

# Texas Register

Volume 15, Number 57, July 31, 1990

Pages 4345-4410

## In This Issue...

### **Office of the Governor**

Appointments Made July 11, 1990

4359-Assistant Adjutant General for Air  
Appointments Made July 12, 1990

4359-Texas Literacy Council

4359-Advisory Committee for the Elementary and  
Secondary Education

4359-Project Child Save Steering Committee  
Appointment Made July 16, 1990

4359-Deputy Assistant Adjutant General for Army  
Appointments Made July 17, 1990

4359-Texas Board of Mental Health and Mental Retarda-  
tion

4359-Texas Diabetes Council

### **Attorney General**

Open Records Decisions

4361-ORD-558 (RQ-1866)

4361-ORD-559 (RQ-1935)

4361-ORD-560 (RQ-1875)

4361-ORD-561 (RQ-1987)

### **Proposed Sections**

Texas State Library and Archives  
Commission

4363-Program for the Blind and Physically Handicapped  
Texas Cosmetology Commission

4367-Sanitary Rules

4367-General Provisions

Texas Department of Health

4368-Maternal and Child Health Services

4378-Occupational Health and Radiation Control  
Texas Parks and Wildlife Department

4379-Law Enforcement

Texas Department of Human Services

4379-Purchased Health Services

4380-Community Care for Aged and Disabled  
Texas Rehabilitation Commission

4381-Special Rules and Policies

### **Withdrawn Sections**

Texas Department of Health

4383-Maternal and Child Health Services

State Board of Insurance

4383-Surplus Lines Insurance

### **Adopted Sections**

Texas Parks and Wildlife Department

4385-Wildlife

Texas Water Commission

4397-Industrial Solid and Municipal Hazardous Waste

### **Open Meetings**

4399-Texas Department of Agriculture

4400-Texas Commission on Alcohol and Drug Abuse

4400-State Board of Barber Examiners

4400-Texas Commission for the Deaf

4400-East Texas State University

CONTENTS CONTINUED INSIDE

## Texas Register

The *Texas Register* (ISSN0362-4781) is published semi-weekly 100 times a year except June 1, 1990, November 9 and 27, 1990, and December 28, 1990. Issues will be published by the Office of the Secretary of State, 1019 Brazos, Austin, Texas 78711.

Material in the *Texas Register* is the property of the State of Texas. However, it may be copied, reproduced, or republished by any person for any purpose whatsoever without permission of the *Texas Register* director, provided no such republication shall bear the legend *Texas Register* or "Official" without the written permission of the director. The *Texas Register* is published under Texas Civil Statutes, Article 6252-13a. Second class postage is paid at Austin, Texas.

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

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

Governor-Appointments, executive orders, and proclamations

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

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

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).



## Texas Register Publications

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

Secretary of State  
**George S. Bayoud, Jr.**

Director  
**Dan Procter**

Assistant Director  
**Dee Wright**

Documents Section Supervisor  
**Patty Parris**

Documents Editors  
**Lisa Brull**  
**Janiene Hagel**

Open Meetings Clerk  
**Brenda J. Kizzee**

Production Section Supervisor  
**Ann Franklin**

Production Editor  
**Sharon Menger**

Typographers  
**Sherry Rester**  
**Janice Rhea**

Circulation/Marketing  
**Cheryl Converse**  
**Roberta Knight**

TAC Editor  
**Dana Blanton**

TAC Typographer  
**Madeline Chrisner**

---

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

4400–The Advisory Commission on State Emergency Communications

4401–Texas Health Insurance Risk Pool

4401–Texas Department of Human Services

4401–State Board of Insurance

4401–Texas Low-Level Radioactive Waste Disposal Authority

4401–Texas State Board of Medical Examiners

4401–Texas Motor Vehicle Commission

4402–Texas Council On Offenders with Mental Impairments

4402–State Pension Review Board

4402–Public Utility Commission of Texas

4402–Texas Racing Commission

4402–Texas Rehabilitation Commission

4402–Texas A&M University System

4403–University of Texas System

4403–Texas Water Commission

4403–Regional Meetings

### ***In Addition***

**Texas Department of Banking**

4405–Notice of Application

**Texas Department of Health**

4405–Licensing Actions for Radioactive Material

4407–Public Comments on Application for Maternal and Child Health Block Grant

4408–Radioactive Material License Amendment  
**State Department of Highways and  
Public Transportation**

