

Texas Register

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Pages 3825-3878

In This Issue...

Emergency Sections

Texas Department of Health

3835-Maternal and Child Health Services

Proposed Sections

Texas Department of Commerce

3837-Texas Exporters Loan Fund

3839-Texas Rural Economic Development Fund
Statewide Health Coordinating Council

3841-Health Planning and Resource Development
Comptroller of Public Accounts

3841-Tax Administration

Texas Youth Commission

3842-Administrative Provisions

3843-Admission and Placement

3844-Treatment Program Planning

3844-Youth Rights and Remedies

3847-Discipline and Control

3848-General Provisions

Texas Department of Human Services

3849-Day Activity and Health Services

Withdrawn Sections

Texas Department of Health

3851-Maternal and Child Health Services

3851-Nurse Aides

Adopted Sections

Texas Department of Health

3853-Texas Board of Health

3853-Chronic Diseases

3853-Communicable Diseases

3855-Registry for Providers of Health-related Services

3856-Nurse Aides

Texas Air Control Board

3857-Control of Air Pollution from Volatile Organic
Compounds

Texas Department of Human Services

3859-Intermediate Care Facilities/Skilled Nursing
Facilities (ICF/SNF)

3860-Pharmacy Services

Open Meetings

3861-Texas Department of Agriculture

3861-Texas Antiquities Committee

3861-Texas Board of Criminal Justice

3861-Texas Education Agency

3862-Advisory Commission on State Emergency Commu-
nications

3862-Texas Employment Commission

3862-Texas State Board of Registration for Professional
Engineers

3863-Texas Growth Fund

3863-Texas Department of Health

3863-Texas Health and Human Services Coordinating
Council

3863-Texas Housing Agency

3863-State Board of Insurance

3863-Texas Health Insurance Risk Pool

3864-The Joint Select Committee

CONTENTS CONTINUED INSIDE

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Withdrawn Sections-sections withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date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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3864-Board for Lease of State-owned Lands
3864-Texas Department of Licensing and Regulation
3864-Board of Nurse Examiners
3864-Board of Pardons and Paroles
3864-Texas Parks and Wildlife Department
3864-State Property Tax Board
3864-Public Utility Commission of Texas
3865-Railroad Commission of Texas
3866-Texas Real Estate Commission
3866-The Senate of the State of Texas
3866-Stephen F. Austin State University
3866-The Structural Pest Control Board
3867-University of Texas Health Center at Tyler
3867-Texas Water Commission
3867-Regional Meetings

In Addition

Texas Department of Banking
3871-Notice of Applications

Texas Department of Commerce

3871-Notice of Amendment to Final Statement
Court of Criminal Appeals

3871-Order adopting amendments to Texas Rules of Appellate Procedure & certain rules-Order adopting amendments to Texas Rules of Criminal Evidence and certain rules

Texas Education Agency

3873-Consultant Contract Award

Texas Department of Health

3873-Correction of Error

3874-Intent to Revoke a Certificate of Registration
Texas Department of Human Services

3874-Notice of Public Hearing

3874-Public Notice

Legislative Budget Office

3876-Joint Budget Hearing Schedule

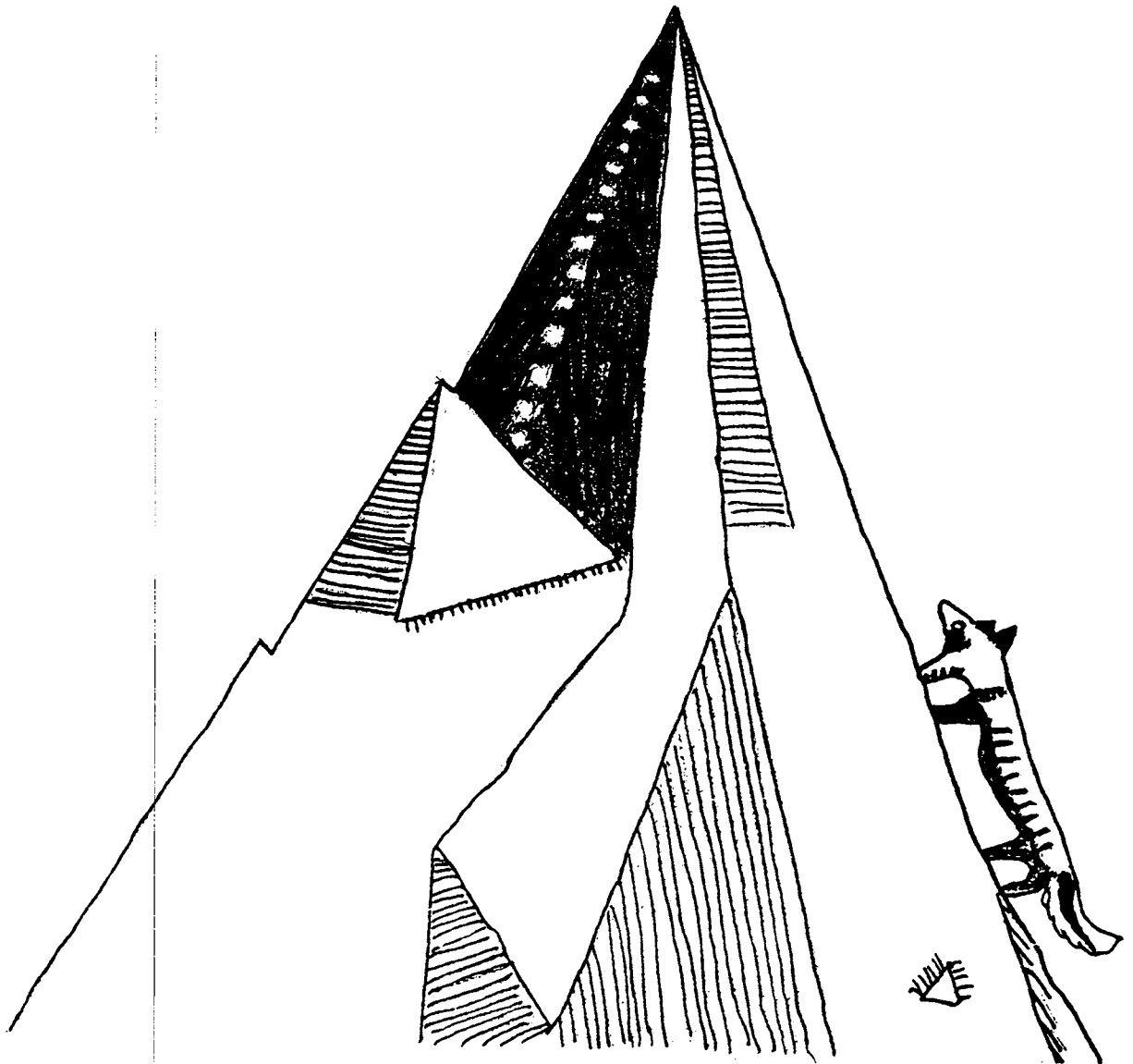
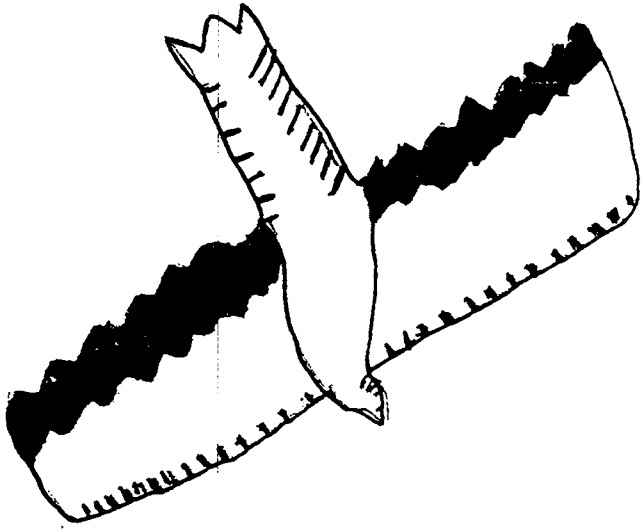
State Committee of Examiners for
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Audiology

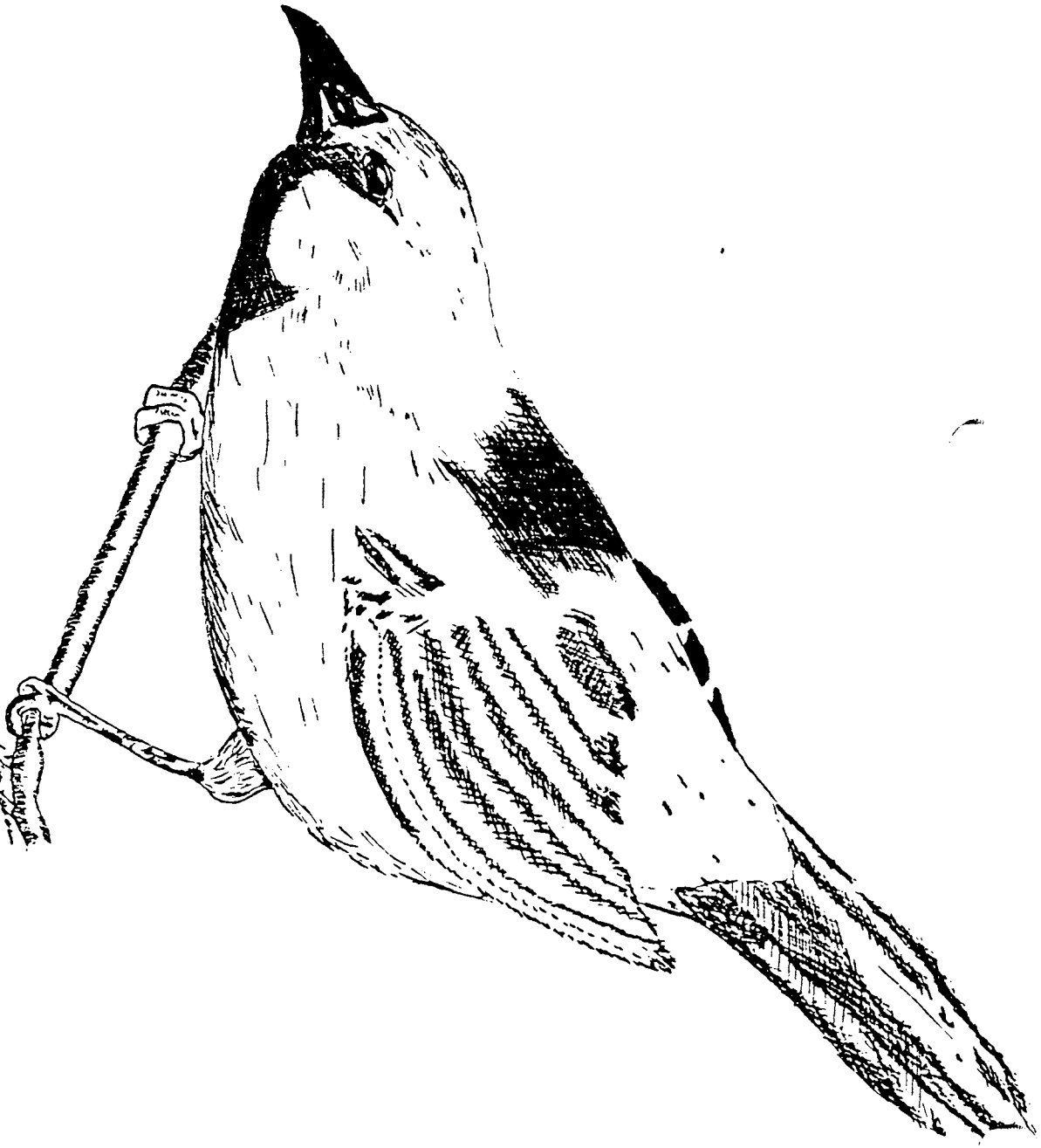
3876-Correction of Error

Texas Register

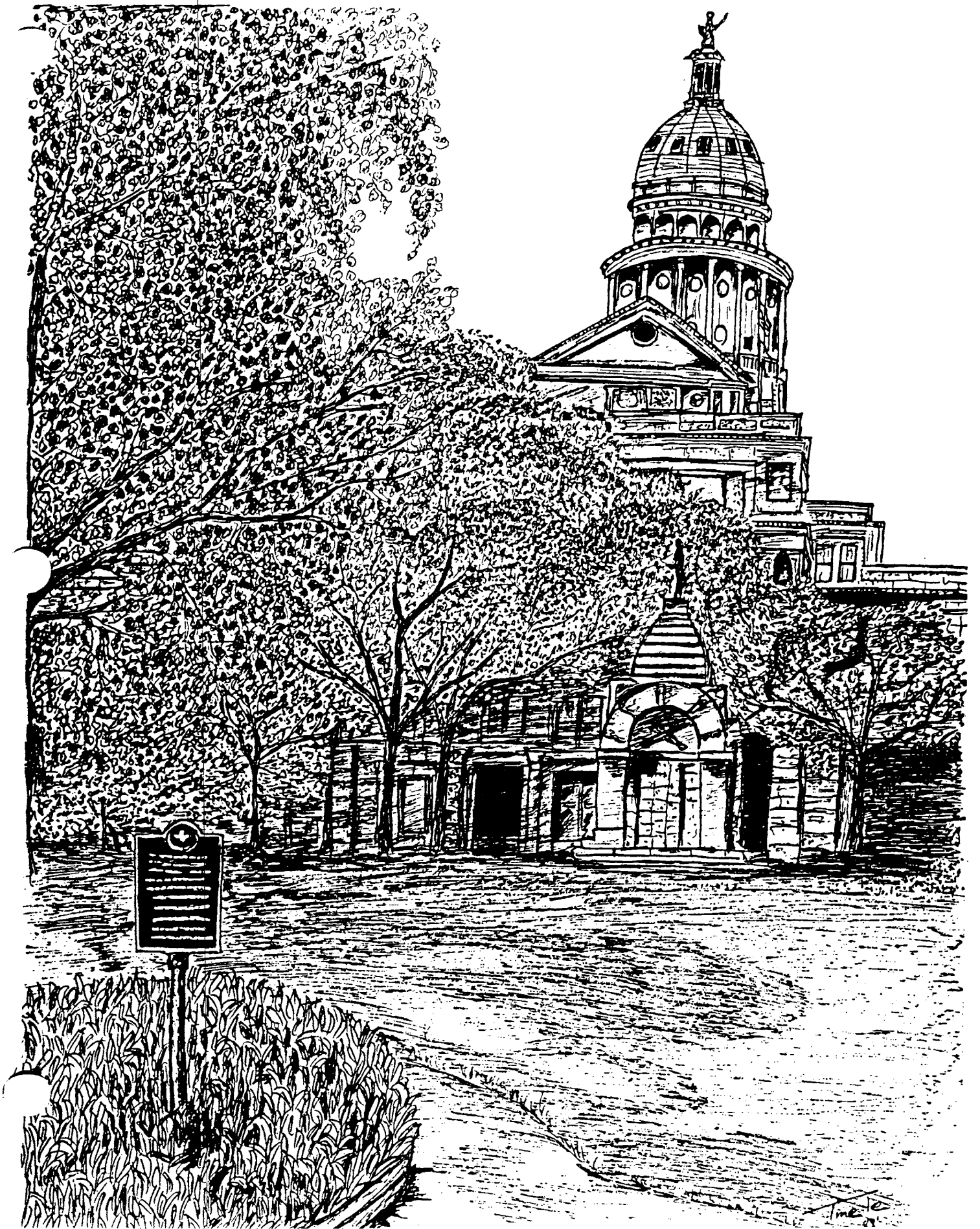
3877-Publication Schedule

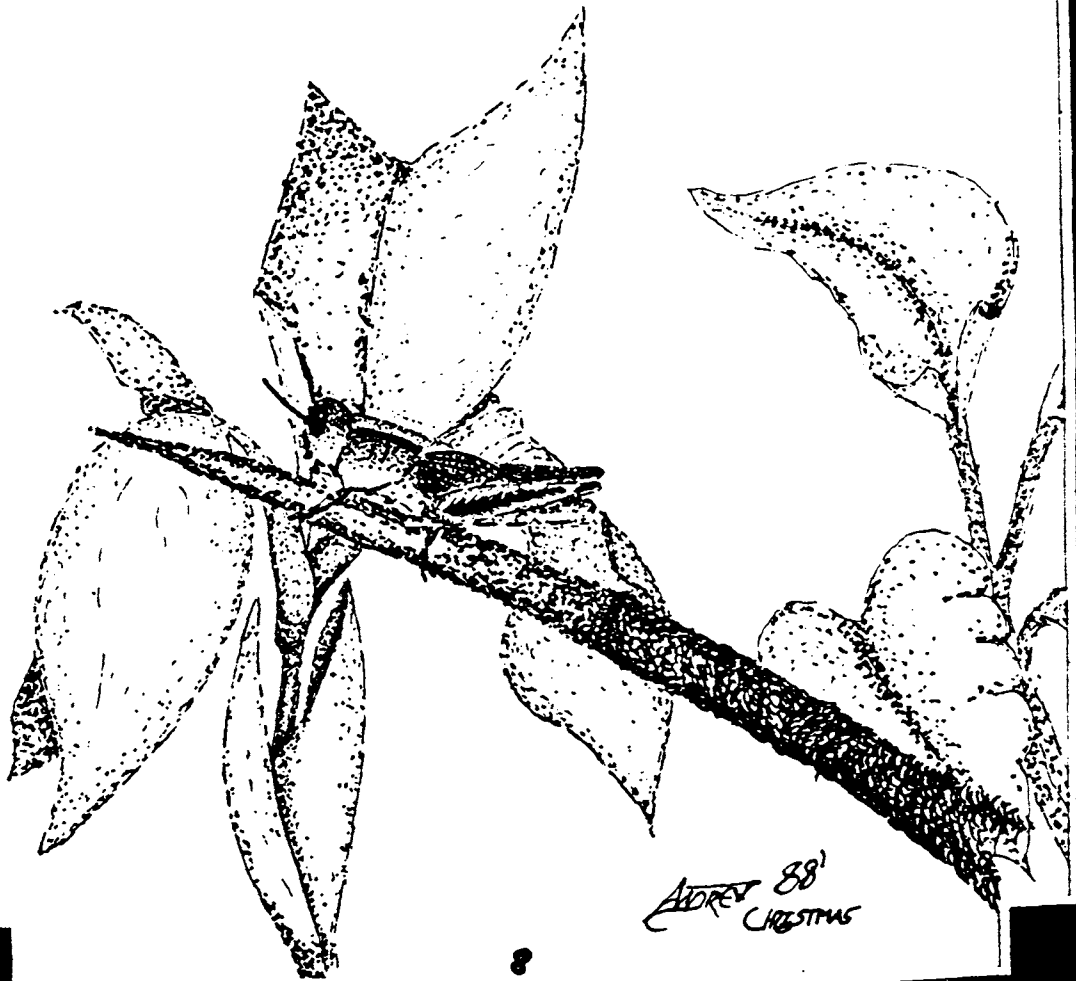






Cyris Feline
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ALORE 88
CHRISTMAS

TAC Titles Affected

TAC Titles Affected—July

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

TITLE 7. BANKING AND SECURITIES

Part VI. Credit Union Department

7 TAC §95.303—3785

7 TAC §97.114—3785

TITLE 10. COMMUNITY DEVELOPMENT

Part V. Texas Department of Commerce

10 TAC §§162.1-162.8, 162.10—3837

10 TAC §§172.1-172.7, 172.10—3839

10 TAC §176.2, §176.8—3783, 3786

TITLE 16. ECONOMIC REGULATION

Part I. Railroad Commission of Texas

16 TAC §7.42—3799

Part IV. Texas Department of Licensing and Regulation

16 TAC §70.100, §70.101—3786

TITLE 19. EDUCATION

Part II. Texas Education Agency

19 TAC §77.27—3786

19 TAC §78.70—3801

19 TAC §89.131—3787

19 TAC §121.31-121.34—3803

19 TAC §129.1—3788

19 TAC §141.443—3804

19 TAC §141.482—3788

19 TAC §§149.41, 149.45, 149.46—3790

TITLE 22. EXAMINING BOARDS

Part V. State Board of Dental Examiners

22 TAC §115.2—3804

22 TAC §141.10—3792

Part XXII. Texas State Board of Public Accountancy

22 TAC §501.45—3804

22 TAC §513.22—3805

22 TAC §513.42—3805

22 TAC §513.47—3805

22 TAC §513.61—3805

22 TAC §521.5—3806

22 TAC §521.8—3806

22 TAC §521.9—3806

22 TAC §523.27—3806

TITLE 25. HEALTH SERVICES

Part I. Texas Department of Health

25 TAC §1.9—3853

25 TAC §37.83—3835, 3851

25 TAC §§61.21-61.24—3853

25 TAC §§97.31-97.47—3854

25 TAC §§97.61-97.67, 91.72-91.77—3854

25 TAC §127.2—3856

25 TAC §127.3—3856

25 TAC §127.3, §127.4—3856

25 TAC §151.3, §151.5—3851, 3856

Part VI. Statewide Health Coordinating Council

25 TAC §571.1—3841

TITLE 28. INSURANCE

Part I. State Board of Insurance

28 TAC §§27.601-27.607—3793

28 TAC §§27.601-27.620—3792

TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part III. Texas Air Control Board

31 TAC §§115.421, 115.425, 115.429—3857

TITLE 34. PUBLIC FINANCE

Part I. Comptroller of Public Accounts

34 TAC §3.152—3799

34 TAC §§3.299—3841

34 TAC §§3.307—3793

34 TAC §§3.310—3794

**TITLE 37. PUBLIC SAFETY AND
CORRECTIONS**

Part I. Texas Department of Public Safety

37 TAC §§16.1-16.12—3806

37 TAC §§16.31-16.54—3807

37 TAC §§16.71-16.78—3808

Part III. Texas Youth Commission

37 TAC §§81.5—3842

37 TAC §§85.30, §85.39—843

37 TAC §§87.21—3844

37 TAC §§87.99, §87.109—3844

37 TAC §§89.5, 89.7, 89.10, 89.19—3844

37 TAC §§89.19—3847

37 TAC §§91.55, 91.59, 91.63, 91.69—3847

37 TAC §§93.53—3848

**TITLE 40. SOCIAL SERVICES AND
ASSISTANCE**

Part I. Texas Department of Human Services

40 TAC §§16.1502, 16.1503—3859

40 TAC §§16.1601—3859

40 TAC §§16.1902, 16.1905, 16.1908, 16.1909—3859

40 TAC §§27.102-27.104—3795, 3799

40 TAC §§27.109—3796, 3799

40 TAC §§27.1804-27.1805—3796, 3799

40 TAC §§35.101, §35.102—3860

40 TAC §§56.701—3799

40 TAC §§50.1902—3849

40 TAC §§50.3901, 50.3904, 50.3912—3849



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 20 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 25. HEALTH SERVICES

Part I. Texas Department of Health

Chapter 37. Maternal and Child Health Services

Chronically Ill and Disabled Children's Services

• 25 TAC §37.83

The Texas Department of Health adopts on an emergency basis an amendment to §37.83, concerning chronically ill and disabled children's (CIDC) services. Section 37.83 covers financial eligibility for CIDC services. Existing §37.83 allows the CIDC program, with the consent of the commissioner of health, to adjust priority levels stated in the section, depending on availability of funds. The emergency amendment establishes, by rule, the priority level for financial eligibility for program participants, and reflects the effective date of the amendment. This amendment establishes the priority level at "Level 7-186%-200% and below" of federal poverty income guidelines. This is necessary to bring the section into compliance with the attorney general's ruling on April 26, 1990, that this function cannot be delegated to the program by the Texas Board of Health (Opinion Number JM-1169); and

also to implement the provisions of Senate Bill 11, §4.02, 71st Legislature, Sixth Called Session, 1990, effective June 6, 1990, that the department shall maintain the income eligibility level up to 200% of the federal poverty level. The department is adopting the amendment on an emergency basis in order to comply with the legislative mandate in Senate Bill 11 and the attorney general's ruling as soon as possible.

The amendment is adopted on an emergency basis under Health and Safety Code, §35.003(b), which gives the Texas Board of Health the authority to specify by rule the type, amount, and duration of services to be provided to eligible chronically ill and disabled children; §35.003(c), which gives the board the authority to establish a system of priorities relating to the type of services or the classes of persons eligible for the services, if budgetary limitations exist; §35.005, which gives the board the authority to define by rule the medical, financial, and other criteria concerning eligibility for services under the CIDC services program; §12.001, which provides the board with the authority to adopt rules to implement every duty imposed by law on the board, the department and the commissioner of health; Texas Civil Statutes, Article 6252-13a, §5, which provide the board with the authority to adopt a rule on an emergency basis; Senate Bill 11, §4.02, 71st Legislature, sixth Called Session, 1990, concerning funding and eligibility levels for the CIDC program; and Attorney General

Opinion JM-1169, concerning delegation of authority in the CIDC program.

§37.83. *Eligibility for Patient Services.* In order for a person to be eligible for chronically ill and disabled children's services, the person has to meet the medical, financial, and related criteria in this section.

(1) (No change.)

(2) Financial criteria.

(A) Financial need. Financial need is established on the basis of family income and assets which are legally available to the family.

(i)-(ii) (No change.)

(iii) Priority level based on federal poverty guidelines. Income guidelines are based on percentages of the current federal poverty guidelines and may be adjusted by the program with the consent of the commissioner to meet budgetary limitations. Coverage is based by program priority on percentages of federal poverty guidelines. Income guidelines are maintained on a current basis and are adopted by reference in §37.98 of this title (relating to Income Guidelines). The program will adjust priority levels depending on available funds. Priority levels are as follows:

PROGRAM PRIORITIES BASED ON FEDERAL POVERTY INCOME GUIDELINES

Priority 1 - 100% or below
Priority 2 - 101% to 115%
Priority 3 - 116% to 130%
Priority 4 - 131% to 145%
Priority 5 - 146% to 160%

Priority 6 - 161% to 185%
Priority 7 - 186% to 200%
Priority 8 - 201% to 215%
Priority 9 - 216% to 230%
Priority 10 - 231% to 245%

Financial eligibility for program participation is established at Priority Level 7 and below, effective May 15, 1990.

(B) (No change.)

(3)-(9) (No change.)

sued in Austin, Texas, on July 2, 1990.

