procedures for contributing to and withdrawing from the sick leave pool, and provisions for equal treatment of employees who use sick leave from the pool as compared with employees who use earned sick leave.

Adoption on an emergency basis is necessary in order to comply with the recent passage of Senate Bill 357, 71st Legislature, 1989, codified as Texas Civil Statutes, Article 6252-8e, which mandates the governing body of each state agency to adopt rules not later than February 28, 1990.

The new sections are adopted on an emergency basis under Texas Civil Statutes, Article 6252-8e, which authorize state

agencies to establish rules for a sick leave pool for catastrophic illness or injury, and Texas Civil Statutes, Article 6666, which provides the State Highway and Public Transportation Commission with the authority to establish rules for the conduct of the work of the State Department of Highways and Public Transportation.

*§1.300. Purpose.* The purpose of the sick leave pool program is to provide additional sick leave for an employee when the employee or the employee's immediate family member has a catastrophic illness or injury which causes the employee to exhaust all leave time earned and lose compensation from the state. Authority for the creation of a sick leave pool program is contained in Texas Civil Statutes, Article 6252-8e.

*§1.301. Definitions.* The following words and terms, when used in the sections under this undesignated head, shall have the following meanings, unless the context clearly indicates otherwise.

*Accrued leave time—Vacation leave, sick leave, and compensatory time (excluding extended sick leave).*

*Catastrophic illness or injury—A severe condition or combination of conditions affecting the mental or physical health of an employee or the employee's immediate family that requires the services of a licensed practitioner for a prolonged period of time and that forces the employee to exhaust all leave time earned by that employee and to lose compensation from the state for the employee.*

*Contribute—To give sick leave from an employee's personal sick leave account to the department sick leave pool.*

*District/division personnel officer—An employee in a district or division who is responsible for verifying the accuracy of all employee leave time records, and who is also responsible for the district or division extended sick leave program. (If more than one employee has these responsibilities, they shall coordinate their activities for the purpose of these rules.)*

*Employee—A person, other than a state officer, who is employed by the department.*

*Immediate family—Those individuals related by kinship, adoption, or marriage, or foster children who are so certified by the Texas Department of Human Services, who are living in the same household or, if not in the same household, are totally dependent upon an employee for personal care or services on a continuing basis. Licensed practitioner—A practitioner, as defined in the Texas Insurance Code, who is practicing within the scope of his/her license.*

*Part time employee—An employee who regularly works a set number of hours which is less than 40 hours per week.*

*Pool administrator—An employee appointed by the Engineer-Director to*

administer the department's sick leave pool program.

**Sick leave pool**—A single department wide pool which receives voluntary contributions of sick leave from employees and which gives approved amounts of sick leave to eligible employees.

**Temporary employee**—An employee who works full time for a specified period of time, such as a seasonal or project employee, or a retiree returning for six months employment.

**Totally dependent on a continuing basis**—A situation in which an employee has the responsibility for the personal care or services of the employee's family member(s) on a day-to-day basis and no other family member is available to provide the same daily service provided by the employee.

**Withdrawal**—The use of sick leave hours from the department sick leave pool.

**§1.302. Administration of the Pool.** The pool administrator is responsible for developing procedures for the operation of the pool; developing forms for contributing leave to, or using leave from the sick leave pool; and issuing interpretations and clarifications of the Sick Leave Pool Program.

**§1.303. Eligibility.**

(a) Participation.

(1) All full time, part time, regular, and temporary employees, including temporary retirees, may participate in the sick leave pool program.

(2) An employee with a catastrophic illness or injury is not required to contribute to the pool before he or she can use pool leave.

(b) Withdrawal.

(1) An employee or an employee's immediate family member must have a catastrophic illness or injury. The pool administrator will determine if the illness or injury of the employee or a member of the employee's immediate family is catastrophic.

(2) An employee must exhaust all accrued leave time before being eligible to apply for leave from the sick leave pool. An employee who is in need of additional sick leave after exhausting all accrued leave time shall apply for time from the sick leave pool first and extended sick leave second, provided he or she meets eligibility requirements of each program.

(3) If an employee's immediate family member has a catastrophic illness or injury, the immediate family member must reside in the same household as the employee or be totally dependent upon the employee for personal care or services on a continuing basis.

(4) An employee who has contributed to the pool in the past, and who has

exhausted all accrued sick leave, but who does not suffer a catastrophic illness or injury may apply to use sick leave from the sick leave pool as specified in §1.304(b)(2)(F) of this title (relating to Procedures).

(5) An employee injured on the job, who integrates his or her sick leave and vacation leave, must use all accrued leave time before they can draw from the pool, and must meet the eligibility requirements in this section.

**§1.304. Procedures.**

(a) Contribution.

(1) An employee may voluntarily contribute no less than eight hours nor more than 24 hours in any fiscal year, in increments of eight hours.

(2) An employee who is planning to retire, terminate, or resign will be encouraged to contribute sick leave hours upon termination, if they have not already contributed the 24 hour maximum allowed for the fiscal year.

(3) Contributions may not be specified for use by a certain individual.

(4) An employee who is planning to retire and who has contributed sick leave to the pool may not withdraw that contribution in order to receive a month's retirement credit for each 320 hours of accrued and unused sick leave, as provided by the Employees Retirement System of Texas.

(5) An employee who wishes to contribute sick leave to the pool shall submit an application to the district/division personnel officer. The application shall be in a form prescribed by the pool administrator.

(6) After verifying the accuracy of information on the application, the district/division personnel officer shall sign the application and submit it to the pool administrator.

(7) Once the application is approved by the pool administrator, the pool administrator shall transfer hours from the employee's account to the sick leave pool account.

(b) Withdrawal.

(1) Application.

(A) An employee who wishes to withdraw sick leave from the pool shall submit an application to the district/division personnel officer. The application for withdrawal shall be in a form prescribed by the pool administrator.

(B) The application must be accompanied by a written certification from a licensed practitioner concerning the diagnosis and prognosis of the condition or combination of conditions and the date the

employee or family member will be able to return to work, school, or normal activities. This certification is also required when a family member is ill with a catastrophic illness or injury. The licensed practitioner's certification shall be made in a form prescribed by the pool administrator.

(2) Amount of time.

(A) The amount of sick leave granted for each application will be determined by the pool administrator. This amount cannot exceed one-third of the balance of hours in the pool or 90 days, whichever is less.

(B) If the licensed practitioner's certification requests a lesser amount of sick leave than the maximum amount allowable, the amount requested by the licensed practitioner will be granted.

(C) The one-third of the balance of hours in the pool shall be based upon the balance of the pool at the time the application is received in the pool administrator's office.

(D) The employee must meet the eligibility criteria each time he or she applies for pool leave, and each application for withdrawal must be accompanied by an updated licensed physician's certification justifying the additional request from the sick leave pool.

(E) If the pool balance cannot accommodate the amount of time needed by the employee and the employee's request is therefore rejected, the employee may apply for extended sick leave, provided he or she meets the eligibility requirements for such sick leave as specified in the Human Resources Manual.

(F) An employee who contributes to the sick leave pool, who exhausts all accrued sick leave time, and is in need of additional sick leave, but who does not suffer a catastrophic illness or injury, may withdraw only the amount he or she contributed during that same fiscal year. A licensed practitioner's certification is required which meets the criteria established in subsection (b) (1)(B) of this section. Refund of contributed leave hours is contingent on the pool balance being adequate to make such a refund at the time of the request.

(3) Withdrawal process.

(A) The district/division personnel officer shall ensure that an appropriate licensed practitioner's certification regarding the catastrophic illness or injury accompanies the request, and shall verify that the information on the

application is correct, before signing and submitting it to the pool administrator.

(B) An application for withdrawal of pool sick leave should be submitted to the pool administrator at least 10 days in advance of the exhaustion of all accrued leave time, or when it is reasonably anticipated that pool sick leave will be needed.

(C) The pool administrator will consider applications for withdrawal in the order in which they are received by the pool administrator. The pool administrator shall stamp the time and date of receipt upon each application when received, and shall approve or deny the request within five working days of that date.

(D) Unused sick leave from the pool shall be returned to the pool account.

(E) The estate of a deceased employee is not entitled to payment for unused sick leave from the pool.

(F) An employee who uses pool sick leave is not required to pay back that leave.

(G) A withdrawal of hours from the sick leave pool or the transfer of hours between accounts must be approved by the pool administrator.

*§1.305. Equal Treatment.* An employee using sick leave from the pool shall be treated the same as an employee on earned sick leave. Such an employee earns vacation and sick leave while drawing from the pool.

Issued in Austin, Texas, on May 25, 1990.

TRD-9005338

Diane L. Northam  
Administrative Procedures  
Technician  
State Department of  
Highways and Public  
Transportation

Effective date: May 25, 1990

Expiration date: September 22, 1990

For further information, please call: (512) 463-8630

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**The Proposed Section of the June 5, 1990, issue is published in Volume II, Number 42.**



# Withdrawn Sections

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

## TITLE 4. AGRICULTURE

### Part II. Texas Animal Health Commission

#### Chapter 35. Brucellosis

##### Subchapter B. Eradication of Brucellosis in Swine

###### • 4 TAC §35.50

The Animal Health Commission has withdrawn from consideration for permanent adoption a proposed new §35.50 which appeared in the March 13, 1990, issue of the *Texas Register* (15 TexReg 1350). The effective date of this withdrawal is July 1, 1990.

Issued in Austin, Texas, on May 29, 1990

TRD-9005532

Jo Anne Conner  
Executive Secretary  
Texas Animal Health  
Commission

Effective date: July 1, 1990

For further information, please call: (512) 479-6897



## TITLE 16. ECONOMIC REGULATION

### Part VIII. Texas Racing Commission

#### Chapter 309. Operation of Racetracks

##### Subchapter C. Greyhound Racetracks

###### Operations

###### • 16 TAC §309.359

The Texas Racing Commission has withdrawn from consideration for permanent adoption a proposed amendment to §309.359 which appeared in the May 24, 1990, issue of the *Texas Register* (15 TexReg 2402). The effective date of this withdrawal is May 24, 1990.

Issued in Austin, Texas, on May 24, 1990

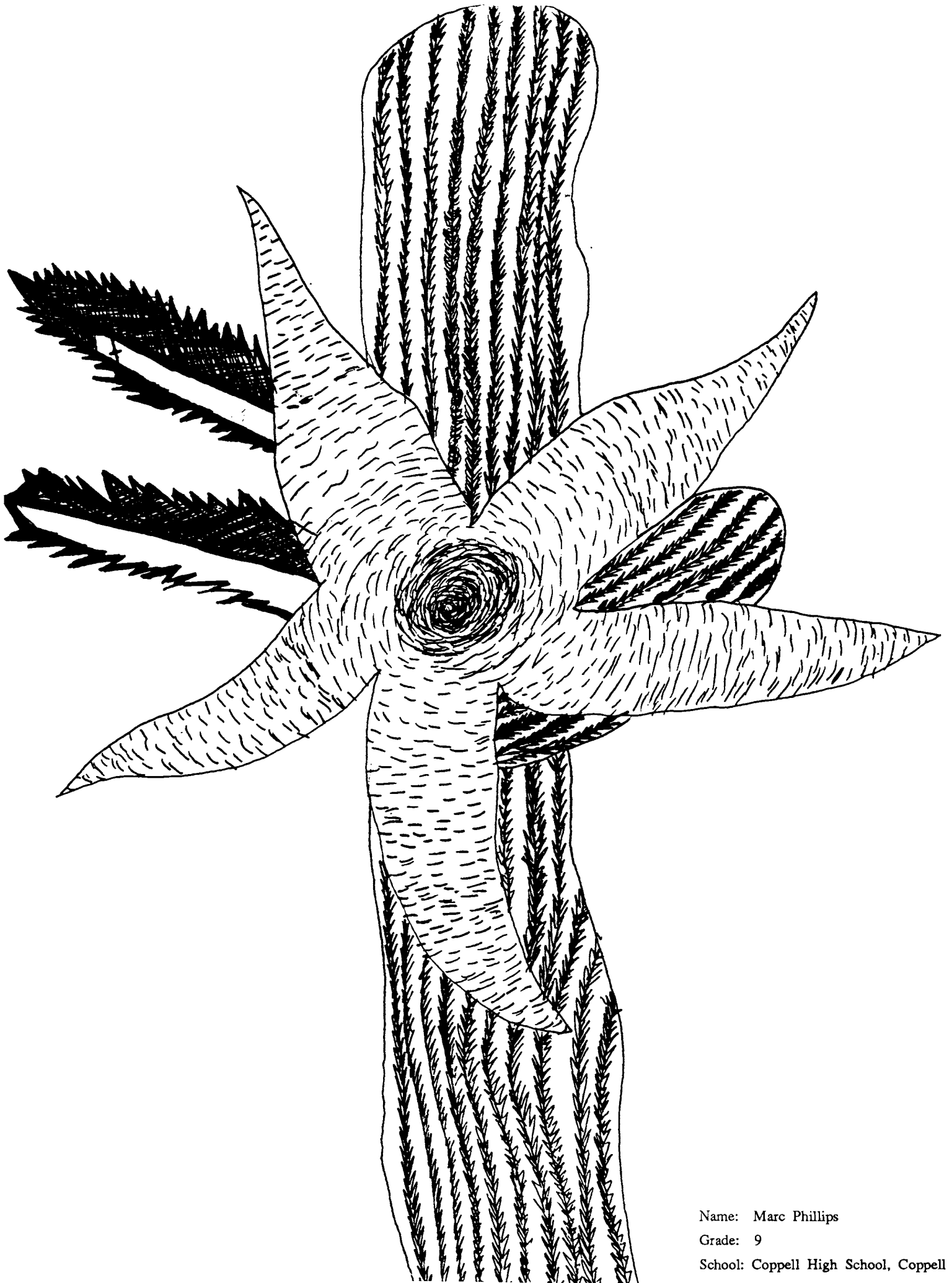
TRD-9005582

Paula Cochran Carter  
General Counsel  
Texas Racing Commission

Effective date: May 24, 1990

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





Name: Marc Phillips

Grade: 9

School: Coppell High School, Coppell

# 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 4. AGRICULTURE Part I. Texas Department of Agriculture

### Chapter 17. Marketing Division

#### Livestock Export Facilities

##### • 4 TAC §17.32 §17.33

The Texas Department of Agriculture adopts new §17.32 and §17.33, without changes to the proposed text as published in the April 24, 1990, issue of the *Texas Register* (15 TexReg 2326).

The new sections are adopted in order to formalize operating times and procedures for operation of the department's export livestock facilities and to produce sufficient revenue from after hours operation to equal the department's costs of operation after normal business hours.

New §17.32 provides for regular and non-business hours and establishes a late operation fee on a per shipment basis and an overtime staff charge. New §17.33 provides general provisions for access to the livestock export facilities.

No comments were received regarding adoption of the new section.

The new sections are adopted under the Texas Agriculture Code, §146.021 which provides the Texas Department of Agriculture with the authority to receive and hold for processing animals transported in international trade, and establish and collect fees for such holding and other expenses; and the Appropriations Act, Senate Bill Number 222, 71st Legislative Session, which encourages the department to set fees for yardage at the department's livestock export facilities at a level that will produce sufficient revenues to equal costs of operation of the facilities.

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

Issued in Austin, Texas, on May 25, 1990.

TRD-9005378 Dolores Alvarado Hibbs  
Director of Hearings  
Texas Department of  
Agriculture

Effective date: June 15, 1990

Proposal publication date: April 24, 1990

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

## Part II. Texas Animal Health Commission

### Chapter 35. Brucellosis

#### Subchapter A. Eradication of Brucellosis in Cattle

##### • 4 TAC §35.2

The Texas Animal Health Commission adopts an amendment to §35.2, without changes to the proposed text as published in the March 13, 1990, issue of the *Texas Register* (15 TexReg 1343).

The amendment is necessary in order to allow a postquarantine herd test for brucellosis and to require a livestock dealer to maintain records of cattle transactions.

A herd owner is allowed to use a postquarantine herd test for brucellosis to serve as the certifying test when certifying a herd as brucellosis free. A livestock dealer is required to maintain records that reflect specific information regarding the buyer of cattle such as the buyer's name and address, the county of origin of the cattle, the number of animals, a description of each animal including the sex, age, color, breed, and brand as well as individual identification such as an eartag, bangle tag, tattoo, or firebrand.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Agriculture Code, Texas Civil Statutes, Chapter 161, which provides the commission with the authority to adopt rules and sets forth the duties of the commission to protect livestock in the state from disease.

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

Issued in Austin, Texas, on May 25, 1990.

TRD-9005542 John W. Holcombe, DVM  
Executive Director  
Texas Animal Health  
Commission

Effective date: June 19, 1990

Proposal publication date: March 13, 1990

For further information, please call: (512) 479-6697

#### Subchapter B. Eradication of Brucellosis in Swine

##### • 4 TAC §§35.41-35.55

The Texas Animal Health Commission adopts the repeal of §§35.41-35.55, without

changes to the proposed text as published in the March 13, 1990, issue of the *Texas Register* (15 TexReg 1343).

The repealed sections will be replaced by §§35.41-35.49 as proposed for adoption in this issue of the *Texas Register*.

No comments were received regarding adoption of the repeals.

The repeals are adopted under the Agriculture Code, Texas Civil Statutes, Chapter 161, which provides the commission with the authority to adopt rules and sets forth the duties of this commission to protect livestock in the state from disease.

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

Issued in Austin, Texas, on May 25, 1990.

TRD-9005531 John W. Holcombe, DVM  
Executive Director  
Texas Animal Health  
Commission

Effective date: June 19, 1990

Proposal publication date: March 13, 1990

For further information, please call: (512) 479-6697

##### • 4 TAC §35.41

The Texas Animal Health Commission adopts new §35.41, with changes to the proposed text as published in the March 13, 1990, issue of the *Texas Register* (15 TexReg 1344).

The new section is necessary to provide definitions of words, terms, and phrases used in the Swine Brucellosis Regulations. The definition for an official backtag was moved to §55.4 of the Swine Regulations in an effort to remove duplication; the definition for "market swine identification" was deleted since that term is no longer used. The definition for a "stag" animal was removed since it does not require a test under the market swine test definition. Also, the definition for a "herd of origin" was amended to provide that for a herd to be considered the herd of origin of an animal, the animal must either have been farrowed and raised in the herd or have been on the premise for at least 60 days rather than 30 days.

The definitions in this section will assist the reader in interpreting how the terms are used in this regulation.

Two comments were received regarding adoption of the new section. One comment was that "stag" should be removed as being one of the animals that will require a test. The

other was that for a herd to be considered the "herd of origin", the swine must have been in the herd at least 60 days if they were not farrowed and raised in the herd.

USDA representatives, Austin, Texas commented on the new section.

The USDA is not opposed to the rule; however, its representatives did believe the previously mentioned amendments should be made to the rule.

The new section is adopted under the Agriculture Code, Texas Civil Statutes, Chapter 161, which provides the commission with authority to adopt rules and sets forth the duties of the commission to protect livestock in the state from disease.

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

**Boar**—An uncastrated male swine that has reached a stage of maturity that allows him to be used as a breeding animal. The term also includes those uncastrated male swine that because of age or infirmity are no longer capable of being used for breeding.

**Brucellosis exposed swine**—Swine that are part of a known infected herd or that have been in contact with brucellosis reactors in marketing channels for periods of 24 hours or longer, or for a period of less than 24 hours if the reactor has recently aborted, farrowed, or has a vaginal or uterine discharge. These animals are considered exposed regardless of the blood test results. Brucellosis suspect swine are also considered to be exposed. Brucellosis exposed swine must be placed under quarantine and restricted pending slaughter or pending testing after being returned to the herd of origin.

**Dealer**—

(A) any person engaged in the business of buying or selling swine in commerce on his own account, as an employee or agent of the vendor, the purchaser, or both, or on a commission basis;

(B) shall not include a person who buys or sells swine as part of his own bona fide breeding, feeding, or stocker operations but does include livestock markets and commission merchants.

**Herd**—

(A) all swine under common ownership or supervision that are grouped on one or more parts of any single premises (lot, farm, or ranch); or,

(B) all swine under common ownership or supervision on two or more premises that are geographically separated, but on which swine have been interchanged or where there has been contact among them on the different premises. Contact be-

tween swine on the different premises will be assumed unless the owner establishes otherwise and the results of the epidemiologic investigation are consistent with the lack of contact between premises; or

(C) all swine on common premises, such as community pastures or grazing association units, but owned by different persons. Other groups of swine owned by the persons involved which are located on other premises are considered to be part of this herd unless the epidemiological investigation established that swine from the affected herd have not had the opportunity for direct or indirect contacts with swine from that specific premises

**Herd of origin of swine**—Any herd or premises on which swine are farrowed and raised or premises on which those swine were maintained for a period of 60 days or more immediately before being shipped.

**Herd test**—The herd test shall include all breeding swine six months of age and older. All swine tested shall be identified with an eartag, tattoo, or other permanent identification. (All swine held for feeding purposes are exempt from herd test provided they are maintained separate and apart from the breeding herd.)

**Identification of reactor**—Reactor swine are to be identified by placing a red serially numbered reactor tag in left ear.

**Infected herd**—A herd of breeding swine in which one or more reactors has been disclosed.

**Market swine test (MST)**—Tests on sows and boars moving in trade through livestock markets, stockyards, buying stations, or to slaughter establishments and those sows and boars assembled at farms or ranches that are being readied for immediate movement to markets, stockyards, or slaughter establishments or to other sales.

**Sow**—A female swine that has given birth to one or more pigs or that is parturient.

**Swine Classification**—

(A) Negative—Swine are classified as brucellosis negative:

(i) when they are from a herd that is known to be affected or a herd of unknown status; and

(I) a standard tube agglutination test (STT) discloses a reaction of less than complete agglutination in the blood titer dilution of 1:25; or

(II) they have no reaction on the standard card test;

(ii) when they are from a validated brucellosis-free herd or from a herd not known to be affected in a validated brucellosis-free state, or are swine tested as part of a complete herd test in which no titer, on the STT, is greater than an incom-

plete reaction at the 1:100 dilution or is positive on the standard card test.

(B) Suspect—Swine that are positive on the card test in a herd that is otherwise negative on serological or bacteriological tests and as judged by epidemiological evidence. These swine will be held under whole herd quarantine until they are subjected to additional official brucellosis tests to determine the status of the swine, that is, whether they are actually negative or reactors.

(C) Reactor—Swine that disclose complete STT agglutination reactions in the blood titer dilution of 1:100 or higher, or swine in a herd known to be affected or swine tested as part of an incomplete herd blood test of a herd of unknown status that have a complete agglutination in the 1:25 dilution or higher. With the exception stated in the definition of suspect, a swine is a reactor if it discloses a positive standard card test reaction, or is found to be infected by another official test or by isolating or otherwise identifying the brucella organism.

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

Issued in Austin, Texas, on May 25, 1990.

TRD-9005541

John W. Holcombe, DVM  
Executive Director  
Texas Animal Health  
Commission

Effective date: June 19, 1990

Proposal publication date: March 13, 1990

For further information, please call: (512) 479-6697

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• 4 TAC §35.42

The Texas Animal Health Commission adopts new §35.42, without changes to the proposed text as published in the March 13, 1990, issue of the *Texas Register* (15 TexReg 1345).