4408–Consultant Proposal Request  
**State Board of Insurance**

4409–Consultant Proposal Request  
**Texas Public Finance Authority**

4409–Request for Proposals  
**Texas Water Commission**

4409–Enforcement Orders

4410–Notice of Application for Waste Disposal Permit

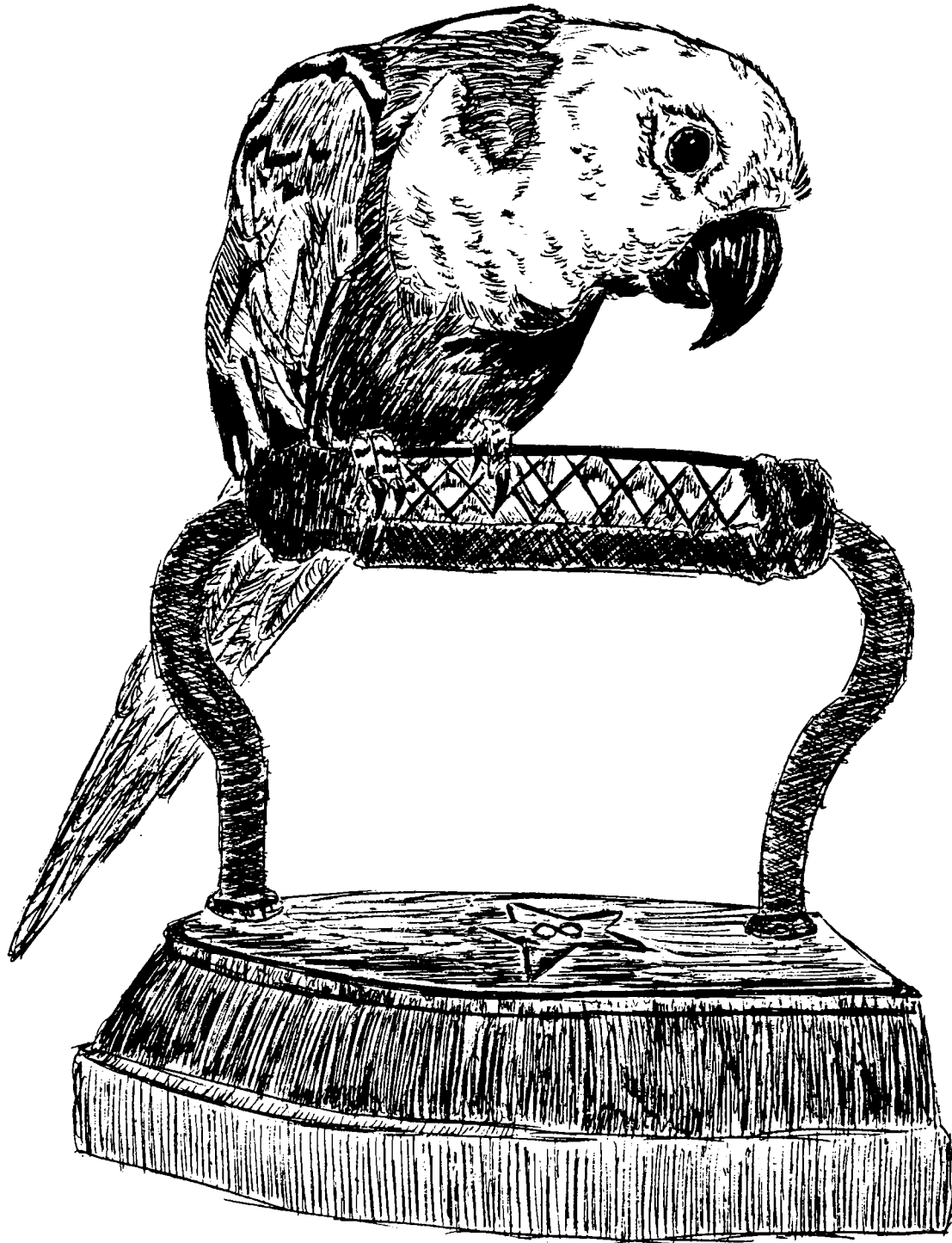


Name: Christy Fortner

Grade: 8

School: T.H. McDonald Middle School, Mesquite ISD

Christy  
Fortner  
II



Name: Mark Belmonte

Grade: 8

School: T.H. McDonald Middle School, Mesquite ISD

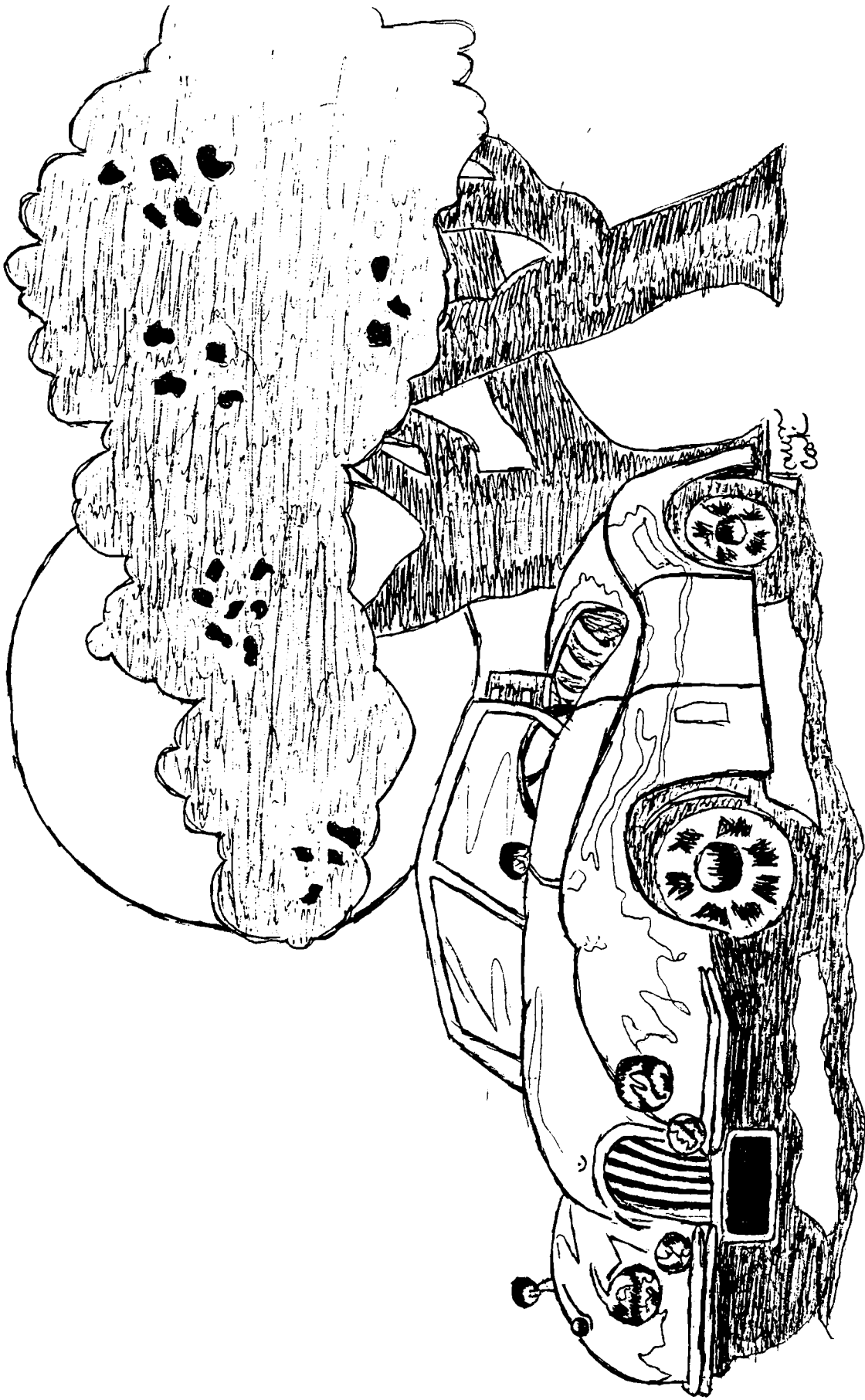


Kim Webber  
"in Christ"