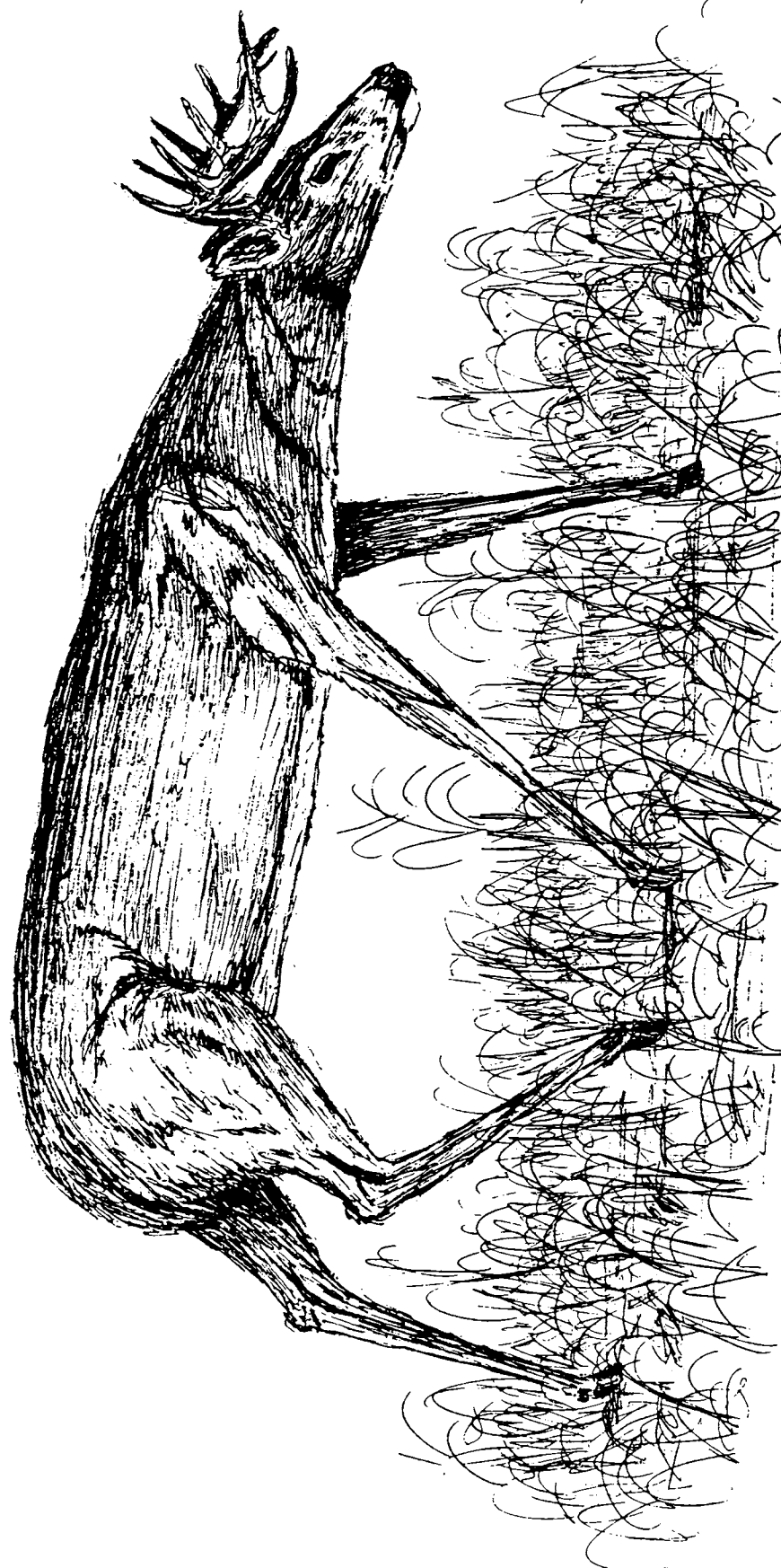
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Robert A. MacLean, M.D.
Deputy Commissioner for
Professional Services
Texas Department of
Health

Effective date: July 2, 1990

Expiration date: October 30, 1990

For further information, please call: (512) 458-7355



Benjamin Toole

Proposed Sections

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

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

TITLE 10. COMMUNITY DEVELOPMENT

Part V. Texas Department of Commerce

Chapter 162. Texas Exporters Loan Fund

• 10 TAC §§162.1-162.8, 162.10

The Texas Department of Commerce (Commerce) proposes amendments to §§162.1-162.8, and 162.10, concerning the Texas exporters loan fund. The proposed amendments change the application requirements, minimum guaranty limit, lender notification requirements in case of default, and exporter reporting requirements upon shipment of exportable goods. The proposed amendments also correct noun and verb usage of the term "guaranty."

Dan A. McNeil, manager, business finance, has determined that for the first five-year period the sections are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the sections.

Mr. McNeil also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be improved administrative features to enhance protection to the Texas exporters loan fund. There will be no effect on small businesses as a result of enforcing the sections. There is no anticipated economic cost to persons who are required to comply with the sections as proposed.

Comments on the proposal may be submitted to Bruce W. Anderson, General Counsel, Texas Department of Commerce, P.O. Box 12728, Austin, Texas 78711, within 30 days after the date of this publication.

The amendments are proposed under Texas Government Code Annotated, §481.048, which provides Commerce with the authority to establish criteria for determining which export businesses and lenders may participate in programs established by Commerce.

§162.1. General Provisions.

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

(c) Objectives. The major objectives of the Texas Exporters Loan Fund Program are to expand employment and income opportunities for Texans through increased exports of Texas products or services [manufactured goods, services, and agricultural commodities] by providing ac-

tual and potential exporters, particularly small and medium-sized exporters, and agricultural enterprises, with information and technical assistance on export opportunities, [and] exporting techniques, and financial assistance in support of export transactions.

(d) Definition of terms. The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

(1)-(10) (No change.)

(11) FCIA-**Foreign Credit Insurance Association**, which is Eximbank's agent responsible for insuring export accounts receivable [transactions].

(12) Fund-**Texas Export Loan Guaranty [Guarantee] Fund**.

(13) **Guaranty [Guarantee] amount**-With respect to loans made by financial institutions, is a sum measured in terms of United States dollars, that in the case of default by the borrower, guarantees repayment of the loan, not to exceed 85% of the loan. The **guaranty [guarantee] amount** may not exceed \$350,000, except in those instances where the department determines that substantial job creation is a major component of the project.

(14) **Intellectual property-Architectural, engineering, surveys, and other professional type services**.

(15)[(14)] Lender-A lending institution, including a bank, trust company, banking association, savings and loan association, mortgage company, investment bank, credit union, life insurance company, governmental agency that customarily provides financing, or an affiliate of any of those entities. The term also applies to allied lenders.

(16)[(15)] Loan Review Committee-A committee appointed by the board to provide advisory services on the issuance of **guaranties on [financing of] export loans [guaranteed by the fund]**.

(17)[(16)] Program-**Texas Exporters Loan Guaranty Fund Program**.

(18)[(17)] Project-The activities of an export business engaged in entering or expanding into export markets, found by the department to meet all eligibility requirements of the Act and this chapter

[be required or suitable for the promotion of and for use by an export business].

(19)[(18)] SBA-United States Small Business Administration.

(20)[(19)] Staff-The Staff of the department.

(21)[(21)] State-State of Texas.

(22)[(21)] Texas product-A manufactured good or service at least 25% of the total value of which is represented by Texas source components, labor, or intellectual property or the export or pre-export preparation of a Texas agricultural product or livestock.

(e)-(h) (No change.)

§162.2. Texas Exporters Loan Fund.

(a) Authority. The fund, established in the State Treasury, consists of appropriations or transfers made to the fund, **guaranty [guarantee] fees**, other money received from operation of the program, and interest paid on money in the fund.

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

§162.3. Eligibility Requirements.

(a) Applicants. An export business, located in Texas is eligible to submit an application to the department if the proposed export business meets the following criteria:

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

(b) Projects. In order for a project to be eligible for financing under the program, the project must meet the following requirements:

(1) be a Texas product, as defined in §162.1(d), of this title (relating to General Provisions); and

(2) consist of eligible project costs; and

(3) [be located in the state].

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

§162.4. Filing Requirements and Consideration of Applications.

(a) Application forms. An applicant or lender seeking a loan **guaranty [guarantee]** from the department must use the

application forms provided by the department. One copy [Three copies] of the completed application with all supporting documentation and required exhibits and attachments must be submitted to the department during a business day.

(b) Initial review by staff. The staff reviews the application for completeness and notifies the applicant of any additional information required. When all required information has been received, the staff determines if the project meets the approval standards set forth in §162.7 of this title (relating to Criteria for Approval of Loan Guaranty [Guarantee]).

(c)-(f) (No change.)

§162.5. Contents of Application.

(a) The application must set forth the information necessary for the determination of eligibility and must include, among other things:

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

(7) foreign risk coverage when necessary[and/or in the case of post export loan guarantees]; and]

(8) a statement by the exporter or lender identifying other sources of financing which have been secured for the project; and [.]

(9) a schedule of all debt of the export business detailing outstanding balance, payment amount, remaining term life, interest rate, and original term.

(b) (No change.)

§162.6. General Terms and Conditions of Department's Financial Commitment.

(a) (No change.)

(b) Minimum loan or credit guaranteed. The department shall not provide financial assistance to the exporter where the [principal] amount of the guaranty [pre-export loan or credit] needed is less than \$10,000.

(c) Maximum amount of loan guaranty [guarantee]. The department's net exposure for financial assistance to an exporter, including all its affiliates, may not, at any one time, exceed 85% of the loan amount. The guaranty [guarantee] amount may not exceed \$350,000, except in those instances where the department determines that substantial job creation is a major component of the project.

(d) Extent of participation. The department may participate in a loan guaranty [guarantee] to the extent necessary and appropriate to facilitate the required financing. The applicant may seek co-participation in financial assistance from other private and governmental sources, including the SBA, Eximbank, FCIA, and private insurers. In any event, the department's maximum participation will

be as stated in subsection (c) of this section [in loan guarantee may not exceed 85% of the outstanding principal amount of the loan], and the lender must remain at risk for at least 10% of the outstanding principal balance amount.

(e)-(g) (No change.)

(h) Fees. A guaranty [guarantee] fee of 1.0% of the principal balance guaranteed is payable by the lender to the department. A non-refundable application fee will also be required in the amount of \$100. The application fee is applied towards the guaranty [guarantee] fee if the project is accepted.

(i) Reporting requirements.

(1) Reports by lender. The lender shall report in writing to the department as provided in the guaranty [guarantee] agreement. [Reports must show the progress, repayment status, and principal balance, outstanding or undisbursed, for each loan guaranteed by the department. As soon as a payment is 10 days past the due date the lender must notify the department.]

(2) Reports by exporter. The exporter shall report to the lender [department] immediately upon making shipment of the goods and shall provide copies of documents evidencing shipment according to the terms of trade. If requested by the department, the exporter shall submit other reports or documentation reasonably related to an assessment of the exporter's compliance with the Act and this chapter, or the terms of the sale transaction, loan agreements, or the department's guaranty [guarantee].

§162.7. Criteria for Approval of Loan Guaranty [Guarantee].

(a) Need for financial assistance. The department shall determine whether the desired financing is [appears] available to the applicant on reasonable terms from its own resources, such as the applicant's bank or other lender, issuing of securities or stock, disposal of assets at a fair price, or utilization of the personal credit or resources of owners or principal shareholders of the applicant. The department may direct the applicant to other governmental sources such as SBA or Eximbank for co-participation.

(b) Reasonable risk. There must be reasonable assurance, in the judgment of the department, that the loan can and will be paid according to its terms. In making this judgment the department shall consider the following:

(1) (No change.)

(2) [terms of the export sale or lease and] projected earnings from the transaction;

(3)-(4) (No change.)

(5) financial projections if required; and

(6) (No change.)

(c) (No change.)

§162.8. Loan Administration.

(a) (No change.)

(b) Notification of nonpayment. If the exporter fails to make any payment of principal or interest within 15 [10] days after the due date, the lender shall immediately notify the exporter and the department specifying the outstanding balance, due date, and remedial action planned or taken [of the payments due]. If the exporter fails to cure the default, the lender will report the same information to the department at 30 and 45 days after the due date [nonpayment within 30 days, the lender shall notify the department].

(c) Notification of modification of terms. If terms of the loan agreement are modified, written notification will be sent to the department by the lender immediately.

§162.10. Eligible Private Lenders.

(a) (No change.)

(b) Lender qualification procedures.

(1) (No change.)

(2) As a condition to participation, a lender must agree to make investigation, as specified in the application package, [it considers necessary] to determine the exporter's viability, the economic benefits to be derived, the prospects for repayment, and other facts that it considers necessary to determine whether participation by the exporter is consistent with the purposes of the Act.

(c) Application process. A private lender interested in making a loan for an export transaction must submit a commitment letter to the department outlining the terms and conditions of the proposed loan. An application [The name of the company, purpose of the loan, amount and use of funds], proposed closing date, collateral for the loan, and guaranty [guarantee] amount that the lender is seeking from the department must be included. The department may request other information from the lender. [Financial statements and additional information may be requested.]

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

Issued in Austin, Texas, on June 26, 1990.

TRD-9006596

William D. Taylor
Executive Director
Texas Department of
Commerce

Earliest possible date of adoption: August 6, 1990

For further information, please call: (512) 320-9666

Chapter 172. Texas Rural Economic Development Fund

• 10 TAC §§172.1-172.7, 172.10

The Texas Department of Commerce (Commerce) proposes amendments to §§172. 1-172.7, and 172.10, concerning the administration and implementation of the Texas Rural Economic Development Fund. The amended sections clarify definitions and change requirements for submission of applications for a loan guaranty under this program.

Dan McNeil, manager of business finance, has determined that for the first five-year period the sections are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the sections.

Mr. McNeil also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be to allow more businesses and rural communities to be eligible under this program. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the sections as proposed.

Comments on the proposal may be submitted to Bruce W. Anderson, Texas Department of Commerce, P.O. Box 12728, Austin, Texas 78711, within 30 days after the date of this publication.

The amendments are proposed under the Texas Government Code, §481.021(a)(1) which provides the Texas Department of Commerce with the authority to adopt rules governing the Texas Rural Economic Development Fund.

§172.1. General Provisions.

(a) (No change.)

(b) Purpose. It is the purpose of the Texas Rural Economic Development Act to establish a program which promotes economic development and employment in rural communities across the state. Communities in this state are at a critical disadvantage in competing with communities in other states for location or expansion of businesses because of the availability of financing and other special incentives. The purpose of the new sections is to provide standards of eligibility and application procedures for a loan guaranty [guarantee] under the Rural Economic Development Act.

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

(1) (No change.)

(2) Applicant—The private lender or user filing an application with the department for a loan guaranty [guarantee].

(3)-(12) (No change.)

(13) Guaranty [Guarantee] amount—With respect to loans made by financial institutions, is a sum measured in terms of United States dollars, that in the case of default by the borrower, guarantees repayment of the loan, not to exceed 85% of the loan outstanding. This amount may not exceed \$350,000, except in those instances where substantial job creation is a major component.

(14) Industrial and manufacturing enterprise—Parimutuel racing or a private-for-profit enterprise, new or existing, whose primary activity includes either providing a service or producing a product for another private-for-profit enterprise for resale.

(15)[(14)] Loan review committee—A committee appointed by the board to provide advisory services on the financing of rural loans guaranteed by the fund.

(16) New enterprise—A private-for-profit enterprise which has actively been in business for a period of less than one year.

(17)[(15)] Private Lender—A lending institution, including a bank, savings bank, savings and loan association, trust company, or insurance company, or an individual that the department determines is an experienced and sophisticated investor.

(18)[(16)] Program—Texas Rural Economic Development Program.

(19)[(17)] Project—The land, building, equipment, facilities and improvements (one or more), and working capital found by the department to be required or suitable for the promotion of and for use by a manufacturing or industrial enterprise, irrespective of whether in existence or required to be acquired or constructed after the making of such finding by the department.

(20)[(18)] Qualified application—A completed application, including all documents and information required by the department and submitted by a user or private lender for a project.

(21)[(19)] Rural area—A city having a population of 50, 000 [35,000] or less, or the unincorporated area of a county[, not within a city's corporate limits,] which has a population of 200,000 [150,000] or less and which is predominantly rural in character. Population is to be determined by the decennial census or federal census estimate, whichever is most recently published by the United States Bureau of Census.

(22)[(20)] Staff—The staff of the department.

(23)[(21)] State—State of Texas.

(24)[(22)] User—An individual, partnership, corporation, or any other private entity found by the department to be financially responsible to assume the obligation in connection with a project.

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

§172.2. Texas Rural Economic Development Fund.

(a) Authority. The fund, established in the state treasury, consists of appropriations or transfers made to the fund, guaranty [guarantee] fees, other money received from operation of the program, and interest paid on money in the fund.

(b) Purpose. The department uses money in the fund to guarantee not more than 85% of a loan made by a private lender to fund a project. In administering this Act, the department will give first preference to assistance to the food and fiber processing industries and to a project located in a State of Texas enterprise zone.

(c) Outstanding guaranties [guarantees] and insurance. The amount of loan guaranties [guarantees] outstanding by the department at any time may not exceed the amount available in the fund.

§172.3. Eligibility Requirements.

(a) Applicants. An applicant is eligible to submit an application to the department if the proposed user meets the following criteria;

(1) (No change.)

(2) has a reasonable equity interest in the business, which is determined on a case-by-case basis by the department and the lender; however, the user must provide at least 10% of the total cost of the project; [and]

(3) creates one new job for every \$35,000 guaranteed by the fund [at least 10 new jobs.] ; and

(4) provides a minimum of one-third equity investment towards the project if the proposed user is a new enterprise.

(b) (No change.)

(c) Project costs. The proceeds of a loan guaranteed by the fund may be used to finance the following costs:

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

(4) working capital needs [not to exceed 20% of the total project costs].

(d) (No change.)

§172.4. Filing Requirements and Consideration of Applications.

(a) Application forms. An applicant or private lender seeking a loan guaranty [guarantee] from the department may [must] use the application forms provided by the department or may use existing documentation provided prior approval from the department is received. One original and one copy [two copies] of the completed application with all required exhibits and attachments must be submitted in a three-ring binder to the department during the business day. The executive director may waive any requirement in this chapter upon finding that such requirement is not necessary for the protection of the public interest.

(b) Initial review by staff. The staff reviews the application for completeness and notifies the applicant of any additional information required. When all required information has been received, the staff determines if the project meets the approval standards set forth in §172.7 of this title (relating to Criteria for Approval of Loan Guaranty [Guarantee]).

(c) (No change.)

(d) Approval of application. If the executive director approves the application, the department notifies the applicant in writing setting forth the terms and conditions of the financial assistance approved. The department, together with the lender and any other private or governmental participants, prepares the written agreements documents [document] necessary to close the loan or finalize the credit, in accordance with the terms and conditions set forth in the notice of approval.

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

§172.5. Contents of Application.

(a) The application must set forth the information necessary for the determination of eligibility and must include the following:

(1) (No change.)

(2) names, addresses, and resumes [and references] of owners, investors, and management of the business;

(3)-(4) (No change.)

(5) a business plan which contains information regarding the products or services to be offered by the applicant; types of jobs to be created by classification or title [job descriptions with salary or wage information by job category; educational requirements by job category]; and methods of accounting, [financing,] marketing [sales, merchandising], and other information indicative of business growth and expansion;

(6) (No change.)

(7) up to three years of balance sheets, cash flow statements, and income statements with interim statements not older than three months from the date

the application was received by the department. [historical balance sheets, cash flow statements, income statements, and federal tax returns;] If unaudited, financial statements must be signed and dated by a principal and up to three years of federal income tax returns are required.

(8) pro forma balance sheets, cash flow statements, and income statements for two [three] years;

(9) (No change.)

(10) a detailed breakdown of project costs [a statement that addresses the effect of the business on the tax base of the area and other positive and negative effects of the project on the area];

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

(b) (No change.)

§172.6. General Terms and Conditions of Department's Financial Commitment.

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

(c) Maximum amount of loan guaranty [guarantee]. The department's net exposure for financial assistance to a business, including all its affiliates, may not, at any one time, exceed 85% of loan. This amount may not exceed \$350,000, except in those instances where substantial job creation is a major component.

(d) Extent of participation. The department may participate in a loan guaranty [guarantee] to the extent necessary and appropriate to facilitate the required financing. The applicant may seek coparticipation in financial assistance from other private and governmental sources, including the SBA, Farmers Home Administration, Community Development Block Grant, and private sources. In any event, the department's maximum participation in a loan guaranty [guarantee] may not exceed 85% of the principle amount of the loan, and the private lender must remain at risk for at least 10% of the principal amount.

(e) (No change.)

(f) Security. Loans must be secured by a shared first lien with the department with with collateral of a type, amount, and value which, considered with other criteria, affords reasonable assurance of repayment.

(g) (No change.)

(h) Fees. A guaranty [guarantee] fee of 1.5% of the principal balance guaranteed is payable by the lender to the department. A non-refundable application fee will also be required in the amount of \$250 [\$100].

(i) Reporting requirements.

(1) Reports by lender. The lender shall report in writing to the department as provided in the guaranty

[guarantee] agreement. Reports must show the progress, repayment status, and principal balance, outstanding or undisbursed, for each loan guaranteed by the department.

(2) Reports by user. The user shall provide annual financial reports. If requested by the department, the user shall submit other reports or documentation reasonably related to an assessment of the user's compliance with the Act and this chapter, or the terms of the loan agreement or the department's guaranty [guarantee].

§172.7. Criteria for Approval of Loan Guaranty [Guarantee].

(a) (No change.)

(b) Reasonable risk. There must be reasonable assurance, in the judgment of the department, that the loan can and will be paid according to its terms. In making this judgment the department considers the following:

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

(3) firm commitments from other independent and responsible financial sources for all other funds in excess of the loan guaranty [guarantee] by the department;

(4) collateral and other sources of guaranty [guarantee] or insurance securing the loan;

(5) (No change.)

(6) financial projections; and

(7) (No change.)

§172.10. Eligible Private Lenders.

(a) (No change.)

(b) Private lender qualification procedure.

(1) Each financial institution is required to qualify itself for participation in the program by submittal of a letter of request, accompanied by its most recent annual report and its most recent quarterly call report [latest audited financial statements], and the designation of the individual(s) within the financial institution who will be responsible for working with the department.

(2) As a condition to participation, a lender must agree to make investigation as specified in the application [it considers necessary] to determine the user's viability, the economic benefits to be derived, the prospects for repayment, and other facts that it considers necessary to determine whether participation by the user is consistent with the purposes of the Act.

(c) Application process. A lender interested in making a loan under the fund submits an application along with a commitment letter to the department outlining

the terms and conditions of the proposed loan. The name of the company, purpose of the loan, amount and use of funds, proposed closing date, collateral for the loan, and guaranty [guarantee] amount that the lender is seeking from the department must be included.

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

Issued in Austin, Texas, on June 29, 1990.

TRD-9006631 William D. Taylor
Executive Director
Texas Department of
Commerce

Earliest possible date of adoption: August 6, 1990

For further information, please call: (512) 320-9676

◆ ◆ ◆
TITLE 25. HEALTH SERVICES
Part VI. Statewide Health Coordinating Council
Chapter 571. Health Planning and Resource Development
State Health Plan

◆ ◆ ◆
• 25 TAC §571.1

The Statewide Health Coordinating Council proposes an amendment to §571.1, concerning the state health plan for Texas. Section 571.1 adopts by reference the document titled "1991-92 Texas State Health Plan." The amendment to §571.1 will show the date of the amendment and clarify the language of the section. In addition, amendments to the "1991-92 Texas State Health Plan" will update and modify the document; and will cover statewide health problems, develop recommendations designed to resolve these problems, and propose needed implementation strategies. The health problems specifically addressed include teen-age health, health care professions, rising health care costs, access to care, medical care reimbursement, prevention and control of diseases and injuries, environmental health, chronic and disabling conditions, and mental health. The amendments will also involve changes, modifications, and placement of titles of chapters in the Texas state health plan.

Ann Henry, acting chief, Bureau of State Health Data and Policy Analysis, Texas Department of Health, has determined that for the first five-year period the section is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the section.

Ms. Henry also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be increased awareness of the health problems in the state and knowledge about prevention activities. The public will also benefit from proposed recommendations to improve the availability

and accessibility of health care services in the state. There will be no effect on small businesses as a result of enforcing the section. There is no anticipated economic cost to persons who are required to comply with the section as proposed since the Texas state health plan is a proposed solution to statewide health concerns. There will be no impact upon local employment.

Comments on the proposal may be submitted to Ann E. Henry, Acting Chief, Bureau of State Health Data and Policy Analysis, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756-3199. Comments will be accepted for 30 days after publication of the proposed amendment in the *Texas Register*. In addition, comments will be received at public hearings scheduled throughout the state. The time, date, and location of these hearings and the availability of copies of the plan for review will be described in a notice titled "Public Hearings" which will be published in the "In Addition" section of the *Texas Register* in the near future. Contact Ms. Henry's office for further information.

The amendment is proposed under the Health and Safety Code, §104.012, which provides the Statewide Health Coordinating Council with the authority to adopt rules governing the development and implementation of a state health plan.

§571.1. *State Health Plan for Texas.* The Statewide Health Coordinating Council adopts by reference the document entitled, "1991-92 Texas State Health Plan" ["The Texas State Health Plan, 1989-1990"]. This document reflects a five-year planning period, has been published by the Statewide Health Coordinating Council, and is available from the Bureau of State Health Data and Policy Analysis, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756-3199 [78756].

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

Issued in Austin, Texas, on June 27, 1990.

TRD-9006563 Marion R. Zetzman, Dr.
P.H.
Chairman
Statewide Health
Coordinating Council

Earliest possible date of adoption: August 6, 1990

For further information, please call: (512) 458-7261

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

◆ ◆ ◆
• 34 TAC §3.299

The Comptroller of Public Accounts proposes an amendment to §3.299, concerning newspapers, magazines, publishers, sacred writings. The legislature amended the Tax Code, §151.312, to exempt from sales and use tax periodicals and writings published and distributed by a religious, philanthropic, charitable, historical, scientific, or other similar organization that is not operated for profit, but excluding an educational organization.

Ben Lock, associate deputy comptroller for Fiscal Management, has determined that for the first five-year period the proposed section will be in effect there will be no significant revenue impact on the state or local government. This section is adopted under the Tax Code, Title 2, and does not require a statement of the fiscal implications for small businesses.

Mr. Lock also has determined that this change will benefit the public by providing them with new information regarding their tax responsibilities under changes made by the legislature. There is no anticipated economic cost to persons who are required to comply with the proposed section.

Comments on the proposal may be submitted to Lucy Glover, Director, Taxability, Legal Services Division, P.O. Box 13528, Austin, Texas 78711.

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

◆ ◆ ◆
§3.299. Newspapers, Magazines, Publishers, Exempt [Sacred] Writings.

(a) Newspapers.

(1) Newspaper—Those publications printed on newsprint whose average sales price per copy over a 30-day period does not exceed \$.75 which are printed and distributed periodically at daily, weekly, or other short intervals of 30 days or less [and other short intervals] for the dissemination of news of a general character and of a general interest, including advertising.