The new section is necessary in order to provide information on tests and test interpretations for swine brucellosis blood and semen.

Blood and semen samples collected from swine will be submitted to the state-federal laboratory where specific tests such as the card, standard tube and semen plasma tests will be run.

No comments were received regarding adoption of the new section.

The new section is adopted under the Agriculture Code, Texas Civil Statutes, Chapter 161, which provides the commission with the authority to adopt rules and sets forth the duties of the commission to protect livestock in the state from disease.

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

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

Issued in Austin, Texas, on May 25, 1990.

TRD-9005540

John W. Holcombe, DVM  
Executive Director  
Texas Animal Health  
Commission

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For further information, please call: (512) 479-6697



#### • 4 TAC §35.43

The Texas Animal Health Commission adopts new §35.43, with changes to the proposed text as published in the March 13, 1990, issue of the *Texas Register* (15 TexReg 1346).

The new section provides surveillance test results from blood collected from sows and boars slaughtered so that infected herds may be identified. One change included in this adoption provides for blood to be collected only from animals that can be traced to a farm-of-origin. The requirements for identification section was deleted from this section because of duplication and moved to §55. 4.

Blood and semen samples collected from swine will be submitted to the state-federal laboratory when specific tests such as the card, standard tube, and semen plasma test will be run. Information on tests and test interpretations for swine brucellosis blood and semen have been included for the benefit of the public.

The comment received states a provision should be made for blood to be collected only from animals that can be traced to a farm-of-origin.

USDA representative, Austin, commented on this new section.

The new section is adopted under the Agriculture Code, Texas Civil Statutes, Chapter 161, which provides the commission with the authority to adopt rules and sets forth the duties of the commission to protect livestock in the state from disease.

**§35.43. Identification and Testing Requirements.** Requirements of a slaughter test. Slaughter plants that kill sows and boars shall:

(1) maintain identification of sows and boars to allow tracing to their herd of origin, including, but not limited to, packer's lot number, seller's name and address, and number of animals;

(2) arrange for blood collection from carcasses of all sows and boars that can be traced to a farm-of-origin;

(3) enter on the VS 4-54 individual identification of the swine in relation to the samples collected and submit the blood samples with the completed VS 4-54 to the state-federal laboratory for brucellosis tests on the blood;

(4) submit daily kill sheets and

the completed test records (VS 4-54) to the laboratory showing the identification of each animal to the person or firm from which the swine were secured (Full name and address).

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

Issued in Austin, Texas, on May 25, 1990.

TRD-9005539

John W. Holcombe, DVM  
Executive Director  
Texas Animal Health  
Commission

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For further information, please call: (512) 479-6697



#### • 4 TAC §35.44

The Texas Animal Health Commission adopts new §35.44, with changes to the proposed text as published in the March 13, 1990, issue of the *Texas Register* (15 TexReg 1347).

The new section provides authorization and guidelines for persons collecting swine blood for brucellosis testing and for reporting test results. The word "employees" was changed to "approved technicians" for clarification. The paragraph entitled "livestock market" was deleted from the proposal since it was duplicative language.

A slaughter plant is required to submit blood samples to the laboratory within 24 hours of collection. Persons authorized to conduct the tests are required to report the test results to the commission within 48 hours.

No comments were received regarding adoption of the new section.

The new section is adopted under the Agriculture Code, Texas Civil Statutes, Chapter 161, which provides the commission with the authority to adopt rules and sets forth the duties of the commission to protect livestock in the state from disease.

**§35.44. Persons Authorized to Conduct Official Test.**

(a) Collection of samples.

(1) In the country or point-of-origin. In the country or point-of-origin, only the veterinarians who are approved, recognized, and accredited by the commission and the United States Department of Agriculture, or their employees, or regularly employed representatives of the Texas Animal Health Commission or the United States Department of Agriculture are authorized to collect blood samples for the purpose of conducting tests for brucellosis. The accredited veterinarian is responsible for all acts of his employees engaged in brucellosis testing.

(2) At slaughter plants.

(A) Veterinarians, authorized slaughter plant employees, or regularly employed representatives of the Texas Animal Health Commission or the United States Department of Agriculture, are authorized to collect blood samples for the purpose of conducting tests for brucellosis.

(B) The slaughter plant is responsible for mailing blood samples and records to the designated state lab within 24 hours following collection.

(b) Conducting official test. The following persons or facilities are authorized to conduct the buffered Brucella antigen (BBA) card test:

(1) veterinarians approved by the commission and the United States Department of Agriculture;

(2) regularly employed and authorized representatives of the Texas Animal Health Commission or the United States Department of Agriculture; and

(3) other individuals approved by the commission and the United States Department of Agriculture.

(c) Reporting test results. Results of all swine brucellosis tests must be reported to the Texas Animal Health Commission within 48 hours.

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.

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TRD-9005538

John W. Holcombe, DVM  
Executive Director  
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Commission

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Proposal publication date: March 13, 1990

For further information, please call: (512) 479-6697



#### • 4 TAC §35.45

The Texas Animal Health Commission adopts new §35.45, without changes to the proposed text as published in the March 13, 1990, issue of the *Texas Register* (15 TexReg 1347).

The new section provides the method for identifying reactor swine and for their removal from the premise as well as for the movement of quarantined and exposed swine.

Reactor swine are required to be identified with a red reactor eartag and sold for slaughter within 15 days of identification. The reactor swine and any other quarantined or exposed swine must be moved to slaughter and accompanied by a USDA, VS 1-27 permit.

No comments were received regarding adoption of the new section.

The new section is adopted under the Agriculture Code, Texas Civil Statutes, Chapter 161, which provides the commission with the authority to adopt rules and sets forth the duties of the commission to protect livestock in the state from disease.

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

Issued in Austin, Texas, on May 25, 1990.

TRD-9005537 John W. Holcombe, DVM  
Executive Director  
Texas Animal Health  
Commission

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For further information, please call: (512) 479-6697

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• 4 TAC §35.46

The Texas Animal Health Commission adopts new §35.46, without changes to the proposed text as published in the March 13, 1990, issue of the *Texas Register* (15 TexReg 1348).

The new section provides for handling of swine herds found to be infected with brucellosis.

The new section will require swine herds that are infected to be placed under a quarantine. Two negative herd tests at least 90 days apart are required to release the herd from quarantine. If an initial test of a herd because of a market swine test reactor produces no reactors, the herd may be released without further tests if there is no other evidence of infection.

No comments were received regarding adoption of the new section.

The new section is adopted under the Agriculture Code, Texas Civil Statutes, Chapter 161, which provides the commission with the authority to adopt rules and sets forth the duties of the commission to protect livestock in the state from disease.

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.

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TRD-9005536 John W. Holcombe, DVM  
Executive Director  
Texas Animal Health  
Commission

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For further information, please call: (512) 479-6697

◆ ◆ ◆  
• 4 TAC §35.47

The Texas Animal Health Commission adopts new §35.47, with changes to the proposed text as published in the March 13, 1990, issue of the *Texas Register* (15 TexReg 1348).

The new section provides for a swine herd plan and outlines three different plans for eradicating disease from a herd depending on the type of swine operation. The proposed section has been amended to require that a plan be developed for the herd even if it differs from one of the three listed in the section.

A herd plan of some type must be developed for testing and isolation of infected swine, removal of certain-aged swine, or complete herd dispersal to eliminate infection from the herd and qualify it for herd certification and quarantine release. The plan developed for the herd will depend on the amount of infection in the herd, the size and type of herd, and number of tests with infection disclosed.

No comments were received regarding adoption of the new section.

The new section is adopted under the Agriculture Code, Texas Civil Statutes, Chapter 161, which provides the commission with the authority to adopt rules and sets forth the duties of the commission to protect livestock in the state from disease.

§35.47. *Plans for Eradicating Brucellosis from Infected Swine Herds.* If infection is disclosed in swine herds, one of the following plans or one similar shall be selected for eradicating the disease and for qualifying the herd for subsequent validated brucellosis-free status, if desired. Infected herds under test for area validation status should also choose one of these plans to eradicate brucellosis from the herd. If the herd owner fails to agree to a plan to eradicate brucellosis from the herd, a plan shall be developed by the veterinarian representing the commission.

(1) Plan One. This plan is recommended for commercial herds. After two consecutive negative tests not less than 60 nor more than 90 days apart, the herd is eligible for validated brucellosis-free herd status. The following procedures should be carried out:

(A) market the entire herd for slaughter as soon as practicable;

(B) clean and disinfect houses and equipment;

(C) restock premises with animals from validated brucellosis-free herds placing them on ground that has been free of swine for at least 60 days.

(2) Plan Two. This plan is recommended for use in infected purebred herds only where it is desired to retain valuable bloodlines. After two consecutive negative herd blood tests the herd is eligible for release from quarantine. The first test must be at least 30 days after all reactors have been removed and slaughtered and the second test must be at least 90 days after the first test. The following procedures should be carried out:

(A) separate pigs from sows at 42 days of age or younger and isolate;

(B) market infected herd for slaughter as soon as practicable. Infected sows should not be rebred and should be slaughtered as soon as possible. Complete isolation of infected animals is essential. The separated weanling pigs form the nucleus for establishment of the infection-free herd;

(C) test the gilts to be used for the following breeding season about 30 days before breeding. Save only the gilts that are negative. Breed only the negative boars;

(D) retest the gilts after farrowing and before removing them from individual farrowing pens. If reactors are found, they should be segregated from the remainder of the herd and slaughtered as soon as possible. Select only pigs from negative sows for breeding gilts.

(3) Plan Three. This plan is not recommended in general, but has been found useful in herds where only a few reactors are found and where no clinical symptoms of brucellosis have been noted. After two consecutive negative tests the herd is eligible for release from quarantine. The first test must be at least 30 days after all reactors have been removed and slaughtered and the second test must be at least 90 days after the first test. Carry out the following procedures:

(A) market reactor(s) for slaughter;

(B) retest herd at 30-day intervals removing reactors for slaughter until the entire herd is negative;

(C) if the herd is not readily freed from infection, abandon this plan in favor of plan one or plan two.

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

Issued in Austin, Texas, on May 25, 1990.

TRD-9005535 John W. Holcombe, DVM  
Executive Director  
Texas Animal Health  
Commission

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For further information, please call: (512) 479-6697

• 4 TAC §35.48

The Texas Animal Health Commission adopts new §35.48, without changes to the proposed text as published in the March 13, 1990, issue of the *Texas Register* (15 TexReg 1349).

The new section provides for validating swine herds as brucellosis free, thus providing a source of brucellosis free swine as well as freeing up interstate movement of swine for those herd owners.

A complete herd test is required for initial validation. The herd can be revalidated with a complete herd test each year, or by testing the herd in increments over the year, or by a percentage test using the MST program. Movement into the herd is restricted.

No comments were received regarding adoption of the new section.

The new section is adopted under the Agriculture Code, Texas Civil Statutes, Chapter 161, which provides the commission with the authority to adopt rules and sets forth the duties of the commission to protect livestock in the state from disease.

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.

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TRD-9005534 John W. Holcombe, DVM  
Executive Director  
Texas Animal Health  
Commission

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For further information, please call: (512) 479-6697



• 4 TAC §35.49

The Texas Animal Health Commission adopts new §35.49, without changes to the proposed text as published in the March 13, 1990, issue of the *Texas Register* (15 TexReg 1350).

The new section will require dealers to maintain records, thus providing information to trace infected animals to their farm-of-origin.

Swine dealers will be required to keep buyer's and sellers' names and addresses along with animal identification and other information regarding swine sold or purchased by them.

No comments were received regarding adoption of the new section.

The new section is adopted under the Agriculture Code, Texas Civil Statutes, Chapter 161, which provides the commission with the authority to adopt rules and sets forth the duties of the commission to protect livestock in the state from disease.

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.

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TRD-9005533 John W. Holcombe, DVM  
Executive Director  
Texas Animal Health  
Commission

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For further information, please call: (512) 479-6697



Chapter 51. Regulations  
Governing Admission of  
Livestock and Poultry into  
Texas and Regulations  
Governing Interstate and  
Intrastate Admission of  
Livestock into Shows, Fairs,  
and Exhibitions

• 4 TAC §51.3

The Texas Animal Health Commission adopts new §51.3, without changes to the proposed text as published in the March 13, 1990, issue of the *Texas Register* (15 TexReg 1351).

The new section was necessary to provide special requirements for entry of sheep into Texas.

Breeding rams are required to have a negative Enzyme Linked Immunosorbent Assay (ELISA) test for brucella ovis within 30 days prior to entry into Texas; or originate from a brucella ovis free flock. Each animal is required to be individually identified with an individual eartag or registration tattoo.

No comments were received regarding adoption of the new section.

The new section is adopted under the Agriculture Code, Texas Civil Statutes, Chapter 161, which provides the commission with the authority to adopt rules and sets forth the duties of the commission to protect livestock in the state from disease.

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

Issued in Austin, Texas, on May 25, 1990.

TRD-9005530 John W. Holcombe, DVM  
Executive Director  
Texas Animal Health  
Commission

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For further information, please call: (512) 479-6697



Chapter 55. Swine

• 4 TAC §55.4

The Texas Animal Health Commission adopts an amendment to §55.4, with changes to the proposed text as published in the March 13, 1990, issue of the *Texas Register* (15 TexReg 1352).

The amendment was needed to remove an unnecessary requirement for eartagging and issuing quarantines for feeder and breeder swine moving through markets. Also, it was necessary to add requirements for market identification.

Eartag and quarantine requirements for feeder and breeder swine moving through livestock markets are no longer required. The term "official backtag" defines the tag as one approved by the USDA; the tag conforms to the national uniform tagging system and uniquely identifies each individual animal with alphanumeric identification. Sows and boars will be required to be identified with a backtag at the livestock market, and the seller's name, address, and a description of the animal must be recorded for each of the sows and boars identified with a backtag.

USDA representatives commented that additional language should be added to allow slaughter swine moving from federally approved markets to move directly to slaughter from those markets; additionally, slaughter swine moving from federally approved markets could move only to slaughter rather than to another market as the proposed regulation would have allowed. The commission recommended a provision be added for requirements on market identification in order to remove duplication from the swine brucellosis and swine pseudorabies regulations.

The amendment is adopted under the Agriculture Code, Texas Civil Statutes, Chapter 161, which provides the commission with authority to adopt rules and sets forth the duties of the commission to protect livestock in the state from disease.

§55.4. Livestock Markets Handling Swine.

(a) An official backtag is a United States Department of Agriculture (USDA), Animal and Plant Health Inspection Service (APHIS), Veterinary Services (VS) approved identification backtag. It must conform to the national uniform tagging system and uniquely identifies each individual animal with alpha-numeric identification.

(b) Livestock markets that handle feeder and breeder swine must have well-constructed, well-lighted, concrete or other approved imperviously surfaced pens. Those markets not in compliance with this rule on the date of adoption shall have 120 days after such adoption to bring their facilities up to standards. If adequate pens have not been constructed at any market within the aforesaid 120 days, no further sales of feeder and breeder swine shall be permitted at that market.

(c) Feeder and breeder swine must be maintained separately from slaughter swine. Feeder and breeder swine must be sold before the sale ring is used for slaughter swine.

(d) No feeder or breeder swine will be permitted to remain in the livestock market for more than 72 hours. No slaughtered swine will be permitted to remain in the livestock market for more than a 120 hours (five days).

(e) No slaughter swine will be released from the livestock market unless they are:

(1) consigned for immediate slaughter; or

(2) consigned to one other livestock market for sale only to slaughter under permit when moving from markets that are not approved under the Code of Federal Regulation, Part 76.

(f) When there is evidence of hog cholera within a livestock market, all swine therein shall be immediately quarantined. No swine movement into, out of, or within the market shall be permitted until authorized by a representative of the commission.

(g) Market identification with an official backtag is required on all mature (over 6 months of age) sows and boars in each consignment to a livestock market. The market shall record the following information on each consignment to the market:

(1) full name, street address, and/or route address and zip code of the owner of the swine at the time of delivery to the market;

(2) backtag number with prefix for each head of swine; and

(3) delivery vehicle license number.

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

Issued in Austin, Texas, on May 25, 1990.

TRD-9005529      John W. Holcombe, DVM  
Executive Director  
Texas Animal Health  
Commission

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Proposal publication date: March 13, 1990

For further information, please call: (512) 479-6697

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• 4 TAC §55.5

The Texas Animal Health Commission adopts an amendment to §55.5 with changes to the proposed text as published in the March 13, 1990, issue of the *Texas Register* (15 TexReg 1352).

It was necessary to amend this section by adding definitions to clarify words or terms used. The definition for an "official backtag" was removed from the amendment proposed in the March 13, 1990, issue of the *Texas Register* (15 TexReg 1352) and added to §55.4. A definition was added for "recognized tests". Also, more definitive guidelines have been added to provide for the manner in which pseudorabies infected swine are removed from a herd and how herd plans are developed to clean up an infected herd. Pseudorabies (PRV) vaccine, approved for use in high risk herds, is required to be a

product for which there is a laboratory test available to differentiate between vaccine and field infection titers and must be approved by the executive director. Guidelines are set forth on the manner for qualifying a herd as pseudorabies free. Additionally, a provision has been added for a pseudorabies monitored feeder pig herd to afford more freedom of movement for feeder pig producers. Requirements of market identification were removed from the March 13, 1990, issue of the *Texas Register* (15 TexReg 1352) proposal to remove duplication. The section requires that blood will be collected from swine at slaughter plants to identify infected herds. Dealers are required to keep records on swine they handle so that source herds can be identified when necessary.

When it has been determined that an animal is infected with PRV it must be moved direct to a slaughter plant within 15 days following this determination. The infected herd will be quarantined and put under a herd plan to rid the herd of disease. Any approved vaccine must have a test that will identify vaccine titers; a vaccinated herd can be released from quarantine by using this test. The manner in which a herd owner can qualify a herd as pseudorabies free is set forth together with the age required for test; the manner in which swine are added to a herd; how the swine are moved from a herd and then returned to the herd; and procedures to follow when PRV infection is found by the tests. Specific details are given on how to establish a monitored feeder pig herd and will include such items as time frames for testing, and the numbers of animals required to be tested along with test ages. A slaughter plant is required to collect and submit blood samples along with the test record of the animal to the laboratory. Swine dealers are required to keep the names, addresses, and the animal identification on swine they handle.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Agriculture Code, Texas Civil Statutes, Chapter 161, which provides the commission with the authority to adopt rules and sets forth the duties of the commission to protect livestock in the state from disease.

§55.5. *Pseudorabies.*

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

(1) Approved feeder pig market—A livestock market where only feeder pigs from the following herds of origin are accepted for sale in accordance with federal interstate regulations and applicable provisions of the program standards.

(A) pseudorabies qualified negative herd;

(B) pseudorabies monitored herd;

(C) official 30-day

pseudorabies serologic test of each animal; or

(D) from a Stage IV or V state.

(2) Approved slaughter market—A livestock market at which shipments of slaughter swine only are permitted in accordance with applicable state and federal regulations. No swine may be released from an approved slaughter market unless consigned directly to a recognized slaughtering establishment for immediate slaughter.

(3) Commission—Texas Animal Health Commission.

(4) Direct shipment—Movement without unloading enroute, without contact with swine of lesser pseudorabies status, and without contact with infected or exposed livestock.

(5) Farm-of-origin—A farm where the swine were born, or on which they have resided for a least 60 consecutive days immediately prior to movement.

(6) Recognized tests—Tests for the diagnosis of pseudorabies approved by USDA, APHIS, VS. Those tests are:

(A) microtitration serum-virus neutralization;

(B) virus isolation and identification;

(C) fluorescent antibody tissue section;

(D) enzyme linked immunosorbent assay (ELISA);

(E) latex agglutination.

(b) Quarantines.

(1) All herds suspicious of PRV will be investigated and quarantined pending final determination. Final determination of the presence or absence of PRV in a herd shall be made by the investigating veterinarian. Official diagnosis shall be based on standard diagnostic procedures including the serum neutralization or other recognized tests. Once an animal is determined to be infected with PRV, it shall be moved direct to slaughter within 15 days following this determination.

(2) Following a determination that a herd is infected, a herd plan to eradicate the disease from a swine herd will be developed between the herd owner, the accredited veterinarian (if desired by the owner), and the veterinarian representing the commission.

(3) All exposed herds will be quarantined until results of exposure are determined.



(4) Swine showing clinical signs of PRV shall not be removed from the premises. Swine on a quarantined premise not showing clinical signs of PRV may be moved only directly to a slaughter plant and accompanied by a permit issued by a state or federal inspector, or may be shipped directly to a slaughter plant in an official sealed vehicle, when accompanied by a permit.

(5) Vehicles used for slaughter delivery of quarantined swine will be cleaned and disinfected immediately after unloading and prior to loading with other livestock.

(6) Quarantines will be released in the following instances:

(A) when all reactor animals have been removed from the premise;

(B) when there have been no clinical signs of PRV on the premises after removal of the reactor swine; and

(C) when all exposed swine which remain in the herd have withstood two consecutive negative herd tests, the first being not less than 30 days from removal of last infected animals and the second test coming not less than 30 days from the first test. Herd additions must be tested negative prior to being added to the herd, remain on the premises 30 or more days and be retested negative; or

(D) thirty days after all swine on the premises are depopulated and the premises are cleaned and disinfected and under the direction of state or federal personnel.

(c) PRV Vaccine.

(1) Approved PRV vaccine shall be a product for which there is a laboratory test approved by the executive director available to differentiate between vaccine and field infection titers.

(2) The executive director of the Texas Animal Health Commission will restrict the sale of approved PRV vaccine to a practicing accredited veterinarian for use only in infected and high risk herds. Official state laboratory confirmation of PRV constitutes an infected herd. The executive director will request a specific number of doses of vaccine to be shipped to the practicing veterinarian making the request.

(3) The herd owner will sign a memorandum of understanding with the Texas Animal Health Commission, and the practicing veterinarian will be accountable for the vaccine and its use by signing an agreement to this effect.

(4) All vaccinated animals are to be marked with a hole punched in the left ear of not less than 1/2 inch in diameter at the time of vaccination.

(5) The quarantine will be released in the same manner as described for release of quarantines in subsection (b)(6) of this section utilizing an approved test that will identify vaccine titers.

(d) qualified pseudorabies negative herd.

(1) Qualified PRV negative herd status is attained by 100% testing of the adult breeding herd over six months of age to an official pseudorabies serologic test and finding all swine so tested negative. The herd must not have been a known infected herd within the past 30 days. A minimum of 90% of the swine in the herd must have been on the premises and part of the herd for at least 60 days prior to the qualifying official pseudorabies serologic test, or have entered directly from another qualified pseudorabies negative herd.

(2) Qualified pseudorabies negative herd status is maintained by subjecting all swine over six months of age in the herd to an official pseudorabies serologic test at least once each year (this must be accomplished by testing 25% of swine over six months of age every 80 to 105 days and finding all swine so tested negative, or by testing 10% of the swine over six months of age each month and finding all swine so tested negative).