Name: Kim Webber

Grade: 8

School: T.H. McDonald Middle School, Mesquite ISD



Name: Aaron Cook

Grade: 8

School: T.H. McDonald Middle School, Mesquite ISD



Name: Jon Black

Grade: 8

School: T.H. McDonald Middle School, Mesquite ISD



# TAC Titles Affected

---

## TAC Titles Affected—July

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

### TITLE 1. ADMINISTRATION

#### **Part V. State Purchasing and General Services Commission**

1 TAC §§113.2-113.6, 113.9-113.12, 113.14—4301

1 TAC §113.16—4301

1 TAC §113.31—4301

1 TAC §113.73—4301

1 TAC §§113.81, 113.83, 113.85, 113.87—4301

1 TAC §§113.91, 113.93, 113.95, 113.99—4302

### TITLE 7. BANKING AND SECURITIES

#### **Part I. State Finance Commission**

7 TAC §3.22—4071, 4115

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

7 TAC §11.63—4072, 4115

7 TAC §11.64—4072, 4115

7 TAC §11.65—4083, 4115

#### **Part V. Office of Consumer Credit Commissioner**

7 TAC §85.1—4279

7 TAC §§85.1, 85.2, 85.4, 85.9, 85.12, 85.22, 85.30, 85.50, 85.57, 85.58—4279

#### **Part VI. Credit Union Department**

7 TAC §95.303—3785

7 TAC §97.114—3785

#### **Part VII. State Securities Board**

7 TAC §105.9—3951

7 TAC §109.13—3951

7 TAC §113.4—3952

7 TAC §113.12—3952

7 TAC §115.1—3989, 3991

7 TAC §115.3—3991

7 TAC §§117.1, 117.2, 117.4-117.9—3991

7 TAC §§121.1-121.10—3991

7 TAC §133.12—3992

7 TAC §133.13—3992

7 TAC §133.24—3992

7 TAC §133.31—3992

### 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

10 TAC §178.10-178.12, 178.14, 178.16, 178.17—4302

10 TAC §178.18—4302

### TITLE 13. CULTURAL RESOURCES

#### **Part I. Texas State Library and Archives Commission**

13 TAC §§9.1-9.14—4363

13 TAC §§9.21-9.31—4364

#### **Part IV. Texas Cosmetology Commission**

#### **Part VII. State Preservation Board**

13 TAC §111.20—3891

13 TAC §111.21—3891

13 TAC §111.22—3891

### TITLE 16. ECONOMIC REGULATION

#### **Part I. Railroad Commission of Texas**

16 TAC §5.294—4089

16 TAC §5.463—3897

16 TAC §5.582—4117

16 TAC §7.42—3799, 4089

#### **Part II. Public Utility Commission of Texas**

16 TAC §23.45—4287

16 TAC §33.12—4302

**Part III. Texas Alcoholic Beverage Commission**

16 TAC §45.103—4203

16 TAC §45.105—4303

16 TAC §60.75—4289

16 TAC §60.152—4289

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

16 TAC §70.100, §70.101—3786

16 TAC §§75.40, 75.70, 75.80—4155

**Part VIII. Texas Racing Commission**

16 TAC §303.33—3993

16 TAC §303.35—3993

16 TAC §305.6—3933, 3953

16 TAC §305.12—3993

16 TAC §305.34—3993

16 TAC §305.68—3993

16 TAC §305.70—3994

16 TAC §305.71—3994

16 TAC §307.72—3994

16 TAC §307.221—3994

16 TAC §307.224—3933

16 TAC §307.241—3994

16 TAC §307.247—3995

16 TAC §307.271—3933, 3953

16 TAC §309.28—3933, 3953

16 TAC §309.67—3953

16 TAC §309.108—3995

16 TAC §309.112—3995

16 TAC §309.195—3995

16 TAC §309.199—3989, 3934, 3954

16 TAC §311.102—3995

16 TAC §313.112—3995