(2) Newspaper also includes a publication containing articles and essays of general interest by various writers and advertisements which is produced for the operator of a licensed and certificated carrier of persons and distributed by the operator to its customers during their travel on the carrier.

(3) The term "newspaper" does not include magazines, handbills, circulars, flyers, sales catalogs, or the like, unless the items are distributed as a part of a publication which itself constitutes a newspaper and further provided that the items, after being printed, are delivered by the printer to the person responsible for the distribution of the newspaper.

(4) The sale[, lease, or rental in this state] of newspapers whether sold or

distributed by individual copy or subscription is exempt.

(b) Magazines.

(1) Magazine—Those publications usually paper-backed and sometimes illustrated that appear at regular intervals and contain stories, articles, and essays by various writers, and advertisements.

(2) The sale, lease, rental, or other consumption in this state of subscriptions to magazines entered as second class mail and sold for a semi-annual or longer period of time is [are] exempt from the sales tax. Except as provided in subsection (d) of this section, other [Other] sales of magazines are taxable.

(3) For the purposes of this section, controlled circulation magazines means magazines paid for by advertisers rather than by recipients of the magazines.

(A) The publishers of controlled circulation magazines must collect sales tax from persons who advertise in their magazines based upon the sales price of the magazine. The sales price of the magazine must be separately stated from the charge for advertising and must be a reasonable amount for such publication. The sales price will be considered reasonable if the publication meets the requirement for second class postal rates, as set forth in the postal regulations.

(B) Controlled circulation magazines do not include those magazines provided to members of an organization as part of their membership if:

(i) either a part of their membership dues are identified as the sales price of the magazine plus tax; or

(ii) the membership dues do not identify the sales price of the magazine, but sales tax was paid by the organization on the cost of publication.

(c) Publishers.

(1) Newspaper publishers who sell their product may claim an exemption equivalent to the manufacturing exemption as set out in §3.300 of this title (relating to Manufacturing; Custom Manufacturing; Fabricating; Processing). Newspaper publishers whose product is not sold, but rather distributed free of charge, may only claim exemptions as set out in §3.300(a)-(e) of this title (relating to Manufacturing; Custom Manufacturing; Fabricating; Processing) and the exemption for packaging supplies as set out in §3.314 of this title (relating to Wrapping, Packing, Packaging Supplies, Containers, Labels, Tags, and Export Packers), regardless of whether their finished product is ultimately sold at retail. Persons printing newspapers may accept an exemption certificate in lieu of the sales tax from the publisher.

(2) Magazine and other publishers will be considered manufacturers under the Limited Sales Tax Act and should see §3.300 of this title (relating to Manufacturing; Custom Manufacturing; Fabricating; Processing) and §3.314 of this title (relating to Wrapping, Packing, Packaging Supplies, Containers, Labels, Tags, and Export Packers) concerning the status of their purchases.

(d) Exempt writings. [Sacred writings. The receipts from the sale or use in this state of books consisting wholly of writings sacred to any religious faith, and religious periodicals published or distributed by any religious faith consisting wholly of writings promulgating the teaching of such faith, or audio-electronic transcriptions of this material are exempt from the sales tax. The exemption for publications and books sacred to a particular faith does not extend to sheet music and films.]

(1) Periodicals and writings are exempt from tax if published and distributed by a religious, philanthropic, charitable, historical, scientific, or other similar organization, not operated for profit. Periodicals and writings published and distributed by an educational organization are subject to the tax.

(2) Material provided in Braille and audio recordings of writings and periodicals recorded and distributed by a religious, philanthropic, charitable, historical, scientific, or other similar organization for use by the visually impaired are exempt from tax.

(3) The phrase "similar organization" used in this section shall include, but not necessarily be limited to, organizations qualifying for exemption from federal income taxes under 26 United States Code, §501(c)(3), with the exception of educational organizations. Similar organizations must be organized for a benevolent purpose and must not be operated for profit.

(4) The term "distributed" used in this section shall mean the shipment, marketing, or sale of periodicals or writings.

(5) The terms "periodicals" and "writings" used in this section shall mean printed reading materials. Examples include books, Bibles, United Way newsletters, American Cancer Society magazines, brochures, newspapers, hymnals or sheet music, and similar items. They do not include film, video cassettes, or computer software. Items which contain printed materials susceptible to being read, but that primarily serve other purposes or functions, are not exempt. Examples of such nonexempt items include bookmarks, clothing, posters, art work, photographs, novelties, and souvenirs.

(6) The phrase "educational organization" used in this section shall mean all public and private schools, colleges and universities, and other similar institutions which are organized for the systematic dissemination of knowledge through a formal program of instruction

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

Issued in Austin, Texas, on June 27, 1990.

TRD-9006567

Bob Bullock
Comptroller of Public
Accounts

Proposed date of adoption: August 7, 1990

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

◆ ◆ ◆
TITLE 37. PUBLIC
SAFETY AND CORREC-
TIONS

Part III. Texas Youth
Commission

Chapter 81. Administrative
Provisions

General

• 37 TAC §81.5

The Texas Youth Commission proposes new §81.5, concerning a petition for adoption of a new rule. The section provides procedures by which any person may petition the Texas Youth Commission to adopt a rule into the Texas Administrative Code.

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

Mr. Franks also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be a means for any citizen to participate in the commission's rule making process. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Gail Graham, Policy and Manuals Coordinator, Texas Youth Commission, 4900 North Lamar Boulevard, P.O. Box 4260, Austin, Texas 78765.

The new section is proposed under the Human Resources Code, §61.034, which provide the Texas Youth Commission with authority to make rules appropriate to the proper accomplishment of its functions.

§81.5. *Petition for the Adoption of a Rule.*

(a) Policy. The Texas Youth Commission complies with the Administrative Procedure and Texas Register Act requiring a procedure to allow

any person to petition the agency to adopt a rule.

(b) Rules.

(1) Submission of the petition.

(A) Any person may petition the agency to adopt a rule.

(B) The petition shall be mailed or delivered to the executive director of the Texas Youth Commission at his Austin, Texas office.

(C) The petition shall be in writing, shall contain the petitioner's name and address, and shall describe the rule and the reason for it; however, if the executive director of the Texas Youth Commission determines that further information is necessary to assist the agency in reaching a decision, the executive director may require that the petitioner resubmit the petition and that it contain:

(i) a brief explanation of the proposed rule;

(ii) the text of the proposed rule prepared in a manner to indicate the words to be added or deleted from the current text, if any;

(iii) a statement of the statutory or other authority under which the rule is to be promulgated; and

(iv) the public benefit anticipated as a result of adopting the rule or the anticipated injury or inequity which could result from the failure to adopt the proposed rule.

(2) Consideration and disposition of the petition.

(A) Except as otherwise provided in paragraph (3) of this subsection, the agency shall consider and dispose of all petitions submitted.

(B) Within 60 days after receipt of the petition, or within 60 days after receipt by the executive director's office of a resubmitted petition in accordance with paragraph (1)(C)(i)-(iv) of this subsection, the agency shall deny the petition or institute rule making procedure in accordance with the Administrative Procedure and Texas Register Act, §5. The agency may deny parts of the petition and/or institute rule making procedures on parts of the petition.

(C) If the agency denies the petition, the executive director shall give the petitioner written notice of the agency's denial, stating reasons for such.

(3) Subsequent petitions to adopt the same or similar rule. All initial petitions for the adoption of a rule shall be

presented to and decided by the agency in accordance with the provisions of paragraphs (1) and (2) of this subsection. The executive director may refuse to consider any subsequent petition for the adoption of the same or similar rule submitted within six months after the date of the initial petition.

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

Issued in Austin, Texas, on June 26, 1990.

TRD-9006591 Ron Jackson
Executive Director
Texas Youth Commission

Earliest possible date of adoption: August 6, 1990

For further information, please call: (512) 483-5244

◆ ◆ ◆
Chapter 85. Admission and Placement

Placement Planning

• 37 TAC §85.30, §85.39

The Texas Youth Commission proposes new §85.30, concerning the procedure by which a victim may be involved in the release process of a juvenile delinquent committed to the Texas Youth Commission and an amendment to §85.39, concerning staff temporarily placing youth in the statewide reception center while awaiting a permanent placement.

John Franks, director of fiscal affairs, has determined that for the first five-year period the sections are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the sections.

Mr. Franks also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be the possible involvement of victims in the release process of a juvenile and a more efficient temporary placement system. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the sections as proposed.

Comments on the proposal may be submitted to Gail Graham, Policy and Manuals Coordinator, Texas Youth Commission, 4900 North Lamar Boulevard, P.O. Box 4260, Austin, Texas 78765.

The amendment and new section are proposed under the Human Resources Code, §61.065 and §61.07, which provides the Texas Youth Commission with the authority to establish requirements of admission and examine each child committed to it.

§85.30. Involvement of Victims.

(a) Policy. The Texas Youth Commission (TYC) acknowledges the rights of victims described in the Texas Family Code, §57.001, provides information as required, and involves vic-

tims in the release process.

(b) Rules.

(1) Applicability. The requirements herein apply only:

(A) to victims:

(i) of sexual assault, kidnapping, or aggravated robbery as adjudged by the juvenile court; and

(ii) who have suffered physical pain, illness, any impairment of physical condition, or death as a result of the conduct that violates a penal law of this state;

(B) to a youth in any placement when he is being considered for return to his home, regardless of parole status. Home refers to any placement in the home level of restriction; i.e., home of a parent, relative, managing conservator or guardian, or in an independent living arrangement.

(2) Requirements for information. To victims of their legal guardians (or close relatives if the victim is deceased), TYC staff of the youth's placement program will:

(A) on request, provide information on TYC's release date and release procedures, i.e., completion criteria and release review process;

(B) on written request, provide notification of the date of release proceedings, if a current address has also been made available to TYC.

(3) Victim participation.

(A) A victim who wishes to have input into the release process may:

(i) submit a written statement which is provided to staff members responsible for the release review staffing when the youth's return home is considered;

(ii) make a statement in person during a scheduled staffing. The victim or legal guardian need not be allowed to attend the entire staffing regarding the youth;

(iii) meet at any convenient time with the youth's primary service worker.

(B) Victims who appear in person should be provided a waiting area separate from any location where they could encounter the youth.

(C) The victim's input will be considered as it affects the youth's successful reintegration into the home com-

munity, youth's and others' safety, and determination of special conditions to the youth's parole program.

(D) The victim has no right of appeal in any TYC decision.

(4) Documentation. The primary service worker sends a copy of the victim's written statement or a summary of his personal statement to the home parole officer and files the original in the masterfile.

§85.39. Temporary Admission Awaiting Permanent Placement.

(a) Policy. The Texas Youth Commission allows temporary admissions into the statewide reception center (SRC) for youth awaiting assignment to a permanent placement **when no disciplinary hearing is involved** when no alternative temporary placement within the youth's region can be found. Temporary admission for the purpose of detention is not addressed in this policy. See General Operating Policy (GOP) 67.19, §91.69 of this title (relating to Detention).

(b) Rules.

(1) (No change.)

(2) A youth may remain at the SRC as a temporary admission for up to 14 days. Extensions are requested by the placing field authority who seeks [require] approval of the executive director or designee.

(3)-(5) (No change.)

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

Issued in Austin, Texas, on June 26, 1990.

TRD-9006592 Ron Jackson
Executive Director
Texas Youth Commission

Earliest possible date of adoption: August 6, 1990

For further information, please call: (512) 483-5244

◆ ◆ ◆
Chapter 87. Treatment Program Planning

The Texas Youth Commission (TYC) proposes amendments to §§87.21, 87.99, and 87.109, concerning certain treatment procedural changes. Section 87.21 is amended to eliminate notification of courts and chief probation officers of youth furloughs because TYC no longer allows extended furloughs and short-term furloughs are rare. Section 87.99 is amended to change the reference to the form used to document suicide alert status. Section 87.109 is amended to indicate that pregnant youth may be placed in programs appropriate to maternity needs rather than only in homes designated as maternity homes.

John Franks, director of fiscal affairs, has determined that for the first five-year period the sections are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the sections.

Mr. Franks also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be a more efficient use of contract placement resources. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the sections as proposed.

Comments on the proposal may be submitted to Gail Graham, Policy and Manuals Coordinator, Texas Youth Commission, 4900 North Lamar Boulevard, P.O. Box 4260, Austin, Texas 78765.

◆ ◆ ◆
• 37 TAC §87.21

The amendment is proposed under the Human Resources Code, §61.034, which provides the Texas Youth Commission with the authority to make rules appropriate to the proper accomplishment of its functions.

§87.21. Furloughs

(a) (No change.)

(b) Rules.

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

[(5) No later than 15 days prior to furlough to the youth's home or home substitute, the Texas Youth Commission (TYC) staff of the residential placement or program shall send notification of the furlough to the committing juvenile court with copies to the office of the prosecuting attorney and the chief probation officer in the committing county using the notification of release or furlough, Form CCF-181.]

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

Issued in Austin, Texas, on June 20, 1990.

TRD-9006589 Joe E. Milner
Director
Texas Department of
Public Safety

Earliest possible date of adoption: August 6, 1990

For further information, please call: (512) 483-5244

◆ ◆ ◆
Health Care Services

• 37 TAC §87.99, §87.109

The amendments are proposed under the Human Resources Code, §61.034, which provides the Texas Youth Commission with the authority to make rules appropriate to the proper accomplishment of its functions.

§87.99. Suicide Alert.

(a) (No change.)

(b) Rules.

(1)-(11) (No change.)

(12) When a youth is placed on or removed from suicide alert status, the CCF.407 [CCF-450] form is filled out and placed in the medical subfile and a copy casework subfile and relevant data is entered in the medical records system [child care system].

§87.109. Pregnancy and Abortion.

(a) (No change.)

(b) Rules.

(1) Placement of a pregnant youth. A youth who is committed, recommitted, or revoked at the time of pregnancy is placed appropriate to need as determined by TYC centralized placement. Alternatives, in order of priority, are contract care program appropriate to maternity needs, [maternity home,] maternity furlough to the youth's home, TYC halfway house, and TYC institution.

(2) (No change.)

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

Issued in Austin, Texas, on June 26, 1990.

TRD-9006597 Ron Jackson
Executive Director
Texas Youth Commission

Earliest possible date of adoption: August 1990

For further information, please call: (512) 483-5244

◆ ◆ ◆
Chapter 89. Youth Rights and Remedies

• 37 TAC §§89.5, 89.7, 89.10, 89.19

The Texas Youth Commission proposes amendments to §89.5 and §89.7 and new §89.10 and §89.19, concerning procedures by which a juvenile delinquent committed to the Texas Youth Commission may grieve concerning commission policies or treatment and by which investigations are conducted when a staff is suspected of striking a youth. Youth use of telephone is also addressed.

John Franks, director of fiscal affairs, has determined that for the first five-year period the sections are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the section.

Mr. Franks also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be a more efficient use of resources. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

Comments on the proposal may be submitted

economic cost to persons who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Gail Graham, Policy and Manuals Coordinator, Texas Youth Commission, 4900 North Lamar Boulevard, P.O. Box 4260, Austin, Texas 78765.

The amendments and new sections are proposed under the Human Resources Code, §61.065 and §61.07, which provides the Texas Youth Commission with the authority to establish requirements of admission and examine each child committed to it.

§89.5. Youth Use of Telephone.

(a) (No change.)

(b) Rules.

(1) Youth are provided a five-minute phone call on the TYC Tex-An system once each month restricted to the youth's parent, guardian, family member, or other responsible adult.

(2)[(1)] Youth may place at least two collect telephone calls per month. TYC is not obligated to pay for long distance calls except in an emergency.

(3) [(2)] Youth may make calls during hours when they do not interfere with required activities, e.g., school, group meetings.

(4)[(3)] Youth may receive incoming calls when they do not interfere with required activities. When youth are unable to come to the telephone, messages are taken.

(5)[(4)] Youth have access to telephones for emergency calls.

(6)[(5)] Staff make efforts to ensure privacy when a youth is talking on the telephone. Staff members are not to listen to the content of the conversations.

(7)[(6)] When a youth has charged telephone calls contrary to TYC and facility instructions, staff may restrict his or her use of the telephone to having the staff place future calls for him or her, but may not deny the two monthly calls or the free monthly call.

(8) [(7)] Telephone use may not be restricted for any other disciplinary reason.

§89.7. Youth Complaint Resolution System Terms and Rules.

(a) Policy. The Texas Youth Commission (TYC) provides TYC youth and their parents or guardians with a procedure for resolution of their complaints. Through the complaint resolution system, TYC assumes a measure of accountability to TYC youth and their parents or guardians for its employees, contractors, programs and policies. This system helps ensure protection of the youth's health, safety, and welfare. TYC requires that both youth and

staff be treated fairly and with dignity as problems are addressed through this system. TYC ensures the quality of this system through an ongoing monitoring program. Youth receive instruction in the complaint resolution system procedure through the youth handbook and during initial orientation to each placement in compliance with General Operating Policy (GOP) 53.05, §87.55 of this title (relating to Youth Orientation). The terms and rules set forth in this policy apply to all programs, youth and staff under TYC authority. TYC provides separate procedures for the resolution of complaints filed in TYC facilities, parole and contract programs. See: GOP.61.09, §89.9 of this title (relating to Complaint Resolution Procedure for TYC Operated Facilities); GOP.61.11, §89.11 of this title (relating to Complaint Resolution Procedure for Residential Contract Programs); GOP.61.13, §89.13 of this title (relating to Complaint Resolution Procedure for Youth at Home). **GOP.61.10 §89.10 of this title (relating to Probationary Complaint Program for TYC Operated Facilities).**

(b) Rules.

(1) Explanation of terms used.

(A) (No change.)

(B) Complainant—Any TYC youth, [or] youth's parent or guardian, TYC staff, or any other person who submits a complaint for resolution.

(C)-(G) (No change.)

(2) (No change.)

(3) Access.

(A) TYC youth shall have unrestricted access to complaint forms except as limited by procedures in **GOP.61.10 §89.10 of this title (relating to Probationary Complaint Program for TYC Operated Facilities).** [and] Youth may write complaints at any reasonable time which would not substantially interfere with staff's ability to supervise other youth or a program activity. Youth are not permitted to write complaints during meals, work detail, classroom instruction, group counseling sessions, group movement, organized recreation, and after scheduled bedtime. Program staff shall assist youth in filing complaints upon request.

(B)-(C) (No change.)

(4)-(13) (No change.)

§89.10. Probationary Complaint Program for TYC Operated Facilities.

(a) Policy. The Texas Youth Commission (TYC) ensures the integrity of the youth complaint resolution system in

TYC operated facilities by discouraging its use for any reason other than the intended purpose. A youth, determined after due process, to be abusing the complaint resolution system may be placed on a probationary complaint program which limits access to complaint forms and provides instruction in the appropriate use of the system prior to the youth's utilizing the normal complaint process in General Operating Policy (GOP) 61.09, §89.9 of this title (relating to Complaint Resolution Procedure for TYC Operated Facilities). This program in no way limits or prohibits a youth's right to file a complaint regarding violations of his or her rights. This policy applies to youth in TYC institutions and halfway houses.

(b) Rules.

(1) Probationary complaint program rules.

(A) The youth is provided a hearing before a probationary complaint committee at which he or she must be present and is allowed to present evidence that he or she is not abusing the complaint system.

(B) The duration of the placement on the probationary program is limited to the time required for the complainant to correct the inappropriate behavior. The program automatically ends at the end of 30 days unless a new request for a special complaint hearing is filed by the complaints coordinator or unless he or she approves an early end to the program.

(C) While on the probationary complaint program, the complainant is required to obtain complaint forms from his or her primary service worker.

(D) This program in no way limits the complainant's access to the emergency complaint procedure.

(2) Procedure for placing a youth on the probationary complaints program.

(A) When the youth rights specialist or halfway house assistant superintendent believes that a youth is abusing the system, he or she should meet with the youth to resolve the problem. Examples of abuse include knowingly filing malicious or false complaints, continually destroying forms, etc.

(B) If abuse continues, the youth rights specialist or halfway house assistant superintendent makes a formal request that the superintendent place the youth on a probationary program.

(C) The superintendent appoints a special complaint committee made up of an equal number of staff and youth with a minimum of two each.

(D) The youth rights specialist or halfway house assistant superintendent informs the youth of the hearing date and of his or her right to select a representative to assist in presenting his or her case.

(E) At the hearing, the youth rights specialist or halfway house assistant superintendent presents evidence that the youth continually abuses the complaint resolution system; and the youth or his representative presents evidence that the youth is not abusing the system.

(F) The committee determines factually whether the youth's actions constitute abuse as alleged and then submits its findings and recommendations to the superintendent.

(G) The superintendent reviews the committee recommendation and decides whether to place the youth on the probationary program. The superintendent informs the youth of his right to appeal the decision to the executive director.

(H) The youth rights specialist or halfway house assistant superintendent notifies the youth and his or her primary service worker (PSW) of the decision, the program's beginning and ending dates, and of the conditions for successful completion of the program.

(3) Procedure for ending the program prior to the 30-day limit.

(A) The youth's primary service worker may submit to the youth rights specialist or halfway house assistant superintendent a request to remove the youth from the probationary complaint program prior to the completion of 30 days. The request contains the PSW's reason for the request and a signed statement by the youth promising to refrain from further abuse.

(B) The youth rights specialist or halfway house assistant superintendent may remove the youth from the program at any time prior to completion of the 30 days.

(4) Documentation. No information regarding a complaint or the probationary program is placed in the youth's master file. The youth rights specialist or halfway house assistant superintendent maintains a probationary complaint program case file including:

(A) documentation of the youth rights specialist/halfway house assistant superintendent initially counseling the youth;

(B) request for the probationary complaint committee hearing;

(C) minutes from the committee meeting;

(D) committee recommendation;

(E) superintendent's decision;

(F) program conditions and requirements; and

(G) a statement indicating the date the youth was removed from the program.

§89.19. Alleged Mistreatment Procedures for Striking Incidents.

(a) Policy. The Texas Youth Commission (TYC) expressly prohibits TYC employees from intentionally striking TYC youth. TYC also prohibits the use of unjustified force. TYC provides this expedited procedure for the reporting and investigation of alleged striking incidents. This expedited procedure supplements but does not replace General Operating Policy (GOP).61.15, §89.15 of this title (relating to Alleged Mistreatment Rules and Definitions). Every allegation which is not investigated by this expedited procedure will be investigated in compliance with GOP.61.17, §89.17 of this title (relating to Alleged Mistreatment Procedure for TYC Operated Facilities). Investigations conducted under this policy shall be completed within 72 hours. Extension of time may be granted only by the executive director. All confirmed allegations under this policy will be appropriately documented in the employee's personnel file.

(b) Rules.

(1) Explanation of terms used.

(A) Striking—Intentionally causing forceful physical contact which inflicts pain or injury. Forceful physical contact includes slapping and punching, or contact using a belt, paddle, switch, as well as, contact by any means of the hands, feet, knees, etc.

(B) Serious physical injury—Any unjustified use of force which results in serious physical injury; for example, any fracture, dislocation of any joint, internal injury, laceration requiring

sutures, or any functional impairment of the eyes or ears.

(C) Reasonable cause to believe—The existence of credible evidence that creates a likelihood that the striking occurred; for example, the report of any staff member who witnessed the striking; the report of a nurse or other staff member who examined the youth and observed physical evidence of striking (bruises, abrasions, scratches, cuts, swelling, or more serious injury); or the credible reports of youth who witnessed the striking.

(2) Duty to report.

(A) Unless specifically stated otherwise, the term "superintendent" refers to the institutional superintendent.

(B) Any person who alleges or has information which indicates that a TYC youth has been struck or seriously physically injured by a TYC employee shall immediately notify the superintendent or regional director.

(3) Administrative action following notification.

(A) If, after initial notification, the superintendent or regional director has reasonable cause to believe that a TYC employee has struck or seriously physically injured a TYC youth, he or she shall immediately or within 24 hours take the following actions:

(i) take employee suspension action consistent with PRS.35.01(b)(8) Disciplinary Action;

(ii) initiate an investigation; and

(iii) notify the youth rights administrator and director of institutions or community services, using notification of alleged mistreatment, Form 320.

(B) Evidence of serious physical injury where unjustified force is alleged is considered an allegation of abuse and must be orally reported to local law enforcement within 48 hours, followed by written notification, using notification of alleged mistreatment, Form 320, within 48 hours of the oral report.

(4) Investigation. Within 48 hours after initiation of the investigation, the investigator takes the following actions:

(A) develops all relevant evidence related to the allegation, e.g., testimonial, documentary, and physical;

(B) develops a written factual finding based on credible evidence

which describes what he believes actually occurred during the alleged striking incident; and

(C) submits the report to the superintendent or regional director.

(5) Administrative action on the investigation report. Within 48 hours after receipt of the investigation, the superintendent or regional director takes the following actions:

(A) reviews the report and determines whether the factual findings and conclusions are supported by a preponderance of the evidence;

(B) documents a conclusion indicating whether mistreatment is confirmed or unconfirmed and summarizes the evidence relied upon to support his conclusion;

(C) using express mail delivery; forwards the completed investigation report to the:

(i) youth rights administrator (original, if abuse involved send additional copy); and

(ii) director of institutions or community services (copy).

(6) Expedited review of the investigation findings and conclusions.

(A) Within 24 hours after dispatch of the investigation report, the superintendent or regional director consults with the youth rights administrator to determine the appropriateness of the factual findings, conclusions, and determinations. Disciplinary action is not discussed with the youth rights administrator.

(i) If the investigation establishes that the employee did not mistreat the youth or is inconclusive, no disciplinary action is required.

(ii) If the investigation confirms mistreatment or abuse occurred the administrator consults with the director of institutions or community services to determine the appropriate disciplinary action in compliance with PRS.35.01, Disciplinary Action. After consultation, the superintendent or regional director meets with the employee and takes the appropriate disciplinary action.

(B) Within 24 hours after disciplinary action has been taken, the superintendent or regional director forwards via electronic mail documentation indicating the disciplinary action taken to the following:

(i) youth rights administrator; and

(ii) director of community services or institutions.

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

Issued in Austin, Texas, on June 26, 1990.

TRD-9006587

Ron Jackson
Executive Director
Texas Youth Commission

Earliest possible date of adoption: August 6, 1990

For further information, please call: (512) 483-5244

Chapter 89. Youth Rights and Remedies

• 37 TAC §89.19

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

The Texas Youth Commission proposes the repeal of §89.19, concerning investigation procedures for an incident involving a staff member striking a youth. The section is being repealed to adopt a new rule.

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

Mr. Franks also has determined that for each year of the first five years the repeal is in effect the public benefit anticipated as a result of enforcing the repeal will be a more efficient use of resources. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the repeals as proposed.