(3) If on a qualifying official pseudorabies serologic test or any subsequent official pseudorabies test, any swine are tested positive, qualified pseudorabies negative herd status is suspended until the infection status of the herd is determined through testing and an epidemiological study of the herd. Before qualified pseudorabies negative herd status may be attained or maintained, all seropositive swine must be sold for slaughter and the herd tested and released from quarantine as described in subsection (b)(6) of this section above. Herd additions must be tested negative with the SN or any recognized PRV test within 30 days prior to entry on the premises; isolated at least 30 days and retested prior to adding them to the herd or:

(A) moved directly from another qualified PRV negative herd;

(B) added from another qualified pseudorabies negative herd, but with interim contact with swine other than those from a single qualified pseudorabies negative herd, isolated until they have been found negative to an official pseudorabies serologic test, conducted 30 days or more after the swine have been placed in isolation;

(C) isolated upon return to the herd after contact with swine other than those from a single qualified pseudorabies negative herd. They shall be isolated until

found negative to an official pseudorabies serologic test conducted 30 days or more after being placed in isolation.

(4) Test records will be maintained by the Texas Animal Health Commission at its Austin office. Herd owners will receive a letter from the executive director of the Texas Animal Health Commission listing test dates, test results, the laboratory in which test was run, and the qualified herd status of the herd.

(e) Requirements for a pseudorabies monitored feeder pig herd. To qualify as a monitored feeder pig herd, breeding swine must have been sampled and tested negative by an official pseudorabies serologic test during the last 12 months at the following rate:

(1) 10 head--test all;

(2) 11 to 35 head--test 10;

(3) 36 or more--test 30% or 30, whichever is less. Breeding swine that are tested are to be selected at random from all age groups, including herd boars, with all groups to be proportionately represented.

(f) Requirements of a slaughter test. Slaughter plants that kill sows and boars shall:

(1) maintain identification of sows and boars to allow tracing to their herd of origin, including, but not limited to, packer's lot number, seller's name and address, and number of animals;

(2) arrange for blood collection from carcasses of all sows and boars that can be traced to a farm-of-origin;

(3) enter on the VS 4-54 individual identification of the swine in relation to the samples collected and submit the blood samples with the completed VS 4-54 to the state-federal laboratory for pseudorabies tests on the blood;

(4) submit daily kill sheets and the completed test records (VSA 4-54) to the laboratory showing the identification of each animal to the person or firm from which the swine were secured (Full name and address).

(g) Requirements of dealer recordkeeping. Any dealer, auctioneer, or commission firm must maintain records of swine handled. Such records shall show the seller's and buyer's name and address, county of origin, number of animals, breed and sex with some form of individual identification numbers. Records at auctions and commission firms shall show the delivery vehicle license number.

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.

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John W. Holcombe, DVM  
Executive Director  
Texas Animal Health  
Commission

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• 4 TAC §55.6

The Texas Animal Health Commission adopts an amendment to §55.6, without changes to the proposed text as published in the March 13, 1990, issue of the *Texas Register* (15 TexReg 1354).

It was necessary to amend this section to prevent vaccinated swine from entering for feeding, breeding, or exhibition purposes; and to require breeding swine to be quarantined and retested to prevent introduction of disease. Also a provision was required to provide for entry of feeder or breeder swine from herds of origin in State IV or Free States to free up movement of this class of swine. Additionally, a provision was needed to provide for recognition of PRV monitored feeder pig herds in other states in order to more easily bring swine to Texas from those herds. The temperature requirement for breeding and exhibition swine is removed from the regulation since it is unnecessary.

Swine from vaccinated herds will not be allowed to enter Texas for feeding, breeding, or exhibition purposes. Breeding swine will be quarantined after entry into the State and a negative PRV test must be conducted on them after 30 days. Feeder and breeder swine can enter directly from a farm-of-origin in a Stage IV or Free State without a Pseudorabies (PRV) test. Feeder swine can enter from a PRV monitored feeder pig herd if they are quarantined after arrival and tested after 30 days or shipped to slaughter. The temperature requirement has been removed for swine entering Texas.

No comments were received regarding adoption of the amendment.

The amended section is adopted under the Agriculture Code, Texas Civil Statutes, Chapter 161, which provides the commission with the authority to adopt rules and sets forth the duties of the commission to protect livestock in the state from disease.

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

Issued in Austin, Texas, on May 25, 1990.

TRD-9005527 John W. Holcombe, DVM  
Executive Director  
Texas Animal Health  
Commission

Effective date: July 1, 1990

Proposal publication date: March 13, 1990

For further information, please call: (512) 479-6697



• 4 TAC §55.7

The Texas Animal Health Commission adopts the repeal of §55.7, without changes to the proposed text as published in the March 13, 1990, issue of the *Texas Register* (15 TexReg 1355).

The section was repealed as there is no longer a requirement to eartag and quarantine feeder and breeder swine.

No comments were received regarding adoption of the repeal

The repeal is adopted under the Agriculture Code, Texas Civil Statutes, Chapter 161, which provides the commission with the authority to adopt rules and sets forth the duties of the commission to protect livestock in the state from disease.

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

Issued in Austin, Texas, on May 25, 1990.

TRD-9005526 John W. Holcombe, DVM  
Executive Director  
Texas Animal Health  
Commission

Effective date: July 1, 1990

Proposal publication date: March 13, 1990

For further information, please call: (512) 479-6697



Chapter 59. General Practice and Procedures

• 4 TAC §59.1

The Texas Animal Health Commission adopts the repeal of §59.1, without changes to the proposed text as published in the March 13, 1990, issue of the *Texas Register* (15 TexReg 1355).

The repealed section will be replaced by §59.3 as proposed for adoption concerning designation of commission vice-chairman in this issue of the *Texas Register*.

The repeal allows for the renumbering and reorganization of the commission's rules in Chapter 59.

No comments were received regarding adoption of the repeal.

The repeal is adopted under the Agriculture Code, Texas Civil Statutes, Chapter 161, which provides the commission with the authority to adopt rules and sets forth the duties of the commission to protect livestock in the state from disease.

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

Issued in Austin, Texas, on May 25, 1990.

TRD-9005522 John W. Holcombe, DVM  
Executive Director  
Texas Animal Health  
Commission

Effective date: June 19, 1990

Proposal publication date: March 13, 1990

For further information, please call: (512) 479-6697



The Texas Animal Health Commission adopts new §59.1, without changes to the proposed text as published in the March 13,

1990, issue of the *Texas Register* (15 TexReg 1355).

The new section is needed to define words and terms used in this section.

The definitions in this section define the commission as the Texas Animal Health Commission and the executive director as the chief executive officer of the agency who is appointed by the agency commissioners.

No comments were received regarding adoption of the new section.

The new section is adopted under the Agriculture Code, Texas Civil Statutes, Chapter 161, which provides the commission with the authority to adopt rules and sets forth the duties of the commission to protect livestock in the state from disease.

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

Issued in Austin, Texas, on May 25, 1990.

TRD-9005525 John W. Holcombe, DVM  
Executive Director  
Texas Animal Health  
Commission

Effective date: June 19, 1990

Proposal publication date: March 13, 1990

For further information, please call: (512) 479-6697



• 4 TAC §59.2

The Texas Animal Health Commission adopts new §59.2, without changes to the proposed text as published in the March 13, 1990, issue of the *Texas Register* (15 TexReg 1356).

The new section is needed to set forth the responsibilities of the commission and the executive director.

The commission is the governing body of the agency and is responsible for proposing adopting and amending policies and rules as well as approving the actions of the executive director. The executive director conducts all business of the Texas Animal Health Commission.

No comments were received regarding adoption of the new section.

The new section is adopted under the Agriculture Code, Texas Civil Statutes, Chapter 161, which provides the commission with the authority to adopt rules and sets forth the duties of the commission to protect livestock in the state from disease.

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

Issued in Austin, Texas, on May 25, 1990.

TRD-9005524 John W. Holcombe, DVM  
Executive Director  
Texas Animal Health  
Commission

Effective date: June 19, 1990

Proposal publication date: March 13, 1990

For further information, please call: (512) 479-6697

◆ ◆ ◆  
• 4 TAC §59.3

The Texas Animal Health Commission adopts new §59.3, without changes to the proposed text as published in the March 13, 1990, issue of the *Texas Register* (15 TexReg 1356).

The new section is needed to provide for the naming of a commission vice-chairman.

The vice-chairman will act for the commission when the chairman is unavailable for a meeting, thus preventing delays of necessary commission action.

No comments were received regarding adoption of the new section.

The new section is adopted under the Agriculture Code, Texas Civil Statutes, Chapter 161, which provides the commission with the authority to adopt rules and sets forth the duties of the commission to protect livestock in the state from disease.

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

Issued in Austin, Texas, on May 25, 1990.

TRD-9005253      John W. Holcombe, DVM  
Executive Director  
Texas Animal Health  
Commission

Effective date: June 19, 1990

Proposal publication date: March 13, 1990

For further information, please call: (512) 479-6697

◆ ◆ ◆  
**TITLE 19. EDUCATION**  
**Part I. Texas Higher**  
**Education Coordinating**  
**Board**

**Chapter 5. Program**  
**Development**

**Subchapter A. General**  
**Provisions**

• 19 TAC §5.4

The Texas Higher Education Coordinating Board adopts an amendment to §5.4, without changes to the proposed text as published in the March 16, 1990, issue of the *Texas Register* (15 TexReg 1452).

The amendment is necessary to implement provisions of Senate Bill 457, 71st Legislature, regarding transfer of course credit. The Education Code, §61.078, requires the development of procedures for the resolution of disputes among public institutions of higher education involving transfer of credit for lower divisions courses.

Procedures will be established that institutions will allow in resolving transfer disputes. The commissioner of higher education or his designee will make the final

determination if a dispute cannot be resolved by the institutions.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Texas Education Code, §51.305, and Texas Codes Annotated, §61.078, which provides the Coordinating Board with the authority to adopt rules regarding transfer curricula and resolution of transfer disputes for lower-division courses.

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

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

TRD-9005250      James McWhorter  
Assistant Commissioner for  
Administration  
Texas Higher Education  
Coordinating Board

Effective date: June 13, 1990

Proposal publication date: March 16, 1990

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

◆ ◆ ◆  
• 19 TAC §5.8

The Texas Higher Education Coordinating Board adopts new §5.8, without changes to the proposed text as published in the March 16, 1990, issue of the *Texas Register* (15 TexReg 1452).

The new section is necessary to implement provisions of House Bill 2183, 70th Legislature, which established the Texas Education Code, §51.305. The statute calls for the development of standards and procedures for the implementation of core curricula at public institutions of higher education.

Each institution of higher education will be required to review and evaluate its core curriculum on a periodic basis and to report the results of that review of the board.

No comments were received regarding adoption of the new section.

The new section is adopted under the Texas Education Code, §51.305, and Texas Codes Annotated, §61.078, which provides the Coordinating Board with the authority to adopt rules regarding core curricula.

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

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

TRD-9005249      James McWhorter  
Assistant Commissioner for  
Administration  
Texas Higher Education  
Coordinating Board

Effective date: June 13, 1990

Proposal publication date: March 16, 1990

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

**Subchapter P. Testing and Re-**  
**mediation**

• 19 TAC §5.311-5.318

The Texas Higher Education Coordinating Board adopts amendments to §§5.311-5.318, without changes to the proposed text as published in the March 9, 1990, issue of the *Texas Register* (15 TexReg 1259).

The amendments are adopted so that qualified individuals will have an alternative way to demonstrate proficiency in basic skills.

The sections will clarify and make clearer definitions and wording of the sections. There will be set up procedures for schools to follow.

No comments were received regarding adoption of the amendments.

The amendments are adopted under the Texas Education Code, Texas Codes Annotated, §51.306, which provides the Coordinating Board with the authority to adopt rules regarding testing and remediation.

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

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

TRD-9005248      James McWhorter  
Assistant Commissioner for  
Administration  
Texas Higher Education  
Coordinating Board

Effective date: June 13, 1990

Proposal publication date: March 9, 1990

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

◆ ◆ ◆  
**Chapter 13. Financial Planning**  
**Subchapter D. Procedures and**  
**Criteria for Funding of**  
**Family Practice Residency**  
**Programs**

• 19 TAC §13.70, §13.71

The Texas Higher Education Coordinating Board adopts new §13.70 and 13.71. Section 13.70 is adopted with changes to the proposed text as published in the February 27, 1990, issue of the *Texas Register* (15 TexReg 1051). Section 13.71 is adopted without changes and will not be republished.

The new sections will provide the most cost-effective method for reimbursing family practice residency programs for rotating family practice residents through rural settings. These rural rotations will help to place family physicians in rural communities that are experiencing difficulties in attracting physicians.

The Coordinating Board will have a procedure in place to reimburse programs for allowable expenditures for rural rotations.

Comments were received suggesting that the sections permit direct reimbursement of rural preceptors or rural hospitals for providing room and board for residents during the time

of the rotation. Comments also suggested that rural preceptors be reimbursed for travel costs associated with their required attendance at Coordinating Board-sponsored rural rotations workshops.

Groups and associations commenting in favor of the new sections were: Texas Family Practice Residency Program Directors and Texas Rural Family Physicians.

The agency did not disagree with the comments and changes were incorporated into the new sections.

The new sections are adopted under the Education Code, Chapter 51, Subchapter Z, §51.917, which provides the Coordinating Board with the authority to adopt rules regarding procedures and criteria for funding of family practice residency programs.

*§13.70. Rural Rotations Reimbursement Grant.* All family practice residency programs receiving Phase II Operational Grant funds may apply for rural rotations grant.

(1) A rural rotations grant is a grant to reimburse Phase II Operational Family Practice Residency Programs for the costs of providing residents with optional one-month rotations in a rural setting in Texas. Such costs may include a stipend to the resident, reimbursement to the resident for travel, reimbursement to the resident or to the provider for the resident's living expenses during the time of rotation, and reimbursement to the resident's family practice residency program for the loss of the resident's services during the time of the rural rotation.

(2) A rural rotations grant will be awarded only on a reimbursement basis.

(3) A rural rotations grant will be awarded no more than once for each resident participating in a one-month rotation in a rural setting.

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

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

TRD-9005247 James McWhorter  
Assistant Commissioner for  
Administration  
Texas Higher Education  
Coordinating Board

Effective date: June 13, 1990

Proposal publication date: February 27, 1990

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



## TITLE 22. EXAMINING BOARDS

### Part IX. Texas Board of Nurse Examiners

#### Chapter 221. Advanced Nurse Practitioners

##### • 22 TAC §221.1

The Board of Nurse Examiners adopts an amendment to §221.1, with changes to the proposed text as published in the February 9, 1990, issue of the *Texas Register* (15 TexReg 682).

The amendment to the definitions is adopted as a direct result of the passage of House Bill 18 during the 71st Legislative Session. House Bill 18 provides for prescriptive drug authority for registered nurses approved by the Board of Nurse Examiners.

The adoption of this amendment will define those words and terms contained in the new language adopted under §221.7 and §221.8 for advanced nurse practitioners.

The only comment received in regard to the amendment was a concern regarding the definition of "health manpower shortage area" which appeared to the commenter to limit prescriptive services to areas with inadequate numbers of physicians and not other health care providers.

The American College of Nurse Midwives (Northeast Texas Chapter) commented against adoption of the amendment.

The agency does not disagree with the comment, however, because a health manpower shortage area is defined by the United States Department of Health and Human Services and that definition is included in House Bill 18, the agency feels the rules must speak to the bill as mandated by law.

The amendments are adopted under Texas Civil Statutes, Article 4514, §1, which provide the Board of Nurse Examiners with the authority to make and enforce all rules and regulations necessary for the performance of its duties and conducting of proceedings before it.

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

Approved site—A medically underserved area, a health manpower shortage area, a rural health clinic, a public health clinic or family planning clinic under contact with the Texas Department of Health (TDH) or the Texas Department of Human Services (TDHS), or other site approved by the TDH for advanced nurse practitioners (ANPs) carrying out prescription drug orders.

Carrying out a prescription drug order—To complete a prescription drug order presigned by the delegating physician by providing the following information: the patient's name and address; the drug to be dispensed; directions to the patient in regard to the taking and dosage; the name, address,

and telephone number of the physician; the name, address, telephone number, identification number, and signature of the ANP completing the prescription drug order; the date; and the number of refills permitted, or such additional methods as the Board of Medical Examiners may adopt to carry into effect or put into force a physician's prescription under physician's orders, standing medical orders, standing delegation orders, or other orders or protocols.

Dangerous drug—A device or a drug that is unsafe for self medication and that is not included in Schedules I-V or Penalty Groups I-IV of chapter 481, Texas Health and Safety Code (Texas Controlled Substances Act). The term includes a device or a drug that bears or is required to bear the legend: "Caution: federal law prohibits dispensing without prescription."

Health manpower shortage area (HMSA)—An area, population group, or facility designated by the United States Department of Health and Human Services (USDHHS) as having a shortage of primary care physicians.

Medically underserved area (MUA)—An area or population group designated by the USDHHS as having a shortage of personal health services.

Protocols or standing delegation orders—Written strategies for management of medical aspects of patient care which are agreed upon and signed by the ANP and the physician, reviewed and signed at least annually, and maintained in the practice setting of the ANP.

Rural health clinic—A clinic designated as a rural health clinic under the Rural Health Clinic Services Act of 1977 (Public Law Number 95-210); the designation is made by the Health Care Financing Administration (HCFA) of the USDHHS.

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

Issued in Austin, Texas, on May 25, 1990.

TRD-9005549 Louise Waddill, R.N., Ph.D.  
Executive Secretary  
Texas Board of Nurse  
Examiners

Effective date: June 19, 1990

Proposal publication date: February 9, 1990

For further information, please call: (512) 835-8650

##### ◆ ◆ ◆ • 22 TAC §221.7

The Board of Nurse Examiners adopts the repeal of §221.7, without changes to the proposed text as published in the February 9, 1990, issue of the *Texas Register* (15 TexReg 682).

The adoption of the repeal of this section will allow for the addition of two new sections relating to House Bill 18 which provides for prescriptive drug authority for registered nurses approved by the Board of Nurse Examiners.

The repeal of this section will enable the board to adopt a new section that complies with House Bill 18 as passed during the 71st Legislative Session.

No comments were received regarding adoption of the repeal.

The repeal is adopted under Texas Civil Statutes, Article 4514, §1, which provide the Board of Nurse Examiners with the authority to make and enforce all rules and regulations necessary for the performance of its duties and conducting of proceedings before it.

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

Issued in Austin, Texas, on May 25, 1990.

TRD-9005548 Louise Waddill, R.N., Ph.D.  
Executive Secretary  
Texas Board of Nurse  
Examiners

Effective date: June 19, 1990

Proposal publication date: February 9, 1990

For further information, please call: (512) 835-8650

◆ ◆ ◆  
• 22 TAC §221.7, §221.8

The Texas Board of Nurse Examiners adopts new §221.7 and §221.8, with changes to the proposed text as published in the February 9, 1990, issue of the *Texas Register* (15 TexReg 683).

The adoption of these new sections will comply with the requirements of House Bill 18 passed during the 71st Legislative Session and will provide for prescriptive drug authority for registered nurses approved by the Board of Nurse Examiners.

The adoption of these sections will allow rural health clinics to receive cost-based reimbursement for services provided by advanced nurse practitioners to medicaid patients; to facilitate the creation of more rural health clinics; and to expand services in existing clinics thus increasing services to clients in medically underserved areas.

The following is a summary of comments received regarding adoption of the new sections. One commenter wanted the board to delete the section requiring the physician to visit the site at least once a week. Another commenter expressed concern regarding using presigned prescriptions; and concern regarding excessive requirements for documentation.

The American Certified Nurse-Midwives, N. E. Texas Chapter, and the South Plains Community Action Association, Incorporated commented against the adoption.

The Board of Nurse Examiners disagrees with the comments because the language contained in the adopted rules reflects the wording of House Bill 18 passed during the 71st Legislative Session and is, therefore, mandated by law.

The new sections are adopted under Texas Civil Statutes, Article 4514, §1, which provide the Texas Board of Nurse Examiners with the authority to make and enforce all rules and regulations necessary for the performance of

its duties and conducting of proceedings before it.

§221.7. *Carrying Out Prescription Drug Orders.*

(a) In order to be approved and issued an identification number to carry out prescription drug orders, the RN shall meet the following requirements:

(1) be approved by the board as an ANP; and

(2) submit to the board the appropriate documentation of the necessary education, training, and current skills, to include pharmacology and therapeutics, as determined by the board to implement prescription drug orders.

(b) The ANP shall renew the privilege to carry out prescription drug orders in conjunction with the RN license renewal application.

(c) The ANP with a valid identification number may carry out prescription drug orders under the following conditions:

(1) the ANP carries out prescription drug orders in an approved site;

(2) the prescription drug order is carried out in accordance with protocols, standing delegation orders, standing medical orders, or other physician orders for medical aspects of patient care including prescription drug orders;

(3) the ANP carries out prescription drug orders under physician supervision which consists of at least the following:

(A) the physician visits the site at least once a week;

(B) the physician receives daily reports from the ANP regarding complications encountered; and

(C) the physician is available for consultation by direct telecommunications;

(4) the ANP maintains appropriate documentation of physician supervision patient records, and protocols.

(d) The ANP with a valid identification number may activate presigned prescriptions by signing and providing the following information on the prescription:

(1) the patient's name and address;

(2) the drug to be dispensed;

(3) directions to the patient in regard to the taking and the dosage;

(4) the name, address, and telephone number of the physician;

(5) the clinic address and telephone number, and the name, identifica-

tion number, and signature of the ANP completing the prescription drug order;

(6) the date; and

(7) the number of refills permitted.

(e) The format and essential elements of the prescription shall meet the requirements of the rules of the Board of Pharmacy. †

(f) The medications which can be initiated by the ANP through prescription drug orders shall be those drugs classified as dangerous drugs.

§221.8. *Enforcement.*

(a) Any nurse who violates these rules shall be subject to disciplinary action by the board under Texas Civil Statutes, Article 4525.

(b) The practice of the ANP approved by the board to carry out prescription drug orders is subject to monitoring by the board on a periodic basis.

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

Issued in Austin, Texas, on May 25, 1990.

TRD-9005547 Louise Waddill, R.N., Ph.D.  
Executive Secretary  
Texas Board of Nurse  
Examiners

Effective date: June 19, 1990

Proposal publication date: February 9, 1990

For further information, please call: (512) 835-8650

◆ ◆ ◆  
Part XV. Texas State  
Board of Pharmacy

The following adoptions submitted by the Texas State Board of Pharmacy will be serialized beginning in the June 8, 1990, issue of the *Texas Register*. The effective date of the adoptions is June 15, 1990.

Chapter 283. Licensing  
Requirements for  
Pharmacists

• 22 TAC §283.2, §283.4  
(amendments)

Chapter 291. Pharmacies

All Classes of Pharmacy

• 22 TAC §291.6 (amendment)

Chapter 295. Pharmacists

• 22 TAC §295.5 (amendment)

TITLE 25. HEALTH  
SERVICES

Part I. Texas Department  
of Health

The following adoptions submitted by the Texas Department of Health will be serialized beginning in the June 8, 1990, issue of the *Texas Register*. The effective date of the adoptions is June 19, 1990.