16 TAC §313.421—3989, 3934, 3954

16 TAC §319.110—3934, 3954

16 TAC §319.361—3935, 3955

**TITLE 19. EDUCATION**

**Part II. Texas Education Agency**

19 TAC §33.54—4304

19 TAC §33.62—4304

19 TAC §41.61—4304

19 TAC §61.251—4304

19 TAC §69.3—4290

19 TAC §75.64—4273, 4290

19 TAC §75.141, §75.142—4273, 4291

19 TAC §§75.166, 75.168, 75.169—4274, 4291

19 TAC §75.195—4305

19 TAC §77.27—3786

19 TAC §77.453—4306

19 TAC §78.70—3801

19 TAC §§81.90-81.95—4307

19 TAC §§89.51-89.56—4308

19 TAC §89.112—4309

19 TAC §89.118—4310

19 TAC §89.120—4291

19 TAC §89.131—4275, 4292

19 TAC §89.131—3787

19 TAC §97.5—4276, 4292

19 TAC §109.61—4310

19 TAC §121.31—4292

19 TAC §121.31-121.34—3803

19 TAC §129.1—3788, 4276

19 TAC §137.551, 137.559—4310

19 TAC §141.23—3955

19 TAC §141.27—3956

19 TAC §141.443—3804

19 TAC §141.454—4312

19 TAC §141.481—4313

19 TAC §141.482—3788

19 TAC §§149.41, 149.45, 149.46—3790

19 TAC §149.43—4276, 4293

19 TAC §149.71—4315

## TITLE 22. EXAMINING BOARDS

### **Part V. State Board of Dental Examiners**

22 TAC §115.2—3804

22 TAC §141.10—3792

### **Part IV. Texas Cosmetology Commission**

22 TAC §83.12—4367

22 TAC §83.30—4367

22 TAC §89.39—4367

22 TAC §89.53—4367

### **Part XII. Board of Vocational Nurse Examiners**

22 TAC §231.95—4204

22 TAC §235.18—4155

### **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

22 TAC §535.164—3957

22 TAC §535.165—3957

22 TAC §537.11—3957

### **Part XXIII. Texas Real Estate Commission**

22 TAC §535.164—

22 TAC §535.165—

22 TAC §537.11—

22 TAC §§544.1-544.9—3958

### **Part XXV. Structural Pest Control Board**

22 TAC §591.5—4156

22 TAC §591.10—4205

22 TAC §593.7—4156

## TITLE 25. HEALTH SERVICES

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

25 TAC §1.9—3853

25 TAC §1.171—3989, 3996

25 TAC §37.47, §37.48—3962

25 TAC §37.83—3835, 3851, 4149, 4383

25 TAC §37.86—4203

25 TAC §37.90—4091, 4368

25 TAC §§61.21-61.24—3853

25 TAC §97.16—3893

25 TAC §§97.31-97.47—3854

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

25 TAC §97.63—4156

25 TAC §115.8—3898

25 TAC §§123.1, 123.2, 123.4-123.10, 123.12-123.14—4117

25 TAC §125.1, §125.6—3965

25 TAC §127.2—3856

25 TAC §127.3—3856

25 TAC §127.3, §127.4—3856

25 TAC §133.21—3966

25 TAC §§135.2, 135.10—3898

25 TAC §137.8—3899

25 TAC §139.4—3899

25 TAC §§139.2, 139.4-139.12, 139.14—4158

25 TAC §§139.15-139.17—4158

25 TAC §§139.21-139.23—4158

25 TAC §§139.31-139.32—4158

25 TAC §§139.41-139.47—4158

25 TAC §§145.11-145.13, 145.15, 145.20, 145.24—3998

25 TAC §145.23—3899

25 TAC §145.35—3900

25 TAC §145.58—3900

25 TAC §§145.81-145.85, 145.87-145.90, 145.92-145.97—4000

25 TAC §145.182—3900

25 TAC §145.212—3900  
25 TAC §151.3, §151.5—3851, 3856  
25 TAC §151.3, §151.13—3889, 4165  
25 TAC §§157.2-157.4—4003  
25 TAC §§157.2-157.4—4006  
25 TAC §§157.11-157.20—4008  
25 TAC §§157.62, 157.66-157.73, 157.75, 157.83—4018