Comments on the proposal may be submitted to Gail Graham, Policy and Manuals Coordinator, Texas Youth Commission, 4900 North Lamar Boulevard, P.O. Box 4260, Austin, Texas 78765.

The repeal is proposed under the Human Resources Code, §61.065 and §61.07, which provides the Texas Youth Commission with the authority to establish requirements of admission and examine each child committed to it.

§89.19. Alleged Mistreatment Procedures for Striking Incidents.

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

Issued in Austin, Texas, on June 26, 1990.

TRD-9006588

Ron Jackson
Executive Director
Texas Youth Commission

Earliest possible date of adoption: August 6, 1990

For further information, please call: (512) 483-5244

Chapter 91. Discipline and Control

Control

• 37 TAC §§91.55, 91.59, 91.63, 91.69

The Texas Youth Commission proposes amendments to §§91.55, 91.59, 91.63, and 91.69 concerning control. Section 91.55 eliminates requiring notification to the commission regional directors of a youth's escape or apprehension. Amended §91.59 further clarifies that procedures for isolation and for full body restraint may be used to control youth placed only in TYC institutions. Amendment to §91.63 allows use of shields as protective equipment. Amended §91.69 requires that commission staff under certain conditions, conduct a Level IV detention review hearing for TYC youth held in county detention centers pending either a Level I or a Level II hearing rather than only for those pending a Level I hearing.

John Franks, director of fiscal affairs, has determined that for the first five-year period the sections are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the sections.

Mr. Franks also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the section will be more efficient procedures used by commission staff to control youth in its custody. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the sections as proposed.

Comments on the proposal may be submitted to Gail Graham, Policy and Manuals Coordinator, Texas Youth Commission, 4900 North Lamar Boulevard, P.O. Box 4260, Austin, Texas 78765.

The amendments are proposed under the Human Resources Code, §61.034, which provide the Texas Youth Commission with authority to make rules appropriate to the proper accomplishment of its functions.

§91.55. Escape Notification.

(a) (No change.)

(b) Rules.

(1) Notification of escape.

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

(C) The [regional director and the] youth's parole officer is [are] notified of the escape by electronic mail.

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

(2) Notification of apprehension.

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

(C) The [regional director and] youth's parole officer is [are] notified by electronic mail.

(D)-(E) (No change.)

§91.59. Use of Force.

(a) Policy. The Texas Youth Commission (TYC) prohibits the use of physical force as punishment and sanctions its use only as a control measure to ensure the safety and welfare of youth and staff. Physical force is to be used as a last resort and only for purposes justified under this policy. Isolation and full body restraint may be employed only in TYC institutions. Also see General Operating Policy (GOP) 67.13, section §67.13 of this title (relating to Mechanical Restraint Equipment). Allegations of unjustified force are reported and investigated in compliance with GOP 61.15, §89.15 of this title (relating to Alleged Mistreatment Rules and Definitions).

(b) Rules.

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

(3) Restrictions.

(A) Physical force is justified only as a last resort and only in instances listed in paragraph (2) of this subsection. Last resort indicates that the staff has engaged in measured, progressively intense action to assist an out of control youth to regain self-control prior to considering use of force. When use of physical force is necessary, it should be measured and progressive in nature, however, the amount and type of force necessary to control violence should be used. Physical force is considered progressive as listed from clauses (i) to (v) [(iv)] of this subparagraph:

(i)-(ii) (No change.)

(iii) use mechanical restraints [and/or isolation];

(iv) place in isolation (permitted only in the institution security unit);

(v) [(iv)] full body restrain (permitted only in the institution security unit or infirmary).

(B)-(G) (No change.)

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

§91.63. Mechanical Restraint Equipment.

(a) (No change.)

(b) Rules.

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

(3) Approved equipment. The

following restraint devices are approved for use by TYC staff. All other devices are specifically disapproved.

(A)-(H) (No change.)

(I) Shield—A plastic shield normally identified as riot shields equipped with handles or holding straps.

(J) Emergency response belt—An approved cloth strap used to restrain some portion of the body. It may not be used around the head from the rear. Only those certified in its use may use the belt.

§91.69. Detention.

(a) (No change.)

(b) Rules.

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

(3) Community detention.

(A)-(I) (No change.)

(J) If detention hearings are not held by the county, TYC staff hold a detention review hearing (Level IV hearing) [only] for any youth [a parolee] being held [pending parole revocation]. See General Operating Policy (GOP) 65.07, §91.37 of this title (relating to Level IV Hearing Procedure). The detention review hearing is held on or before the 10th day of detention when a [parole revocation] Level I or II hearing cannot be held within 10 days and further detention is necessary and appropriate.

(K) TYC administrators report to central office monthly on their use of community facilities.

(4) Training school detention.

(A) (No change.)

(B) A youth may be detained in a training school for up to 10 days pending a hearing.

(i) Extensions beyond 10 days [for a youth on parole status] pending a Level I hearing require that a detention review hearing be held on or before the 10th day.

(ii) (No change.)

(C)-(E) (No change.)

(F) The referring staff is responsible for transporting or arranging transportation the youth to and from the receiving program.

(G)-(H) (No change.)

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

Issued in Austin, Texas, on June 26, 1990

TRD-9006593

Ron Jackson
Executive Director
Texas Youth Commission

Earliest possible date of adoption: August 6, 1990

For further information, please call: (512) 483-5244

◆ ◆ ◆
Chapter 93. General Provisions

Records, Reports, and Forms

• 37 TAC §93.53

The Texas Youth Commission proposes an amendment to §93.53, concerning a standard format utilized to document serious incidents pertaining to a juvenile delinquent committed to the Texas Youth Commission. Maintaining a current record of the youth home address is required in each masterfile in a particular format.

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

Mr. Franks also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be a more efficient use of resources. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Gail Graham, Policy and Manuals Coordinator, Texas Youth Commission, 4900 North Lamar Boulevard, P.O. Box 4260, Austin, Texas 78765.

The amendment is proposed under the Human Resources Code, §61.034, which provide the Texas Youth Commission with authority to make rules appropriate to the proper accomplishment of its functions.

§95.53. Incident Report.

(a) (No change.)

(b) Rules.

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

(8) The required notification of serious incidents, CCF-213 recording addresses and telephone numbers of community staff and youth's family is placed in the youth's masterfile. Information is updated by the primary service worker as needed.

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

Issued in Austin, Texas, on June 26, 1990.

TRD-9006590 Ron Jackson
Executive Director
Texas Youth Commission

Earliest possible date of adoption: August 6, 1990

For further information, please call: (512) 483-5244

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Services

Chapter 50. Day Activity and Health Services

Eligibility Requirements

The Texas Department of Human Services (DHS) proposes amendments to §§50.1902, 50.3901, 50.3904, and 50.3912, concerning eligibility requirements and standards of operations, in its Day Activity and Health Services chapter. The purpose of the amendments is to establish time frames, consistent with primary home care, for receipt of documentation of medical eligibility; to eliminate the requirement that the facility nurse must record medications that are self-administered; and to clarify qualifications for the facility director.

Burton F. Raiford, chief financial officer, has determined that for the first five-year period the proposed sections are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the sections.

Mr. Raiford also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be elimination of unnecessary requirements and clarification of director qualifications. There will be no effect on small businesses as a result of enforcing the sections. There is no anticipated economic cost to persons who are required to comply with the sections as proposed.

Questions about the content of this proposal may be directed to Carl Giles at (512) 450-3156 in DHS's Community Care Section. Comments on the proposal may be submitted to Cathy Rossberg, Policy Communication Services-406, Texas Department of Human Services 454-W, P.O. Box 149030, Austin, Texas 78714-9030, within 30 days of publication in the *Texas Register*.

• 40 TAC §50.1902

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

§50.1902. Enrollment.

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

(f) Reassessment. The facility staff must submit documentation of medical eligibility on the physician's orders and level-of-care assessment forms in time for them to be postmarked or date-stamped by the department no later than one day after the termination date of the current prior approval period. If the required forms are not submitted within this time frame, a gap in client coverage will occur. [to allow the department to reassess medical need and the appropriateness of the service plan before the end of the prior approval period. A delay may result in a gap in coverage.]

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

Issued in Austin, Texas, on July 2, 1990.

TRD-9006643 Cathy Rossberg
Agency liaison, Policy
Communication
Services
Texas Department of
Human Services

Proposed date of adoption: September 15, 1990

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

Standards of Operation

• 40 TAC §§50.3901, 50.3904, 50.3912

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

§50.3901. Staff Qualifications.

(a) Director. The director of a day activity and health services (DAHS) [DAHS] facility must:

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

(4) have, on July 16, 1989, met the qualifications for the position under the requirements in effect at that time and have served continuously in the capacity of director of a Texas Department of Human Services-certified DAHS facility since that date.

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

§50.3904. Initial Training.

(a) The day activity and health services (DAHS) [DAHS] facility must provide all staff with training in the fire/disaster procedures and evacuation plan within three workdays of employment. The training must be documented in the facility records.

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

(e) Substitutes for direct service [and consultant] staff who are used by a facility on a regular basis must meet all DAHS training requirements.

§50.3912. Medication Administration.

(a) (No change.)

(b) The day activity and health services (DAHS) [DAHS] facility must ensure that each recipient has an individual medication record for medications administered by the facility nurse. In the medication record, the licensed nurse who administers the medication must record the dose and the method of administration. [The facility nurse must also record the medications that are self-administered by the recipient.] Staff must document when the recipient is reminded to take his medication and document what the recipient's response was when reminded. Staff must sign and date all entries.

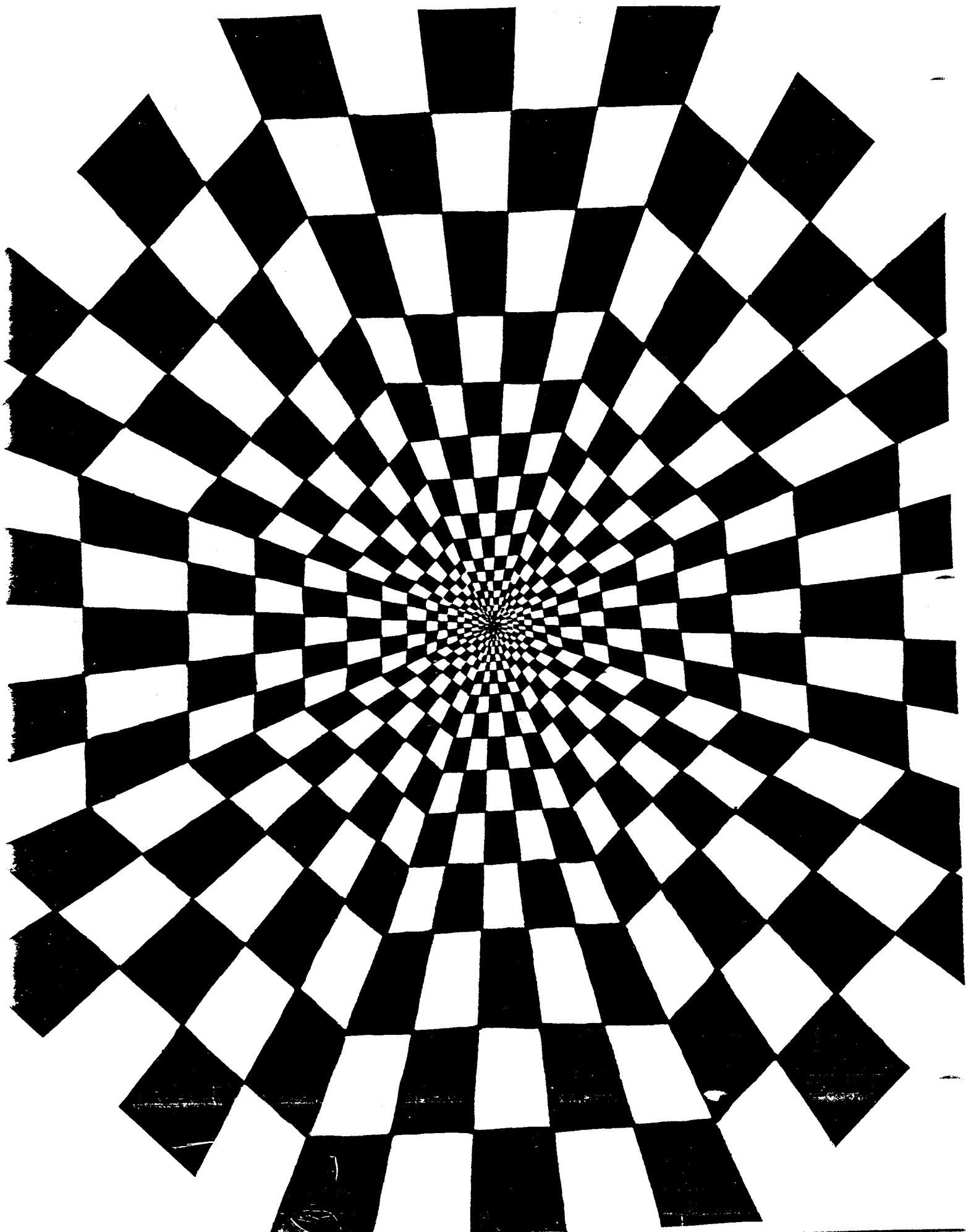
This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on July 2, 1990.

TRD-9006644 Cathy Rossberg
Agency liaison, Policy
Communication
Services
Texas Department of
Human Services

Proposed date of adoption: September 15, 1990

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



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 25. HEALTH SERVICES

Part I. Texas Department of Health

Chapter 37. Maternal and Child Health Services

Chronically Ill and Disabled Children's Services

• 25 TAC §37.83

The Texas Department of Health withdraws the emergency effectiveness of an amendment to §37.83, which was published in the May 22, 1990, issue of the *Texas Register* (15 TexReg 2846), effective immediately upon filing.

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 July 2, 1990.

TRD-9006657 Robert A. MacLean, M.D.
Deputy Commissioner for
Professional Services
Texas Department of
Health

Effective date: July 2, 1990

For further information, please call: (512) 458-7355

Chapter 151. Nurse Aides

• 25 TAC §151.3, §151.5

The Texas Department of Health withdraws the emergency effectiveness of amendments

to §§151.3 and 151.5, which was published in the February 13, 1990, issue of the *Texas Register* (15 TexReg 751), effective 20 days after filing.

The amended sections are being adopted permanently in this issue of the *Texas Register*.

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 July 2, 1990.

TRD-9006658 Robert A. MacLean, M.D.
Deputy Commissioner for
Professional Services
Texas Department of
Health

Effective date: July 23, 1990

For further information, please call: (512) 458-7539

ABUNDANCE



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 25. HEALTH SERVICES

Part I. Texas Department of Health

Chapter 1. Texas Board of Health

Procedures and Policies

• 25 TAC §1.9

The Texas Department of Health adopts an amendment to §1.9, without change to the proposed text as published in the May 25, 1990, issue of the *Texas Register* (15 TexReg 2888).

The amendment updates and clarifies the titles of appointments made by the Commissioner of Health and approved by the Board of Health. The titles of some of the appointments are changed and one title is deleted.

The amendment allows for improvement in the operation and efficiency of department management.

No comments were received regarding adoption of the amendment.

The amendment is proposed under Health and Safety Code, §12.001, which provides the Texas Board of Health with the authority to adopt rules for its procedure.

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 July 2, 1990.

TRD-9006656 Robert A. MacLean, M.D.
Deputy Commissioner for
Professional Services
Texas Department of
Health

Effective date: July 23, 1990

Proposal publication date: May 25, 1990

For further information, please call: (512) 458-7378

◆ ◆ ◆ Chapter 61. Chronic Diseases

Diabetic Eye Disease Detection Initiative

• 25 TAC §§61.21-61.24

The Texas Department of Health adopts new §§61.21-61.24, without changes to the proposed text as published in the April 20, 1990, issue of the *Texas Register* (15

TexReg 2236).

The new sections provide for sensitive eye examinations to persons with diabetes so that vision-threatening conditions, such as retinopathy, can be identified and treated; and describe the requirements for participating providers in the diabetic eye disease detection initiative program who provide dilated funduscopic examinations to persons with diabetes.

No comments were received regarding adoption of the new sections.

The new sections are adopted under the Health and Safety Code, §103.013, which provides the department with the authority to assist in the implementation of a state plan for diabetes treatment, education, and training; §12.001, which provides the Board of Health with the authority to adopt rules to implement every duty imposed by law on the board, the department and the commissioner of health; and the State Appropriations Act, Chapter 1263, Article II-20, §9, which provides the department with the authority to use appropriated monies to implement the Health and Safety Code, §103.013.

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 July 2, 1990.

TRD-9006655 Robert A. MacLean, M.D.
Deputy Commissioner for
Professional Services
Texas Department of
Health

Effective date: July 23, 1990

Proposal publication date: April 20, 1990

For further information, please call: (512) 458-7534

◆ ◆ ◆ Chapter 97. Communicable Diseases

Immunization Requirements in Child-care Facilities

The Texas Department of Health adopts the repeal of existing §§97.31 -97.47, and amendments to §§97.61-97.67 and §§97.72-97.77. Sections 97.63 and 97.66 are adopted with changes to the proposed text as proposed in the April 27, 1990, issue of the *Texas Register* (15 TexReg 2402). The repealed sections and amended §§97.61, 97.62, 97.64, 97.65, 97.67, and 97.72-97.77 are adopted without changes and will not be republished.

The repealed sections concern immunization

requirements in child-care facilities, and the amended sections concern immunization requirements in elementary and secondary schools and institutions of higher education. The existing sections are being repealed because their requirements are being incorporated into the sections being amended. In addition, the amendments will increase the measles immunity levels in specified populations and require *Haemophilus influenzae* Type b vaccine for children.

Numerous comments were received concerning the proposed change in immunization requirements for colleges and universities in §97.63(d)(3). As a result of the comments, the department has deleted the proposed amendment from this final adoption; and, at the request of the respondents, will repropose the amendment to allow for an additional 90 days for public comment, and will also hold a public hearing. The reproposal will appear soon in the *Texas Register*.

One commenter said that the effective date in §97.63(d)(2)(C)(ii) concerning measles vaccination for certain children should be January 1, 1991, and not September 1, 1991. In addition, several commenters suggested that mention of the 12th birthday several times in the text would eliminate future confusion and questions. The department agrees and has made the appropriate change. The following sentence has been added after the first sentence of the text: "This proof is not required until the child's 12th birthday."

The groups and associations which submitted comments include the following: Alvin Community College, Alvin; Austin Community College, Austin; Bee County College, Beeville; Cisco Junior College, Cisco; Cook County College, Gainsville; Del Mar College, Corpus Christi; El Paso Community College, El Paso; Grayson County College, Sherman-Denison; Houston Community College System, Houston; Howard County Junior College District, Big Spring; The Junior College Student Personnel Association of Texas, Amarillo; Laredo Junior College, Laredo; Navarro College, Corsicana; North Harris County College, Houston; Paris Junior College, Paris; The San Jacinto College District, Pasadena; The Senate Committee on Health and Human Services, Austin; South Plains College, Levelland; Texarkana College, Texarkana; The Texas Association of Community College Chief Student Affairs Administrators, Pasadena; The Texas Association of Junior and Community College Instructional Administrators, Weatherford; The Texas Higher Education Coordinating Board, Austin; The Texas Public Community/Junior College Association, Austin; Tyler Junior College, Tyler; Wharton County Junior College, Wharton; Amber University, Garland; Brazosport Col-

lege, Lake Jackson, Midland College, Midland; San Jacinto College North, Houston; The San Jacinto College South, Houston; The Texas Association of Collegiate Registrars and Admission Officers, Denton; Trinity Valley Community College, Athens; The University of Texas, Austin; The University of Texas Health Science Center at Houston, Houston; LeTourneau University, Longview; North Texas Family Practice Associates, P.A., Dallas; and the University of North Texas, Denton.

None of the commenters were opposed to the proposed amendments in their entirety. However, concerns and recommendations were expressed on one provision, as previously discussed.

• 25 TAC §§97.31-97.47

The repeals are adopted under the Education Code, §2.09, which provides the Texas Board of Health with the authority to modify or delete any of the immunizations in §2.09 or which may require immunizations against additional diseases as a requirement for admission to any elementary or secondary school or institution of higher education, and to adopt rules for the provisional admission of students to such schools and institutions; §2.09a, which provides the department with the authority to inspect records of each school or institution of higher education and to develop the form for a required annual report of the immunization status of students; the Human Resources Code, §42.043, which provides the department with the authority to make rules for the provisional admission of children to child-care facilities and to modify or delete any of the immunizations listed in §42.043 or require additional immunizations as a requirement for admission to a child care facility; and the Health and Safety Code, §81.023, which authorizes the board to develop immunization requirements for children; and §12.001, which provides the Texas Board of Health with the authority to adopt rules for the performance of every duty imposed by law on the Texas Board of Health, the Texas Department of Health, and the commissioner of health.

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 July 2, 1990.

TRD-9006661 Robert A. MacLean, M.D.
Deputy Commissioner for
Professional Services
Texas Department of
Health

Effective date: July 23, 1990

Proposal publication date: April 27, 1990

For further information, please call: (512) 458-7284



Immunization Requirements in Texas Elementary and Secondary Schools and Institutions of Higher Education

• 25 TAC §§97.61-97.67, 97.72-97.77

The amendments are adopted under the Education Code, §2.09, which provides the Texas Board of Health with the authority to modify or delete any of the immunizations in §2.09 or may require immunizations against additional diseases as a requirement for admission to any elementary or secondary school or institution of higher education, and to adopt rules for the provisional admission of students to such schools and institutions; §2.09a, which provides the department with the authority to inspect records of each school or institution of higher education and to develop the form for a required annual report of the immunization status of students; the Human Resources Code, §42.043 which provides the department with the authority to make rules for the provisional admission of children to child-care facilities and to modify or delete any of the immunizations listed in §42.043 or require additional immunizations as a requirement for admission to a child care facility; and the Health and Safety Code, §81.023, which provides the board with the authority to develop immunization requirements for children; and §12.001, which provides the Texas Board of Health with the authority to adopt rules for the performance of every duty imposed by law on the Texas Board of Health, the Texas Department of Health, and the commissioner of health.

§97.63. Required Immunizations.

(a) For further information see §97.71 of this title (relating to Provisional Enrollment), and §97.77 of this title (relating to Remarks and Special Recommendations).

(b) The immunization of infants and young children often requires a larger number of doses of vaccine than does the immunization of older children and adults. This section establishes minimum requirements (three doses each) for immunization against diphtheria, tetanus, pertussis, and poliomyelitis for the admission of specified students to schools and children to child-care facilities. These requirements should in no way be interpreted as contrary to standing recommendations by the department or by the Immunization Practices Advisory Committee and the American Academy of Pediatrics, which call for larger numbers of doses (four or five doses each of DTP and polio vaccines) to be employed in the immunization of infants and young children against these diseases.

(c) Oral polio vaccine (OPV) is the usual vaccine of choice for preventing polio; however, enhanced-potency, inactivated polio vaccine (IPV) may be medically indicated for some children and students.

(Enhanced-potency IPV was first distributed in the United States in March 1988. Prior to this, conventional IPV was used.) For further information see §97.66 of this title (relating to Inactivated Polio Vaccine (IPV) and Combined Schedule of Polio Vaccines).

(d) The following immunizations are required in the respective age groupings.

(1) Children less than five years of age. For further information see §97.66 of this title (relating to Inactivated Polio Vaccine (IPV) and Combined Schedule of Polio Vaccines).

(A) Children less than two months old: no immunizations are required.

(B) Children two months of age, but not yet four months of age: one dose each of oral polio vaccine (OPV) and diphtheria-tetanus-pertussis (DTP) vaccines is required.

(C) Children four months of age, but not yet six months of age: two doses each of oral polio vaccine and DTP vaccines are required.

(D) Children six months of age, but not yet 18 months of age: two doses of oral polio vaccine and three doses of DTP vaccines are required.

(E) Children 18 months of age, but not yet five years of age: three doses of oral polio vaccine, three doses of DTP vaccine, one dose of measles vaccine, one dose of rubella vaccine, and one dose of mumps vaccine are required. Beginning September 1990, a dose of measles vaccine, rubella vaccine and mumps vaccine must have been received on or after the first birthday. A physician-validated history of measles illness or serologic confirmation of measles disease will substitute for the measles vaccine requirement. Serologic confirmation of rubella disease will substitute for the rubella vaccine requirement. A physician-validated history of rubella illness will not substitute for the rubella vaccine requirement. A physician-validated history of mumps illness or serologic confirmation of mumps disease will substitute for the mumps vaccine requirement. For further information see §97.67 of this title (relating to Verification of Measles Illness, Rubella Illness, or Mumps Illness).

(F) By September 1, 1991, children 18 months of age, but not yet five years of age (18 months of age through four years of age): one dose of *Haemophilus influenzae* type b conjugate vaccine (HibCV) is required. A physician-validated history of invasive *Haemophilus influenzae* type b disease, on or after the second birthday, will substitute for the vaccine

requirement for children two years of age through four years of age. One dose of *Haemophilus influenzae* type b polysaccharide vaccine administered after 24 months of age will meet the requirement of this subparagraph.

(2) Children enrolled in child-care facilities and students five years of age or older enrolled in elementary or secondary schools.

(A) Polio. At least three doses of oral polio vaccine (OPV) are required, provided at least one dose has been received on or after the fourth birthday. Polio vaccine is not required for persons 18 years of age or older. For further information see §97.65 of this title (relating to Pregnancy); §97.66 of this title (relating to Inactivated Polio Vaccine (IPV) and Combined Schedule of Polio Vaccines); and §97.77(c) and (d) of this title (relating to Remarks and Special Recommendations).

(B) Tetanus/diphtheria. At least three doses of DTP, DT and/or Td vaccines are required, provided at least one dose has been received on or after the fourth birthday. Pertussis vaccine is not required for children/students who are five years of age and older. For further information see §97.64(b) of this title (relating to Boosters) and §97.77(c) and (d) of this title (relating to Remarks and Special Recommendations).

(C) Measles.

(i) Beginning September 1, 1990.

(I) All children and students must have received measles vaccine on or after their first birthday, and since January 1, 1968; or provide a physician-validated history of measles illness; or serologic confirmation of measles immunity.

(II) The requirement for measles vaccine administered on or after the first birthday will apply if a child's/student's immunization record is updated; a child/student enters a child-care facility or school for the first time; or, a child/student transfers from another state into a Texas school or child-care facility.