#### Chapter 325. Solid Waste Management

##### Subchapter A. General Information

- 25 TAC §§325.5, 325.6 (amendments)

##### Subchapter E. Permit Procedures and Design Criteria

##### Application and Data Requirements

- 25 TAC §325.75 (amendment)

##### Application Review Process

- 25 TAC §325.92 (amendment)

##### Subchapter F. Operational Standards for Solid Waste Land Disposal Sites

##### Other Operational Standards for Types I, II, III, and IV Sites

- 25 TAC §§325.143, 325.150, 325.151 (amendments)

##### Subchapter G. Operational Standards for Solid Waste Processing, Experimental, and Land Application Sites

##### Operational Standards for Type V and VI Sites

- 25 TAC §325.185 (amendment)

##### Subchapter N. Management of Sludge and Similar Waste

##### Land Disposal

- 25 TAC §325.484 (amendment)

#### Subchapter Q. Memoranda of Agreement and Joint Rules with Other Agencies

#### Control of Air Pollution From Municipal Solid Waste Facilities - Texas Air Control Board

- 25 TAC §§325.701, 325.702, 325.705, 325.706 (amendments)

### TITLE 40. SOCIAL SERVICES AND ASSISTANCE

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

The following adoptions submitted by the Texas Department of Human Services will be serialized beginning in the June 8, 1990, issue of the *Texas Register*. The effective date of the adoptions is July 1, 1990.

#### Chapter 9. Refugee Social Services

##### Subchapter A. Program Purpose and Scope

- 40 TAC §9.101 (amendment)

##### Subchapter B. Client Information

- 40 TAC §9.204 (amendment)

#### Chapter 15. Medicaid Eligibility

##### Subchapter B. Medicare and Third-party Resources

- 40 TAC §§15.200, 15.210 (amendments)

#### Chapter 16. Intermediate Care Facilities/Skilled Nursing Facilities (ICF/SNF)

##### Definitions

- 40 TAC §16.1101 (amendment)

##### Nursing Services

- 40 TAC §16.3010 (amendment)

#### Medical Records

- 40 TAC §16.3903 (amendment)

#### Medical Review and Re-evaluation

- 40 TAC §16.7103 (amendment)

#### Support Documents

- 40 TAC §16.9801 (amendment)

The effective date for the following adoption is June 15, 1990.

#### Chapter 31. Case Management Services

##### Case Management for Blind and Visually Impaired Children

- 40 TAC §§31.101-31.107 (new)

The effective date for the following adoption is July 1, 1990.

#### Chapter 41. Utilization Review

##### Long-term Care Unit Procedures

- 40 TAC §41.702 (amendment)

The effective date for the following adoption is September 1, 1990.

#### Chapter 48. Community Care for Aged and Disabled

##### Medicaid Waiver Program for Persons with Related Conditions

- 40 TAC §§48.2101-48.2109 (new)

The effective date for the following adoption is July 1, 1990.

##### Waiver Program for Medically Dependent Children

- 40 TAC §48.2501 (amendment)

#### Chapter 79. Legal Services

##### Subchapter R. Contracting Ethics

- 40 TAC §§79.1701-79.1707 (new)

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### State Board of Insurance Exempt Filing

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Notification Pursuant to the Texas 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 considered an amendment to Board Order Number 55770 dated January 31, 1990. The Insurance Services Office, Inc. by letter dated April 5, 1990, which is attached to and made a part of this order, requested that the effective date of the Rate Methodology and Classification Ta-

ble Revisions-Division Six-Commercial Lines Manual, be changed from June 1, 1990, to October 1, 1990, to coincide with a new anticipated effective date from the General Liability Rate Revisions which are being filed under filings GL-90-TPRD1 and GL90-BPOP1.

This amendment is approved to become effective October 1, 1990, in accordance with the following rules of application. These changes are applicable to all policies effective on or after October 1, 1990. No policy effec-

tive prior to October 1, 1990, shall be endorsed or canceled and rewritten to take advantage of or to avoid the application of these changes except at the request of the insured and using the cancellation procedures applying on the date of such request.

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

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

Issued in Austin, Texas, on May 21, 1990.

TRD-9005256      Nicholas Murphy  
                         Chief Clerk  
                         State Board of Insurance

Effective date: October 1, 1990

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



The State Board of Insurance has adopted a filing submitted by the American Credit Indemnity Company of endorsements, rate, and manual page for a new ACI Insta-Credit Program.

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.

The American Credit Indemnity Company filed for approval their ACI Insta-Credit, Endorsement Number 75102; Debtors Approved For Coverage Under The ACI Insta-Credit, Endorsement Number 75103; Reduction Of Debtor Coverage ACI Insta-Credit, Endorsement Number 75104; and new manual page 19E. These endorsements can be added to all coverage forms at the option of the insured. Endorsement Number 75102 allows an instant coverage decision for the insured by allowing the insured to access, by telephone, American Credit Indemnity Company's computer. Endorsement Number 75103 (debtors approved for coverage) lists of debtor's name, effective date, location, and gross amount of coverage. Endorsement Number 75104 (reduction of debtor coverage) allows the insured to reduce coverage on a listed debtor. The endorsement also provides for a premium refund when the amount of coverage is reduced.

The insured may, by written notice to the company, cancel any debtor under the provisions of Endorsement Number 75102 and receive a pro-rata refund if there have been no claims paid against the debtor. Any refund is subject to the \$40 minimum earned premium.

The board has approved a premium rate of \$20 per M per annum with a \$40 minimum premium charge for Endorsement Number 75102. If the endorsement is added after the policy's inception, the premiums will be calculated on a pro-rata basis for the remainder of the policy term. This rate is established on a judgment basis, since there is no experience from which to draw.

Endorsements Numbered 75102, 75103, and 75104, as well as manual page 19E and the premium rate become effective 15 days 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 May 21, 1990.

TRD-9005254      Nicholas Murphy  
                         Chief Clerk  
                         State Board of Insurance

Effective date: June 20, 1990

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



The State Board of Insurance has adopted amendments to the *Texas Automobile Manual* (the Manual), and Standard Provisions for Automobile Insurance Policies (the Standard Provisions), in regard to high value stereo equipment.

The order amends the Manual, Rule 31 and Endorsements 521 and TE 99 08B, and adds Endorsements 589 and TE 00 37A. Endorsements 589 and TE 00 37A are added to the Standard Provisions. The order amends the current auto policy to limit the amount of standard coverage to \$1,500 for stereos, radios, and other sound reproducing and transmitting equipment which is permanently installed in the covered auto, but to allow an insured to obtain full coverage for losses in excess of \$1,500 for an additional premium, regardless of whether such equipment is permanently installed.

The change to Rule 31, relating to sound receiving and transmitting equipment, amends the rule to allow an insured to purchase coverage on an owned vehicle for permanently installed stereo equipment with a value in excess of \$1,500. Previously, coverage was for equipment permanently installed in the vehicle's dash. Correspondingly, Rule 31 in the rate section of the Manual is amended to provide that the premium charge for coverage is \$2.00 per \$100 cost new. This charge applies to coverage for stereos, radios, and other sound reproducing equipment that is permanently installed, for a loss exceeding \$1,500, or to coverage for any loss (regardless of amount) for such equipment that is scheduled but not permanently installed in the owned automobile.

Consistent with the changes made in Rule 31, current Endorsement 521 is amended to allow all stereos, radios, and other sound reproducing equipment (whether or not permanently installed) to be scheduled for coverage. The endorsement is renumbered 521A. Similarly, Endorsement TE 99 08B is amended to accomplish the same change on the business auto, garage, or truckers coverages. That endorsement is renumbered TE 99 08C.

Amendatory Endorsements 589 and TE 00 37A are added to the Standard Provisions to limit the amount of coverage for loss to stereos, radios, and other sound reproducing equipment if such equipment is permanently installed in the covered auto. The limit of liability for a loss to permanently installed stereos, radios, and other sound reproducing equipment is \$1,500, unless such equipment is scheduled, as previously mentioned.

The amendments to the Manual and Standard Provisions are effective on and after 12:01 a.m., August 1, 1990.

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

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

Issued in Austin, Texas, on May 21, 1990.

TRD-9005255      Nicholas Murphy  
                         Chief Clerk  
                         State Board of Insurance

Effective date: August 1, 1990

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





Name: Leeann Lawrance

Grade: 9

School: Coppell High School, Coppell



# Open Meetings

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

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

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

## Texas Department on Aging

**Thursday, June 7, 1990, 9 a.m.** The Board on Aging of the Texas Department on Aging will meet at 1949 South IH-35, Third Floor Conference Room, Austin. According to the agenda summary, the board will receive public testimony on all agenda items; approve minutes to the meetings of the board on March 15, 1990 and April 5, 1990; report on the state citizens advisory council meeting of May 31, 1990; recommendations of citizens advisory council policies task force; consideration of re-appointments of citizens advisory council members from west central Texas, south east Texas, central Texas, Bexar County, and Middle Rio Grande Valley area agencies on aging; approval of first submission of TDoA's 1992-1993 legislative appropriations request; final adoption of request for proposal and direct service rules; status of TX White House Conference on Aging; program reports to include: Christmas in April grant; VISTA volunteer project, oil overcharge grant and appointment of a board review committee; activities of TDoA's business advisory council; executive session to screen executive director applications; and general announcements.

**Contact:** Jebron Hopper, P.O. Box 12786, Austin, Texas 78741, (512) 444-2727.

**Filed:** May 29, 1990, 4:18 p.m.

TRD-9005555

## Texas Department of Agriculture

**Thursday, June 21, 1990, 10 a.m.** The Texas Department of Agriculture will meet at the district office, Expressway 83, 2 blocks West of Morningside Road, San Juan. According to the complete agenda, the administrative hearing will review: alleged violation of Texas Agriculture Code, §103.001 et. seq. by Griffin and Brand of McAllen, Inc. as petitioned by Fred Keesee.

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

**Filed:** May 25, 1990, 10:53 a.m.

TRD-9005348

**Thursday, June 21, 1990, 1 p.m.** The Texas Department of Agriculture will meet at the district office, Expressway 83, 2 blocks West of Morningside Road, San Juan. According to the complete agenda, the administrative hearing will review: alleged violation of Texas Agriculture Code, §103.001 et. seq. by Ruiz Produce Company as petitioned by Doug Keesee.

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

**Filed:** May 25, 1990, 10:53 a.m.

TRD-9005351

**Thursday, June 21, 1990, 3 p.m.** The Texas Department of Agriculture will meet at the district office, Expressway 83, 2 blocks West of Morningside Road, San Juan. According to the complete agenda, the administrative hearing will review: alleged violation of Texas Agriculture Code, §103.001 et. seq. by Ruiz Produce Company as petitioned by Fred Keesee.

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

**Filed:** May 25, 1990, 10:53 a.m.

TRD-9005347

**Wednesday, June 27, 1990, 1 p.m.** The Texas Department of Agriculture will meet at the district office, Expressway 83, 2 blocks West of Morningside Road, San Juan. According to the complete agenda, the administrative hearing will review: alleged violation of Texas pesticide laws by C. L. Cloud.

**Contact:** Chris Hanger, P.O. Box 12847, Austin, Texas 78711, (512) 463-7703.

**Filed:** May 30, 1990, 2:08 p.m.

TRD-9005640

**Wednesday, June 27, 1990, 3 p.m.** The Texas Department of Agriculture will meet at the district office, Expressway 83, 2 blocks West of Morningside Road, San Juan. According to the complete agenda, the administrative hearing will review: alleged violations of Texas pesticide laws by

Patrick Kornegay doing business as Sun Valley Dusting Service.

**Contact:** Chris Hanger, P.O. Box 12847, Austin, Texas 78711, (512) 463-7703.

**Filed:** May 30, 1990, 2:08 p.m.

TRD-9005641

**Friday, June 29, 1990, 1 p.m.** The Texas Department of Agriculture will meet at the district office, Expressway 83, 2 blocks West of Morningside Road, San Juan. According to the complete agenda, the administrative hearing will review: alleged violation of Texas pesticide laws by Randy Colvin doing business as Colvin Aircraft Services, Inc. Mid Valley Dusters.

**Contact:** Cordelia Martinez, P.O. Box 12847, Austin, Texas 78711, (512) 465-1609.

**Filed:** May 30, 1990, 2:09 p.m.

TRD-9005643

**Tuesday, August 6, 1990, 10 a.m.** The Texas Department of Agriculture will meet at the district office, Expressway 83, 2 blocks West of Morningside Road, San Juan. According to the complete agenda, the administrative hearing will review: alleged violation of Texas pesticide laws by Troy Vaught doing business as Palm Flying Service.

**Contact:** Chris Hanger, P.O. Box 12847, Austin, Texas 78711, (512) 463-7703.

**Filed:** May 30, 1990, 2:08 p.m.

TRD-9005642

## Texas Department of Aviation

**Wednesday, May 30, 1990, 1:30 p.m.** The Texas Board of Aviation of the Texas Department of Aviation met at 410 East 5th Street, Room 221, Anson Jones Building, Austin. According to the emergency revised agenda, the board added to the agenda: Pleasanton—undertake master plan study, total share \$55,555, federal share \$50,000, state share \$2,778, and local share \$2,778. The emergency status was necessary

because on May 29, 1990, the department was first notified by the Federal Aviation Administration that the city of Pleasanton would be eligible for federal funding in the amount of \$50,000, but board approval was necessary at this meeting. Any delay could jeopardize the funding from the FAA.

Contact: Lydia Scarborough, 410 East 5th Street, Austin, Texas 78711, (512) 476-9262.

Filed: May 30, 1990, 9:18 a.m.

TRD-9005600

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**State Bar of Texas**

**Wednesday-Friday, June 6-8, 1990, 9 a.m.** The Board of Directors of the State Bar of Texas will meet at Lowes Anatole Hotel, Wedgewood Ballroom, Dallas. According to the agenda summary, on Wednesday at 2:30 p.m. the board will hear reports of chairman, president elect, executive director, general counsel and report of Soviet lawyer exchange program; consider various reports and requests; on Thursday at 9 a.m. hear reports of immediate past president and chairman, TYLA president, court liaisons, judicial section liaison; consider various reports and recommendations; comments of public members; introduction of new board members; and remarks of retiring chairman and president; on Friday at 9 a.m. swearing in and installation of new directors; reports of incoming chairman, president and committee on presidential election and service.

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

Filed: May 29, 1990, 4:44 p.m.

TRD-9005556

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**Bond Review Board**

**Thursday, May 31, 1990, 10 a.m.** The Bond Review Board held an emergency meeting at the Sergeant's Committee Room, State Capitol, Austin. According to the complete agenda, the board approved minutes; considered proposed issues; Treasury Department-reconsideration of application for lease-purchase of application systems and super-minicomputer systems; Texas Public Finance Authority-reconsideration of a request for approval of financing of projects for the Texas Department of Criminal Justice; and other business. The emergency status was necessary to allow the board to consider, in a timely matter, unanticipated changes in the above applications.

Contact: Tom K. Pollard, 506 Sam Houston Building, 201 East 14th Street, Austin, Texas 78701, (512) 463-1741.

Filed: May 25, 1990, 3:04 p.m.

TRD-9005376

**Thursday, May 31, 1990, 10 a.m.** The Bond Review Board held an emergency meeting at the Sergeant's Committee Room, State Capitol, Austin. According to the emergency revised agenda, the board discussed the financing of One Capital Square State Office Building. The emergency status was necessary to allow timely consideration of the board of the proposed financing.

Contact: Tom K. Pollard, 506 Sam Houston Building, 201 East 14th Street, Austin, Texas 78701, (512) 463-1741.

Filed: May 30, 1990, 4:53 p.m.

TRD-9005648

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**Interagency Council on Early Childhood Intervention**

**Tuesday, June 12, 1990, 9 a.m.** The Interagency Council on Early Childhood Intervention will meet at 1100 West 49th Street, Room M-652, Austin. According to the agenda summary, the council will hear public comments; approve minutes of previous meeting; consider legislative appropriation request for fiscal year 1992-1993; requests for emergency funds for fiscal year 1990; final rules and federal application fiscal year 1991; Medicaid issues; issues related to fiscal year 1991 requests for proposal; proposed fiscal year 1991 staffing pattern; executive session (position upgrade for statistician; salary and performance standards for ECI administrator).

Contact: Mary Elder, 1100 West 49th Street, Austin, Texas 78756, (512) 465-2671.

Filed: May 30, 1990, 4:19 p.m.

TRD-9005655

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**Texas Commission for the Deaf**

**Friday, June 15, 1990, 7 p.m.** The Board for Evaluation of Interpreters (BEI) of the Texas Commission for the Deaf will meet at 510 South Congress Avenue, TCD Conference Room, Austin. According to the complete agenda, the board will make announcements; executive session will discuss certificate recommendations; revocations and reviews, and intermediary materials development; return to open session will include recommendations from executive session and chairperson report; adjournment will be followed by a work session on the new rules proposal and policies and procedures.

Contact: Larry D. Evans, 510 South Congress #300, Austin, Texas 78704, (512) 469-9891.

Filed: May 30, 1990, 10:52 a.m.

TRD-9005624

**Texas Education Agency**

**Thursday, June 7, 1990, 9:15 a.m.** The State Board of Education Committee of the Whole of the Texas Education Agency will meet at 1701 North Congress Avenue, W.B. Travis Building, Room 1-104, Austin. According to the complete agenda, the committee will hear public testimony; public hearing on Proclamation 68 of the SBOE advertising for bids on textbooks; public hearing on restructuring of the science curriculum for grades 7-10; appointments to Texas Council on Vocational Education; procedures for appointing SBOE members as representatives to other organizations; request for approval of additional travel for SBOE members; budget issues; 1989-1990 and 1990-1991 program and operating budgets and 1992-1993 biennial requests for legislative appropriations; performance indicators and grouping strategies for educational policy and implementation decisions; governor's educational excellence committee criterion for monetary award for performance gain and student intervention; long-range plan for public education 1990-1994; report on the 71st Legislature; special session legislation; discussion of pending litigation (to be in executive session in accordance with Article 6252-17, §2(e), Texas Civil Statutes.

Contact: W.N. Kirby, 1701 North Congress Avenue, Room 3-100, Austin, Texas 78701, (512) 463-8985.

Filed: May 30, 1990, 3:50 p.m.

TRD-9005644

**Tuesday, June 12, 1990, 9 a.m.** The School Facilities Advisory Committee of the Texas Education Agency will meet at 1701 North Congress Avenue, W.B. Travis Building, Room 8-101, Austin. According to the complete agenda, the committee will approve minutes from the May 2, 1990 meeting; review the impact of special session legislation on school facilities studies; status of TEA staff work; committee discussion of updated financing options document; discussion of standards and determination of future meeting date(s).

Contact: Joe Wisnoski, 1701 North Congress Avenue, Room 3-101, Austin, Texas 78701, (512) 463-9704.

Filed: May 25, 1990, 4:07 p.m.

TRD-9005416

**Monday, June 18, 1990, 8:45 a.m.** The Committee of Practitioners of the Texas Education Agency will meet at 1701 North Congress Avenue, W.B. Travis Building, Room 1-109, Austin. According to the complete agenda, the committee will discuss program improvement (funding and review) roles and responsibilities of committee members, and schedule for future meetings

Contact: Tommy Harris, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9374.

Filed: May 25, 1990, 4:07 p.m.

TRD-9005417

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

**Wednesday, June 6, 1990, 9:30 a.m.** The Executive Committee of the Advisory Commission on State Emergency Communications will meet at 1101 Capital of Texas Highway South, Suite B-100, Austin. According to the complete agenda, the committee will recognize guests; hear public comment; update on proposed rules (252.2 and 255.5); financial report; report on audit of telephone companies and request for proposal; update on liability insurance issues; status of rural addressing project; report on policy subcommittee meeting; report on status of public education and training projects; staff reports; and consider any new business.

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

**Filed:** May 25, 1990, 1:09 p.m.

TRD-9005339

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**Texas Employment  
Commission**

**Tuesday, June 5, 1990, 8:30 a.m.** The Texas Employment Commission will meet at 101 East 15th Street, TEC Building, Room 644, Austin. According to the agenda summary, the commission will review prior meeting notes; internal procedures of commission appeals; consideration and action on tax liability cases and on higher level appeals in unemployment compensation cases on Commission Docket 23; and set date of next meeting.

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

**Filed:** May 25, 1990, 3:04 p.m.

TRD-9005375

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**Texas Funeral Service  
Commission**

**Monday-Wednesday, June 11-13, 1990, 9 a.m.** The Texas Funeral Service Commission will meet at 6100 Middle Fiskville Road, Austin Airport Hilton, Austin. According to the agenda summary, the commission will on Monday, hold formal hearings on actions of licensees; complaints to be reviewed; executive director report; committee reports; discussion of proposed rules; and review of 1992-1993 legislative appropriations report;

on Tuesday hold formal hearing on actions of licensee and any items not considered on Monday; on Wednesday hold formal hearing on actions of licensee and any items not considered on Tuesday.

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

**Filed:** May 24, 1990, 3:29 p.m.

TRD-9005296

**Monday-Wednesday, June 11-13, 1990, 9 a.m.** The Texas Funeral Service Commission will meet at 6100 Middle Fiskville Road, Austin Airport Hilton, Austin. According to the revised agenda summary, the commission will on Monday, hold formal hearings on actions of licensees; complaints to be reviewed; executive director report; committee reports; discussion of proposed rules; review of 1992-1993 legislative appropriations report; and election of commission officers; on Tuesday hold formal hearing on actions of licensee and any items not considered on Monday; on Wednesday hold formal hearing on actions of licensee and any items not considered on Tuesday.

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

**Filed:** May 30, 1990, 2:10 p.m.

TRD-9005639

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**Texas Department of Health**

**Thursday, June 14, 1990, 10 a.m.** The Advisory Council on Massage Therapy of the Texas Department of Health will meet at 1100 West 49th Street, Room T-604, Austin. According to the agenda summary, the council will approve minutes of two previous meetings; discuss administrators report; applied measurement professionals and status of examination; additional massage systems (reflexology; traeger; etc.); procedures to obtain legislative amendments; sales tax permits; discuss and possible act on rules concerning transcripts, massage schools, massage therapy instructors, massage establishments, unprofessional conduct, and disciplinary actions; discuss other matter not requiring vote and set next meeting date.

**Contact:** Becky Berryhill, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7512.

**Filed:** May 30, 1990, 4:22 p.m.

TRD-9005652

**Thursday, June 14, 1990, 1 p.m.** The Primary Health Care Services Program Advisory Committee of the Texas Department of Health will meet at 1100 West 49th Street, Room G-107, Austin. According to the agenda summary, the committee will approve ad hoc committee

meeting minutes; consider planning and evaluation subcommittee reports; grant applications (continuation; new rural funding); nurse practitioner prescriptive powers; and select next meeting date.

**Contact:** John Dombroski, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7771.

**Filed:** May 30, 1990, 4:22 p.m.

TRD-9005651

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**Texas Health and Human  
Services Coordinating  
Council**

**Tuesday, June 12, 1990, 7:30 a.m.** The Human Services Interagency Committee of the Texas Health and Human Services Coordinating Council will meet at 4900 North Lamar Boulevard, Brown-Heatly Building, TRC Commissioner Board Room, Austin. According to the complete agenda, the committee will approve minutes; review population projections workgroup report; interagency program budget proposals; heart of Texas volunteer campaign; Cambridge technology system; regional interagency workgroup report and other items for consideration and discussion.