25 TAC §§181.1, 181.3-181.5, 181.10—3966

25 TAC §§229.341-229.349—3900

25 TAC §241.23—3968

25 TAC §289.126—3905

25 TAC §289.111, §289.121—4378

25 TAC §301.18—3906

25 TAC §§325.441, 325.442, 325.444, 325.445,  
325.447-335.449—3910

25 TAC §325.461—3911

25 TAC §§325.621-325.623—3911

25 TAC §§325.906, 325.908, 325.909—3911

25 TAC §§337.3-337.7, 337.12, 337.18, 337.19-337.21—  
3969

25 TAC §337.5, §337.6—3973

25 TAC §§337.3, 337.4-337.7, 337.12, 337.18-337.21—

25 TAC §§337.205-337.207—4018

#### **Part VI. Statewide Health Coordinating Council**

25 TAC §571.1—3841

### **TITLE 28. INSURANCE**

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

28 TAC §§5.1301-5.1309—4150

28 TAC §5.1401, §5.1402—3977

28 TAC §§5.1501-5.1503—3979, 4150

28 TAC §5.1521—4168

28 TAC §5.1701-5.1703, 5.1711-5.1713—4168

28 TAC §§5.1721-5.1723, 5.1731—4171

28 TAC §§5.301-5.303, 5.311—4166

28 TAC §§5.6001-5.6003—4173

28 TAC §5.6003, §5.6004—4175

28 TAC §7.58—4150

28 TAC §15.25—4318

28 TAC §15.27—3980

28 TAC §15.29—4383

28 TAC §21.105—4175

28 TAC §27.16—4150

28 TAC §27.215—4153

28 TAC §§27.601-27.607—3793

28 TAC §§27.601-27.620—3792

28 TAC §29.206—4154

### **TITLE 31. NATURAL RESOURCES AND CONSERVATION**

#### **Part II. Texas Parks and Wildlife Department**

31 TAC §55.142—4379

31 TAC §57.352—3935

31 TAC §§59.71-59.82—4176

31 TAC §§59.131-59.136—4177

31 TAC §§59.131-59.163—4176

31 TAC §§65.190-65.197—4385

31 TAC §§65.190-65.230—4385

31 TAC §65.261—3981

31 TAC §65.313, §65.315—4396

31 TAC §§65.701-65.707—4205

#### **Part III. Texas Air Control Board**

31 TAC §§115.421, 115.425, 115.429—3857

31 TAC §§116.1, 116.3, 116.6—3913

31 TAC §§121.1, 121.3, 121.15, 121.21—3914

#### **Part IX. Texas Water Commission**

31 TAC §281.21, §281.25—4179

31 TAC §§291.1-291.16—4021

31 TAC §§291.21-291.32—4022

31 TAC §§291.41-291.45—4023

31 TAC §§291.71-291.75—4024

31 TAC §§291.81-291.89—4025

31 TAC §§291.91-291.95—4028

31 TAC §§291.102-291.118—4028

31 TAC §§305.1-305.3—4181  
 31 TAC §§305.21-305.23—4183  
 31 TAC §§305.43, 305.44, 305.46, 305.48, 305.50—4183  
 31 TAC §§305.62, §305.63—4185  
 31 TAC §§305.96, 305.100, 305.101, 305.106—4185  
 31 TAC §§305.121, 305.122, 305.125-305.129—4186  
 31 TAC §§305.531-305.538—4188  
 31 TAC §305.541—4191  
 31 TAC §308.1—4294  
 31 TAC §308.21—4294  
 31 TAC §308.31—4294  
 31 TAC §308.41—4294  
 31 TAC §308.71—4295  
 31 TAC §308.81—4295  
 31 TAC §308.101—4295  
 31 TAC §308.121—4295  
 31 TAC §308.141—4295  
 31 TAC §309.1—4191  
 31 TAC §309.13—4191  
 31 TAC §309.30—4192  
 31 TAC §313.10, §313.11—3935, 4296  
 31 TAC §314.1—4297  
 31 TAC §315.1—4192  
 31 TAC §319.5, §319.12—4193  
 31 TAC §321.141—4194  
 31 TAC §§334.401-313.413—4209  
 31 TAC §335.2—4397  
 31 TAC §335.43—4397  
 31 TAC §§337.6—4194  
**TITLE 34. PUBLIC FINANCE**  
**Part I. Comptroller of Public Accounts**  
 34 TAC §3.152—3799  
 34 TAC §3.293—4318  
 34 TAC §3.299—3841  
 34 TAC §3.307—3793

34 TAC §3.310—3794  
 34 TAC §3.312—4195  
 34 TAC §3.327—4195  
 34 TAC §3.336—4318  
 34 TAC §3.345—4120  
 34 TAC §3.357—4196  
 34 TAC §3.417—4196  
**Part II. Texas State Treasury Department**  
 34 TAC §§11.2-11.37—4067  
**Part VII. State Property Tax Board**  
 34 TAC §155.60—4319  
 34 TAC §161.202—3981  
 34 TAC §171.1—4297  
**TITLE 37. PUBLIC SAFETY AND CORRECTIONS**  
**Part I. Texas Department of Public Safety**  
 37 TAC §1.23—3981  
 37 TAC §1.32, §1.34—4298  
 37 TAC §15.54, §15.56—4028  
 37 TAC §15.81—4299  
 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 §81.115—3935, 4101  
 37 TAC §85.29—4101  
 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  
**Part VI. Texas Department of Criminal Justice**  
 37 TAC §152.3—4210