(ii) Beginning January 1, 1991, children and students whose 12th birthday is on or after September 1, 1990, will be required to show proof of measles immunity or receipt of two doses of measles vaccine administered on or after the first birthday. This proof is not required until the child's 12th birthday. The two doses of measles vaccine must have been administered at least 30 days apart. Children and students may have 30 days past their 12th birthday to be in compliance with

this subparagraph. For further information see §97.65 of this title (relating to Pregnancy), and §97.67 of this title (relating to Verification of Measles Illness, Rubella Illness or Mumps Illness).

(D) Rubella. Beginning September 1, 1991.

(i) All children and students must have received rubella vaccine on or after their first birthday or provide serologic confirmation of rubella immunity.

(ii) The requirement for rubella vaccine administered on or after the first birthday will apply if a child's/student's immunization record is updated; a child/student enters a child-care facility or school for the first time; or, a child/student transfers from another state into a Texas school or child-care facility. For further information see §97.65 of this title (relating to Pregnancy), and §97.67 of this title (relating to Verification of Measles Illness, Rubella Illness or Mumps Illness).

(E) Mumps. Beginning September 1, 1990:

(i) All children or students will be required to have received mumps vaccine administered on or after their first birthday, or provide a physician-validated history of mumps illness or serologic confirmation of mumps immunity.

(ii) The requirement for mumps vaccine administered on or after the first birthday will apply if a child's/student's immunization record is updated; a child/student enters a child-care facility or school for the first time; or, a child/student transfers from another state into a Texas school or child-care facility. For further information see §97.65 of this title (relating to Pregnancy), and §97.67 of this title (relating to Verification of Measles Illness, Rubella Illness or Mumps Illness).

(3) Students in institutions of higher education. For further information see §97.65 of this title (relating to Pregnancy), and §97.77(f) of this title (relating to Remarks and Special Recommendations).

(A) Polio. Polio vaccine is not required for persons 18 years of age and older. For persons less than 18 years of age, at least three doses of oral polio vaccine are required, of which at least one dose must have been received on or after the fourth birthday. For further information see §97.77(c) and (d) of this title (relating to Remarks and Special Recommendations).

(B) Tetanus/diphtheria. A minimum of three doses of Td is required, of which the last dose was administered within 10 years. DTP doses may be credited to the three required doses. For further information see §97.77(c) and (d) of this

title (relating to Remarks and Special Recommendations).

(C) Exemptions. Students in institutions of higher education may be exempted from the requirements of these sections by their respective institutions.

§97.66. *Inactivated Polio Vaccine (IPV) and Combined Schedule of Polio Vaccines.* IPV is the injectable type which is usually recorded as "IPV" or "Salk vaccine" on immunization records. A few children or students may need this type of polio vaccine instead of oral polio vaccine (OPV) because of medical considerations. A child or student may be provisionally enrolled with a history of one dose of IPV, provided two more doses are received as rapidly as is medically feasible. A child or student will be in full compliance with the polio vaccine requirements whenever he or she has received three IPV doses, and any recommended boosters. Three doses of IPV are required for children and students with one dose administered since the fourth birthday. A combination of three doses of enhanced-potency IPV and OPV or four doses of conventional IPV and OPV constitute a primary series. In both cases, one dose must have been administered on or after the fourth birthday. For further information see §97.63 of this title (relating to Required Immunizations).

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 July 2, 1990.

TRD-900662

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

Effective date: July 23, 1990

Proposal publication date: April 27, 1990

For further information, please call: (512) 458-7284

◆ ◆ ◆
Chapter 127. Registry for
Providers of Health-related
Services

The Texas Department of Health adopts an amendment to §127.2, the repeal of §127.3, and new §127.3 and §127.4. Section 127.2 is adopted with changes to the proposed text as published in the April 10, 1990, issue of the *Texas Register* (15 TexReg 2011). Sections 127.3 and 127.4 are adopted without changes and will not be republished.

The amendment approves two occupations for inclusion on the registry, and establishes qualifications for placement on the registry. The repeal of existing §127.3 removes obsolete language. The new sections establish guidelines for processing applications for the approval of an individual's placement on the

registry, and establish fees for processing applications for placement on the registry.

The following comments were received concerning the proposed sections.

Concerning §127.2(b), a commenter stated it was unclear if the registry was voluntary or mandatory for those within the approved occupation. The department agreed and added language to state the registry is voluntary.

Concerning §127.2(e), a commenter suggested the definition of medical laboratory practitioner be changed to be more descriptive of individuals who work in the laboratory. The department agreed and changed the definition.

Several commenters questioned the benefit of the registry to the medical laboratory practitioner. The registry law and rules do not constitute a license or certificate; the purpose of the registry is to list persons in a particular profession.

Several commenters questioned the lack of qualifications required of individuals who apply for the registry. The decision to license or certify a person in the occupation on the registry is a decision that must be made by the Texas Legislature.

Several commenters requested that no rules be enacted and the Board of Health wait for legislation. State law allows the board to establish a registry. Professional associations representing two occupations have requested establishment of a registry and the board has approved the requests. Department rules establish the procedure for associations and individuals to request the establishment of a registry and the board acts on these requests. It does not initiate placement of occupations on the registry.

Several commenters objected to the fee established for the registry. The department is required by statute to administer the registry program and set fees to cover the expenses to implement the program. Placement on the registry is voluntary.

Comments were received from the International Society for Clinical Laboratory Technology, the Texas Society for Medical Technology, and the Texas Association of Retail Optical Companies.

The commenters were neither for or against the sections in their entirety; however, they raised questions and concerns and offered suggestions regarding changes.

• 25 TAC §127.2

The amendment is adopted under Acts of the 71st Legislature, 1989, Chapter 1240, §5 (House Bill 2473), which provides the Texas Board of Health with the authority to adopt rules establishing a registry, setting fees, and administering the registry; and the Health and Safety Code, §12.001, which provides the Texas Board of Health with the authority to adopt rules for the performance of every duty imposed by law on the Texas Board of Health, the Texas Department of Health, and the commissioner of health.

§127.2. *Approved Occupations.*

(a) The following occupations are approved for inclusion on the registry:

- (1) dispensing optician; and
- (2) medical laboratory practitioner.

(b) Inclusion of an occupation of providers of a specific health-related service on a registry does not constitute an evaluation of a provider's training or competency or a regulation of the scope of the practice of the provider, and is not a requirement that a provider within the included occupation actually register. Placement on the registry is voluntary.

(c) A person placed on the registry may not represent in any manner that the person is licensed, certified, inspected, or otherwise regulated by the department. A person in violation of this subsection may be referred to the appropriate governmental agency for action under the Deceptive Trade Practices Act or other applicable law.

(d) A dispensing optician is eligible for placement on the registry if the person is not licensed as an optometrist or physician and sells or delivers to the consumer fabricated and finished spectacle lenses, frames, contact lenses, or other ophthalmic devices prescribed by an optometrist or physician.

(e) A medical laboratory practitioner is eligible for placement on the registry if the person is a clinical laboratory director, a clinical laboratory supervisor, a medical technologist (clinical laboratory scientist), a medical laboratory technician (clinical technician), or any other individual who performs technical procedures in a clinical laboratory.

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 July 2, 1990.

TRD-9006652 Robert A. MacLean, M.D.
Deputy Commissioner for
Professional Services
Texas Department of
Health

Effective date: July 23, 1990

Proposal publication date: April 10, 1990

For further information, please call: (512) 458-7539

• 25 TAC §127.3

The repeal is adopted under Acts of the 71st Legislature, 1989, Chapter 1240, §5 (House Bill 2473), which provides the Texas Board of Health with the authority to adopt rules establishing a registry, setting fees, and administering the registry; and Health and Safety Code, §12.001, which provides the Texas Board of Health with the authority to adopt rules for the performance of every duty imposed by law on the Texas Board of Health, the Texas Department of Health, and the commissioner of health.

§127.3. *Rules and Fees.*

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 July 2, 1990.

TRD-9006653 Robert A. MacLean, M.D.
Deputy Commissioner for
Professional Services
Texas Department of
Health

Effective date: July 23, 1990

Proposal publication date: April 10, 1990

For further information, please call: (512) 458-7539

• 25 TAC §127.3, §127.4

The new sections are adopted under Acts of the 71st Legislature, 1989, Chapter 1240, §5 (House Bill 2473), which provides the Texas Board of Health with the authority to adopt rules establishing a registry, setting fees, and administering the registry; and Health and Safety Code, §12.001, which provides the Texas Board of Health with the authority to adopt rules for the performance of every duty imposed by law on the Texas Board of Health, the Texas Department of Health, and the commissioner of health.

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 July 2, 1990.

TRD-9006654 Robert A. MacLean, M.D.
Deputy Commissioner for
Professional Services
Texas Department of
Health

Effective date: July 23, 1990

Proposal publication date: April 10, 1990

For further information, please call: (512) 458-7539

Chapter 151. Nurse Aides

• 25 TAC §151.3, §151.5

The Texas Department of Health adopts amendments to §151.3 and §151.5, without changes to the proposed text as published in the February 13, 1990, issue of the *Texas Register* (15 TexReg 769).

The amendments delay requirements for nurse aides to be trained and competency evaluated on or after January 1, 1990, by changing the date to October 1, 1990. The amendments also extend the date for "grandfathered" nurse aides from July 1, 1989 to January 1, 1990. The amendments are necessary to allow the department to implement the revised dates and to continue the testing of the grandfathered nurse aides as required by the Omnibus Budget Reconciliation Act of 1987, Public Law 100-203, §§4201-4214, as amended by Public Law 101-239, §6901, December 19, 1989.

No comments were received regarding adoption of the proposed amendments.

The amendments are adopted under the

Omnibus Budget Reconciliation Act of 1987, Public Law 100-203, §§4201-4214, which requires the Texas Board of Health through an agreement with the Texas Department of Human Services to adopt rules implementing a nurse aide registry and training and competency evaluation of nurse aides; and Health and Safety Code, §12.001, which provides the Texas Board of Health with the authority to adopt rules for the performance of every duty imposed by law on the Texas Board of Health, the Texas Department of Health and the commissioner of health.

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 July 2, 1990.

TRD-9006659 Robert A. MacLean, M.D.
Deputy Commissioner for
Professional Services
Texas Department of
Health

Effective date: July 23, 1990

Proposal publication date: February 13, 1990

For further information, please call: (512) 458-7539

TITLE 31. NATURAL RESOURCES AND CON- SERVATION

Part III. Texas Air Control Board

Chapter 115. Control of Air Pollution from Volatile Organic Compounds

Subchapter E. Solvent-Using Processes

Surface Coating Processes

• 31 TAC §§115.421, 115.425, 115.429

The Texas Air Control Board (TACB) adopts amendments to §§115.421, 115.425, and 115.429. Section 115.421 is adopted with changes to the proposed text as published in the March 23, 1990, issue of the *Texas Register* (15 TexReg 1617). Sections 115.425 and 115.429 are adopted without changes and will not be republished.

Section 115.421, concerning emission specifications, allows compliance with the emission specifications for primer surfacer and topcoat operations at automobile and light-duty truck manufacturing facilities to be determined by emissions of volatile organic compounds per gallon of solids deposited. The emission specifications for final repair operations have also been modified to allow compliance to be demonstrated on a daily occurrence weighted average basis. Section 115.425, concerning testing requirements, identifies the United States Environmental Protection Agency (EPA) approved test methods which must be used to determine compliance. Section 115.429, concerning counties and compliance schedules, establishes September 30, 1990, as the final

compliance date for affected facilities in Tarrant County.

The Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, §5(c)(1), requires categorization of comments as being for or against a proposal. A commenter who suggested any changes in the proposal is categorized as against the proposal; a commenter who agreed with the proposal in its entirety is classified as being for the proposal.

A public hearing was held April 25, 1990, in Arlington to receive testimony regarding the proposed revisions. Testimony was received from three commenters representing EPA, General Motors Corporation (GM), and an interested citizen. All of the commenters may be categorized as against the proposal.

One commenter, a private citizen, questioned whether best available control technology was being required to control emissions at the GM facility. The control requirements in Regulation V are actually based on reasonably available control technology (RACT). GM has been and will continue to be controlling its emissions beyond both RACT and Regulation V requirements. GM uses electrostatic paint spray guns in its primer surfacer operations that achieve 80-85% transfer efficiency, exceeding the Regulation V transfer efficiency set at an assumed minimum of 30%. The emissions from the topcoat operations are vented to incinerators with destruction efficiencies above 95%. This level of control at the GM facility will not be decreased due to the revisions.

All three commenters questioned either the wording or the intent of the rule. A private citizen objected to the revision on the grounds of adverse health effects caused by the revision. EPA generally supported the changes made to the regulation, however, they expressed concern that the preamble to the rule was misleading because it implied that the change involved an emissions trade. EPA contended that the proposed revisions did not allow, nor have anything to do with, emissions trading. GM suggested changing the wording in the paragraph containing the volatile organic compounds (VOC) emission limitation table from "solvent content" to "VOC emissions" to be consistent with the table and EPA's "Protocol for Determining the Daily Volatile Organic Compound Emission Rate of Automobile and Light-Duty Truck Topcoat Operations." The revisions to the surface coating regulation will not increase emissions of VOC from GM's facility. Thus, there is no health impact resulting from the proposal. The revisions are intended to allow GM to record solvent use on a solids basis for the primer surfacer and topcoat applications and on an occurrence weighted average basis for final repair application. These are equivalent emission limits to those presently used which are based on solvent per gallon of coating delivered to the application system. There was no intent to describe the proposed revision as an emissions trade. The sole purpose of that part of the preamble is to characterize the settlement agreement between GM and EPA and to describe the emissions changes that would result. GM's suggested wording change clarifies that compliance will be determined by VOC emissions and not solvent content when using EPA's "Protocol" for primer surfacer and topcoat applications, and

appears to be a reasonable change.

EPA and GM questioned the terms used to specify the emission limits. EPA stated that the post-87 state implementation plan call requires the use of a solids basis for surface coating emission limits. EPA also stated that emission limits should be calculated in terms of pounds of VOC per gallon of coating after removing the exempt solvents as well as the water from the calculations. EPA acknowledged that, in this case, no such exempt solvents will be used. They did state that this requirement should be incorporated in future rulemaking. GM suggested that compliance be based on VOC emissions, rather than solvent content. GM also suggested that the titles on the "VOC Emission Table" be expanded to indicate that compliance may be demonstrated by meeting one of the limits. The revisions to the surface coating rule will allow GM to calculate its emission limits based on the settlement agreement reached between EPA and GM. The TACB handles exempt solvents through the definition of VOC. The TACB agrees with EPA that the term "exempt solvent" is not necessary in this case since GM does not use exempt solvents at its Arlington facility. The TACB surface coating regulations are based on EPA guidance documents that limit surface coatings by solvent content. The reason for regulating surface coatings by solvent content is because solvent content determines the total VOC emissions potential from the surface coating. The regulation clearly states that compliance determinations relative to solvent content limits for primer surfacer and topcoat operations may be based on one of two possible determinations, one based on solvent content per gallon of coating and the other based on VOC emissions per gallon of solids deposited.

GM supported the proposed compliance date and stated that the company's new basecoat/clearcoat paint shop, which is under construction, will comply with both the permit requirements and the new Regulation V requirements. The staff acknowledges that GM is in the process of requesting permit amendments that will conform to the proposed revisions in Regulation V.

The amendments are adopted under the Texas Clean Air Act (TCAA), §382.017, which provides the TACB with the authority to adopt rules consistent with the policy and purposes of the TCAA. ~

§115.421. Emission Specifications. No person in this title (relating to Counties and Compliance Schedules) may cause, suffer, allow, or permit volatile organic compound (VOC) emissions from the surface coating processes as defined in §115.010 of this title (relating to Definitions) affected by paragraphs (1)-(11) of this section to exceed the specified emission limits. These limitations are based on the daily weighted average of all coatings delivered to the application systems, except for those in paragraph (10) of this section which are based on paneling surface area, and those in paragraph (11) of this section which are based on the VOC content of architectural coatings sold or offered for sale.

- (1)-(7) (No change.)
- (8) Automobile and light-duty truck coating.

(A) The following VOC emission limits shall be achieved for all automobile and light-duty truck manufacturing, on the basis of solvent content per gallon of coating (minus water) delivered to

the application system or for primer surfacer and top coat application, compliance may be demonstrated on the basis of VOC emissions per gallon of solids deposited as determined by §115.425(3) of this title (relating to Testing Requirements).

VOC Emission Limitation

Operation (including application, flashoff, and oven areas)	Coating delivered (minus water)		Solids deposited	
	lb/gal	kg/liter	lb/gal	kg/liter
prime application (body and front-end sheet metal)	1.2	0.15	N/A	N/A
primer surfacer application	2.8	0.34	15.1	1.81
topcoat application	2.8	0.34	15.1	1.81
final repair application	4.8	0.58	*	*

* As an alternative to the emission limitation of 4.8 pounds of VOC per gallon of coating applied for final repair, if a source owner does not compile records sufficient to enable determination of a daily weighted average VOC content, compliance with the final repair emission limitation may be demonstrated each day by meeting a standard of 4.8 pounds of VOC per gallon of coating (less water) on an occurrence weighted average basis. Compliance with such alternative emission limitation shall be determined in accordance

with the procedure specified in §115.425(3) of this title (relating to Testing Requirements).

(B)-(C) (No change.)

(9)-(11)(No change.)

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

Issued in Austin, Texas, on July 2, 1990.

TRD-9006651 Lane Hartsock
Acting Director, Planning and Development Program
Texas Air Control Board

Effective date: July 23, 1990

Proposal publication date: March 23, 1990

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



TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Services

Chapter 16. Intermediate Care Facilities/Skilled Nursing Facilities (ICF/SNF)

Compliance with State and Local Laws

The Texas Department of Human Services (DHS) adopts amendments to §§16.1502, 16.1503, 16.1902, 16.1905, 16.1908, and 16.1909, and adopts new §16.1601. New §16.1601 and the amendment to §16.1909 are adopted with changes to the proposed text as published in the April 24, 1990, issue of the *Texas Register* (15 TexReg 2333). The amendments to §§16.1502, 16.1503, 16.1902, 16.1905, and 16.1908 are adopted without changes and will not be republished.

The purpose of the amendments and new section is to establish a Medicaid Swing Bed Program for rural hospitals located in counties with populations of 100,000 or less.

The program will permit participating rural hospitals to use their beds interchangeably to furnish both acute hospital care and long-term nursing facility care to Medicaid recipients when no long-term nursing-facility beds are available in ICFs or SNFs in the area.

No written comments were received regarding adoption of the amendments and new section. However, at the DHS Board meeting May 9, 1990 representatives of the Texas Health Care Association and the Texas Hospital Association testified against adoption of the requirement that hospitals with 50-99 beds must transfer Medicaid recipients to an intermediate care facility (ICF) or skilled nursing facility (SNF) within five days of the date the facility has available beds. The DHS Board agreed, and DHS is adopting §16.1601 and §16.1909 with changes deleting this requirement.

• 40 TAC §16.1502, §16.1503

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

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 July 2, 1990.

TRD-9006645 Cathy Rossberg
Agency liaison, Policy
Communication
Services
Texas Department of
Human Services

Effective date: August 15, 1990

Proposal publication date: April 24, 1990

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

Special Programs

• 40 TAC §16.1601

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

§16.1601. Medicaid Swing Bed Program for Rural Hospitals.

(a) Program description. The Texas Department of Human Services (DHS) operates a Medicaid Swing Bed Program for rural hospitals located in counties with populations of 100,000 or less. The Medicaid Swing Bed Program is modelled on Medicare's Swing Bed Program. The Medicaid Swing Bed Program permits participating rural hospitals to use their beds interchangeably to furnish both acute hospital care and nursing-facility care to Medicaid recipients when no beds are available in intermediate care facilities (ICFs) or skilled nursing facilities (SNFs) in the area. When a participating rural hospital furnishes ICF or SNF nursing care to Medicaid recipients, DHS makes payment to the hospital using the same procedures, the same case-mix methodology, and the same Texas Index for Level of Effort (TILE) rates that the Texas Board of Human Services authorizes for reimbursing ICFs and SNFs participating in the Texas Medicaid Nursing Home Program.

(b) Application to participate. Rural hospitals apply to DHS to participate in the Medicaid Swing Bed Program. Each applicant must be located in a county with a population of 100,000 or less and must meet the qualifying requirements of the Medicare Swing Bed Program. Hospitals approved for participation enter into swing bed provider agreements with DHS.

(c) Parallel participation in Medicare. Each participating rural hospital must:

(1) have a Medicare hospital provider agreement; and

(2) be Medicare-certified by the Texas Department of Health (TDH) as a swing bed hospital in the Medicare Swing Bed Program.

(d) Applicability of Medicare requirements. Each participating rural hospital must satisfy all the requirements of the Medicare Swing Bed Program, except that Medicare's five-weekday transfer requirement and 15% payment limitation do not apply for Medicaid reimbursement purposes.

(e) Applicability of ICF/SNF standards for participation. From day one of the recipient's stay, participating rural hospitals must meet the requirements for ICFs and SNFs set forth in §16.1101 of this title (relating to Definitions); §16.1301-16.1305 of this title (relating to Compliance

with Federal Laws); §§16.1501-16.1510 of this title (relating to Compliance with State and Local Laws); §§16.1901-16.1919 of this title (relating to Governing Body and Management); §§16.3801-16.3807 of this title (relating to Services and Supplies Included in the Vendor Payment); §§16.7101-16.7104 of this title (relating to Medical Review and Re-evaluation); §§16.9801-16.9802 of this title (relating to Support Documents); and Appendix A, general reimbursement methodology, of DHS's ICF/SNF standards for participation. Specific licensure and participation requirements relating to the Omnibus Health Care Rescue Act of 1989 (House Bill 18) are found in §16.1502(b) of this title (relating to Licensure), §16.1503(b) of this title (relating to Participation Requirements), §16.1902(b) of this title (relating to Governing Body), §16.1905(a) of this title (relating to Administration), §16.1908(d) of this title (relating to Staff Development), and §16.1909(c) of this title (relating to Transfer Agreement with Hospitals). Requirements relating to the Health and Safety Code (duplication of health care inspections and licensing) are found in §16.1502(b) of this title (relating to Licensure).

(f) Definition of geographic region. The phrase "a participating rural hospital's geographic region" refers to an area that includes both the ICFs and SNFs in which the hospital normally arranges transfers and all other ICFs and SNFs in similar proximity to the hospital. If a hospital has no previous transfer practices on which to base a determination, the phrase "geographic region" refers to an area that includes all ICFs and SNFs within 50 miles of the hospital except for facilities that the hospital demonstrates to be inaccessible to its patients.

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 July 2, 1990.

TRD-9006646 Cathy Rossberg
Agency liaison, Policy
Communication
Services
Texas Department of
Human Services

Effective date: August 15, 1990

Proposal publication date: April 24, 1990

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

Governing Body and Management

• 40 TAC §§16.1902, 16.1905, 16.1908, 16.1909

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

assistance programs.

§16.1909. Transfer Agreement with Hospitals.

(a) To ensure continuity of care, the facility must have a written transfer agreement with one or more participating hospitals. The transfer agreement must:

(1) provides for prompt diagnostic and other medical services;

(2) ensures accountability for the recipient's personal effects at the time of transfer;

(3) specifies the steps needed to transfer the recipient in a prompt, safe, and efficient manner;

(4) ensures that provisions of Title VI of the Civil Rights Act of 1964 are met; and

(5) provide for supplying, at the time of transfer, a summary of administrative, social, medical, and nursing information to the facility to which the recipient is transferred. This summary must either be a transcript of the recipient's medical record, an interagency referral form, or a copy of the admission sheet and discharge summary.

(b) (No change.)

(c) A rural hospital participating in the Medicaid Swing Bed Program as specified in §16.1601 of this title (relating to Medicaid Swing Bed Program for Rural Hospitals) is not required to enter into a transfer agreement with another hospital.

(d) The facility is considered to have met this section if the state survey agency determines that the facility tried to enter into an agreement but could not, and

if it is in the public interest not to enforce this requirement. The facility must document in writing its good faith effort to enter into an agreement.

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 July 2, 1990.

TRD-9006647

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

Effective date: August 15, 1990

Proposal publication date: April 24, 1990

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

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Chapter 35. Pharmacy Services

Subchapter A. Participation

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• 40 TAC §35.101, §35.102

The Texas Department of Human Services adopts amendments to §§35.101 and 35.102. Section 35.102 is adopted with changes to the proposed text as published in the May 1, 1990, issue of the *Texas Register* (15 TexReg 2510). Section 35.101 is adopted without changes and will not be republished.

The amendments are justified because they enhance accessibility of services and improve contracting procedures.

The amendments will function by changing contracting requirements to ensure that eligible recipients obtain services under the Medicare Catastrophic Coverage Act and by clarifying department procedures for handling specialized contracting situations.

Although the department received no comments regarding adoption of the amendments, the department corrected the address of the Provider Enrollment Department included in §35.102(a).

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

§35.102. Applications for Participation.

(a) Applications for participation must be made to Vendor Drug Program Provider Enrollment, Texas Department of Human Services, P.O. Box 149030, Mail Code 546-S, Austin, Texas 78714-9030.

(b) (No change.)

(c) The department may enter into special negotiated reimbursement arrangements with other state or local entities for purposes of maximizing federal financial participation in state or locally funded programs. If a state or local entity is unwilling to participate in this kind of an arrangement, a contract may be denied.

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 July 2, 1990.

TRD-9006648

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

Effective date: August 1, 1990

Proposal publication date: May 1, 1990

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

Open Meetings

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

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

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

Texas Department of Agriculture

Monday, July 9, 1990, 9:30 a.m. The Texas Agricultural Finance Authority of the Texas Department to Agriculture will meet at the 611 South Congress Avenue, Austin. According to the agenda summary, the authority will review minutes; discuss and act on obtaining bond counsel and financial advisor; discuss and act on proposed projects, rules, and application materials; and executive session as authorized by Texas Civil Statutes, Article 6252-17, Section 2(g).

Contact: Brian Muller, 1700 North Congress Avenue, Austin, Texas 787701, (512) 463-7586.

Filed: June 29, 1990, 3:31 p.m.

TRD-9006632

Tuesday, July 10, 1990, 9:30 a.m. The Southern Rolling Plains Cotton Producers Board of the Texas Department of Agriculture will meet at the Lowake Steak House, Route 1, Lowake. According to the agenda summary, the board will read and approve minutes; treasurer's report; report of activities; committee reports; old and new business; meeting with gin owners, managers, or representatives to discuss assessment collection process.

Contact: Kenneth Gully, P.O. Box 30036, San Angelo, Texas 76903, (915) 469-3638.

Filed: July 2, 1990, 4:44 p.m.