**Contact:** Patricia O. Thomas, 311-A East 14th Street, Austin, Texas 78701, (512) 463-2195.

**Filed:** May 31, 1990, 8:27 a.m.

TRD-9005649

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**Texas Board of Examiners in  
the Fitting and Dispensing  
of Hearing Aids**

**Friday-Saturday, June 8-9, 1990, 8 a.m. and 8:30 a.m. respectively.** The State Examinations Regular Board of the Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids will meet at 300 East Travis Street, St. Anthony's Hotel, San Antonio. According to the complete agenda, the board will approve minutes of February 24, 1990 board meeting; board action on examination; appointment of nominating committee; review of budget for fiscal year 1992-1993; committee reports; executive director report; president report and report on future meeting dates.

**Contact:** Wanda F. Stewart, 4800 North Lamar Boulevard #150, Austin, Texas 78756, (512) 459-1488.

**Filed:** May 29, 1990, 3:45 p.m.

TRD-9005553

## Texas Incentive and Productivity Commission

**Thursday, June 7, 1990, 1:30 p.m.** The Texas Incentive and Productivity Commission will hold an emergency meeting at 105 West 15th Street, John H. Reagan Building, Room 103, Austin. According to the complete agenda, the commission will present members; executive session to consider personnel matters—closed session; and decisions made in executive session if any. The emergency status was necessary to expedite personnel matters.

Contact: Misty E. Jones, P.O. Box 12482, Austin, Texas 78711, (512) 475-2393.

Filed: May 31, 1990, 9:46 a.m.

TRD-9005657

## State Board of Insurance

**Friday, June 1, 1990, 9 a.m.** The Commissioners Hearing Section of the State Board of Insurance met at 1110 San Jacinto, Room 353, Austin. According to the complete agenda, a public hearing on docket number 10817 was held to consider whether disciplinary action should be taken against Lorenzo H. Avila, Dallas, who holds a group I, legal reserve life insurance agent license, a group II, insurance agent license and a local recording agent license.

Contact: James W. Norman, 1110 San Jacinto, Austin, Texas 78701, (512) 463-6526.

Filed: May 24, 1990, 3:12 p.m.

TRD-9005293

**Friday, June 1, 1990, 9 a.m.** The Commissioners Hearing Section of the State Board of Insurance met at 1110 San Jacinto, Room 460, Austin. According to the complete agenda, a public hearing on docket number 10814 was held to consider the application of Howard David Johnston, Houston, for a solicitor license.

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

Filed: May 24, 1990, 3:12 p.m.

TRD-9005292

**Friday, June 1, 1990, 1:30 p.m.** The Commissioners Hearing Section of the State Board of Insurance met at 1110 San Jacinto, Room 353, Austin. According to the complete agenda, a public hearing on docket number 10833 was held to consider the application of Andy Eugene Anderson, Burleson, for a group I, legal reserve life insurance agent license.

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

Filed: May 24, 1990, 3:13 p.m.

TRD-9005291

**Friday, June 1, 1990, 1:30 p.m.** The Commissioners Hearing Section of the State Board of Insurance met at 1110 San Jacinto, Room 460, Austin. According to the complete agenda, a public hearing on docket number 10834 was held to consider the application of Arbruary Dale Campbell, Allen, for a group I, legal reserve life insurance agent license.

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

Filed: May 24, 1990, 3:13 p.m.

TRD-9005290

**Monday, June 4, 1990, 8:30 a.m.** The Commissioners Hearing Section of the State Board of Insurance met at 1110 San Jacinto, Room 342, Austin. According to the complete agenda, a public hearing on docket number 10639 was held to consider the applications of Crossroads Abstract and Title Company, Inc., Victoria, for renewal of title insurance agent's licenses and to consider the application of Crossroads Abstract and Title Company, Inc., Victoria for a title insurance agent license.

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

Filed: May 24, 1990, 3:13 p.m.

TRD-9005289

**Monday, June 4, 1990, 9 a.m.** The Commissioners Hearing Section of the State Board of Insurance met at 1110 San Jacinto, Room 342, Austin. According to the complete agenda, a public hearing on docket number 10741 was held to consider whether disciplinary action should be taken against National Benefit Life Insurance Company, Fort Worth.

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

Filed: May 24, 1990, 3:13 p.m.

TRD-9005288

**Monday, June 4, 1990, 1:30 p.m.** The Commissioners Hearing Section of the State Board of Insurance met at 1110 San Jacinto, Room 353, Austin. According to the complete agenda, a public hearing on docket number 10791 was held to consider the application of Financial Securities Fund, LP, a Delaware limited partnership, to acquire control of American Founders Life Insurance Company, Dallas, pursuant to the Insurance Code, Article 21.49-1, §5; Laurel Life Insurance Company, Dallas will be American Founders Life Insurance Company's immediate parent, investment authority pursuant to Article 21.49-1, §6, and the issuance of a surplus debenture by Laurel Life Insurance Company to LL Holdings, Inc., a Delaware corporation pursuant to Article 21.49-1, §4.

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

Filed: May 24, 1990, 3:13 p.m.

TRD-9005294

**Tuesday, June 5, 1990, 9 a.m.** The Commissioners Hearing Section of the State Board of Insurance will meet at 1110 San Jacinto, Room 342, Austin. According to the complete agenda, a public hearing on docket number 10846 to consider the application of William Dru Landrum, Wichita Falls/Byers, for a resident insurance adjusters license.

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

Filed: May 25, 1990, 2:53 p.m.

TRD-9005374

**Tuesday, June 5, 1990, 10 a.m.** The Commissioners Hearing Section of the State Board of Insurance will meet at 1110 San Jacinto, Room 353, Austin. According to the complete agenda, a public hearing on docket number 10797 to consider the amendments to the Articles of Incorporation of United Western Life Insurance Company, Waco, increasing the authorized capital and pertaining to director liability.

Contact: James W. Norman, 1110 San Jacinto, Austin, Texas 78701, (512) 463-6526.

Filed: May 25, 1990, 2:54 p.m.

TRD-9005372

**Tuesday, June 5, 1990, 10 a.m.** The Commissioners Hearing Section of the State Board of Insurance will meet at 1110 San Jacinto, Room 353, Austin. According to the complete agenda, a public hearing on docket number 10796 to consider the application of Bluebonnet Investments, Ltd. to acquire control of United Western Life Insurance company.

Contact: James W. Norman, 1110 San Jacinto, Austin, Texas 78701, (512) 463-6526.

Filed: May 25, 1990, 2:54 p.m.

TRD-9005373

**Thursday, June 7, 1990, 9 a.m.** The Commissioners Hearing Section of the State Board of Insurance will meet at 1110 San Jacinto, Room 342, Austin. According to the complete agenda, the commission will reopen a public hearing on docket number 10700 to consider the application of Shepard Insurance Group Ltd., Vancouver, British Columbia, Canada, to acquire control of First Fidelity Life Insurance Company, Houston

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

Filed: May 25, 1990, 2:54 p.m.

TRD-9005371

**Thursday, June 7, 1990, 1:30 p.m.** The Commissioners Hearing Section of the State Board of Insurance will meet at 1110 San Jacinto, Room 342, Austin. According to the complete agenda, a public hearing on

docket number 10849 to consider the total reinsurance of Home Life Insurance Company of Texas' policies or certificates of insurance into Western American Life Insurance Company.

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

Filed: May 25, 1990, 2:55 p.m.

TRD-9005370

**Friday, June 8, 1990, 9 a.m.** The Commissioners Hearing Section of the State Board of Insurance will meet at 1110 San Jacinto, Room 353, Austin. According to the complete agenda, a public hearing on docket number 10818 to consider the application for amendment to the Articles of Incorporation of American National Life Insurance Company of Texas, Galveston, increasing the authorized capital.

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

Filed: May 25, 1990, 2:55 p.m.

TRD-9005369

**Friday, June 8, 1990, 1:30 p.m.** The Commissioners Hearing Section of the State Board of Insurance will meet at 1110 San Jacinto, Room 460, Austin. According to the complete agenda, a public hearing on docket number 10845 to consider the application of Marion Pannell, Jr., Odessa, for a group I, legal reserve life insurance agent license.

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

Filed: May 25, 1990, 2:55 p.m.

TRD-9005368

**Monday, June 11, 1990, 9 a.m.** The Commissioners Hearing Section of the State Board of Insurance will meet at 1110 San Jacinto, Room 342, Austin. According to the complete agenda, a public hearing on docket number 10827 to consider whether disciplinary action should be taken against Kimberly Diane Hinson, San Antonio, who holds a group I, legal reserve life insurance agent license and to consider the application of Kimberly Diane Hinson for a group II, insurance agent license.

Contact: James W. Norman, 1110 San Jacinto, Austin, Texas 78701, (512) 463-6526.

Filed: May 25, 1990, 2:55 p.m.

TRD-9005367

**Monday, June 11, 1990, 10 a.m.** The State Board of Insurance will meet at 1110 San Jacinto, Room 460, Austin. According to the complete agenda, the consideration of decision in docket number 1735, commercial multi-peril insurance rates.

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

Filed: May 30, 1990, 3:51 p.m.

TRD-9005645

**Monday, June 11, 1990, 1:30 p.m.** The Commissioners Hearing Section of the State Board of Insurance will meet at 1110 San Jacinto, Room 342, Austin. According to the complete agenda, a public hearing on docket number 10779 to consider the application of Parliament Dental Plans, Inc., Houston for a certificate of authority to operate a health maintenance organization offering a single health care service plan.

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

Filed: May 25, 1990, 2:55 p.m.

TRD-9005366

### School Land Board

**Tuesday, June 5, 1990, 10 a.m.** The School Land Board will meet at 1700 North Congress Avenue, Stephen F. Austin Building, General Land Office, Room 831, Austin. According to the agenda, the board will approve minutes of the previous meeting; open and consider bids received for the June 5, 1990 sealed bid land sale; pooling agreement amendment, Alabama Ferry (Glenrose "D"), Leon county; pooling applications, Wildcat, Yoakum and Jefferson Counties; Mesa Field, Crockett County; consideration of nominations, terms, conditions and procedures for a special oil and gas lease sale; status report on suspended state leases; consideration of policy on excess acreage; report and consideration of cost of land sales; applications to purchase excess acreage, Uvalde County; direct land sales; Lipscomb, Red River and Howard Counties; coastal public lands, commercial lease applications, Laguna Madre, Nueces County; structure permit requests, Chocolate Bay, Brazoria County, Laguna Madre, Kennedy County, Christmas Bay, Titlum-Tatum, and Guyton Cut, Brazoria County; structure permit terminations, Chocolate Bay, Brazoria County, Laguna Madre, Kleberg and Calhoun Counties; coastal easements, Clear Creek, Galveston County, Arroyo Colorado, Cameron County, and Copano Bay, Aransas County; coastal lease applications, Clear Creek, Galveston County and Tres Palacios, Matagorda County; and executive session-pending and proposed litigation.

Contact: Linda K. Fisher, 1700 North Congress Avenue, Room 836, Austin, Texas 78701, (512) 463-5016.

Filed: May 25, 1990, 3:23 p.m.

TRD-9005377

### Texas Commission on Law Enforcement Officer Standards and Education

**Tuesday, June 12, 1990, 1:30 p.m.** The Texas Commission on Law Enforcement

Officer Standards and Education will meet at the Old Supreme Court Room, Capitol Building, Room 310, Austin. According to the agenda summary, the commission will recognize visitors; discussion of purpose of work sessions; report on evaluation of the West Texas COG; discussion of applications for academy license of: Wharton County Jr. College, Weatherford College, Northeast Texas Community College, Collin County Community College; Law Enforcement Management Institute report; discussion of 6 proposed rules and discussion of recommendations regarding: overview program, LEMI seminar series on executive issues, publication of publishable research and site discussion; discussion of proposed amendment to §211.98, psychological examination of an initial license applicant; progress report on voluntary certification program; report on waivers issues; and peace officer memorial committee report.

Contact: Johanna McCully-Bonner, 1606 Headway Circle #100, Austin, Texas 78754, (512) 834-9222.

Filed: May 25, 1990, 1:11 p.m.

TRD-9005335

**Wednesday, June 13, 1990, 9 a.m.** The Texas Commission on Law Enforcement Officer Standards and Education will meet at the Old Supreme Court Room, Capitol Building, Room 310, Austin. According to the agenda summary, the commission will recognize visitors; approve minutes of the March 20-21, 1990 meeting; consider academy license applications of: Wharton County Jr. College, Weatherford College, Northeast Texas Community College; Collin County Community College; Law Enforcement Management Institute report; consider six proposed rules and consider recommendations regarding the overview program, LEMI seminar series on executive issues, publication of publishable research, and site discussion; consider proposed amendment to §211.98, psychological examination of an initial license applicant; consider license actions in revocations, suspensions and voluntary surrenders; staff activities; updates on §211.1, definitions, and §211.109, minimum standards for jail personnel and the AG opinion and other staff activities.

Contact: Johanna McCully-Bonner, 1606 Headway Circle #100, Austin, Texas 78754, (512) 834-9222.

Filed: May 25, 1990, 1:12 p.m.

TRD-9005334

### Texas Department of Licensing and Regulation

**Tuesday, June 5, 1990, 8:30 a.m.** The Manufactured Housing of the Texas Department of Licensing and Regulation will meet at 920 Colorado, E.O. Thompson

Building, 8th Floor, Conference Room, Austin. According to the complete agenda, the department will include the proceedings that consider the assessment of an administrative penalty for violation of Texas Civil Statutes, Article 5221f, §7(k)(1), Article 6252-13a, and Article 9100. Pursuant to Article 5221f, §7(k)(1), possible disciplinary actions as a result of this hearing include denial, suspension, or revocation of the respondents license; hearing for EC & J Associates doing business as Miss-Tex Service Company, E.C. & J Associates doing business as The Delta Marketing Company, James L. Estes, Sr., individually, Carolyn J. Estes, individually and James L. Estes, Jr., individually.

Contact: Imelda Martínez Escobar, 920 Colorado, Austin, Texas, 78711, (512) 463-7332.

Filed: May 25, 1990, 1:23 p.m.

TRD-9005336

### Texas Low-Level Radioactive Waste Disposal Authority

Thursday, June 7, 1990, 1:30 p.m. The Budget Committee of the Texas Low-Level Radioactive Waste Disposal Authority will meet at 7701 North Lamar Boulevard, Suite 300, Austin. According to the complete agenda, the committee will approve the initial submission of the fiscal year 1992-1993 appropriations request.

Contact: L.R. Jacobi, Jr., 7701 North Lamar Boulevard, Austin, Texas 78745, (512) 451-5292.

Filed: May 29, 1990, 3:50 p.m.

TRD-9005554

### Texas National Research Laboratory Commission

Wednesday, May 30, 1990, 1:15 p.m. The Texas National Research Laboratory Commission held an emergency meeting at the Worthington Hotel, Gulf/Atlantic Rooms of the Grand Ballroom (Mezzanine Level) Fort Worth. According to the complete agenda, the commission will approve minutes of April 19, 1990 meeting; hear chairman report; special report on status of federal funding; executive directors report; counselors report; committee reports (budget, finance & bonding, personnel, land acquisition, regional planning); commissioner reports (R&D, Ellis County, Regional Funding, Minority Affairs); old and new commission business; public comment and executive session (personnel/land acquisition) and reconvene. The emergency status was necessary due to the anticipated increased press coverage, the location for the May 30th commission meeting was changed.

Contact: Karen L. Chrestay, 1801 North Hampton Road #400, DeSoto, Texas 75115, (214) 709-6481.

Filed: May 24, 1990, 1:03 p.m.

TRD-9005634

### Texas Department of Criminal Justice Board of Pardons and Paroles

Monday-Friday, June 4-8, 1990, 10 a.m. The Texas Department of Criminal Justice Board of Pardons and Paroles (composed of 3 board members) will meet to receive, review and consider information and reports concerning prisoners/inmates and administrative releasees subject to the board's jurisdiction and initiate and carry through with appropriate action.

Contact: Karin Armstrong, 8610 Shoal Creek Boulevard, Austin, Texas 78758, (512) 459-2713.

Filed: May 25, 1990, 10:56 a.m.

TRD-9005297

### Texas State Board of Public Accountancy

Thursday, June 7, 1990, 3:30 p.m. The Executive Committee of the Texas State Board of Public Accountancy will meet at 1033 La Posada, Suite 340, Austin. According to the complete agenda, the committee will review the board's financial statement; report of the ad hoc finance committee and fiscal year 1992-1993 appropriation request; review of the status of computer conversion; review of personnel matters; report of the status of the GAO referrals; review of legal matters; Fulcher; Duran; request under the Open Records Act; consideration of prior complaints in disciplinary proceedings; request for opinion on release of examination booklets; discussion of substantive rules; chapter 526; board opinions; §512.27, motions for postponement, continuance, withdrawal, or dismissal of matters before the board; §519.30, service by mail; and §519.31, certificate of service; discussion of the status of the quality review program; review of the status of sunset legislation and other matters coming before the committee.

Contact: Bob E. Bradley, 1033 La Posada, Suite 340, Austin, Texas 78752, (512) 451-0241.

Filed: May 30, 1990, 10:53 a.m.

TRD-9005621

Friday, June 8, 1990, 9 a.m. The Full Board of the Texas State Board of Public Accountancy will meet at 1033 La Posada, Suite 340, Austin. According to the agenda summary, the board will review the minutes

of the May 11-12, 1990 board meeting; report of the executive committee; report of the technical standards review committee; report of the behavioral enforcement committee; report of the ad hoc committee on the search for a new executive director; action on substantive rules; ratification of board orders; consent orders, and proposals for decision; review of certain board communications and review of future meeting/hearing schedules.

Contact: Bob E. Bradley, 1033 La Posada, Suite 340, Austin, Texas 78752, (512) 451-0241.

Filed: May 30, 1990, 10:54 a.m.

TRD-9005620

### Public Utility Commission of Texas

Wednesday, June 6, 1990, 9 a.m. The Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450N, Austin. According to the agenda summary, the commission will have an open meeting to consider the following dockets: 9310, 9000, P9526, 8632, 9077, 9118, 9185, 9303, 9115, 9122, 9123, 9376, 8909, and 9302. The commission will consider project number 9489—cooperatively owned electric utilities for rulemaking regard Public Utility Commission Substantive Rule 23.23.

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

Filed: May 29, 1990, 4:22 p.m.

TRD-9005633

Wednesday, June 6, 1990, 1 p.m. The Administrative Division of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450N, Austin. According to the agenda summary, the division will discuss reports; discussion and action on budget and fiscal matters; special legislative appropriations request; overview of regular LAR submission process; progress report on dual-party relay service; report on audit of universal service fund conducted by Price Waterhouse; discussion of filing of five-state joint comments in FCC RM-7370, petition for rulemaking by NARUC related to STARS traffic program; scheduling of matters for open meetings and agendas; adjournment for executive session to consider litigation and personnel matters, reconvene for discussions and decisions on matters considered in executive session to consider litigation and personnel matters, reconvene for discussions and decisions on matters considered in executive session; set time and place for next meeting.

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

Filed: May 29, 1990, 4:24 p.m.

TRD-9005629

**Monday, June 11, 1990, 1:30 p.m.** The Hearings Division of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450N, Austin. According to the complete summary, a prehearing conference on docket number 8783—complaint of Hilltop Lakes Resort City against Navasota Valley Electric Co-operative, Inc. concerning line extension charges.

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

Filed: May 29, 1990, 4:23 p.m.

TRD-9005630

**Wednesday, June 20, 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 complete summary, a prehearing conference on docket number 9555—application of Cap Rock Telephone Company, Inc. to revise tariff.

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

Filed: May 29, 1990, 4:23 p.m.

TRD-9005632

**Monday, August 6, 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 complete summary, a prehearing conference on docket number 9525—application of Guadalupe-Blanco River Authority for a rate increase.

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

Filed: May 29, 1990, 4:23 p.m.

TRD-9005631

### State Purchasing and General Services Commission

**Wednesday, May 30, 1990, 9 a.m.** The State Purchasing and General Services Commission held an emergency meeting at 1711 San Jacinto, Central Services Building, Conference Room 402, Austin. According to the complete agenda, the commission considered award of contracts for State of Texas government airline fares. The emergency status was necessary in order for the commission to consider take action to correct recently discovered potential deficiencies regarding the award of such contracts at its meeting of May 22, 1990.

Contact: John R. Neel, 1711 San Jacinto,

Austin, Texas 78701, (512) 463-3446.

Filed: May 24, 1990, 2:52 p.m.

TRD-9005275

### Texas Racing Commission

**Friday, June 1, 1990, 9 a.m.** The Greyhound Racing Section of the Texas Racing Commission met at 105 West 15th Street, John H. Reagan Building, Room 103, Austin. According to the agenda summary, the commission approved minutes of May 16, 1990 meeting; considered and voted on \$309,302 to adopt as an emergency rule and propose for publication in the *Texas Register*; considered and voted on matters relating to the greyhound racetrack license for Galveston County; considered and voted on exemptions and other matters relating to Corpus Christi Greyhound Racing Associates; considered and voted on exemptions and other matters relating to Valley Racing Association.

Contact: Paula Cochran Carter, P.O. Box 12080, Austin, Texas 78711, (512) 476-7223.

Filed: May 24, 1990, 2:59 p.m.

TRD-9005282

**Monday, June 4, 1990, 10 a.m.** The Texas Racing Commission met at 105 West 15th Street, John H. Reagan Building, Room 101, Austin. According to the agenda summary, the commission met in executive session to consult with attorneys regarding pending litigation with Rexco Partners '88 doing business as Houston Turf Club; administrative hearings on applications for renewal for class 2 horse racetracks to include the following: Loughorn Downs, Inc. No. 90-R2-0013; Del Rio Downs, Inc. No. 90-R2-0014; Lubbock Downs, Inc. No. 90-R2-0015; Heart of Texas Racing, Inc. doing business as G. Rollie White Downs No. 90-R2-0017; Trinity Meadows Raceway, Inc. No. 90-R2-0019; Bandera Downs, Inc. No. 90-R2-0020 (consolidated with request to address commission); South Texas Racing Association doing business as LaBahia Downs No. 90-R2-0022 (consolidated with No. 90-R3-0011 request for exemption; Manor Downs Inc. No. 90-R2-0024; Gillespie County Fair and Festivals Association No. 90-R2-0023, old and new business.

Contact: Paula Cochran Carter, P.O. Box 12080, Austin, Texas 78711, (512) 476-7223.

Filed: May 25, 1990, 11:43 a.m.

TRD-9005333

**Wednesday, June 6, 1990, 9 a.m.** The Hearing Examiner for Horse Racing Section of the Texas Racing Commission will meet at 400 West 15th Street, First State Bank Building, Third Floor Auditorium, Austin. According to the complete agenda, the

hearing examiner will conduct administrative hearings on the following commission cause numbers: #90-03-0011, in the matter of the suspension of the license of Teresa F. Tuminski (#255); #90-03-0012, in the matter of the revocation of the license of Steven W. Peacock (#308); #90-03-0013, in the matter of the suspension of the license of Harvey M. Campbell (#1741); #90-03-0014, in the matter of the suspension of the license of Selestino Aguilar (#1015); #90-03-0021, in the matter of the suspension of the license of Ernest L. Turner (#2162); #90-03-1336, in the matter of the suspension of the license of Peter Matt (#1336).