37 TAC §152.7, §152.9—4217

37 TAC §160.1-160.8—4217

37 TAC §163.31—4218

37 TAC §165.41, §165.43—4218

37 TAC §321.15, §321.16—4221

**Part VII. Texas Commission on Law Enforcement Officer Standards and Education**

37 TAC §211.98—4104

37 TAC §§213.1, 213.3, 213.10, 213.20, 213.50, 213.60—4105

**Part XI. Texas Juvenile Probation Commission**

37 TAC §341.21—

**TITLE 40. SOCIAL SERVICES AND ASSISTANCE**

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

40 TAC §§3.3901-3.3910—4016

40 TAC §15.203—4030

40 TAC §§16.1502, 16.1503—3859

40 TAC §16.1514—4107

40 TAC §16.1601—3859

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

40 TAC §24.102—4111

40 TAC §§27.102-27.104—3795, 3799

40 TAC §27.109—3796, 3799

40 TAC §§27.1804-27.1805—3796, 3799

40 TAC §27.9801—4030, 4197

40 TAC §29.1126—4120

40 TAC §§29.2101-29.2103—4379

40 TAC §§29.2401-29.2404—4120

40 TAC §§31.201-31.207—3982

40 TAC §§33.122-33.124—4122

40 TAC §33.132—4122

40 TAC §35.101, §35.102—3860

40 TAC §46.7001—4112

40 TAC §48.2902—4380

40 TAC §48.2916—4123

40 TAC §48.9801, §48.9805—4112

40 TAC §48.9808—4381

40 TAC §49.506—

40 TAC §49.1501, §49.1502—4031, 4123

40 TAC §§49.1744-49.1749—3984

40 TAC §§49.1744-49.1752—3984

40 TAC §50.1902—3849

40 TAC §§50.3901, 50.3904, 50.3912—3849

40 TAC §52.502—4113

40 TAC §53.502—4113

40 TAC §56.701—3799

40 TAC §72.902—4299

**Part II. Texas Rehabilitation Commission**

40 TAC §115.8—3894

40 TAC §117.3—4381

**Part IV. Texas Commission for the Blind**

40 TAC §159.21—4222

40 TAC §161.5—4223

**Part IX. Texas Department on Aging**

40 TAC §§289.1, 289.5, 289.7, 289.11, 289.13, 289.17—4223

40 TAC §159.21—

**TITLE 43. TRANSPORTATION**

**Part I. State Department of Highways and Public Transportation**

43 TAC §§17.60-17.62, 17.65, 17.68-17.71, 17.73-17.75—3935, 3987

43 TAC §17.66, §17.67—3939, 3988

43 TAC §17.67—3939, 3988 -



# The Governor

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

## Appointments Made July 11, 1990

To be Assistant Adjutant General for Air for a term at the pleasure of the Governor, effective July 1, 1990: Brigadier General Lester L. McIntyre, P.O. Box 5218, Austin, Texas 78763. General McIntyre is replacing General LeRoy Thompson, who has retired.

## Appointments Made July 12, 1990

To be a member of the Texas Literacy Council for a term to expire February 1, 1990: Martha Farmer York, 8401 Wayne Avenue, Lubbock, Texas 79424. Ms. York is replacing Jewellean Mangaroo of Houston, whose term expired.

To be a member of the Advisory Committee for the Elementary and Secondary Education Act for a term at the pleasure of the Governor: Rebecca Ann Martin, 9500 Jollyville Road #122, Austin, Texas 78759. Ms. Martin will be replacing Dr. Joan Michael of Houston, who is no longer eligible.

To be a member of the Advisory Committee for the Elementary and Secondary Education Act for a term at the pleasure of the Governor: Gail Thornton Thomason, Route 1, Box 683, Harlingen, Texas 78552. Ms. Thomason is replacing Leroy Schneider of Maxwell, who is no longer eligible.

To be a member of the Project Child Save Steering Committee for a term to expire September 1, 1993: Lila Lee Pond, 100 6th Avenue, Port Arthur, Texas 77643. Mrs. Pond is filling a new position pursuant to House Bill 2116, §71.016.

## Appointments Made July 16, 1990

To be a member of the Deputy Assistant Adjutant General for Army for a term at the pleasure of the Governor, effective September 11, 1989: Brigadier General Sam C. Turk, 318 Rivercrest Drive, Gonzales, Texas 78629. General Turk is replacing General Reynaldo Sanchez of El Paso, whose term expired.

## Appointments Made July 17, 1990

To be a member of the Texas Board of Mental Health and Mental Retardation for a term to expire January 31, 1993: Edward Brunson Weyman, #27 Saddle Club Drive, Midland, Texas 79705. Mr. Weyman will be filling the unexpired term of F. O'Neil Griffin of Kerrville, who resigned.

To be a member of the Texas Diabetes Council for a term to expire February 1, 1990: Charles R. Gregg, 101 Radney Road, Houston, Texas 77024. Mr. Gregg will be filling the unexpired term of Linda Russell of Dallas, who resigned.