TRD-9006700

Texas Antiquities Committee

Friday, July 20, 1990, 9:30 a.m. The Texas Antiquities Committee will meet at 1700 North Congress Avenue, Room 118, Stephen F. Austin Building, Austin. According to the agenda summary, the committee will approve minutes of previous meeting of May 18, 1990; discuss and approve FY91 operating budget and FY92-93 budget; discuss and approve certificates of merit and excellence; designate State Archaeological Landmarks (SALs) in Harris

and Travis counties; nominate SALs in Harris, San Augustine, Ward and Winkler counties; hear a report on SHIPWRECK! exhibit at the Corpus Christi Museum; see a slide show on privately owned SALs; and hear a staff report.

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

Filed: June 29, 1990, 9:39 a.m.

TRD-9006613

Texas Board of Criminal Justice

Monday, July 9, 1990, 3 p.m. The Subcommittee on Privatization of the Texas Board of Criminal Justice will meet at the Texas Law Center, 1414 Colorado Street, Room 206/207, Austin. According to the complete agenda, the subcommittee will review pre-release center operations.

Contact: Susan J. Power, P.O. Box 13084, Austin, Texas 78711, (512) 475-3250.

Filed: June 28, 1990, 2:55 p.m.

TRD-9006605

Tuesday, July 10, 1990, 9 a.m. The Board of the Texas Department of Criminal Justice will meet at the Senate Chamber, State Capitol, Austin. According to the agenda summary, the board will meet in executive session to discuss Ruiz litigation; pending/contemplated litigation; personnel matters; pending Internal Affairs investigations; and real estate purchase or exchanges; convene regular session of the Board of Criminal Justice; hear presentations and select institutional division site locations; name institutional division units; discuss allocation formula; employee grievance process amendment; subcommittee reports and the 1991 operating budget; recognize outstanding employees; discuss construction/remodeling authorizations; architect/engineer selection; requests for funding and consent items.

Contact: Susan J. Power, P.O. Box 13084, Austin, Texas 78711, (512) 475-3250.

Filed: June 28, 1990, 2:55 p.m.

TRD-9006604

Tuesday, July 10, 1990, 9 a.m. The Board of the Texas Department of Criminal Justice will meet at the Senate Chamber, State Capitol, Austin. According to the revised agenda summary, the board will discuss addition of adoption of rules relating to work program facilities; and consideration of donation of Wortham Clinic.

Contact: Susan J. Power, P.O. Box 13084, Austin, Texas 78711, (512) 475-3250.

Filed: July 2, 1990, 2:46 p.m.

TRD-9006673

Texas Education Agency

Saturday, July 7, 1990, 10 a.m. The State Board of Education Committee on Students will meet at the Apollo Room, West Tower, Hyatt-Regency Hotel, Dallas-Fort Worth Airport. According to the complete agenda, the committee will conduct expert session on the assessment of young children (prekindergarten through grade 2) for special programs; expert session on the identification of young children (prekindergarten through grade 2) for gifted programs; expert session on special programs for early childhood education with emphasis on young gifted children. Other members of the State Board of Education have been invited to participate in this meeting.

Contact: Evelyn Hyatt, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9455.

Filed: June 29, 1990, 4:06 p.m.

TRD-9006637

Monday-Wednesday, July 9-11, 1990, 8:30 a.m. The 1990 State Textbook Subject Area Committees of the Texas Education Agency will meet at Room 1-104, William B. Travis Building, 1701 North Congress Avenue, Austin. According to the complete agenda, the committees will conduct public hearings before the commissioner of education and the State Textbook Subject

Area Committees will be held regarding textbooks under consideration for adoption in 1990. Testimony is limited to residents of Texas and non-residents who are official representatives of publishing companies. The deadline for receipt of requests to appear at the hearings was 5 p.m. on June 15, 1990. The Mathematics, Career Investigation, and Elementary Science committees will hear testimony on July 9; the Business and Office Education, Marketing Education, and Secondary Science committees will hear testimony on July 10; and testimony to the Secondary Science committee will continue on July 11.

Contact: Ira Nell Turman, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9601.

Filed: June 29, 1990, 4:06 p.m.

TRD-9006638

Friday, July 13, 1990, 10:30 a.m. The State Board of Education Committee on Students will meet at Room 1-100, William B. Travis Building, 1701 North Congress Avenue, Austin. According to the complete agenda, the committee will conduct a public hearing on proposed amendments to 19 TAC Chapter 89, Subchapter C, educational programs for gifted and talented students, and adoption of the Texas State Plan and Guidelines for the Education of the Gifted/Talented. Anyone wishing to testify should register by calling Donnell Bilsky at (512) 463-9455, no later than 5 p.m. on Wednesday, July 11, 1990. Testifiers will be scheduled on a first come, first served basis; however, the schedule may need to be adjusted to assure that the board received a variety of viewpoints. Testifiers are asked to limit their testimony to approximately three minutes and should bring 20 copies of their written testimony with them for distribution at the hearing. All interested parties are welcome to attend.

Contact: Donnell Bilsky, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9455.

Filed: June 29, 1990, 4:06 p.m.

TRD-9006639

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**Advisory Commission on
State Emergency
Communications**

Wednesday, July 11, 1990, 9 a.m. The Policy Subcommittee of the Administration Committee of the Advisory Commission on State Emergency Communications will meet at the John H. Reagan Building, Room 107, Austin. According to the complete agenda, the subcommittee will call to order and recognize guests; hear public comment; discuss legislative issues related to health and safety code, chapter 771.001; discuss long-term goals and objectives; discussion related to addressing proposal; here any new business; and adjourn.

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

Filed: July 2, 1990, 2:19 p.m.

TRD-9006668

Wednesday, July 11, 1990, 10 a.m. The Administration Committee of the Advisory Commission on State Emergency Communications will meet at the John H. Reagan Building, Room 107, Austin. According to the complete agenda, the committee will call to order and recognize guests; hear public comment; financial report; report on agency audit; report on liability insurance coverage for 9-1-1 districts; discussion related to the audit of telephone companies; report on policy subcommittee meeting findings and consideration of approval of rural addressing project proposal; discussion of legal action to establish duties of Telcos and the billing of 9-1-1 fees; consider changes to the adoption of ACSEC proposed rules 252.2 and 255.5; consider any new business; and adjourn.

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

Filed: July 2, 1990, 2:19 p.m.

TRD-9006667

Wednesday, July 11, 1990, 10:30 a.m. The Public Education and Training Committee of the Advisory Commission on State Emergency Communications will meet at the John H. Reagan Building, Room 107, Austin. According to the complete agenda, the committee will call to order and recognize guests; hear public comment; update on 9-1-1 day planning activities; report on citizen inquiries; report on telecommunicator task analysis and career ladder study; update on NENA conference activities; consider any new business; and adjourn.

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

Filed: July 2, 1990, 2:19 p.m.

TRD-9006669

Wednesday, July 11, 1990, 11 a.m. The Regional Plan and Implementation Committee of the Advisory Commission on State Emergency Communications will meet at the John H. Reagan Building, Room 107, Austin. According to the complete agenda, the committee will call to order and recognize guests; hear public comment; discuss and consider action items; report on the policy subcommittee's recommendations; consider any new business; and adjourn.

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

Filed: July 2, 1990, 2:19 p.m.

TRD-9006670

Wednesday, July 11, 1990, 1 p.m. The Advisory Commission on State Emergency Communications will meet at the John H. Reagan Building, Room 107, Austin. According to the agenda summary, the commission will call to order and recognize guests; the commission will recess for executive session for purposes of discussing legal billing issues; reconvene in open session to hear committee reports; discuss and consider action items; hear public comment; consider any new business; consider approval of previous meeting minutes; and adjourn.

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

Filed: July 2, 1990, 2:19 p.m.

TRD-9006671

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**Texas Employment
Commission**

Tuesday, July 10, 1990, 8:30 a.m. The Texas Employment Commission will meet at the Texas Employment Commission Building, 101 East 15th Street, Room 644, Austin. According to the agenda summary, the commission will discuss prior notes; consideration and approval of Marshall site purchase and architect selection; internal procedures of commission appeals; consideration and action on tax liability cases and higher level appeals in unemployment compensation cases listed on Commission Docket 28; and set date of next meeting.

Contact: C. Ed Davis, 101 East 15th Street, Austin, Texas 78778, (512) 463-2291.

Filed: July 2, 1990, 4:14 p.m.

TRD-9006691

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**Texas State Board of
Registration for
Professional Engineers**

Monday, July 9, 1990, 11 a.m. The Ad Hoc Committee of the Texas State Board of Registration for Professional Engineers will meet at the Architectural Examiners Board, 8213 Shoal Creek Boulevard, Suite 107, Austin. According to the complete agenda, the committee will recognize and welcome visitors; meet with representatives of the Board of Architectural Examiners to discuss current practices; recess and reconvene at the Engineers' Board, 1917 IH-35 South, Board Room, Austin, at 2 p.m.; discuss interpretation of Texas Instrument's questions; and board rule concerning control systems engineering. and adjourn.

Contact: Charles E. Nemir, 1917 IH-35 South, Austin, Texas 78741, (512) 440-7723.

Filed: June 29, 1990, 10:01 a.m.

TRD-9006616

Monday, July 9, 1990, 3 p.m. The Ad Hoc Committee of the Texas State Board of Registration for Professional Engineers will meet at 1917 IH-35 South, Board Room, Austin. According to the complete agenda, the committee will recognize and welcome any visitors; and discuss plans for the meeting of the State Board Chairmen. Adjourn

Contact: Charles E. Nemir, 1917 IH-35 South, Austin, Texas 78741, (512) 440-7723.

Filed: June 29, 1990, 10:01 a.m.

TRD-9006615

Texas Growth Fund

Wednesday, July 11, 1990, 9 a.m. The Board of Trustees of the Texas Growth Fund will meet at the Texas Teachers Retirement System, 1000 Red River Street, Henry Bell, Jr. Board Room, 5th Floor, Austin. According to the complete agenda, the board will review report of investment officers; and discuss additional organizational matters.

Contact: Christine Mangiantini, 201 East 14th Street, Room 205-A Austin, Texas (512) 463-1814.

Filed: June 28, 1990, 2:22 p.m.

TRD-9006600

Texas Department of Health

Friday, July 20, 1990, 10 a.m. The Dental Technical 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 minutes of previous meeting; consider Bureau of Chronically Ill and Disabled Children's Services program (dental fees; special care; orthodontic component for cleft palate patients); joint ventures between Texas Dental Association and committee; fiscal year 1992-1993 dental program budget; regional dental program; year 2000 objectives; geriatric needs assessment and caries prevalence; periodontal health; integration of dental health programs with other health programs; dissemination of information to other governmental agencies, professional and voluntary organizations, and individuals; and set next meeting date.

Contact: Norvell King, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7323.

Filed: June 28, 1990, 3:44 p.m.

TRD-9006610

Texas Health and Human Services Coordinating Council

Friday, July 6, 1990, 9 a.m. The SLIAG Committee of the Texas Health and Human Services Coordinating Council will meet at the Texas Department of Human Services, Room 103W, 701 West 51st Street, Austin. According to the complete agenda, the committee will approve minutes; discuss federal activities report; report on development of spending plan; report on outreach activities; report on anti-discrimination proposal; old business; and new business.

Contact: Marguerite Rivera-Houze, 311-A East 14th Street, Austin, Texas 78701, (512) 463-2195.

Filed: June 28, 1990, 2:01 p.m.

TRD-9006598

Texas Housing Agency

Monday, July 2, 1990, 8:30 a.m. The Board of Directors' of the Texas Housing Agency held an emergency meeting at the Hobby Hilton Airport, Ballroom B, 8181 Airport Boulevard, Houston. According to the emergency agenda summary, the board considered and acted on a bond resolution authorizing the execution of a purchase contract between the Agency and the Federal National Mortgage Association and authorizing the execution and distribution of a private placement memorandum in connection with the issuance, sale and delivery of the Agency's Series 1990 B bonds; and resolution approving Assistant Secretaries. The emergency status was necessary due to urgent public necessity to better manage and preserve state funds and property to provide safe, decent, and sanitary housing for Texans of low and moderate income.

Contact: Tish Gonzalez, P.O. Box 13941, Austin, Texas 78711, (512) 474-2974.

Filed: June 29, 1990, 4:19 p.m.

TRD-9006641

State Board of Insurance

Tuesday, July 10, 1990, 9 a.m. The Commissioner's Hearing Section of the State Board of Insurance will meet at 1110 San Jacinto Street, Room 342, Austin. According to the complete agenda, the section will conduct a public hearing to consider whether disciplinary action should be taken against Richard Eugene Gregory, Irving, who holds a Group II, Insurance Agent's license. Docket number 10880.

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

Filed: July 2, 1990, 4 p.m.

TRD-9006694

Tuesday, July 10, 1990, 1:30 p.m. The Commissioner's Hearing Section of the State Board of Insurance will meet at 1110 San Jacinto Street, Room 342, Austin. According to the complete agenda, the section will conduct a public hearing to consider whether disciplinary action should be taken against Billy L. Sisk, Garland, who holds a Group I, Legal Reserve Life Insurance Agent's license, A Group II Insurance Agent's license and a Local Recording Agent's license. Docket number 10823.

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

Filed: July 2, 1990, 4 p.m.

TRD-9006693

Wednesday, July 11, 1990, 1:30 p.m. The Commissioner's Hearing Section of the State Board of Insurance will meet at 1110 San Jacinto Street, Room 342, Austin. According to the complete agenda, the section will conduct a public hearing to consider whether disciplinary action should be taken against Arthur Joseph Dimaline, Jr., San Antonio, who holds a Group I, Legal Reserve Life Insurance Agent's license. Docket number 10859.

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

Filed: July 2, 1990, 4:01 p.m.

TRD-9006692

Friday, July 13, 1990, 1:30 p.m. The Commissioner's Hearing Section of the State Board of Insurance will meet at 1110 San Jacinto Street, Room 342, Austin. According to the complete agenda, the section will conduct a public hearing to consider the amendment to the declaration of subscribers of Texas Hospital Insurance Exchange, Austin, in regard to replacement of the Attorney-in-Fact. Docket number 10873.

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

Filed: July 2, 1990, 3:59 p.m.

TRD-9006695

Texas Health Insurance Risk Pool

Tuesday, July 10, 1990, 10 a.m. The Texas Health Insurance Risk Pool will meet at 333 Guadalupe, Republic Plaza I, 12th Floor Conference Room, Austin. According to the complete agenda, the committee will approve minutes; election of pool officers; report from RFP Insurance Consultant Committee on meeting with consultant; continued discussion of policy provisions; ; discussion of eligible providers including

list of medical conditions automatically qualifying an individual as eligible for pool coverage; and new business that may properly be brought before the board.

Contact: Kay Simonton, 1110 San Jacinto Street, Austin, Texas 78701, (512) 322-3401.

Filed: July 2, 1990, 2:46 p.m.

TRD-9006674

The Joint Select Committee

Thursday, July 19, 1990, 9 a.m. The Texas Task Force on State and Local Drug Control of the Joint Select Committee will meet at the Hyatt Regency Hotel (Riverwalk), Chula Vista Room, Lobby Level, 123 Losoya, San Antonio. According to the agenda summary, the committee will focus on San Antonio area drug issues and statewide drug prevention efforts; committee business; invited testimony; public testimony; and other business.

Contact: Janna Burleson, Room G35B, State Capitol Building, Austin, Texas 78711, (512) 463-0838.

Filed: June 28, 1990, 11:21 a.m.

TRD-9006603

Board for Lease of State-owned Lands

Monday, July 9, 1990, 2:30 p.m. The Board for Lease of Texas Department of Criminal Justice of the Board for Lease of State-owned Lands will meet at the General Land Office, Stephen F. Austin Building, 1700 North Congress Avenue, Room 833, Austin. According to the agenda summary, the board will approve the minutes of the previous board meeting; consideration and approval of nominations, terms, conditions and procedures for the October, 1990 oil, gas and other minerals lease sale.

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

Filed: June 29, 1990, 3:46 p.m.

TRD-9006633

Texas Department of Licensing and Regulation

Wednesday, July 11, 1990, 8:30 a.m. The Manufactured Housing Committee of the Texas Department of Licensing and Regulation will meet at 920 Colorado, E. O. Thompson Building, 10th Floor Conference Room, Austin. According to the complete agenda, the committee will consider the assessment of an administrative penalty and revocation of the license for violations of Texas Civil Statutes, articles 5221f and 9100

for U.S. Quality Home Sales, dba A-1 Mobile Homes.

Contact: Imelda Martinez Escobar, 920 Colorado Street, Austin, Texas 78711, (512) 463-7332.

Filed: June 28, 1990, 3:25 p.m.

TRD-9006606

Board of Nurse Examiners

Friday, July 13, 1990, 9:30 a.m. The Advisory Committee on Advanced Nurse Practitioners of the Board of Nurse Examiners will meet at 9101 Burnet Road, Suite 104, Austin. According to the agenda summary, the committee will receive the minutes of the March 2, 1990, meeting; receive input from CRNAs regarding the requirement for protocols in ANP practice; receive an update on board action regarding the committee's recommendation on the role of certification; and consider requirements for renewal of approval to function as an ANP and for limited prescriptive authority. The public is invited to attend as observers.

Contact: Kathy Thomas, P.O. Box 140466, Austin, Texas 78714, (512) 835-8650.

Filed: July 2, 1990, 2:02 p.m.

TRD-9006672

Board of Pardons and Paroles

July 9-13, 1990, 10 a.m. The Board of Pardons and Paroles of the Texas Department of Criminal Justice will meet at 2503 Lake Road, Suite 2, Huntsville. According to the agenda summary, a panel of the Texas Department of Criminal Justice Board of Pardons and Paroles (composed of 3 board members) will meet on a daily basis 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: June 29, 1990, 11:09 a.m.

TRD-9006628

Texas Parks and Wildlife Department

Friday, July 6, 1990, 1 p.m. The Texas Parks and Wildlife Commission of the Texas Parks and Wildlife Department will meet at the Parks and Wildlife Headquarters Complex, Building B, 4200 Smith School Road, Austin. According to the agenda

summary, the commission will consider the appointment of an executive director for the Parks and Wildlife Department.

Contact: Charles D. Travis, 4200 Smith School Road, Austin, Texas 78744, (512) 389-4802.

Filed: June 28, 1990, 2:13 p.m.

TRD-9006599

State Property Tax Board

Monday-Tuesday, July 9-10, 1990, 8:30 a.m. and 9 a.m., respectively. The State Property Tax Board will meet at 4301 Westbank Drive, Building B, Suite 100, Austin. According to the complete agenda, the board will meet in executive session to interview candidates and discuss appointment of executive director; possible action on items from executive session; adoption of rule 155.60; consideration on remand of L2 Value - El Paso ISD for 1985-86; possible consideration of Intangibles Hearing Panel Appeal; certification of 1990 Intangibles Value; 1989 back assess and apportionments to Co.'s; certification of railroad rolling stock value; consideration of possible audits - New Braunfels ISD value and Channelview ISD value; consideration of sick leave pool policy; consideration of a replacement for the Technical Advisory Committee; consideration of the agency vending machine contract; consult with attorney concerning pending litigation pursuant to Article 6252.17, Sec. 2(e), Tex. Rev. Civ.; review State Auditor's findings, review 92-93 appropriations request; professional standards committee; CAD performance awards; and introduce new staff.

Contact: Jim Robinson, 4301 Weestbank Drive, Building B, Suite 100, Austin, Texas 78746-6565, (512) 329-7800.

Filed: July 2, 1990, 3:19 p.m.

TRD-9006677

Public Utility Commission of Texas

Wednesday, July 11, 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 agenda, the division will conduct a prehearing conference in Docket number 9604, complaint of Long Distance Savers-Longview, Inc. against Southwestern Bell Telephone Company.

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

Filed: June 29, 1990, 3:18 p.m.

TRD-9006634

Monday, July 16, 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 agenda, the division will conduct a prehearing conference in Docket Number 9619, application of Belfalls Electric Cooperative, Inc. for authority to change rates.

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

Filed: July 2, 1990, 2:57 p.m.

TRD-9006676

Tuesday, July 17, 1990, 10 a.m. The Hearings Division of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Austin. According to the complete agenda, the division will conduct a prehearing conference in Docket Number 9603, application of Southwestern Bell Telephone Company to institute uniform tariffs for 911 service.

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

Filed: June 29, 1990, 3:18 p.m.

TRD-9006635

Tuesday, July 17, 1990, 1:30 p.m. The Hearings Division of The Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450 N, Austin. According to the complete agenda, the division will conduct a prehearing conference in Docket number 9576, application of Dell Telephone Cooperative, Inc., to revise tariff to provide private pay telephone service and to revise rate for local coin message service.

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

Filed: June 29, 1990, 3:17 p.m.

TRD-9006636

Friday, August 10, 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 agenda, the division will conduct a hearing on the merits in Docket Number 9368, application of GTE Southwest Inc. for authority to maintain and locate certain records outside the State of Texas to substantive rule 23.14.

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

Filed: July 2, 1990, 2:57 p.m.

TRD-9006675

Railroad Commission of Texas

Monday, July 9, 1990, 9 a.m. The Railroad Commission of Texas will meet 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 Division Administration, budget procedures and personnel matters.

Contact: Roger Dillon, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-7257.

Filed: June 29, 1990, 11:38 a.m.

TRD-9006629

The commission will consider various matters within the jurisdiction of the Railroad Commission of Texas. In addition the Railroad 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 action, including but not limited to scheduling an item in its entirety or for particular action at a future time or 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.

Contact: June 29, 10:49 a.m.

TRD-9006617

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 78711-2967, (512) 463-6828.

Filed: June 29, 1990, 10:48 a.m.

TRD-9006618

The commission will consider category determinations under sections 102 (c) (1) (B), 102 (c) (1) (C), 103, 107, and 108 of the Natural Gas Policy Act of 1978.

Contact: Margie Osborn, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6755.

Filed: June 29, 1990, 10:48 a.m.

TRD-9006619

The commission will consider and act on the OIS Director's report on division administration, budget, procedures, and personnel matters.

Contact: Brian W. Schaible, P.O. Drawer 12967, Austin, Texas 78711, (512)

463-6710.

Filed: June 29, 1990, 10:47 a.m.

TRD-9006620

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: June 29, 1990, 10:47 a.m.

TRD-9006621

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) 463-7274.

Filed: June 29, 1990, 10:46 a.m.

TRD-9006622

The commission will consider and act on the Office of 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: June 29, 1990, 10:46 a.m.

TRD-9006623

Tuesday, July 10, 1990, 9 a.m.

The Railroad Commission of Texas will meet in the 12th Floor Conference Room, William B. Travis Building, 1701 North Congress Avenue, Austin. According to the complete agenda, the commission will consider amendments to Oil and Gas Statewide Rules 27, 28, 30, 31, and 34 resulting from the report of the 1988 Gas Rules Blue Ribbon Committee. Docket number 20-93,165.

Contact: Peggy Gray, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6766.

Filed: June 29, 1990, 10:45 a.m.

TRD-9006624

Thursday, July 19, 1990, 10 a.m.

The Railroad Commission of Texas will

meet at the Crest Hotel on Town Lake, 111 East First Street, Austin. According to the agenda summary, the commission will hold a statewide hearing on oil and gas.

Contact: Paula Middleton, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6729

Filed: June 29, 1990, 10:45 a.m.

TRD-9006625

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**Texas Real Estate
Commission**

Friday, July 13, 1990, 8:30 a.m. The Texas Real Estate Appraiser Certification Committee of the Texas Real Estate Commission will meet at 1101 Camino La Costa, Texas Real Estate Commission Headquarters, Second Floor Conference Room, Austin. According to the agenda summary, the committee will read minutes of June 11-12, 1990, committee meeting; discuss staff reports; update on Title XI, Real Estate Appraisal Reform Amendments of 1989; discussion of proposed 22 TAC §§544.1-5.449, concerning certification of appraisers; discussion of examination program for certification; operating budgets and recommended fee structure; discussion and possible action to establish operating guidelines with regard to applications, examinations, and complaints; date and place of subsequent meetings.

Contact: Mark A. Moseley, 1101 Camino La Costa, Austin, Texas 78752, (512) 465-3960.

Filed: July 2, 1990, 2:10 p.m.

TRD-9006666

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**The Senate of the State of
Texas**

Friday, July 13, 1990, 2 p.m. and 6:30 p.m. The Select Committee on Legislative Redistricting of the Senate of the State of Texas will meet at Texas Christian University Campus, Brown Lupton Student Center Ballroom, Fort Worth. According to the complete agenda, the committee will take written and oral testimony on congressional, legislative, and State Board of Education redistricting, with special emphasis on redistricting in the Fort Worth area and surrounding counties. The hearing is one of a series of joint regional hearings being conducted by the Select Committee on Legislative Redistricting and the House Redistricting Committee to gather information from around the state to assist the legislature in redistricting after publication of the 1990 census.

Contact: Doris Boedeker, P.O. Box 12128, Austin, Texas 78711, (512) 463-0964.

Filed: June 29, 1990, 10:52 a.m.

TRD-9006627

Saturday, July 14, 1990, 10 a.m. The Select Committee on Legislative Redistricting of the Senate of the State of Texas will meet at the Dallas Convention Center, Room W101, Dallas. According to the complete agenda, the committee will take written and oral testimony on congressional, legislative, and State Board of Education redistricting, with special emphasis on redistricting in the Dallas area and surrounding counties. The hearing is one of a series of joint regional hearings being conducted by the Senate Select Committee on Legislative Redistricting and the House Redistricting Committee to gather information from around the state to assist the legislature in redistricting after publication of the 1990 census.

Contact: Doris Boedeker, P.O. Box 12128, Austin, Texas 78711, (512) 463-0964.

Filed: June 29, 1990, 10:52 a.m.

TRD-9006626

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**Stephen F. Austin State
University**

Monday, July 9, 1990, 1:30 p.m. The Board of Regents Committees of the Stephen F. Austin State University will meet at the Stephen F. Austin State University Campus, Room 307, Austin Building, Nacogdoches. According to the agenda summary, the committees will approve minutes; review and discuss personnel, faculty and staff appointments for 1989-90; faculty and staff appointments for summer, 1990; changes of status for spring and summer, 1990; faculty and staff appointments for 1990-91; changes of status for 1990-91; leaves of absence; faculty development leaves; retirement; requirement for President to reside in university-owned residence; holiday schedule; academic and student affairs; last class day report; underenrolled class report; requirements for admission to teacher education; major in Tropical Forestry; Doctor of Education; policy on Oral English Proficiency Program; parking and traffic regulations and information; financial affairs - authorization to sign vouchers and checks; approval of the 1990-93 Biennial Legislative Budget Request; selection of financial depositories; ratification of extension of consulting agreement with Coopers and Lybrand; authorization to purchase computer equipment; approval of the long range master plan; buildings and grounds - authorization to secure bids for roof replacement on hall 18; acceptance of Wisely Hall renovation project; property acquisition at the Temple Eastex Forestry Laboratory; naming of the multipurpose room in the expanded library; and executive session.