Contact: Paula Cochran Carter, 400 West 15th Street, Suite 625, Austin, Texas 78701, (512) 476-7223.

Filed: May 29, 1990, 5:04 p.m.

TRD-9005617

### Texas High-Speed Rail Authority

**Wednesday, June 6, 1990, 10:30 a.m.** The Texas High-Speed Rail Authority will meet at 823 Congress Avenue, Suite 1502, Austin. According to the agenda summary, there will be a teleconference public meeting; approval of minutes; consent agenda; adoption of rules and reports.

Contact: Allan Rutter, 823 Congress Avenue, Suite 1502, Austin, Texas 78701, (512) 478-5484.

Filed: May 29, 1990, 5:04 p.m.

TRD-9005618

### Railroad Commission of Texas

**Monday, June 4, 1990, 9 a.m.** The Railroad Commission of Texas met in the 12th Floor Conference Room, William B. Travis Building, 1701 North Congress Avenue, Austin. Agendas follow.

The commission will consider and act on the Administrative Services Division director's report on division administration, budget, procedure, and personnel matters.

Contact: Roger Dillon, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-7257.

Filed: May 25, 1990, 10:48 a.m.

TRD-9005358

The commission will consider and act on the Automatic Data Processing Division director's report on division administration, budget, procedures, equipment acquisitions, and personnel matters.

Contact: Bob Kmetz, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-7251.

Filed: May 25, 1990, 10:48 a.m.

TRD-9005360

The commission will consider and act on the executive director's report on commission budget and fiscal matters, administrative and procedural matters, personnel and staffing, state and federal legislation, and contracts and grants. Consider reorganization of various commission divisions; consolidation of positions; and appointment, reassignment and/or termination of various positions, including division directors. Consideration of reorganization of the well plugging program. The commission will meet in executive session to consider the appointment, employment, evaluation, re-assignment, duties, discipline and/or dismissal of personnel.

**Contact:** Cril Payne, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-7274.

**Filed:** May 25, 1990, 10:48 a.m.

TRD-9005361

The commission will consider and act on the Office of Information Services Director's report on division administration, budget, procedures, and personnel matters.

**Contact:** Brian W. Schaible, P.O. Drawer 12967, Austin, Texas 78753, (512) 463-6710.

**Filed:** May 25, 1990, 10:48 a.m.

TRD-9005357

The commission will consider and act on the Investigation Division director's report on division administration, investigations, budget, and personnel matters.

**Contact:** Mary Anne Wiley, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6828.

**Filed:** May 25, 1990, 10:47 a.m.

TRD-9005362

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 its entirety or for particular action at a future time of date. The commission may consider the procedural status of any contested case if 60 days or more have elapsed from the date the hearing was closed or from the date the transcript was received. The commission will meet in executive session to receive legal advice regarding pending and/or contemplated litigation.

**Contact:** Cue D. Boykin, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6921.

**Filed:** May 25, 1990, 10:48 a.m.

TRD-9005356

The commission will consider category determinations under the Natural Gas

Policy Act of 1978, §§102(c)(1)(B), 102(c)(1)(C), 103, 107, and 108.

**Contact:** Margie L. Osborn, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6755.

**Filed:** May 25, 1990, 10:46 a.m.

TRD-9005363

The commission will consider and act on the Personnel Division director's report on division administration, budget, procedures, and personnel matters. The commission will meet in executive session to consider the appointment, employment, evaluation, re-assignment, duties, discipline, and/or dismissal of personnel.

**Contact:** Mark Bogan, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6981.

**Filed:** May 25, 1990, 10:48 a.m.

TRD-9005359

## Texas Real Estate Commission

**Monday, June 11, 1990, 9:30 a.m.** The Texas Real Estate Commission will meet at 1101 Camino La Costa, Conference Room #235, Second Floor, TREC Headquarters Office, Austin. According to the agenda summary, the commission will discuss appraiser certification matters; discuss and possible action to approve for publication proposed amendments to 22 TAC §§535.164 and 535.165, concerning disclosure of agency; discuss and possible action to approve MCE providers, courses, or instructors; and request for legislative appropriation, 1992-1993 biennium.

**Contact:** Camilla S. Shannon, P.O. Box 12188, Austin, Texas 78711, (512) 465-3900.

**Filed:** May 30, 1990, 4:15 p.m.

TRD-9005647

## Texas Rehabilitation Commission

**Thursday-Friday, June 7-8, 1990, 2 p.m. and 9 a.m. respectively.** The Texas Planning Council for Developmental Disabilities of the Texas Rehabilitation Commission will have their quarterly council meeting, Thursday at the Radisson Plaza Hotel, 700 San Jacinto, Austin, and Friday at 4900 North Lamar Boulevard, TRC Public Hearings Room-1410, Austin. According to the complete agenda, the council on Thursday will approve minutes of March 1, 1990; hear public comments; chairmans report; planning and evaluation committee report; advocacy and public information committee report; and on Friday the council will demonstrate real time captioning equipment by Texas State Technical Institute; hear public comments; presentation on

learning in functional environments (LIFE) by Region IV Education Service Center staff; discussion on community connections lead by Diana Luck; continuation of unfinished business from first day agenda; executive committee report; executive directors report and public comments.

**Contact:** Roger A. Webb, 4900 North Lamar Boulevard, Austin, Texas 78751, (512) 483-4081.

**Filed:** May 24, 1990, 3:28 p.m.

TRD-9005295

## Teacher Retirement System of Texas

**Thursday, June 7, 1990, 1:30 p.m.** The Investment Advisory Committee of the Teacher Retirement System of Texas will meet at 1000 Red River, 5th Floor, Board Room, Austin. According to the complete agenda, the committee will approve minutes; consider appointments to Investment Advisory Committee; investment counsel view of economic outlook and market conditions; report of real estate counsel; staff view of economic outlook and market conditions; allocation of cash flow for current quarter; review of investments and report on forward commitments; consider changes to approved common stock list; consider changes to smaller company growth stock list and review of portfolio performance.

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

**Filed:** May 30, 1990, 3:11 p.m.

TRD-9005635

**Friday, June 8, 1990, 8:30 a.m.** The Board of Trustees of the Teacher Retirement System of Texas will meet at 1000 Red River, Board Room, Austin. According to the revised agenda, the board will consider report from investment planning committee; consider modifications of cost management features of the public school retirees group health insurance plan (TRS-Care) with respect to required second opinions, outpatient precertifications, and the maximum number of outpatient visits for treatment of mental and nervous disorders. The consideration of petition of Dr. Hugh S. Forrest, number 89-04 was removed from the agenda.

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

**Filed:** May 30, 1990, 3:11 p.m.

TRD-9005636

## Texas County and District Retirement System

**Friday, June 8, 1990, 9 a.m.** The Board of Trustees of the Texas County and District



Retirement System will meet at 188 Freeman Boulevard, Columbia Lakes Conference Center, West Columbia. According to the agenda summary, the board will hear minutes of March 30, 1990 regular board meeting; consider and pass on applications for service retirement benefits and disability retirement benefits; consider application for TCDRS participation; consider approval for extended coverage under supplemental death benefits fund for individual; consider independent auditors report and approve 1989 annual report; appoint auditor for 1990; consider annual actuarial valuation; review and act on reports from director, actuary, and investment counsel and set date for September meeting.

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

**Filed:** May 29, 1990, 2:37 p.m.

TRD-9005543

### State Securities Board

**Tuesday, June 5, 1990, 9:15 a.m.** The Board of the State Securities Board will meet at 1800 San Jacinto, Employees Retirement System Auditorium, Austin. According to the agenda summary, the board will approve minutes of March 20, 1990 meeting; published proposals to amend §115.1(a); amend §115.1(b); amend §115.3; amend §117; amend §133.31; create revised §121; repeal current §121; amend §133.12; amend §133.13; and amend §133.24. New rule proposals to amend §105; amend §109.13; amend §113.4; and create new §113.12 concerning applicability of guidelines; discuss agency appropriations request for 1992-1993; discuss reasserting jurisdiction under Secondary Mortgage Market Enhancement Act of 1984; new business items for subsequent meetings and update with reports from division directors and securities commissioner.

**Contact:** Richard D. Latham, 1800 San Jacinto, Austin, Texas, (512) 474-2233.

**Filed:** May 25, 1990, 1:56 p.m.

TRD-9005349

### Texas Board of Veterinary Medical Examiners

**Wednesday-Thursday, June 7-9, 1990, 8 a.m.** The Texas Board of Veterinary Medical Examiners will meet at 2828 NW Loop 323, Best Western Inn of Tyler. According to the agenda summary, the board will conduct disciplinary hearings, approve cancellation of lapsed licenses, approve examination results, consider proposed rule revisions; review state travel regulations; discuss the program for foreign veterinary graduates and conduct other business. The board will hold an executive

session on Saturday, to discuss the Hawkins vs. Board litigation and review employee performance reports.

**Contact:** Don Wilson, 1946 South IH-35, Austin, Texas 78704, (512) 447-1183.

**Filed:** May 24, 1990, 10:38 a.m.

TRD-9005352

### Texas Water Commission

**Wednesday, May 30, 1990, 3 p.m.** The Texas Water Commission met at 1700 North Congress Avenue, Stephen F. Austin Building, Room 118, Austin. According to the emergency revised 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 due to reasonably unforeseeable circumstances and an imminent threat to public health and safety.

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

**Filed:** May 25, 1990, 10:07 a.m.

TRD-9005346

**Wednesday, May 30, 1990, 3 p.m.** The Texas Water Commission met at 1700 North Congress Avenue, Stephen F. Austin Building, Room 118, Austin. According to the emergency revised 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. An emergency addition to the agenda was necessary due to reasonably unforeseeable circumstances.

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

**Filed:** May 29, 1990, 3:40 p.m.

TRD-9005552

**Wednesday, June 6, 1990, 9 a.m.** The Texas Water Commission will meet at 1700 North Congress Avenue, Stephen F. Austin Building, Room 118, Austin. According to the revised agenda summary, the commission considered various matters within the regulatory jurisdiction of the commission. In addition, the commission will consider items previously posted for open meeting and at such meeting verbally

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

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

**Filed:** May 25, 1990, 10:07 a.m.

TRD-9005365

**Wednesday, June 6, 1990, 2 p.m.** The Texas Water Commission will meet at 1700 North Congress Avenue, Stephen F. Austin Building, Room 123, Austin. According to the agenda summary, the commission will consider the executive director report on agency administration, policy, budget procedures, and personnel matters.

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

**Filed:** May 24, 1990, 3:08 p.m.

TRD-9005285

**Wednesday, June 6, 1990, 3 p.m.** The Texas Water Commission will meet at 1700 North Congress Avenue, Stephen F. Austin Building, Room 118, Austin. According to the revised agenda summary, the commission will consider 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.

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

**Filed:** May 25, 1990, 10:08 a.m.

TRD-9005364

**Tuesday, July 10, 1990, 9:30 a.m.** The Office of Hearings Examiner of the Texas Water Commission will meet at the Erath County Courthouse, Courtroom on the Square, Stephenville. According to the agenda summary, the commission will review the application by Bill Barnett doing business as B & B Dairy for proposed permit number 03173 authorizing disposal of waste and wastewater from a dairy which consists of 500 milking head. The dairy is approximately 3.5 miles northeast of the intersection of State Highway 6 and U.S. Highway 377 in Erath County, Texas.

**Contact:** James Murphy, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

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

TRD-9005286

**Tuesday, July 10, 1990, 10 a.m.** The Office of Hearings Examiner of the Texas Water Commission will meet at 7411 Park Place, Environmental Pollution Control Office, Classroom, Houston. According to the agenda summary, the commission will

review the treatment one application for a permit (proposed permit number HW-50267) to authorize the continued operation of an existing commercial Class I hazardous industrial solid waste storage and processing facility. The facility is on eight city lots in a mixed commercial, residential and industrial area at 5743 Cheswood, Houston, Harris County.

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

Filed: May 30, 1990, 2:57 p.m.

TRD-9005637

**Wednesday, July 11, 1990, 3 p.m.** The Texas Water Commission will meet at 1700 North Congress Avenue, Stephen F. Austin Building, Room 118, Austin. According to the agenda summary, the hearing will be to determine whether emergency orders numbers 90-14E and 90-15E, granted by the commission on May 16, 1990 to E.I. DuPont De Nemours, Inc. Victoria Plant, P.O. Box 2626, Victoria, Texas 79902, should be affirmed, modified or set aside by the commission. The orders authorize Dupont to handle and properly dispose of, by deep well injection, potentially reactive and explosive chemicals and acids now stored in the chemistry departments at Cuero High School in Cuero (emergency order number 90-14E), DeWitt County, Texas and Nazareth Academy (emergency order number 90-15E) in Victoria, Victoria County. The chemicals will be packed and transported to Dupont's Victoria Plant for disposal.

Contact: Mark Alvarado, P.O. Box 13087, Austin, Texas 78711, (512) 463-8069.

Filed: May 24, 1990, 3:09 p.m.

TRD-9005287

**Wednesday, August 15, 1990, 3 p.m.** The Texas Water Commission will meet at 1700 North Congress Avenue, Stephen F. Austin Building, Room 118, Austin. According to the complete agenda, the commission will review the notice of application by Fred P. Gauntt, application number 14-1295B to amend certificate number 14-1295, by adding a diversion point on the South Concho River at a point approximately 4 river-miles downstream of the currently authorized diversion point on the South Concho River, Colorado River Basin in Tom Green County, San Angelo.

Contact: Lann Bookout, P.O. Box 13087, Austin, Texas 78711, (512) 371-6385.

Filed: May 30, 1990, 2:57 p.m.

TRD-9005638

## On-Site Wastewater Treatment Research Council

**Wednesday, May 30, 1990, 1:30 p.m.** The Rules Committee of the On-Site Wastewater Treatment Research Council held an emergency meeting at 1100 West 49th Street, Room M-721, Austin. According to the complete agenda, the committee will discuss any comments received to proposed rules (no committee action was taken). The emergency status was necessary because of unforeseeable circumstances.

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

Filed: May 24, 1990, 11:21 a.m.

TRD-9005267

**Friday, June 8, 1990, 9 a.m.** The On-Site Wastewater Treatment Research Council Task Force of the On-Site Wastewater Treatment Research Council held an emergency meeting at 1100 West 49th Street, Room M-721, Austin. According to the agenda summary, the committee will conduct working session with Department of Health staff to develop final rules on council budget and procedures, including a possible executive session on negotiated contracts.

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

Filed: May 30, 1990, 4:21 p.m.

TRD-9005653

**Friday, June 8, 1990, 1:30 p.m.** The On-Site Wastewater Treatment Research Council held an emergency meeting at the Center for Environmental Research Hornsby Bend Wastewater and Treatment Facility, 2210 South FM 973, Austin. According to the agenda summary, the council will approve minutes of previous meeting; hear/consider and possible act on reports (Department of Health staff; chair; vice-chair; council members; rules committee; Department of Health legal counsel); contract between council and Department of Health; issuing request for proposals from applicants to do research; \$10 permit fee revenues; TDH on-site surface application policy and public comments.

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

Filed: May 30, 1990, 4:20 p.m.

TRD-9005654

## Regional Meetings

Meetings Filed May 24, 1990

The Bexar Appraisal District Board of Directors held an emergency meeting at 535

South Main, San Antonio, May 25, 1990, at 12:15 p.m. The emergency status was necessary because it was the only time they could get a quorum. Information may be obtained from Walter Stoneham, 535 South Main, San Antonio, Texas 78204, (512) 224-8511.

The Heart of Texas Regional Mental Health Mental Retardation Services Board of Trustees met at 110 South 12th Street, Waco, May 31, 1990, at 11:45 a.m. Information may be obtained from Helen Jasso, 110 South 12th Street, Waco, Texas 76701, (817) 752-3451.

The Jack County Appraisal District Board of Directors met at the Jack County Commissioner Court, Jack County Courthouse, Jacksboro, May 29, 1990, at 1:30 p.m. Information may be obtained from Gary L. Zeitler, 216-D South Main, Jacksboro, Texas 76056, (817) 567-6301.

The Mental Health Mental Retardation Center of East Texas Board of Trustees met at 2323 West Front Street, Board Room, Tyler, May 31, 1990, at 4 p.m. Information may be obtained from Richard J. DeSanto, P.O. Box 4730, Tyler, Texas 75712, (214) 597-1351.

The Middle Rio Grande Development Council Texas Review and Comment System Committee met at the Civic Center, Reading Room, 300 Main Street, Uvalde, May 30, 1990, at 1:30 p.m. Information may be obtained from Dora T. Flores, P.O. Box 1199, Carrizo Springs, Texas 78834, (512) 876-3533.

The Texas Panhandle Mental Health Authority Board of Trustees met at 1200 Wallace Boulevard, Killgore Board Room, Amarillo, May 31, 1990, at 10:30 a.m. Information may be obtained from Claire Rigler, P.O. Box 3250, Amarillo, Texas 79106, (806) 353-7235.

The Texas Rural Communities Board of Directors will meet at the Radisson Resort, South Padre Island, June 1-2, 1990, at 8 a.m. Information may be obtained from Leland Beatty, 314 Highland Mall Boulevard, #103, Austin, Texas 78752, (512) 458-1016.

The Texas Rural Communities Board of Directors met at 314 Highland Mall Boulevard, Austin, June 7, 1990, at 9 a.m. Information may be obtained from Leland Beatty, 314 Highland Mall Boulevard, #103, Austin, Texas 78752, (512) 458-1016.

The Wise County Appraisal District Appraisal Review Board met at 206 South State Street, Decatur, June 4, 1990, at 9 a.m. Information may be obtained from Peggy Price, 206 South State, Decatur, Texas 76234, (817) 627-3081.

The Wood County Appraisal District Appraisal Review Board met at 217 North Main, Conference Room, Quitman, May 29-31, 1990, at 9 a.m. Information may be

obtained from W. Carson Wages, P.O. Box 951, Quitman, Texas 75783, (214) 763-4891.

TRD-9005264

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Meetings Filed May 25, 1990

**The Burnet County Appraisal District Board of Directors** met at 223 South Pierce Street, Burnet, May 31, 1990, at 5:45 p.m. Information may be obtained from Barbara Ratliff, 223 South Pierce Street, Burnet, Texas 78611, (512) 756-8291.

**The Deep East Texas Council of Governments Minority Representatives** will meet at the Shelby County Courthouse, County Courtroom, Center, June 5, 1990, at 10 a.m. Information may be obtained from Katie Bayliss, 274 East Lamar Street, Jasper, Texas 75951, (409) 384-5704.

**The Deep East Texas Council of Governments Minority Representatives** will meet at St. Paul's Methodist Church, 601 Moore Street, Nacogdoches, June 5, 1990, at 2 p.m. Information may be obtained from Katie Bayliss, 274 East Lamar Street, Jasper, Texas 75951, (409) 384-5704.

**The Deep East Texas Council of Governments Minority Representatives** will meet at the Tyler County Courthouse, District Courtroom, Woodville, June 5, 1990, at 5 p.m. Information may be obtained from Katie Bayliss, 274 East Lamar Street, Jasper, Texas 75951, (409) 384-5704.

**The Deep East Texas Council of Governments Minority Representatives** will meet at the San Jacinto County Courthouse, County Courtroom, Coldspring, June 6, 1990, at 1:30 p.m. Information may be obtained from Katie Bayliss, 274 East Lamar Street, Jasper, Texas 75951, (409) 384-5704.

**The Hansford Appraisal District Appraisal Review Board** met at 709 West Seventh Street, Spearman, May 30, 1990, at 9 a.m. Information may be obtained from Alice Peddy, P.O. Box 567, Spearman, Texas 79081, (806) 659-5575.

**The Hockley County Appraisal District Board of Directors** met at 1103-C Houston Street, Levelland, June 1, 1990, at noon. Information may be obtained from Nick Williams, P.O. Box 1090, Levelland, Texas 79336, (806) 894-9654.

**The Lamb County Appraisal District Board of Directors** will meet at 331 LFD Drive, Board Meeting Room, Littlefield, June 7, 1990, at 6 p.m. Information may be obtained from Vaughn McKee, P.O. Box 552, Littlefield, Texas 79339, (806) 385-6474.

**The Leon County Central Appraisal District Board of Directors** met at the District Office, Gresham Building,

Centerville, May 29, 1990, at 7:30 p.m. Information may be obtained from Robert M. Winn, P.O. Box 536, Centerville, Texas 75833, (214) 536-2252.

**The Leon County Central Appraisal District Board of Directors** met at the District Office, Gresham Building, Centerville, June 1, 1990, at 8:30 a.m. Information may be obtained from Robert M. Winn, P.O. Box 536, Centerville, Texas 75833, (214) 536-2252.

**The Liberty County Central Appraisal District Appraisal Review Board** will meet at 315 Main Street, Liberty, June 7, 11, 14, 19, 21, 26, 28, July 3, 5, 10, 12, 17, 19, 1990, at 9:30 a.m. Information may be obtained from Sherry Greak, P.O. Box 10016, Liberty, Texas 77575, (409) 336-5722.

**The Lower Colorado River Authority Audit and Budget Committee** met at 3700 Lake Austin Boulevard, Austin, May 30, 1990, at 9 a.m. Information may be obtained from Glen E. Taylor, P.O. Box 220, Austin, Texas 78767, (512) 473-3250.

**The Lower Colorado River Authority Board of Directors** met at 3700 Lake Austin Boulevard, Austin, May 30, 1990, at 9 a.m. or following Audit and Budget Committee. Information may be obtained from Glen E. Taylor, P.O. Box 220, Austin, Texas 78767, (512) 473-3250.

**The Lower Colorado River Authority Audit and Budget Committee** met at 3700 Lake Austin Boulevard, Austin, May 31, 1990, at 9 a.m. Information may be obtained from Glen E. Taylor, P.O. Box 220, Austin, Texas 78767, (512) 473-3250.

**The Lower Colorado River Authority Board of Directors** met at 3700 Lake Austin Boulevard, Austin, May 31, 1990, at 9 a.m. or following Audit and Budget Committee. Information may be obtained from Glen E. Taylor, P.O. Box 220, Austin, Texas 78767, (512) 473-3250.

**The Mental Health Mental Retardation Authority of Brazos Valley Board of Trustees** met at 3232 Briarcrest Drive, Brazos Center, Bryan, May 31, 1990, at 1:30 p.m. Information may be obtained from Leon Bawcom, P.O. Box 4588, Bryan, Texas 77805, (409) 822-6467.

**The Region V Education Service Center Board of Directors** will meet at 2295 Delaware Street, Board Room, Beaumont, June 5, 1990, at 1:15 p.m. Information may be obtained from Robert E. Nicks, 2295 Delaware Street, Beaumont, Texas 77703, (409) 835-5212.

**The West Central Texas Municipal Water District** met at 401 Cypress Street, Suite 300, Abilene, May 31, 1990, at 9:30 a.m. Information may be obtained from Virginia Duncan, P.O. Box 2362, Abilene, Texas 79604, (915) 672-8544.