Contact: William R. Johnson, P.O. Box 6078, Nacogdoches, Texas 75962, (409) 568-2201.

Filed: June 28, 1990, 2 p.m.

TRD-9006601

Tuesday, July 10, 1990, 9 a.m. The Board of Regents of the Stephen F. Austin State University will meet at the Stephen F. Austin State University Campus, Room 307, Austin Building, Nacogdoches. According to the agenda summary, the board will approve minutes; review and discuss personnel, faculty and staff appointments for 1989-90; faculty and staff appointments for summer, 1990; changes of status for spring and summer, 1990; faculty and staff appointments for 1990-91; changes of status for 1990-91; leaves of absence; faculty development leaves; retirement; requirement for President to reside in university-owned residence; holiday schedule; academic and student affairs; last class day report; underenrolled class report; requirements for admission to teacher education; major in Tropical Forestry; Doctor of Education; policy on Oral English Proficiency Program; parking and traffic regulations and information; financial affairs - authorization to sign vouchers and checks; approval of the 1990-93 Biennial Legislative Budget Request; selection of financial depositories; ratification of extension of consulting agreement with Coopers and Lybrand; authorization to purchase computer equipment; approval of the long range master plan; buildings and grounds - authorization to secure bids for roof replacement on hall 18; acceptance of Wisely Hall renovation project; property acquisition at the Temple Eastex Forestry Laboratory; naming of the multipurpose room in the expanded library; and executive session.

Contact: William R. Johnson, P.O. Box 6078, Nacogdoches, Texas 75962, (409) 568-2201.

Filed: June 28, 1990, 2:01 p.m.

TRD-9006602

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**The Structural Pest Control
Board**

Wednesday, July 11, 1990, 8:30 a.m. The Structural Pest Control Board will meet at 9101 Burnet Road, Suite 201, Austin. According to the agenda summary, the board will approve minutes of April 2 and 3, 1990, board meeting; Alan McGaugh to appear at 8:30 a.m.; Daniel Dean Gann to appear at 9 a.m.; Marshall H. Head, Sr., dba Bigfoot Pest Control to appear at 9:30 a.m.; Robert S. Gutierrez to appear at 1 p.m.; Orkin Exterminating Company to appear at 1:30 p.m.; executive director's report; discussion of electro gun; report from oversight committee; consider proposed rule 591.5(f) and proposed amended rule 593.7 (6); consider adoption of proposed amendment of rule 591.10 (b); discussion of

proposed administrative fines; discussion on estimated exp. on term treatments and inspection fees.

Contact: Benny M. Mathis, 9101 Burnet Road, #201, Austin, Texas 78758, (512) 835-4066.

Filed: June 28, 1990, 3:44 p.m.

TRD-9006609

University of Texas Health Center at Tyler

Thursday, July 5, 1990, noon. The Animal Research Committee of the University of Texas Health Center at Tyler met at the Chaplains' Conference Room at the University of Texas Health Center, State Highway 155 and Highway 271, Tyler. According to the complete agenda, the committee approved minutes from May meeting; discussed Chairman's report on activities since last meeting; old business; new business, changes in Membership of committee; new vivarium director; and review of vivarium procedures.

Contact: Barry Peterson, P.O. Box 2003, Tyler, Texas 75710, (214) 877-7012.

Filed: June 28, 1990, 4:20 p.m.

TRD-9006607

Texas Water Commission

Thursday, July 12, 1990, 11 a.m. The Weather Modification Advisory Committee of the Texas Water Commission will meet at the Colorado River Municipal Water District, 400 East 24th Street, Big Spring. According to the agenda summary, the committee will meet to review staff reports on the status of operational cloud-seeding programs and the status of weather modification research in Texas, including a Memorandum of Understanding between the commission and the Bureau of Reclamation and an application for funding for the State Climate Change Grant Program to the United States Environmental Protection Agency. Recommendations will also be made on applications for license renewals for the Colorado River Municipal Water District ("CRMWD"), I.P. Krick, Inc. of Texas, and Atmospherics Incorporated. Additionally, the committee will tour the Skywater Radar Operations and the CRMWD Weather Modification facilities.

Contact: D. Diane Smith, P.O. Box 13087, Austin, Texas 78711-3087, (512) 463-8069.

Filed: July 2, 1990, 12:57 p.m.

TRD-9006663

Wednesday, July 18, 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 agenda summary, the commission will

consider various matters within the regulatory jurisdiction of the Texas Water Commission of Texas. 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: July 2, 1990, 3:48 p.m.

TRD-9006696

Wednesday, July 18, 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 commission will consider various matters within the regulatory jurisdiction of the Texas Water Commission of Texas. 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: July 2, 1990, 3:47 p.m.

TRD-9006697

Thursday, July 19, 1990, 8:30 a.m. The Waste Reduction Advisory Committee of the Texas Water Commission will meet at the Texas Law Center, Room 204, 1414 Colorado Street, Austin. According to the complete agenda, the committee will discuss potential financial incentives and disincentives for waste reduction; mission statement; model legislation; and other issues

Contact: Priscilla Seymour, Ph.D., P.O. Box 13087, Austin, Texas 78711, (512) 463-7761.

Filed: July 2, 1990, 12:56 p.m.

TRD-9006664

Wednesday, August 22, 1990, 9 a.m. The Office of Hearings Examiner of the Texas Water Commission will meet at the Rolling Hills Water Treatment Plant, Classroom, 2500 Southeast Loop 820, Fort Worth. According to the agenda summary, the examiner will consider application by Mayfair Addition Joint Venture for proposed permit number 13518-01 authorizing discharge of treated domestic wastewater effluent via a pipe to an unnamed tributary of Deer Creek; thence to Deer Creek; thence to Village Creek; thence to Lake Arlington in Segment number 0828 of the Trinity River Basin.

Contact: Sally Colbert, P.O. Box 13087,

Austin, Texas 78711, (512) 463-7875.

Filed: June 28, 1990, 3:36 p.m.

TRD-9006611

Regional Meetings

Meetings Filed June 28, 1990

The Bexar Appraisal District Appraisal Review Board will meet at 535 South Main Street, San Antonio, July 2-3, 5, 9-13, 16-19, 23-27, 30-31, 1990, at 8:30 a.m. Information may be obtained from Walter Stoneham, 535 South Main Street, San Antonio, Texas 78204, (512) 224-8511.

The Bexar Appraisal District Appraisal Review Board will meet at 535 South Main Street, San Antonio, July 6, 1990, at 9 a.m. Information may be obtained from Walter Stoneham, 535 South Main Street, San Antonio, Texas 78204, (512) 224-8511.

The East Texas Council of Governments Executive Committee met at the East Texas Council of Governments Offices, Kilgore, July 5, 1990, at 2 p.m. Information may be obtained from Glynn Knight, 3800 Stone Road, Kilgore, Texas 75662, (214) 984-8641.

The Mental Health Mental Retardation Authority of Brazos Valley Board of Trustees met at the Children's Intervention Services Building, 624 Mary Lake, Bryan, July 3, 1990, at 3:30 p.m. Information may be obtained from Leon Bawcom, P.O. Box 4588, Bryan, Texas 77805, (409) 822-6467.

TRD-9006594

Meetings Filed June 29, 1990

The Bastrop County Appraisal District Appraisal Review Board will meet at the Bastrop County Appraisal District Office, 1200 Cedar Street, Bastrop, July 7, 1990, at 8:30 a.m. Information may be obtained from Lorraine Perry, P.O. Box 578, Bastrop, Texas 78602, (512) 321-3925.

The Bastrop County Appraisal District Appraisal Review Board will meet at the Bastrop County Appraisal District Office, 1200 Cedar Street, Bastrop, July 11, 1990, at 7 p.m. Information may be obtained from Lorraine Perry, P.O. Box 578, Bastrop, Texas 78602, (512) 321-3925.

The Bastrop County Appraisal District will meet at the Bastrop County Appraisal District Office, 1200 Cedar Street, Bastrop, July 18, 1990, at 7 p.m. Information may be obtained from Lorraine Perry, P.O. Box 578, Bastrop, Texas 78602, (512) 321-3925.

The Bosque Central Appraisal District Appraisal Review Board will meet at the Bosque Central Appraisal District Office, 104 West Morgan Street, Meridian, July 6, 1990, at 9 a.m. Information may be obtained from Billye McGehee, P.O. Box

393, Meridian, Texas 76665, (817) 435-2304.

The Brazos Valley Development Council Regional Advisory Committee on Aging met at Council Offices, 3006 East 29th Street, Suite #2, Bryan, July 5, 1990, at 2 p.m. Information may be obtained from Roberta Lindquist, P.O. Drawer 4128, Bryan, Texas 77805, (409) 776-2277.

The Comal Appraisal District Board of Directors will meet at 430 West Mill Street, New Braunfels, July 9, 1990, at 5:15 p.m. Information may be obtained from R. Richard Rhodes, Jr., P.O. Box 311222, New Braunfels, Texas 78131-1222, (512) 625-8597.

The Comal Appraisal District Board of Directors will meet at 430 West Mill Street, New Braunfels, July 16, 1990, at 6:30 p.m. Information may be obtained from R. Richard Rhodes, Jr., P.O. Box 311222, New Braunfels, Texas 78131-1222, (512) 625-8597.

The Comal Appraisal District Appraisal Review Board will meet at 430 West Mill Street, New Braunfels, July 20, 1990, at 9 a.m. Information may be obtained from R. Richard Rhodes, Jr., P.O. Box 311222, New Braunfels, Texas 78131-1222, (512) 625-8597.

The Comal Appraisal District Appraisal Review Board will meet at 430 West Mill Street, New Braunfels, July 24, 1990, at 9 a.m. Information may be obtained from R. Richard Rhodes, Jr., P.O. Box 311222, New Braunfels, Texas 78131-1222, (512) 625-8597.

The Fisher County Appraisal District Board of Directors will meet at the Fisher County Appraisal/Tax Office, Roby, July 19, 1990, at 7:30 p.m. Information may be obtained from Teddy Kral, P.O. Box 516, Roby, Texas 79543, (915) 776-2733.

The Gonzales County Appraisal District Appraisal Review Board will meet at 928 St. Paul Street, Gonzales, July 10, 1990, at 1:30 p.m. Information may be obtained from Glenda Strackbein, P.O. Box 867, Gonzales, Texas 78629, (512) 672-2879.

The Gregg Appraisal District Appraisal Review Board met at 2010 Gilmer Road, Longview, July 2, 1990, at 9 a.m. Information may be obtained from William T. Carroll, P.O. Box 6700, Longview, Texas 75608.

The Sabine Valley Center Board of Trustees will meet at the Administration Building, Ben Bane Room, 107 Woodbine Place, Longview, July 9, 1990, at 7 p.m. Information may be obtained from Jack Coston, P.O. Box 6800, Longview, Texas 77630, (214) 758-2471.

TRD-9006608



Meetings Filed July 2, 1990

The Austin Transportation Study Policy Advisory Committee will meet at the Joe C. Thompson Conference Center, Room 2.102, 26th and Red River Street, Austin, July 10, 1990, at 6 p.m. Information may be obtained from Joseph P. Gieselman, 811 Barton Springs Road, #700, Austin, Texas 78704, (512) 472-7483.

The Bexar Appraisal District Board of Directors will meet at 535 South Main Street, San Antonio, August 6, 1990, at 5 p.m. Information may be obtained from Walter Stoneham, 535 South Main Street, San Antonio, Texas 78204, (512) 224-8511.

The Brazos River Authority Administrative Policy Committee will meet at 4400 Cobbs Drive, Waco, July 9, 1990, at 10 a.m. Information may be obtained from Mike Bukala, P.O. Box 7555, Waco, Texas 76714-7555, (817) 776-1441.

The Cass County Appraisal District Board of Directors will meet at the Cass County Appraisal District Office, 502 North Main Street, Linden, July 9, 1990, at 7 p.m. Information may be obtained from Janelle Clements, P.O. Box 1150, Linden, Texas 75563, (214) 756-7545.

The Deep East Texas Private Industry Council, Inc. will meet at Lufkin City Hall, Room 102, Lufkin, July 11, 1990, at 2 p.m. Information may be obtained from John Lyle, P.O. Box 1463, Lufkin, Texas 75901, (409) 634-4432.

The Eastland County Appraisal District Appraisal Review Board will meet at the Eastland County Courthouse-Main Street, 2nd Floor Commissioners' Courtroom, Eastland, July 12, 1990, at 10 a.m. Information may be obtained from Steve Thomas, P.O. Box 914, Eastland, Texas 76448, (817) 629-8597.

The Ellis County Tax Appraisal District Appraisal Review Board will meet at 406 Sycamore Street, Waxahachie, July 6, 1990, at 9 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 Board of Directors will meet at Board Room, 1390 Harbin Drive, Stephenville, July 13, 1990, at 9:30 a.m. Information may be obtained from Trecia Perales, 1390 Harbin Drive, Stephenville, Texas 76401, (817) 965-5434.

The Grayson Appraisal District Appraisal Review Board will meet at 205 North Travis Street, Sherman, July 5-27, 1990, at 9 a.m. Information may be obtained from Deborah Reneau, 205 North Travis Street, Sherman, Texas 75090, (214) 893-9673.

The Gregg Appraisal District Appraisal Review Board will meet at 2010 Gilmer Road, Longview, July 9, 1990, at 9 a.m. Information may be obtained from William T. Carroll, 2010 Gilmer Road, Longview,

Texas 75604, (214) 759-0015.

The Gregg Appraisal District Appraisal Review Board will meet at 2010 Gilmer Road, Longview, July 10, 1990, at 9 a.m. Information may be obtained from William T. Carroll, 2010 Gilmer Road, Longview, Texas 75604, (214) 759-0015.

The Gregg Appraisal District Appraisal Review Board will meet at 2010 Gilmer Road, Longview, July 11, 1990, at 9 a.m. Information may be obtained from William T. Carroll, 2010 Gilmer Road, Longview, Texas 75604, (214) 759-0015.

The Gregg Appraisal District Board of Directors will meet at 2010 Gilmer Road, Longview, July 12, 1990, at 10 a.m. Information may be obtained from Wm. T. Carroll, P.O. Box 6700, Longview, Texas 75608, (214) 759-0015.

The Guadalupe-Blanco River Authority Board of Directors will meet at the Authority's Offices, 933 East Court Street, Seguin, July 6, 1990, at 10 a.m. Information may be obtained from John H. Specht, P.O. Box 271, Seguin, Texas 78155, (512) 379-5822.

The Hood County Appraisal District Appraisal Review Board will meet at the District Office Building, 1902 West Pearl Street, Granbury, July 10, 1990, at 9 a.m. Information may be obtained from Harold Chesnut, P.O. Box 819, Granbury, Texas 76048, (817) 573-2471.

The Lamar County Appraisal District Appraisal Review Board will meet at the Lamar County Appraisal District Office, 521 Bonham Street, Paris, July 11, 1990, at 9 a.m. Information may be obtained from Joe A. Welch, 521 Bonham Street, Paris, Texas 75460, (214) 785-7822.

The Lamar County Appraisal District Appraisal Review Board will meet at the Lamar County Appraisal District Office, 521 Bonham Street, Paris, July 16, 1990, at 9 a.m. Information may be obtained from Joe A. Welch, 521 Bonham Street, Paris, Texas 75460, (214) 785-7822.

The Lee County Appraisal District Appraisal Review Board will meet at 218 East Richmond Street, Giddings, July 10, 1990, at 9 a.m. Information may be obtained from Delores Shaw, 218 East Richmond Street, Giddings, Texas 78942, (409) 542-9618.

The Mills County Appraisal District will meet at the Mills County Courthouse, Goldthwaite, July 10, 1990, at 8 a.m. Information may be obtained from Doran E. Lemke, P.O. Box 565, Goldthwaite, Texas 76844, (915) 648-2253.

The North Plains Groundwater Conservation District Number 2 Board of Directors will meet at the District Office, 603 East First Street, Dumas, July 9, 1990, at 10 a.m. Information may be obtained from Richard S. Bowers, P.O. Box 795, Dumas, Texas 79029, (806) 935-6401.

The Upshur County Appraisal District Board of Directors will meet at the Upshur County Appraisal District Office, Warren and Trinity Street, Gilmer, July 9, 1990, at 1 p.m. Information may be obtained from Louise Stracener, P.O. Box 280, Gilmer, Texas 75644, (214) 843-3041.

The Wheeler County Appraisal District Appraisal Review Board will meet at the District Office, County Courthouse Square, Wheeler, July 10, 1990, at 9:30 a.m. Information may be obtained from Larry M. Schoenhals, P.O. Box 1200, Wheeler, Texas 79096, (806) 826-5900.

The Wheeler County Appraisal District Board of Review will meet at the District Office, County Courthouse Square, Wheeler, July 11, 1990, at 9:30 a.m. Information may be obtained from Larry M. Schoenhals, P.O. Box 1200, Wheeler, Texas 79096, (806) 826-5900.

TRD-9006642



Meetings Filed July 3, 1990

The Canadian River Municipal Water Authority Board of Directors will meet at the Headquarters Building, Sanford Dam, Sanford, July 11, 1990, at 11 a.m. Information may be obtained from John C. Williams, P.O. Box 99, Sanford, Texas 79078, (806) 865-3325.

The Erath County Appraisal District Appraisal Review Board will meet at 1390 Harbin Drive, Board Room, Stephenville, July 10-12, 1990, 1 p.m. Information may be obtained from Trecea Perales, 1390 Harbin Drive, Stephenville, Texas 76401, (817) 965-5434.

The Grayson Appraisal District Board of Directors will meet at 205 North Travis Street, Sherman, July 11, 1990, at noon.

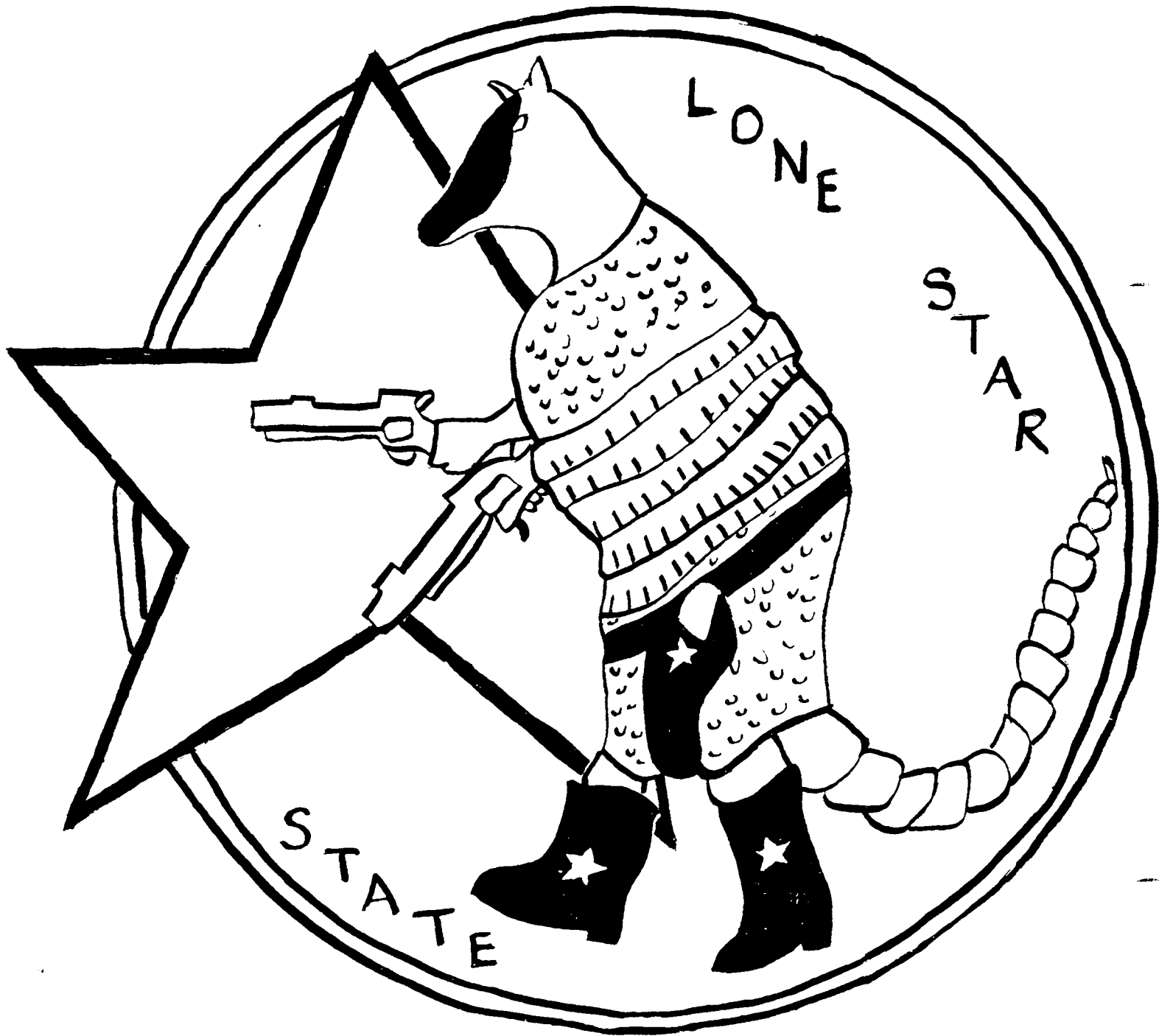
Information may be obtained from Deborah Reneau, 205 North Travis, Sherman, Texas 75090, (214) 893-9673.

The Henderson County Appraisal District Board of Directors held an emergency meeting at 1751 Enterprise, Athens, July 6, 1990, at 9 a.m. Information may be obtained from Helen Marchbanks, 1751 Enterprise, 75751, (214) 675-9296.

The Hunt County Appraisal District Board of Directors will meet at the Hunt County Appraisal District Board Room, 4801 King Street, Greenville, July 12, 1990, at 7 p.m. Information may be obtained from Joe P. Davis or Shirley Smith, P.O. Box 1339, Greenville, Texas 75401, (214) 454-3510.

TRD-9006701





In Addition

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

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

Texas Department of Banking Notice of Application

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

On May 31, 1990, the banking commissioner received an application to acquire control of Riverway Bank, Houston, by Jack H. Mayfield, Jr., Houston.

On June 26, 1990, notice was given that the application would not be denied.

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

Issued in Austin, Texas, on June 26, 1990.

TRD-9006569 William F. Aldridge
Director of Corporate Activities
Texas Department of Banking

Filed: June 27, 1990

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

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

On June 28, 1990, the banking commissioner received an application to acquire control of The First State Bank, Hawkins, by Curtis C. Miller, John H. Allen, and A.H. Harris, all of Hawkins.

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

Issued in Austin, Texas, on June 28, 1990.

TRD-9006630 William F. Aldridge
Director of Corporate Activities
Texas Department of Banking

Filed: June 29, 1990

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

Texas Department of Commerce Notice of Amendment to Final Statement

The Texas Department of Commerce (Commerce) announces a proposed amendment to the State of Texas' federal fiscal year 1989 final statement which governs the

Texas Community Development Program. The final statement is being amended to allow the executive director of Commerce to allocate up to \$2.5 million in unused federal community development block grant/Texas capital funds for eligible community development, economic development, urgent need, and emergency projects.

Written comments on the proposed amendment will be accepted through July 21, 1990. Comments should be submitted to Ruth Cedillo, Program Manager of the Texas Community Development Program, Texas Department of Commerce, P.O. Box 12728, Austin, Texas 78711.

Issued in Austin, Texas, on July 6, 1990.

TRD-9006595 William D. Taylor
Executive Director
Texas Department of Commerce

Filed: June 28, 1990

For further information, please call: (512) 320-9679

Court of Criminal Appeals

Order adopting amendments to Texas Rules of Appellate Procedure and certain rules-Order adopting amendments to Texas Rules of Criminal Evidence and certain rules.

IN THE COURT OF CRIMINAL APPEALS
ORDER ADOPTING AMENDMENTS TO
TEXAS RULES OF APPELLATE PROCEDURE

Effective September 1, 1990

BE IT ORDERED by the Court of Criminal Appeals that the following designated amendments heretofore adopted and promulgated by the Supreme Court of Texas by its Order of April 24, 1990, and appended amendments to the Texas Rules of Appellate Procedure [TRAP] are hereby adopted and promulgated to govern criminal cases and criminal law matters [Article V, §5 and Article 4.04, C.C.P.], under authority and in conformity with Acts 1985, 69th Leg., Ch. 685, p. 5136, §§1-4, and Articles 44.23 and 44.45, Code of Criminal Procedure. This order does not amend any existing rule, promulgate any new rule nor repeal any rule in the Texas Rules of Civil Procedure. No rule amended by this order shall be applicable to any civil case ["actions of civil nature" (Rule 2, T.R.Civ.P.)] unless and until it has been promulgated by the Supreme Court of Texas.

1. Designated TRAP Amendments: 1, 4(a), 4(b), 4(f), 4(g), 5, 9, 12, 15a, 17, 20, 40, 41, 43, 46, 47, 49, 51, 52, 53, 54, 56, 57, 59, 72, 74(a), 74(h), 74(q), 79, 90, 91, 100, 130, 131, 132, 133, 134, 135, 136, 140, 160, 170, 172, 181, 182, 190, 202, and 210, with comments and certain captions and an appendix, as amended by the Supreme Court except where inconsistent with any amendment appended hereto.

2. Appended TRAP Amendments: 3(b), 4)(c)(2), 74, 101, 202 and 230, and Appendix for Criminal Cases, Rule 2.

3. This order does not adopt TRAP Rule 21, added by the Supreme Court in its order of April 24, 1990.

BE IT FURTHER ORDERED that the Clerk of this Court shall file with the Secretary of State of the State of Texas, for and in behalf and as the act of this Court, a duplicate original copy of this order and Rule 54(b), and the Clerk shall cause them to be published in the *Texas Register* and the *Texas Bar Journal*, as provided by the above Act.

BE IT FURTHER ORDERED that these amended rules become effective September 1, 1990, and remain in effect unless and until disapproved, modified or changed by the Legislature or unless and until supplemented or amended by this Court pursuant to the above Act.

BE IT FURTHER ORDERED that this order and these rules shall be recorded in the minutes of this Court, and that the original of this order signed by the members of this Court and of these rules shall be preserved by the Clerk of this Court as a permanent record of this Court.

SIGNED and ENTERED in duplicate originals this 26th day of June, 1990.

Michael J. McCormick, Presiding Judge

W. C. Davis, Judge

Sam Houston Clinton, Judge

Marvin O. Teague, Judge

Chuck Miller, Judge

Charles F. (Chuck) Campbell, Judge

Bill White, Judge

David Berchelmann, Jr., Judge

Louis E. Sturns, Judge

TRAP Amendments

Rule 3. Definitions; Uniform Terminology

(a) Terms in Rules. (No change.)