TRD-9005284

Meetings Filed May 29, 1990

**The Angellina and Neches River Authority Board of Directors Industrial Development Corporation** met at the Azalea Room, Crown Colony Country Club, Lufkin, June 1, 1990, at 11 a.m. Information may be obtained from Gary L. Neighbors, P.O. Box 387, Lufkin, Texas 75902, (409) 632-7795, Fax (409) 632-2564.

**The Bexar Appraisal District Appraisal Review Board** will meet at 535 South Main, San Antonio, June 1, 4-7, 11-15, 18-21, 25-26, 28-29, 1990, at 8:30 p.m. Information may be obtained from Walter Stoneham, 535 South Main, San Antonio, Texas 78204, (512) 224-8511.

**The Central Appraisal District of Taylor County Appraisal Review Board** will meet at 1534 South Treadaway, Abilene, June 7, 1990, at 1:30 p.m. Information may be obtained from Richard Petree, P.O. Box 1800, Abilene, Texas 79604, (915) 676-9381.

**The Coryell County Appraisal District Appraisal Review Board** will meet at 113 North 7th Street, District Office, Gatesville, June 6, 1990, at 9:30 a.m. Information may be obtained from Darrell Lisenbe, P.O. Box 142, Gatesville, Texas 76528, (817) 865-6593.

**The Ellis County Tax Appraisal District Appraisal Review Board** met at 406 Sycamore Street, Waxahachie, June 1, 1990, at 10 a.m. Information may be obtained from Russell A. Garrison, P.O. Box 878, Waxahachie, Texas 75165, (214) 937-3552.

**The Ellis County Tax Appraisal District Board of Directors** will meet at 406 Sycamore Street, Waxahachie, June 5, 1990, at 8 a.m. Information may be obtained from Russell A. Garrison, P.O. Box 878, Waxahachie, Texas 75165, (214) 937-3552.

**The Erath County Appraisal District Appraisal Review Board** will meet at 1390 Harbin Drive, Board Room, Stephenville, June 5, 1990, at 9 a.m. Information may be obtained from Trecia Perales, 1390 Harbin Drive, Stephenville, Texas 76401, (817) 965-5434.

**The Golden Crescent Regional Planning Commission Board of Directors** held an emergency meeting at the Regional Airport, Building 102, GCRPC Board Room, Victoria, May 30, 1990, at 5 p.m. The emergency status was necessary because all items in the agenda needed to be addressed at this meeting. Information may be obtained from Patrick J. Kennedy, P.O. Box 2028, Victoria, Texas 77902, (512) 578-1587.

**The Gregg Appraisal District Board of Directors** will meet at 2010 Gilmer Road, Longview, June 7, 1990, at 10 a.m. Information may be obtained from Wm. T. Carroll, P.O. Box 6700, Longview, Texas 75608, (214) 759-0015.

**The Hamilton County Appraisal District** will meet at 119 East Henry, District Office Boardroom, Hamilton, June 11, 1990, at noon. Information may be obtained from Doyle Roberts, 119 East Henry, Hamilton, Texas 76531, (817) 386-8945.

**The Kendall County Appraisal District** Appraisal Review Board will meet at the City Hall, 402 East Blanco, Room 211, Boerne, on June 4-6, 1990 at 9 a.m. and at 123 West Johns Road, Boerne ISD Board Room, Boerne, June 6-14, 1990, at 9 a.m. Information may be obtained from Sue R. Wiedenfeld, P.O. Box 788, Boerne, Texas 78006, (512) 249-8012.

**The Region 18 Education Service Center** Board of Directors will meet at 2811 LaForce Boulevard, Midland, June 7, 1990, at 7:30 p.m. Information may be obtained from Vernon Stokes, P.O. Box 60580, Midland, Texas 79711, (915) 563-2380.

**The Scurry County Appraisal District** Board of Directors will meet at 2612 College Avenue, Snyder, June 5, 1990, at 8 p.m. Information may be obtained from L.R. Peveler, 2612 College Avenue, Snyder, Texas 79549, (915) 573-8549.

**The South Texas Development Council** Regional Review Committee will meet at the Courthouse, Commissioners Courtroom, Rio Grande City, June 8, 1990, at 10:30 a.m. Information may be obtained from Juan Vargas, P.O. Box 2187, Laredo, Texas 78044, (512) 722-3995.

**The Tarrant Appraisal District** Tarrant Appraisal Review Board will meet at 2309 Gravel Road, Fort Worth, June 5-7, 12-14, 18-21, 25-28, 1990, at 8:30 a.m. Information may be obtained from Vernon Evans, 2309 Gravel Road, Fort Worth, Texas 76118, (817) 284-8884.

**The Texas Municipal League Intergovernmental Risk Pool** Board of Trustees met at the Four Seasons Club and Resort, Las Colinas, Irving, June 2, 1990, at 9 a.m. Information may be obtained from Jack Floyd, 211 East 7th Street, Austin, Texas 78701, (512) 320-1325.

TRD-9005415

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**Meetings Filed May 30, 1990**

**The Bexar Appraisal District** Appraisal Review Board will meet at 535 South Main, San Antonio, June 8, 1990, at 8:30 a.m. Information may be obtained from Walter Stoneham, 535 South Main, San Antonio, Texas 78204, (512) 224-8511.

**The Brazos Valley Development Council** Brazos Valley Regional Review Committee will meet at 3006 East 29th Street #2, Council Offices, Bryan, June 14, 1990, at 3 p.m. Information may be obtained from Glenn J. Cook, P.O. Drawer 4128, Bryan, Texas 77805, (409) 776-2277.

**The Deep East Texas Regional Mental Health Mental Retardation** Board of Trustees will meet at 200 North Fredonia, Nacogdoches Club Meeting Room, Fredonia Hotel, Nacogdoches, June 5, 1990, at 10:30 a.m. Information may be obtained from Sandy Vann, 4104 South Medford Drive, Lufkin, Texas 75901, (409) 639-1141.

**The East Texas Council of Governments**JTPA Board of Directors will meet at the Ramada Inn, Kilgore, June 7, 1990, at 11:30 a.m. Information may be obtained from Glynn Knight, 3800 Stone Road, Kilgore, Texas 75662, (214) 984-8641.

**The Harris County Appraisal District** Board of Directors met at 2800 North Loop West, 8th Floor, Houston, June 4, 1990, at 1:30 p.m. Information may be obtained from Margie Hilliard, P.O. Box 920975, Houston, Texas 77292, (713) 957-5291.

**The Harris County Appraisal District** Board of Directors met at 2800 North Loop West, 8th Floor, Houston, June 4, 1990, at 1:30 p.m. Information may be obtained from Margie Hilliard, P.O. Box 920975, Houston, Texas 77292, (713) 957-5291.

**The Lavaca County Central Appraisal District** will meet at 113 North Main, District Office, Hallettsville, June 11, 1990, at 4 p.m. Information may be obtained from Diane Munson, P.O. Box 386, Hallettsville, Texas 77964, (512) 798-4396.

**The Lower Colorado River Authority** Retirement Benefits Committee met at 3700 Lake Austin Boulevard, Austin, June 4, 1990, at 9 a.m. Information may be obtained from Glen E. Taylor, P.O. Box 220, Austin, Texas 78767, (512) 473-3250.

**The Region IX Education Service Center** Board of Directors will meet at 301 Loop 11, Service Center, Wichita Falls, June 14, 1990, at 1 p.m. Information may be obtained from Jim O. Rogers, 301 Loop 11, Wichita Falls, Texas 76305, (817) 322-6928.

**The Sabine Valley Center Personnel** Committee will meet at 107 Woodbine Place, Administration Building (Conference Room), Longview, June 11, 1990, at 5 p.m.

Information may be obtained from Jack Coston, P.O. Box 6800, Longview, Texas 75608, (214) 758-2471.

**The Sabine Valley Center Care and Treatment** Committee will meet at 107 Woodbine Place, Administration Building, Longview, June 11, 1990, at 6 p.m. Information may be obtained from Jack Coston, P.O. Box 6800, Longview, Texas 75608, (214) 758-2471.

**The Tyler County Appraisal District** Board of Directors will meet at 806 West Bluff, Woodville, June 5, 1990, at 4 p.m. Information may be obtained from Linda Lewis, P.O. Drawer 9, Woodville, Texas 75979, (409) 283-3736.

**The Wise County Appraisal District** Board of Directors will meet at 206 South State, Decatur, June 14, 1990, at 9 a.m. Information may be obtained from Brenda Jones, 206 South State, Decatur, Texas 76234, (817) 627-3081, ext. 04.

TRD-9005581

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**Meetings Filed May 31, 1990**

**The Brazos Valley Development Council** Regional Advisory Committee on Aging will meet at 3006 East 29th Street, Council Offices, Bryan, June 7, 1990, at 2 p.m. Information may be obtained from Roberta Lindquist, P.O. Drawer 4128, Bryan, Texas 77805, (409) 776-2277.

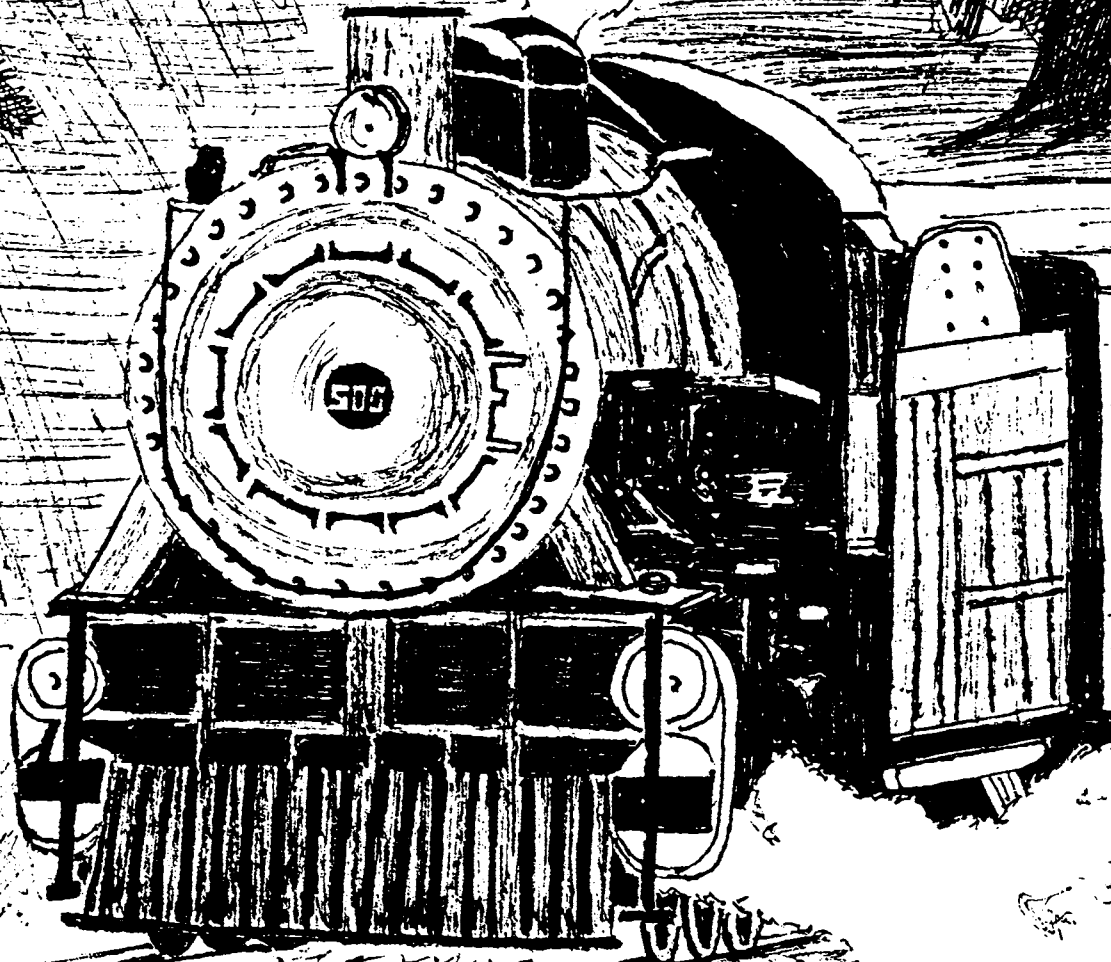
**The Capital Area Planning Council** Capital Area Governor's Regional Review Committee will meet at 2520 IH-35 South, Suite 100, Austin, June 6, 1990, at 9 a.m. Information may be obtained from Richard G. Bean, 2520 IH-35 South, Suite 100, Austin, Texas 78704, (512) 443-7653.

**The South Plains Association of Governments** Executive Committee will meet at 1323 58th Street, Lubbock, June 5, 1990, at 9 a.m. Information may be obtained from Jerry D. Casstevens, P.O. Box 3730, Lubbock, Texas 79452, (806) 762-8721.

**The South Plains Association of Governments** Executive Committee will meet at 1323 58th Street, Lubbock, June 5, 1990, at 10 a.m. Information may be obtained from Jerry D. Casstevens, P.O. Box 3730, Lubbock, Texas 79452, (806) 762-8721.

TRD-9005650

# TEXAS



Name: Lief Erickson

Grade: 9

School: Coppell High School, Coppell



# 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 Alcoholic Beverage Commission Consultant Contract Award

In accordance with Texas Civil Statutes, Article 6252-11c, the Texas Alcoholic Beverage Commission (TABC) announces this consultant contract award. The invitation for consultant proposals was published in the March 27, 1990, issue of the *Texas Register* (15 TexReg 1705).

**Description of services.** The contractor will provide consulting/programming assistance in the development and implementation of an automated information and regulatory system for the bingo industry. The project will require automation of the revenue processing, licensing, enforcement, auditing, hearings, and reporting functions of the Bingo Division at the TABC, and will include organization and management of the project, development of functional and technical specifications, development of design and installation schedules, as well as the actual design and installation of the system.

**Name of consultant.** The contract was awarded to Andersen Consulting, 701 Brazos Street, Suite 1020, Austin, Texas 78701.

**Terms and amount of contract.** The contract period is May 7, 1990 through August 31, 1991. The total value of the contract will not exceed \$620,000. The contract amount may be amended by mutual agreement of both parties.

**Document due dates.** All documentation and the consultant's final report are due on or before August 31, 1991. Issued in Austin, Texas, on May 21, 1990.

TRD-9005242      Randy Yarbrough  
Assistant Administrator  
Texas Alcoholic Beverage Commission

Filed: May 23, 1990

For further information, please call: (512) 458-2500

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## Texas Department of Commerce Consultant Proposal Request

This consultant proposal request is filed pursuant to Texas Civil Statutes, Article 6252-11c.

The Texas Department of Commerce (Commerce) requests offers from qualified companies/organizations for consulting services to prepare the fiscal year (FY) 1991 cost allocation plan.

Commerce administers millions of dollars of federal funds for the Job Training Partnership Act (JTPA) and community development block grant (CDBG) programs. Currently, Commerce is recouping its indirect costs from these federal programs based on rates approved by the United States Department of Labor (DOL). The operative rates currently applied, expire as of August 31, 1990.

Commerce feels that a multiple rate plan may benefit Commerce by maximizing its indirect cost reimbursements compared to its current rate methodology. It is hoped that an identification of costs to the program level will result in programs with a higher administrative ceiling receiving a higher allocation of costs.

Commerce's current negotiation agreement has its rates under a "provisional/final" rate. This requires Commerce to go back two years and make adjustments in its book with the possibility of paying back the federal government if its final rates are lower than the provisional rates used in making the cost claims.

To avoid the reopening of its books, and to prevent the necessity to pay back the federal government for overclaiming of indirect costs based on a finalization of its rates, Commerce wants to negotiate its rates on a fixed rate basis with a rollforward provision. Thus, any difference in rates will be carried forward into a future rate (either positive or negative) allowing Commerce not to reopen its books two years after the fact nor pay back overclaimed amounts out of general fund monies.

The applicant selected to prepare the cost allocation plan must demonstrate the necessary qualifications and experience listed in the qualifications section and will be required to perform the various services and generate the reports listed in the scope of services section. The acceptance of an offer by Commerce, made in response to this request, will be based on its evaluation of cost and other factors described as follows.

**Scope of Services.** The successful candidate will be required to develop a detailed cost allocation plan, and render the following services and reports: identify the sources of financial information to be used; classify all Commerce divisions, commissions, and boards; inventory all federal and other programs administered by Commerce; determine administrative departments; determine allocation bases for allocating services to benefiting divisions; develop allocation data for each allocation base; prepare cost allocation worksheet based upon actual expenditures for FY 1989; summarize costs by benefiting division; collect cost data for all of the programs included in the inventory of federal programs and other programs administered by Commerce; determine indirect cost rates throughout Commerce on an annual basis; formalize plan and present it to DOL; negotiate final plan and secure approval from DOL; provide indoctrination session for assigned personnel; monitor first year recoveries.

Consultant staff will accumulate and analyze all data that is required. Commerce is not expected to provide any staff time to the consultant; no time sheets will be required and no accounting methods or records need to be changed.

**Qualifications.** Each company/organization submitting an offer must present evidence or otherwise demonstrate to the satisfaction of Commerce that such entity: has the experience to prepare and negotiate this type of cost allocation plan; has a thorough understanding of cost allocation issues and preparation of state agency's cost allocation plans; can program and execute such a proposi-

tion within a required time frame.

Please provide evidence of the preceding requirements and a proposal which includes: a detailed description requirements described in the scope of service; information on the staff who will be assigned to work with the Commerce program staff; the proposed fee amount for providing the desired services.

Responses must be received no later than 5 p.m., June 15, 1990. Responses received after this date and time will not be considered. Commerce anticipates entering into the resulting contract on or about June 19, 1990.

Commerce reserves the right to accept or reject any or all offers submitted in response to this request and to negotiate modifications necessary to improve the quality or cost effectiveness of any offer received. Selected candidates may be asked to make oral presentations to Commerce. Commerce is under no legal obligation to enter into a contract with any offer on the basis of this request and intends any material provided herein only as means of identifying the scope of services requested.

The state assumes no responsibility for expenses incurred in preparing responses to this solicitation. Please address responses to James Steger, Texas Department of Commerce, P.O. Box 12728, Austin, Texas 78711, (512) 320-9645.

Issued in Austin, Texas, on May 30, 1990.

TRD-9005550 William D. Taylor  
Executive Director  
Texas Department of Commerce

Filed: May 29, 1990

For further information, please call: (512) 320-9645

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**Texas Department of Community  
Affairs**

**Notice of Block Grant Hearings**

As part of the public information, consultation, and public hearings requirements for federal block grant funds, the Texas Department of Community Affairs (TDCA) is conducting public hearings throughout the state in June and July. The purpose of these hearings is to solicit comments on the proposed use and distribution of federal fiscal year (FFY) 1991 funds provided under the community services block grant (CSBG) and the Low-Income Home Energy Assistance Program (LIHEAP) block grant. TDCA uses its allocation of LIHEAP funds to support the

Weatherization Assistance and Energy Crisis Programs. comments will also be solicited on the state's intended use of Dependent Care Planning and Development Grant Program funds.

At these hearings intended use reports on the use of these funds will be provided and public comments will be received for use in the preparation of final plans. Four public hearings have been scheduled as follows: June 27, 1990, at 7 p.m. in the Barbara Jordan Community Center, 2803 East Commerce Street, San Antonio; June 28, 1990, at 7 p.m. at the Gulf Coast CSA, 6300 Bowling Green, Houston; July 12, 1990, at 2 p.m. in the Committee Room-Second Floor, North Central Texas Council of Governments, 616 Six Flags Drive, Arlington; July 13, 1990, at 10 am. in the Council Chambers, Two Civic Center Plaza, El Paso.

A representative from TDCA will be present to explain the planning process and consult with and receive comments from interested citizens and affected groups regarding the proposed plans. Written and oral comments will be considered in preparation of the final block grant state plans and other application documents.

Intended use reports may be obtained on or about June 20, 1990, by contacting the Community Service Section, Texas Department of Community Affairs, P.O. Box 13166, Austin, Texas 78711.

Comments on the intended use of funds may be in the form of written comments or oral testimony at the hearings or by mail no later than July 19, 1990.

Issued in Austin, Texas, on May 29, 1990.

TRD-9005619 Roger A. Coffield  
General Counsel  
Texas Department of Community Affairs

Filed: May 30, 1990

For further information, please call: (512) 834-6010

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**Office of Consumer Credit  
Commissioner**

**Notice of Rate Ceilings**

The consumer credit commissioner of Texas has ascertained the following rate ceilings by use of the formulas and methods described in Texas Civil Statutes, Title 79, Articles 1.04, 1.05, 1.11, and 15.02, as amended (Texas Civil Statutes, Articles 5069-1.04, 1.05, 1.11, and 15.02).



<u>Types of Rate Ceilings</u>	<u>Effective Period (Dates are Inclusive)</u>	<u>Consumer <sup>(3)</sup>/Agricultural/ Commercial <sup>(4)</sup> thru \$250,000</u>	<u>Commercial<sup>(4)</sup> over \$250,000</u>
Indicated (Weekly) Rate - Art. 1.04(a)(1)	05/28/90-06/03/90	18.00%	18.00%
Monthly Rate - Art. 1.04 (c) <sup>(1)</sup>	05/01/90-05/31/90	18.00%	18.00%
Standard Quarterly Rate - Art. 1.04(a)(2)	04/01/90-06/30/90	18.00%	18.00%
Retail Credit Card Quarterly Rate - Art. 1.11 <sup>(3)</sup>	04/01/90-06/30/90	18.00%	N.A.
Lender Credit Card Quarterly Rate - Art. 15.02(d) <sup>(3)</sup>	04/01/90-06/30/90	15.13%	N.A.
Standard Annual Rate - Art. 1.04(a)(2) <sup>(2)</sup>	04/01/90-06/30/90	18.00%	18.00%
Retail Credit Card Annual Rate - Art. 1.11 <sup>(3)</sup>	04/01/90-06/30/90	18.00%	N.A.
Annual Rate Applicable to Pre-July 1, 1983 Retail and Lender Credit Card Balances with Annual Implementation Dates from:	04/01/90-06/30/90	18.00%	N.A.
Judgment Rate - Art. 1.05, Section 2	06/01/90-06/30/90	10.00%	10.00%

<sup>(1)</sup>For variable rate commercial transactions only. <sup>(2)</sup>Only for open-end credit as defined in Art. 5069-1.01(f) V.T.C.S. <sup>(3)</sup>Credit for personal, family or household use. <sup>(4)</sup>Credit for business, commercial, investment or other similar purpose.

Issued in Austin, Texas, on May 21, 1990.

TRD-9005240 Al Endsley  
Consumer Credit Commissioner

Filed: May 23, 1990

For further information, please call: (512) 479-1280

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## Texas Commission for the Deaf

### Consultant Proposal Request

In compliance with Texas Civil Statutes, Article 6252-11c, the Texas Commission for the Deaf (TCD) is requesting proposals for the provision of services to eligible deaf and hearing impaired individuals. Services to be delivered through contract include interpreter services, information and referral services, services to elderly deaf persons, and message relay services. A total of \$385,462 for fiscal year 1991 for TCD services is appropriated by the 71st Legislature, 1989. The total will be divided into the category of services as follows: interpreter services, \$184,463; information and referral services, \$7,500;

services to elderly deaf persons, \$78,650; and message relay services, \$52,500. Also, funds from interagency co-operation contracts will be added to the allocations for specific services through provision of the commission.

**Contact person.** Further information regarding the provision of the previously-stated services to deaf individuals and requests for form packets necessary to submit the proposals may be directed to William F. Eckstein, Assistant Director, Texas Commission for the Deaf, (512) 469-9891. Or for assistance with specific program information, contact Sharon Hassell, program specialist.

**Deadline for submittal of proposals.** Deadline for the receipt of proposals in the offices of the Texas Commission for the Deaf is on or before June 29, 1990, at 5 p.m. Proposals received after the established deadline cannot be considered for selection. Proposals are to be addressed to William F. Eckstein, Assistant Director, Texas Commission for the Deaf, P.O. Box 12904, Austin, Texas 78711-2904.

**Guidelines for submitting proposals.** Guidelines for delivery of service programs will provide assurances that

each contractor will, as a minimum: be an agency, organization, or individual who is willing to provide service(s) to deaf and hearing impaired persons in a specified geographical area; provide a location and description of the intended headquarters to be used in the delivery of services; show an anticipated number of persons willing to utilize the services; be willing to cooperate with the commission regarding its goals, standards, requirements, and recommendations; be capable of selecting the area of service(s) most needed within a fiscally conservative budget, and submit such budget to the commission for review; possess the necessary skills, knowledge, and expertise for the planning, development, and implementation of needed services; designate a service provider for the activity; utilize, to the highest degree possible, local community, and state resources; furnish the commission with reports, as required, in the format prescribed by the commission; and establish and maintain a method to secure and maintain the confidentiality of records and services relating to clients in accordance with any and all applicable state and federal rules, laws, and regulations.

**Proposal evaluation Criteria.** Proposals will be evaluated by the commission on the following basis: submission of the proposal on or before the established deadline; operation of the program within commission authority; submission of the proposal addressing all required areas; respondent's program plan; respondent's ability to provide a high-quality program aimed at meeting the individual needs of the client; letters of endorsement and/or cooperation; and ability to implement program upon receiving notification from the commission on award of contract.

**Contract award and allocation procedures.** Final selection will be made by the commission, using previously mentioned evaluation procedures. Award will not necessarily be made to the contractor or applicant offering the lowest cost. Close consideration will be given to the ability to provide quality direct services based on the commission's evaluation criteria.

The proposed contract is a continuation of current direct services presently performed by a previous contractor. The commission intends to award the contract to the previous contractor unless a substantially better proposal is submitted as determined by the stated evaluation and selection criteria. However, the commission reserves the right to accept or reject any or all proposals submitted as well as to refuse any or all renewals with previous contractors.

The commission is under no legal requirement to execute a resulting contract on the basis of this advertisement and intends the materials provided only as a means of identifying the various elements which the commission considers basic to a delivery of direct services. The commission will base its choice on demonstrated rated competence, qualifications, and evidence of superior conformance to criteria. This request does not commit the commission to pay any costs incurred prior to execution of a contract.

The commission will announce the contract award for fiscal year 1991 when the commission's open meeting will be scheduled in August, 1990. The contracts are renewable for fiscal year 1992. The contracted services shall begin on September 1, 1990. Contracts will include the possibility for amendments to permit additional funds or reallocation of funds during the contract period if such funds become available. Funding will be determined by the commission using a commission-approved formula in the distribution of monies among selected and approved contractors.

**Conditions for termination of services.** Services

provided may be terminated if the contractor fails to comply with contract requirements.

Issued in Austin, Texas, on May 14, 1990.

TRD-9005241      Larry D. Evans  
Executive Director  
Texas Commission for the Deaf

Filed: May 23, 1990

For further information, please call: (512) 469-9891

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## Texas Education Agency Notice of Contract Awards

**Description.** This notice is filed pursuant to Texas Civil Statutes, Article 6252-11c. After publication of the request for proposal for services to develop and/or validate tests of oral language proficiency in Spanish and French (RFP #701-90-034) in the January 9, 1990, issue of the *Texas Register* (15 TexReg 139), the Texas Education Agency on May 16, 1990, executed a contract with the Center for Applied Linguistics, 1118 22nd Street, NW, Washington, D.C. 20037, for the development, validation, and continuing administration of teacher certification tests assessing oral language proficiency in Spanish and French.

**Cost and Dates.** The total amount of the contract is \$149,669. The beginning date of the contract is March 2, 1990, and the ending date is August 31, 1991.

**Due Date of Documents.** The completion of tasks and products for year one (e.g., skills, survey, tryout of test items, preparation of final test forms) is due on or before August 31, 1990. Tasks and products from year two (e.g., standard-setting study, administration materials completed) are due from the contractor on or before August 31, 1991.

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

TRD-9005260      W. N. Kirby  
Commissioner of Education

Filed: May 23, 1990

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

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**Description.** This notice is filed pursuant to Texas Civil Statutes, Article 6252-11c. After publication of the request for contractor in the January 23, 1990, issue of the *Texas Register* (15 TexReg 377), the Texas Education Agency on May 18, 1990, executed a contract with Texas Center for Educational Research, 7703 North Lamar Boulevard, Austin, Texas 78768-2947, to provide services to assist in the implementation of two studies. The first study is the impact of educational reform on at-risk students. Services to be rendered for this study include assistance in the interpretation of quantitative and qualitative data and assistance in site visits to ten high schools. Support for the second study, an evaluation of prekindergarten programs, will include an extensive review of the literature.

**Cost and Dates.** The total amount of the contract is \$15,290. The beginning date of the contract is March 16, 1990, and the ending date is August 31, 1990.

**Due date of Documents.** A report evaluating the influence of educational reform on at-risk students in Texas is due July 16, 1990. A review of the literature on prekindergarten education is due August 31, 1990.

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

Filed: May 23, 1990

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

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**Request for Applications**

RFA #701-91-010. This request for application is filed in accordance with the Elementary and Secondary Education Act, Chapter 2.

**Eligible Applicants.** The Texas Education Agency (TEA) is requesting applications (RFA #701-91-010) from regional education service centers or school districts for the development of a parenting skills for limited English proficient parents program. Participating districts should have campuses with a high percentage of limited English proficient parents of school children enrolled in a bilingual education program or an English as a Second Language Program or limited English proficiency parents of children identified at risk.

**Description.** The Texas Education Agency will fund two projects. Projects will be managed by a local education agency or regional education service center. The LEA or service center must serve a minimum of three school districts. Projects will be selected based on their ability to develop and field-test a culturally and linguistically-appropriate parenting skills program for limited English proficient parents of students identified at risk or enrolled in a bilingual education or English as a Second Language Program.

This parent-training program must include strategies and techniques that will enable parents to help their children develop positive self-esteem, develop good study habits, and develop responsibility. The program must also include strategies and techniques to enable parents to encourage their children, use positive discipline, foster cooperation, and strengthen the home/school relationship. The project must include information for parents about the cognitive, social/cultural, and emotional development of children that addresses the cultural diversity of the targeted group identified.

Applicants are encouraged to collaborate with education service centers, post-secondary institutions, private companies, and nonprofit organizations to develop such parent education programs that focus on parents with limited English skills.

Applicants shall coordinate evaluation research methods and comply with the requirements of the project coordinator and the Division of Program Evaluation, Texas Education Agency.

**Dates of Project.** The parenting skills for limited English proficient parents program will be developed and field-tested during the 1990-1991 school year. Applicants should plan for a starting date no earlier than July 27, 1990, and ending date no later than August 31, 1991.

**Project Amount.** Funding will be provided to local school districts or education service centers. A minimum of three districts must be involved in the field testing phase. Each project will receive funding for the 1990-1991 school year at a level not to exceed \$75,000.

**Selection Criteria.** Applications will be approved based upon the ability of each applicant to carry out all requirements contained in the request for application.

**Requesting the Application.** A copy of the complete request for application (RFA #701-91-010) may be

obtained by writing the Document Control Center, Texas Education Agency, Room 6-108, William B. Travis Building, 1701 North Congress Avenue, Austin, Texas 78701, or by calling (512) 463-9447.

**Deadline for Receipt of Applications.** The deadline for submitting an application is 5 p.m., Friday, June 29, 1990.

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

TRD-9005262

W. N. Kirby  
Commissioner of Education

Filed: May 23, 1990

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

◆ ◆ ◆  
**Governor's Office of Budget and Planning****Consultant Proposal Request**

This request for professional services is filed pursuant to the provisions of Texas Civil Statutes, Article 6252-11c.

**Notice of Invitation.** The Energy Management Center (EMC) in the Governor's Office of Budget and Planning invites proposals from qualified agencies, institutions of higher education, associations, firms, and individuals to provide energy audits and technical assistance for commercial food- and fiber-processing plants. The proposers selected will be hired to perform these services on an as-requested basis. Energy audits performed under this program will follow the Texas Energy Cost Containment Program (TECCP) format.

This program is funded through a federal grant from the United States Department of Energy (DOE) and is subject to the guidelines of the State Energy Conservation Plan (SECP), a program of the DOE.

**Services to be Performed.** Contractors will be selected to perform the following services:

- (1) participate in a one-day audit procedures meeting in Austin conducted by EMC to ensure compliance with the audit guidelines;
- (2) publicize the availability of the energy audits through trade associations and through direct mailings to eligible companies and respond to questions about the program;
- (3) collect energy consumption and building data from companies requesting energy audits and schedule on-site visits;
- (4) perform walk-through energy audits of food- and fiber-processing plants to identify improvements in current energy operation and maintenance practices, and to identify facilities where detailed engineering audits should be performed;
- (5) perform detailed engineering audits of up to 50 food- and fiber-processing plants, subject to approval by the EMC;
- (6) review previously identified energy conservation opportunities to determine if the evaluations are still valid given changes in technology, original assumptions or economic factors. If appropriate, update the evaluation to conform to the current factors;
- (7) prepare written energy audit reports, following EMC audit guidelines that, at a minimum, will: describe the major building HVAC and lighting equipment, metering equipment, and energy use characteristics; describe and analyze all viable recommendations for detail

recommendations for energy cost reduction measures with paybacks of four years or less; detail recommendations for maintenance and operation improvements including paybacks; analyze utility rate schedules for possible capital retrofit opportunities that will reduce electrical demand costs; and give a brief description, for future analysis, of potential cost-saving measures with paybacks greater than four years and less than 10 years;

(8) provide two copies of the energy audit report to the EMC for technical review and approval;

(9) cooperate with the EMC during the technical review to assure that the technical quality of the audit reports meets the program requirements and complies with generally accepted engineering practices;

(10) provide four copies of the final report, as approved by EMC, for distribution to owners and operators of the facilities audited;

(11) collect and report additional operational data as requested by the EMC for program evaluation purposes.

**Contact person.** To obtain more detailed information concerning this project, contact Marvin Barr, Energy Management Center, Governor's Office, P.O. Box 12428, Austin, Texas 78711; (512) 463-1860.

**Closing date.** Six copies of the proposal should be sent to: Kim Munyon, Energy Management Center, Governor's Office, P.O. Box 12428, Austin, Texas 78711.

The Energy Management Center is located in room 620 of the Sam Houston State Office Building, 201 East 14th Street, Austin, Texas 78701. Proposals should be sent by certified mail or by courier and must be received no later than 3 p.m. on July 20, 1990. Proposals received after that time will not be considered; no extensions will be granted. Proposals may not be submitted by fax machine.

**Selection criteria.** To be selected, prospective contractors must demonstrate a comprehensive knowledge of energy using systems in food processing plants, energy management technologies, energy savings calculation methodologies, and Texas Energy Cost Containment Program (TECCP) guidelines. Proposals should be short, concise, clearly written, and must specifically cover the consulting services requested. Proposals will be judged on their overall quality. Proposals should address the following selection criteria in the order given:

(1) previous work experience related to state, federal, and commercial building energy audit programs;

(2) demonstrated in-depth knowledge of energy conservation technologies, energy audits and TECCP guidelines, and building operation and maintenance practices; and

(3) specific experience in energy management applications in the food- and fiber-processing industry.

Final selection of contractors will be based on the recommendations of a proposal review panel. The EMC reserves the right to reject any or all proposals and is under no legal requirement to execute a contract on the basis of this request for proposals. The review panel may request finalists to provide additional information or to meet with Energy Management Center staff in Austin prior to final selection. No respondent, however, will be reimbursed for any costs incurred in the preparation, submission, or clarification of a proposal.

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

TRD-9005274  
Sheila W. Beckett  
Director  
Governor's Office of Budget and Planning

Filed: May 24, 1990

For further information, please call: (512) 463-1931

◆ ◆ ◆  
**Local Government Training and  
Technical Assistance Program CPR**

This request for professional services is filed pursuant to the provisions of Texas Civil Statutes, Article 6252-11c.

**Notice of Invitation.** The Energy Management Center (EMC) in the Office of the Governor invites proposals from qualified agencies, institutions of higher education, associations, firms, and individuals to develop and deliver services for the second year of the Local Government Energy Management Program. The program will continue to provide on-site personalized training and technical assistance to units of local government in Texas.

**Services to be Performed.** A contractor will be selected to provide on-site training and technical assistance to units of local government requesting the service. The contractor will assist in examining all energy consuming systems within the city or county. Technical assistance and training tasks may include but are not limited to the following: identifying low-cost/no-cost measures and operations and maintenance procedures to save energy and money; training local staff to make needed corrections and improvements; making regular visits and telephone calls to determine that suggested measures were properly implemented, and providing additional assistance as necessary; measuring the results of actions taken and reporting findings to EMC; assisting EMC staff in promoting programs; developing training materials as necessary; assisting the local government energy managers in selecting projects which require capital retrofit and which may qualify for the energy loan fund or the other services of the EMC; providing a final report of program activities and results as directed by EMC; and performing other duties as assigned by EMC.

**Contact Person.** To obtain more detailed information concerning this project, contact Ernie Moore, Energy Management Center, Office of the Governor, P.O. Box 12428, Austin, Texas 78711; telephone (512) 463-1931. The Energy Management Center is located in Room 620 of the Sam Houston State Office Building, 201 East 14th Street, Austin, Texas 78701.

**Closing Date.** Six copies of the proposals should be sent to Kim Munyon, Energy Management Center, Office of the Governor, P.O. Box 12428, Austin, Texas 78711.

The Energy Management Center is located in Room 620 of the Sam Houston State Office Building, 201 East 14th Street, Austin, Texas 78701. Proposals should be sent by certified mail or by courier and must be received no later than 3 p.m. July 9, 1990. Proposals received after that time and proposals submitted by fax will not be considered.

**Selection Criteria.** The contractor selected must demonstrate comprehensive knowledge of energy using systems in local government operations, energy management technologies, and the demonstrated ability to communicate energy management technologies to local government staff.

Specific criteria for proposal evaluation are as follows: the proposer's demonstrated knowledge of and experience in providing energy technical assistance and training to units of local government; qualifications and experience of the specific staff assigned to this project; proposer's knowledge of energy saving operating and maintenance opportunities available to local governments' plant operators and maintenance staff; proposer's experience in

performing on-site energy audits for local governments; and reasonableness of proposed budget in relation to services provided.

Award will not necessarily be made to the bidder offering the lowest price; selection will be based on the proposer's ability to satisfy the criteria listed above. The Governor's Office reserves the right to negotiate both budget and scope of work with the finalist. The Governor's Office reserves the right to reject any or all proposals and is under no legal requirement to execute a contract on the basis of this request for proposals.

Final selection of the contractor will be based on the recommendations of a review panel. If two or more proposals are ranked so closely that a decision cannot be made, the review panel may request finalists to provide additional information or meet with EMC staff in Austin prior to final selection of the contractor. No respondent will be reimbursed for any cost incurred in the preparation, submission, or clarification of a proposal.

Issued in Austin, Texas, on May 25, 1990.

TRD-9005544      Sheila W. Beckett  
Director  
Governor's Office of Budget and Planning

Filed: May 29, 1990

For further information, please call: (512) 463-1931

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**Notice of Consultant Contract Award**

In compliance with the provisions of Texas Civil Statutes, Article 6252-11c, the Governor's Office of Budget and Planning furnishes this notice of a consultant contract award.

**Publication Date.** The consultant proposal request was published in the May 12, 1989, issue of the *Texas Register* (14 TexReg 2387).

**Description of Services.** The request was for a consultant to plan and conduct a series of fleet management workshops for public and private transportation fleets in Texas.

**Name and Address.** Consultant contracts have been awarded to Earns and Young, 1200 19th Street, Northwest, Suite 400, Washington D.C. 20036; Texas Tech University, Mechanical Engineering Department, Lubbock, Texas 79409-4829.

**Value and Dates of Contract.** The total dollar value of the contracts is \$290,310. The contract period extends from April 5, 1990-August 31, 1991, by which date all work associated with this contract must be completed.

Issued in Austin, Texas, on May 25, 1990.

TRD-9005545      Sheila W. Beckett  
Director  
Governor's Office of Budget and Planning

Filed: May 29, 1990

For further information, please call: (512) 463-1931

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**Texas Department of Health  
Notice of Public Hearings**

The Texas Department of Health has scheduled a public hearing to receive comments on the proposed amendments to §§325.5, 325.42, 325.133, and new §§325.631-325.633, 325.801-325.803, 325.811-325.818, 325.831-325.838, 325.851-325.855, 325.871, and 325.919-325.924, concerning

solid waste management, which was published in the March 16, 1990, issue of the *Texas Register* (15 TexReg 1453). The hearing is scheduled at 10 a.m., on Tuesday, June 12, 1990, Mahon Library Community Room, 1306 Ninth Street, Lubbock.

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

TRD-9005265      Robert A. MacLean, M.D.  
Deputy Commissioner for Professional  
Services  
Texas Department of Health

Filed: May 24, 1990

For further information, please call: (512) 458-7275.

◆      ◆      ◆  
The Texas Department of Health has scheduled a public hearing to receive comments on the proposed amendments to Chapter 143, §§143.1-143.11, and 143.15, concerning medical radiologic technologists, which was published in the April 13, 1990, issue of the *Texas Register* (15 TexReg 2127). The hearing is scheduled at 9 a.m., on Tuesday, June 12, 1990, in the auditorium of the Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756.

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

TRD-9005266      Robert A. MacLean, M.D.  
Deputy Commissioner for Professional  
Services  
Texas Department of Health.

Filed: May 24, 1990

For further information, please call: (512) 458-7275.

◆      ◆      ◆  
**Radioactive Material License Amendment**

Notice is hereby given by the Texas Department of Health that it has granted amendment number 4 to the following radioactive material license.

Radioactive Material License Number LO3904, issued to Syncor International Corporation for their facility located in Irving (mailing address: Syncor International Corporation, 2030 Century Center Boulevard, Suite 14, Irving, Texas 75062).

The amendment to this license changes the Radiation Safety Officer from Mike Mettetal to Richard Sheriff.

The Division of Licensing, Registration and Standards has determined that the licensee has met the standard(s) appropriate to this amendment: the licensee is qualified by reason of training and experience to use the material in question for the purpose requested in accordance with the **Texas Regulations for Control of Radiation (TRCR)** in such a manner as to minimize danger to public health and safety or property; the licensee's equipment, facilities, and procedures are adequate to minimize danger to public health and safety or property; the issuance of the license amendment will not be inimical to the health and safety of the public; and the licensee satisfies any applicable special requirements of the TRCR.

This notice affords the opportunity for a public hearing upon written request within 30 days of the date of publication of this notice by a person affected as required by the Health and Safety Code, §401.116, and as set out in TRCR 13.6. A person affected is defined as a person who is a resident of a county, or a county adjacent to a county, in which the radioactive materials are or will be located, including any person who is doing business or who has a legal interest in land in the county or adjacent county, and any local government in the county; and who can

demonstrate that he has suffered or will suffer actual injury or economic damage. A person affected may request a hearing by writing David K. Lacker, Chief, Bureau of Radiation Control (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756. Any request for a hearing must contain the name and address of the person who considers himself affected by agency action, identify the subject license, specify the reasons why the person considers himself affected, and state the relief sought. If the person is represented by an agent, the name and address of the agent must be stated. Should no request for a public hearing be timely filed, the amendment will remain in effect.

A copy of all material submitted is available for public inspection at the Bureau of Radiation Control, 1212 East Anderson Lane, Austin. Information relative to the amendment of this specific radioactive material license may be obtained by contacting David K. Lacker, Chief, Bureau of Radiation Control (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756. For further information, please call (512) 835-7000.

Issued in Austin, Texas, on May 25, 1990.

TRD-9005546      Robert A. MacLean, M.D.  
Deputy Commissioner for Professional  
Services  
Texas Department of Health

Filed: May 29, 1990

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

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**Houston-Galveston Area Council**  
Consultant Proposal Request

This consultant proposal request is filed under Texas Civil Statutes, Article 6252-11c.

The purpose of this project is the establishment of two fully functional, independently operating geographic

information systems for the Houston-Galveston Area Council of Governments (H-GAC) and the City of Houston, Department of Planning and Development. The systems will be designed to provide environmental, demographic, transportation, emergency response, and other data/analysis support services to the City of Houston and the 13-county Gulf Coast Planning Region.

Both systems are to be based on multitasking workstation platforms with high resolution color graphics, moderate to large mass storage capacities, and extensive peripheral support capabilities. The selected vendor/contractor will install all hardware and software necessary for both of the independently operating systems. The same vendor will contract to provide continuing maintenance, training, technical, and professional support.

A copy of the scope of work and detailed system specifications will be furnished upon request to: Max M. Samfield, Data Services Manager, Houston, Galveston Area Council, P.O. Box 22777, 3555 Timmons, Houston, Texas 77227.

Anyone wishing to submit a response must do so no later than 5 p.m., June 30, 1990, at the preceding address.

Issued in Houston, Texas, on May 24, 1990.

TRD-9005551      Jack Steele  
Executive Director  
Houston-Galveston Area Council

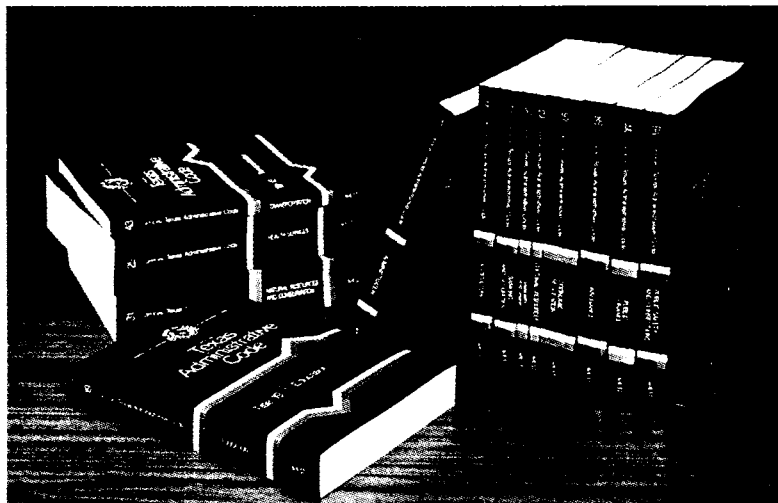
Filed: May 29, 1990

For further information, please call: (713) 627-3200

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**Texas Department of Human Services**  
Social Services and Assistance

The Notice of Public Hearing submitted by the Texas Department of Human Services will be serialized beginning in the June 8, 1990, issue of the *Texas Register*.

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