(b) Uniform Terminology in Criminal Cases. In briefs and other papers in criminal appeals, the parties should be referred to as "the State" and "the appellant" unless the State has appealed pursuant to Article 44.01, C.C.P., in which event defendant is "the appellee;" otherwise procedural labels such as "appellee," "petitioner," "respondent," "movant," et cetera should be avoided unless they are necessary to clarify a question of procedural law. In habeas corpus proceedings the person for whose relief the writ is asked should be referred to as "the applicant."

Rule 4. Signing, Filing and Service

(a) Signing. (As amended by Supreme Court.)

(b) Filing. (As amended by Supreme Court.)

(c) Number of Copies.

(1) (No change.)

(2) Each party shall file twelve copies of its application for writ of error with the Clerk of the Court of Appeals. In addition to filing an original petition for discretionary review with the Clerk of the Court of Appeals, the party shall deliver eleven copies. The State Prosecuting Attorney may deliver the eleven copies to the Clerk of the Court of Criminal Appeals.

(3) (No change.)

(d) (No change.)

(e) (No change.)

(f) Manner of Service. (As amended by Supreme Court.)

(g) Service. (As amended by Supreme Court)

Rule 74. Requisites of Briefs

Briefs shall be brief. Briefs shall be filed with the Clerk of the Court of Appeals. They shall be addressed to "The Court of Appeals" of the correct district. In civil cases the parties shall be designated as "Appellant" and "Appellee," and in criminal cases as "State" and "Appellant" unless the State has appealed pursuant to Article 44.01, C.C.P., in which event the defendant is "Appellee."

Rule 101. Reconsideration on Petition for Discretionary Review.

Within fifteen days after a petition for discretionary review to the Court of Criminal Appeals has been filed with the Clerk of the Court of Appeals which delivered the decision, a majority of justices who participated in the decision may summarily reconsider and correct or modify the opinion or judgment of the court and shall cause the clerk to certify a copy thereof and include it among the materials forwarded to the Clerk of the Court of Criminal Appeals in accordance with Rule 202(f). See Rule 202(j).

Rule 202. Discretionary Review With Petition

(a)-(i) (As amended by Supreme Court.)

(j) The petition or any reply may be amended or supplemented within thirty days after an original petition has been filed when the court of appeals corrected or modified its opinion and judgment pursuant to Rule 101, and at any time when justice requires upon such reasonable terms as the court may prescribe. The record may be amended in the Court of Criminal Appeals under the same circumstances and on the same terms as in the court of appeals."

Rule 230. Rehearings

(a) (No change.)

(b) The motion for rehearing must briefly and distinctly state its grounds, together with any supporting arguments. A motion for rehearing of an order refusing a petition for discretionary review must limit its grounds to intervening circumstances of substantial or controlling effect, and counsel shall certify that the motion is so restricted and that it is presented in good faith and not for delay; a motion without such certification shall be rejected by the Clerk. A reply to the motion need not be filed unless requested by the court. An original and eleven copies of the motion and any reply shall be delivered to the opposing party and the State Prosecuting Attorney, P.O. Box 12405, Austin Texas 78711. Any motion for rehearing or reply may be amended or supplemented with leave of the court at any time prior to final disposition. A motion for rehearing or a reply thereto is not subject to oral argument.

(c)-(f) (No Change.)

APPENDIX FOR CRIMINAL CASES

(No Change in explanatory and preliminary statements.)

Rule 1. The Record on Appeal (as amended by Supreme Court.)

Rule 2. Supplemental Record on Appeal

Pursuant to the provisions of Rule 55 (no further change).

IN THE COURT OF CRIMINAL APPEALS
ORDER ADOPTING AMENDMENTS TO
TEXAS RULES OF CRIMINAL EVIDENCE

Effective September 1, 1990

BE IT ORDERED by the Court of Criminal Appeals that the following amendments to Texas Rules of Criminal Evidence 405 and 613 are hereby adopted and promulgated to govern criminal cases and criminal law matters (Article V, §5, and Article 4.04 C.C.P.) under authority and in conformity with Acts 1985, 69th Leg., Ch. 685, p. 5136, §§5-9. This order does not amend any existing rule, promulgate any new rule nor repeal any rule in the Texas Rules of Civil Evidence. No rule promulgated by this order shall be applicable to any civil proceeding (Rule 101, Texas Rules of Civil Evidence) unless and until it has been promulgated by the Supreme Court of Texas.

BE IT FURTHER ORDERED that the Clerk of this Court shall file with the Secretary of State of the State of Texas, for and in behalf and as the act of this Court, a duplicate original copy of this order and these rules, and the Clerk shall cause them to be published in the *Texas Register* and the *Texas Bar Journal*, as provided by the above Act.

BE IT FURTHER ORDERED that these rules become effective September 1, 1990, and remain in effect unless and until disapproved, modified or changed by the Legislature or unless and until supplemented or amended by this Court pursuant to the above Act.

BE IT FURTHER ORDERED that this order and these rules shall be recorded in the minutes of this Court, and that the original of this order signed by the members of this Court and of these rules shall be preserved by the Clerk of this Court as a permanent record of this Court.

SIGNED and ENTERED in duplicate originals this 26th day of June 1990.

Michael J. McCormick, Presiding Judge

W. C. Davis, Judge

Sam Houston Clinton, Judge

Marvin O. Teague, Judge

Chuck Miller, Judge

Charles F. (Chuck) Campbell, Judge

Bill White, Judge

David Berchelmann, Jr., Judge

Louis E. Sturns, Judge

TEXAS RULES OF CRIMINAL EVIDENCE

Rule 405. Methods of Proving Character

(a) Reputation or Opinion. In all cases in which evidence of character or trait of character of a person is admissible, proof may be made by testimony as to reputation or by testimony in the form of an opinion. Provided

however that to be qualified to testify concerning the character or trait of character of an accused, a witness must have been familiar with the reputation, or with the underlying facts or information upon which the opinion is based, prior to the day of the offense.

(b) (No change.)

Rule 613. Exclusion of Witnesses

At the request of a party the court shall order witnesses excluded so that they cannot hear the testimony of other witnesses, and it may make the order on its own motion. This rule does not authorize exclusion of (1) a party who is a natural person, or (2) an officer or employee of a defendant which is not a natural person designated as its representative by its attorney, or (3) a person whose presence is shown by a party to be essential to the presentation of his cause, or (4) the victim, unless the victim is to testify and the court determines that the victim's testimony would be materially affected if the victim hears other testimony at the trial.

Issued in Austin, Texas, on June 26, 1990.

TRD-9006614 Thomas Lowe
Clerk
Court of Criminals

Filed: June 28, 1990

For further information, please call: (512) 463-1551

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Texas Education Agency
Consultant Contract Award

Description. This notice is filed pursuant to Texas Civil Statutes, Article 6252-11c. After publication of a request for proposals (RFP #701-90-019) for services to develop and administer a master teacher examination for Texas teachers in the September 22, 1989, issue of the *Texas Register* (14 TexReg 4938), the Texas Education Agency on June 15, 1990, executed a contract with National Evaluation Systems, Inc., 30 Gatehouse Road, Amherst, Massachusetts 01002, for the development and continuing administration of the Texas master teacher examination.

Cost and Dates. The total amount of the contract is \$597,375. The beginning date of the contract is November 15, 1989, and the ending date is August 31, 1993.

Due Date of Documents. Test development activities (e.g., item development, convening of advisory committees, test validation, preparation of examinee materials) are due to be completed by the contractor on or before August 31, 1990.

Issued in Austin, Texas, on June 28, 1990.

TRD-9006640 W. N. Kirby
Commissioner of Education

Filed: June 29, 1990

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

◆ ◆ ◆
Texas Department of Health
Correction of Error

The Texas Department of Health submitted a miscellaneous document concerning clinical health services which contained an error as submitted in the May 15, 1990, issue of the *Texas Register* (15 TexReg 2770).

The section number should read "25 TAC §1.91(b)" and "1.91(b)".

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Intent To Revoke a Certificate of Registration

The Bureau of Radiation Control, Texas Department of Health, is seeking the revocation of Certificate of Registration Number R13897, issued to Dennis W. Haas, D.D.S., M.S., because the Agency determined that the registrant is no longer located at 2007 North Collins, Suite 201, Richardson, Texas 75080. The registrant has not notified the Agency of a change of address and no forwarding address is available.

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

In accordance with Texas Regulations for Control of Radiation 13.8, this notice affords the opportunity for a hearing to show cause why the certificate of registration should not be revoked. A written request for a hearing must be received within 30 days from the date of publication of this notice to be valid. Such written request must be filed with David K. Lacker, Chief, Bureau of Radiation Control, (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756-3189. Should no request for a public hearing be timely filed, the certificate of registration will be revoked at the end of the 30-day period of notice.

Issued in Austin, Texas, on June 26, 1990.

TRD-9006570 Robert A. MacLean, M.D.
Deputy Commissioner of Professional
Services
Texas Department of Health

Filed: June 27, 1990

For further information, please call: (512) 835-7000

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Texas Department of Human Services Notice of Public Hearing

The Texas Department of Human Services (DHS) will conduct a public hearing to receive comments on the department's proposed reimbursement rates for Hospice room and board. The hearing is in compliance with the provisions of Senate Bill 487, which requires a public hearing on proposed reimbursement rates for medical assistance programs. The public hearing will be held on July 19, 1990, at 9 a.m. in the department's public hearing room, 701 West 51st Street, Austin. Interested parties may request to have mailed to them or to pick up a briefing package concerning the proposed reimbursement rates by contacting Carolyn Pratt, P.O. Box 149030, MC 182-E, Austin, Texas 78714-9030, (512) 450-4057.

Issued in Austin, Texas, on July 2, 1990.

TRD-9006649 Cathy Rossberg
Agency liaison, Policy Communication
Services
Texas Department of Human Services

Filed: July 2, 1990

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

Public Notice

The Texas Department of Human Services (TDHS) proposes to purchase all child care services through Child Care Management Service (CCMS) contractors rather than directly from individual child care providers as in the past, beginning January 2, 1991. One CCMS will serve each Service Delivery Area (SDA). There are 35 SDAs for the Job Training Partnership Act (JTPA) program in Texas and, in a few instances, some SDAs will be combined to form a CCMS service area. The 27 CCMS service areas are listed below with the TDHS region number and the names of the counties in them.

Description of Service. Each management service contractor will enter into vendor agreements with child care providers throughout the SDA. Any licensed center or registered home is eligible to become a vendor, and parents will be allowed to choose any vendor to provide child care. The CCMS will document client eligibility, find funding, inform clients about spaces available from vendors and secure care. The CCMS will be responsible for the management of and payment for a wide variety of TDHS-funded child care, including care for Job Opportunities and Basic Skills Training Program (JOBS) participants, children entitled to transitional benefits, Child Protective Services (CPS) foster care clients, food stamp employment and training participants, refugees, and Title 20 clients such as CPS in-home cases, other recipients of TDHS cash assistance and food stamps, and income eligibles. The management service contractor will use a method specified by TDHS to determine rates paid to vendors for child care and transportation to care. TDHS plans to reimburse the CCMS for the actual expenses of CCMS operations, such as client services and vendor management, based on expected reasonable costs contained in a budget.

Field Tests. TDHS is field testing the CCMS concept in the following sites during 1990: Children's Learning Centers of Amarillo, for the Panhandle SDA; Young Women's Christian Association with El Paso Human Development, for the Upper Rio Grande SDA; Day Care Association of Fort Worth and Tarrant County, for the City of Fort Worth and Balance of Tarrant County SDAs; and Galveston County Community Action Council, for the Gulf Coast SDA. These agencies have been non-competitively selected, and will become the CCMSs for these SDAs in 1990. However, management service contractors in field test sites will be competitively procured in 1994.

Procurement Process. During 1990, TDHS will use competitive procurement to select one management service contractor for each non-field test area. CCMS contractors may be public, private, non-profit or for-profit agencies, and can include providers of child care services. Applications for CCMS contracts must be made on forms supplied by TDHS for each procurement. Requests for proposal packages should be available by July 2, 1990.

Closing Date. The closing date for TDHS receiving a proposal will be no later than 5 p.m. on July 31, 1990.

Evaluation Criteria. The evaluation criteria for management service contractors and their weights are: experience in providing human services—40 points; experience in managing multiple funding sources—20 points; management and organizational capabilities, expertise and strengths—25 points; experience in community relations and resource development—20 points; for a total of 105 points.

Minimum Contract Requirements. To contract with TDHS, the management services contractor must agree to

comply with the following requirements: applicable federal and state laws, regulations, and policies; TDHS service standards applicable to the service being purchased; generally accepted accounting principles and procedures recognized by the American Institute of Certified Public Accountants; and contractual terms, such as those relating to sufficient operating capital, assumption of liability for audit exceptions and conditions for contract termination.

Term of Contract. Initial contract periods for CCMSs in non-field test areas will be from November 1, 1990-August 31, 1991, with a start-up phase beginning November 1, 1990, and full CCMS operations on January 2, 1991. Renewals of competitively procured contracts will usually be for a 12-month period. At its option, TDHS may renegotiate the renewal or extension of the contracts on a non-competitive basis for additional periods. A contract may not be non-competitively renewed or extended if the competitive procurement process has not been used for at least one of the contract periods occurring during the preceding 48 months.

For More Information. Staff in each region are responsible for conducting procurement to select one management service contractor for each CCMS service area in their region. If you are interested in obtaining specific information about CCMS procurement in your area, check the list below to determine the CCMS service area(s) and region(s) for which you would like to become the management service contractor, and call or write the contact person listed below for the region you identify. Procurement information may be requested through the closing date, but you are strongly advised to request information very early in July, 1990, to have sufficient time to prepare a response. You must tell the contact person the name(s) of the CCMS service area(s) in which you are interested in becoming the CCMS contractor. If you are interested in becoming the CCMS contractor in more than one region, you must call or write the contact person in each respective region.

Regional Contact Persons. Region 2: As the Panhandle SDA is a field test site, there will be no competitive procurements for it in 1990. For the procurement for other SDAs in Region 2, contact: Carol Lindemann, Program Director for Purchased Services, Texas Department of Human Services (005-2), P.O. Box 3700, Amarillo, Texas 79116-3700, (806) 374-1532 Region 3: As the Upper Rio Grande SDA is a field test site, there will be no competitive procurement for it in 1990. For the procurement for the other SDA in Region 3, contact: Gail Dickenson, Contract Manager, Texas Department of Human Services (366-1), P.O. Box 4636, Odessa, Texas 79760, (915) 362-0464 Region 4: Dru Cory, Program Director for Purchased Services, Texas Department of Human Services (001-1), P.O. Box 6635, Abilene, Texas 79608, (915) 695-5750. Region 5: As the City of Fort Worth and the Balance of Tarrant County SDAs are field test sites, there will be no competitive procurement for them in 1990. For the procurement for other SDAs in Region 5, contact: Joan Graham, Program Director for Purchased Services, Texas Department of Human Services (395-1), 3131 Fish Trap Road, Dallas, Texas 75212, (214) 630-4411. Region 6: Ann Glenn, Program Director for Purchased Services, Texas Department of Human Services (016-1), P.O. Box 15995, 7901 Cameron Road, Austin, Texas 78761, (512) 835-2350. Region 7: Cynthia Rhodes, Procurement Officer, Texas Department of Human Services (256-3), P.O. Box 9039, Paris, Texas 75461-9039, (214) 785-8464. Region 8: Raul Silguero, Regional Director for Client Self-support Services, Texas Department of Human Services (108-1), P.O. Box 960, Edinburg, Texas 78539,

(512) 383-5344. Region 9: John Avant, Procurement Officer, Texas Department of Human Services (278-7), P.O. Box 23990, San Antonio, Texas 78223-0990, (512) 731-3603 (direct line), (512) 735-1334 (switchboard). Region 10: Kay Brown, Contract Manager, Texas Department of Human Services (028-1), 285 Liberty Street, Beaumont, Texas 77701, (409) 835-3751. Region 11: As the Gulf Coast SDA is a field test site, there will be no competitive procurement for it in 1990. For the procurement for other SDAs in Region 11, contact: Deborah Moore, Program Director for Purchased Services, Texas Department of Human Services (175-4), P.O. Box 16017, Houston, Texas 77222, (713) 696-7633. Listing of TDHS Regions, SDAs, CCMS service areas and counties in CCMS service areas: Region 2-Panhandle SDA (CCMS No. 0201) : Armstrong, Briscoe, Carson, Castro, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hall, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher, and Wheeler Region 2-South Plains; Lubbock and Garza Counties SDAs (CCMS No. 0202): Bailey, Cochran, Crosby, Dickens, Floyd, Garza, Hale, Hockley, King, Lamb, Lubbock, Lynn, Motley, Terry, and Yoakum Region 3-Permian Basin SDA (CCMS No. 0301): Andrews, Borden, Crane, Dawson, Ector, Gaines, Glasscock, Howard, Loving, Martin, Midland, Pecos, Reeves, Terrell, Upton, Ward, and Winkler Region 3-Upper Rio Grande SDA (CCMS No. 0302): Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, and Presidio Region 4-Concho Valley SDA (CCMS No. 0401): Coke, Concho, Crockett, Irion, Kimble, Mason, McCulloch, Menard, Reagan, Schleicher, Sterling, Sutton, and Tom Green Region 4-North Texas SDA (CCMS No. 0402): Archer, Baylor, Childress, Clay, Cottle, Foard, Hardeman, Jack, Montague, Wichita, Wilbarger, and Young Region 4-West Central Texas SDA (CCMS No. 0403): Brown, Callahan, Coleman, Comanche, Eastland, Fisher, Haskell, Jones, Kent, Knox, Mitchell, Nolan, Runnels, Scurry, Shackelford, Stephens, Stonewall, Taylor, and Throckmorton Region 5-City of Dallas; Balance of Dallas County SDAs (CCMS No. 0501): Dallas Region 5-City of Fort Worth; Balance of Tarrant County SDAs (CCMS No. 0502): Tarrant Region 5-North Central SDA (CCMS No. 0503): Denton, Ellis, Erath, Hood, Hunt, Johnson, Kaufman, Navarro, Palo Pinto, Parker, Rockwall, Somervell, and Wise Region 5-Texoma; Collin County SDAs (CCMS No. 0504): Collin, Cooke, Fannin, and Grayson Region 6-Brazos Valley SDA (CCMS No. 0601): Brazos, Burleson, Grimes, Leon, Madison, Robertson, and Washington Region 6-Central Texas SDA (CCMS No. 0602): Bell, Coryell, Hamilton, Lampasas, Milam, Mills, and San Saba Region 6-City of Austin/Travis County; Rural Capital Area SDAs (CCMS No. 0603): Bastrop, Blanco, Burnet, Caldwell, Fayette, Hays, Lee, Llano, Travis, and Williamson Region 6-Heart of Texas SDA (CCMS No. 0604): Bosque, Falls, Freestone, Hill, Limestone, and McLennan Region 7-East Texas SDA (CCMS No. 0701) : Anderson, Camp, Cherokee, Gregg, Harrison, Henderson, Marion, Panola, Rain, Rusk, Smith, Upshur, Van Zandt, and Wood Region 7-North East SDA (CCMS No. 0702) : Bowie, Cass, Delta, Franklin, Hopkins, Lamar, Morris, Red River, and Titus Region 8-Cameron County; Hidalgo and Willacy Counties SDAs (CCMS No. 0801): Cameron, Hidalgo, and Willacy Region 8-City of Corpus Christi and Nueces County; Rural Coastal Bend SDAs (CCMS No. 0802): Aransas, Bee, Brooks, Duvall, Jim Wells, Kenedy, Kleberg, Live Oak, McMullen, Nueces, Refugio, and San Patricio Region 8-Golden Crescent SDA (CCMS No. 0803): Calhoun, Dewitt, Goliad, Gonzales, Jackson, Lavaca, and Victoria Region 8-South Texas SDA (CCMS No. 0804): Jim Hogg, Starr, Webb, and Zapata Region 9-Alamo SDA (CCMS No. 0901): Atascosa,

Bandera, Bexar, Comal, Frio, Gillespie, Guadalupe, Karnes, Kendall, Kerr, Medina, and Wilson Region 9—Middle Rio Grande SDA (CCMS No. 0902): Dimmit, Edwards, Kinney, La Salle, Maverick, Real, Uvalde, Val Verde, and Zavala Region 10—Deep East Texas SDA (CCMS No. 1001): Angelina, Houston, Jasper, Nacogdoches, Newton, Polk, Sabine, San Augustine, San Jacinto, Shelby, Trinity, and Tyler Region 10—South East SDA (CCMS No. 1002): Hardin, Jefferson, and Orange Region 11—City of Houston; Balance of Harris County SDAs (CCMS No. 1101) : Harris Region 11—Gulf Coast SDA (CCMS No. 1102): Austin, Brazoria, Chambers, Colorado, Fort Bend, Galveston, Liberty, Matagorda, Montgomery, Walker, Waller, and Wharton

Issued in Austin, Texas, on July 2, 1990.

TRD-9006650 Cathy Rossberg
Agency liaison, Policy Communication
Services
Texas Department of Human Services

Filed: July 2, 1990

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



Legislative Budget Office
Joint Budget Hearing Schedule

The following hearings have been scheduled for the period of July 9-July 13, 1990.

Commission on Fire Protection Personnel Standards and Education, July 12, 9: 30 a.m., Room 107, John H. Reagan Building, 15th and North Congress Avenue, Austin.

National Research Laboratory Commission, July 11, 10:30 a.m., Room 102, John H. Reagan Building, 15th and North Congress Avenue, Austin.

Board of Land Surveying, July 13, 9:30 a.m., Room 107, John H. Reagan Building, 15th and North Congress Avenue, Austin.

Please confirm above dates, times, and locations in the event you plan to attend a hearing, since experience has shown that some rescheduling always occurs. Hearings schedule may be checked on PROFS.

Property Tax Board, July 11, 3:30 p.m., Room 107 John H. Reagan Building, 15th and North Congress Avenue, Austin.

Secretary of State, July 12, 2 p.m., Room 215, State Capitol Building, Austin.

Board of Plumbing Examiners, July 13, 11 a.m., Room 107 John H. Reagan building, 15th and North Congress Avenue, Austin.

Issued in Austin, Texas, on June 29, 1990.

TRD-9006612 Larry Kopp
Assistant Director for Budgets
Legislative Budget Office

Filed: June 29, 1990

For further information, please call: (512) 463-1200



State Committee of Examiners for
Speech-Language Pathology and
Audiology

Correction of Error

The State Committee of Examiners for Speech-Language Pathology and Audiology submitted an open meeting notice for a June 22 meeting which contained an error as submitted in the June 15, 1990, issue of the *Texas Register* (15 TexReg 3223).

The sections for rule changes should read "§§741.1-741.210".



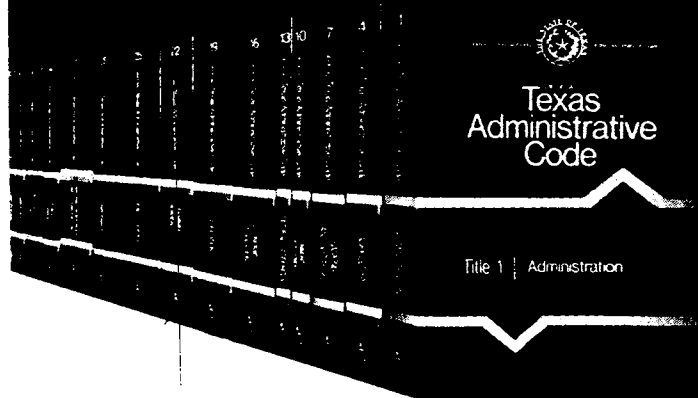
1990 Publication Schedule for the Texas Register

Listed below are the deadline dates for the May-December 1990 issues of the *Texas Register*. Because of printing schedules, material received after the deadline for an issue cannot be published until the next issue. Generally, deadlines for a Tuesday edition of the *Texas Register* are Wednesday and Thursday of the week preceding publication, and deadlines for a Friday edition are Monday and Tuesday of the week of publication. A bullet beside a publication date indicates that the deadlines have been moved because of state holidays.

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

Tuesday, August 21	Wednesday, August 15	Thursday, August 16
Friday, August 24	Monday, August 20	Tuesday, August 21
Tuesday, August 28	Wednesday, August 22	Thursday, August 23
Friday, August 31	Monday, August 27	Tuesday, August 28
Tuesday, September 4	Wednesday, August 29	Thursday, August 30
*Friday, September 7	Friday, August 31	Tuesday, September 4
Tuesday, September 11	Wednesday, September 5	Thursday, September 6
Friday, September 14	Monday, September 10	Tuesday, September 11
Tuesday, September 18	Wednesday, September 12	Thursday, September 13
Friday, September 21	Monday, September 17	Tuesday, September 18
Tuesday, September 25	Wednesday, September 19	Thursday, September 20
Friday, September 28	Monday, September 24	Tuesday, September 25
Tuesday, October 2	Wednesday, September 26	Thursday, September 27
Friday, October 5	Monday, October 1	Tuesday, October 2
Tuesday, October 9	Wednesday, October 3	Thursday, October 4
Friday, October 12	Monday, October 8	Tuesday, October 9
Tuesday, October 16	Wednesday, October 10	Thursday, October 11
Friday, October 19	Monday, October 15	Tuesday, October 16
*Tuesday, October 23	THIRD QUARTERLY INDEX	
Friday, October 26	Monday, October 22	Tuesday, October 23
Tuesday, October 30	Wednesday, October 24	Thursday, October 25
Friday, November 2	Monday, October 29	Tuesday, October 30
Tuesday, November 6	Wednesday, October 31	Thursday, November 1
*Friday, November 9	NO ISSUE PUBLISHED	
Tuesday, November 13	Wednesday, November 7	Thursday, November 8
Friday, November 16	Monday, November 12	Tuesday, November 13
Tuesday, November 20	Wednesday, November 14	Thursday, November 15
Friday, November 23	Monday, November 19	Tuesday, November 20
*Tuesday, November 27	NO ISSUE PUBLISHED	
Friday, November 30	Monday, November 26	Tuesday, November 27
Tuesday, December 4	Wednesday, November 28	Thursday, November 29
Friday, December 7	Monday, December 3	Tuesday, December 4
Tuesday, December 11	Wednesday, December 5	Thursday, December 6
Friday, December 14	Monday, December 10	Tuesday, December 11
Tuesday, December 18	Wednesday, December 12	Thursday, December 13
Friday, December 21	Monday, December 17	Tuesday, December 18
Tuesday, December 25	Wednesday, December 19	Thursday, December 20
*Friday, December 28	NO ISSUE PUBLISHED	

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