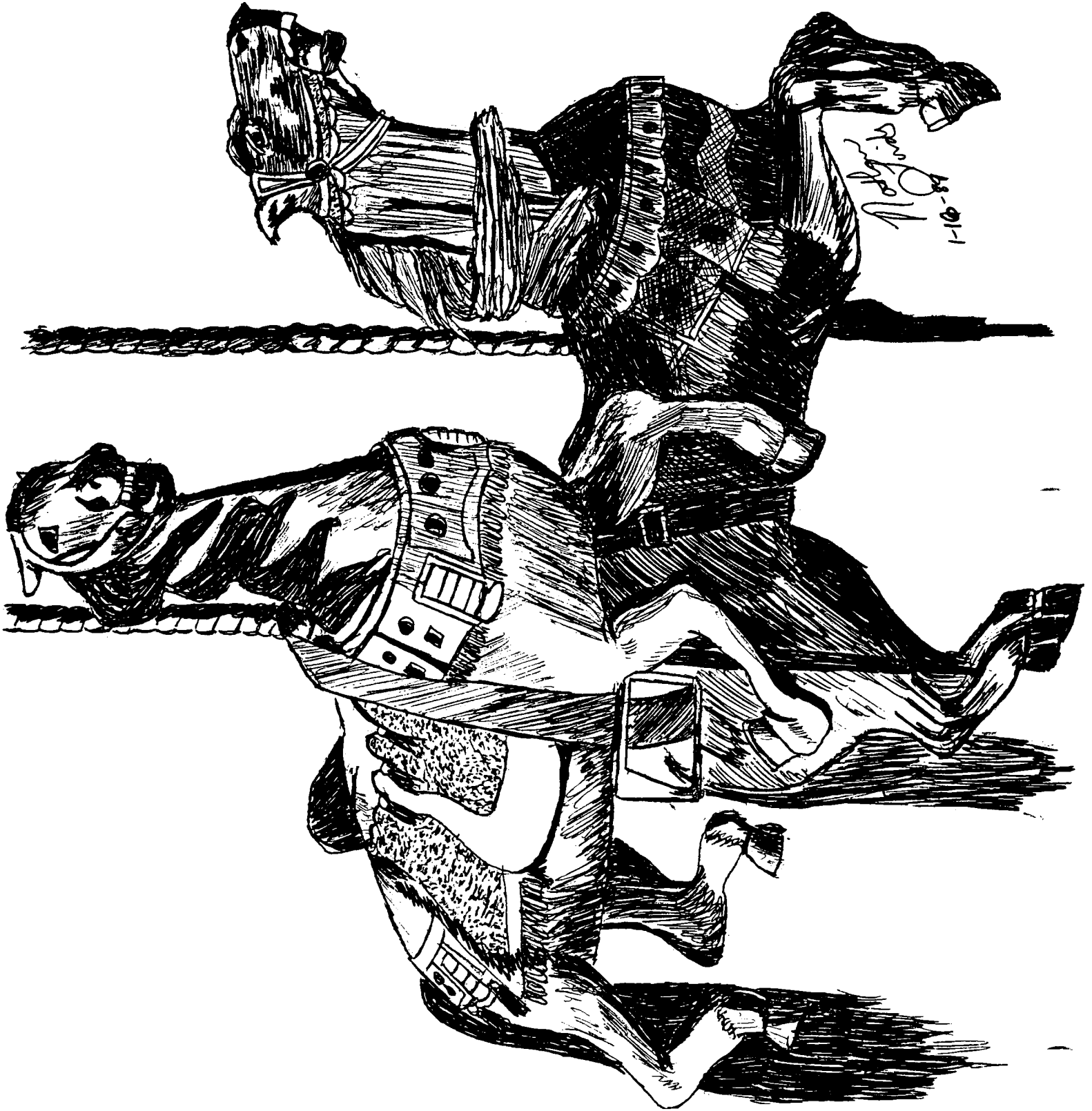
To be a member of the Texas Diabetes Council for a term to expire February 1, 1992: Jaime A. Davidson M.D., 6804 Harvest Glen, Dallas, Texas 75248. Dr. Davidson is replacing Dr. Luther Travis of Galveston, whose term expired.

Issued in Austin, Texas on July 23, 1990.

TRD-9007399

William P. Clements, Jr.  
Governor of Texas





Name: Nathan Lindsey

Grade: 8

School: T.H. McDonald Middle School, Mesquite ISD



# Attorney General

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

## Open Records Decisions

**ORD-558 (RQ-1866).** Request from Benjamin Euresti, Jr., Cameron County Attorney, Cameron County Courthouse, Brownsville, concerning whether the Open Records Act, Texas Civil Statutes, Article 6252-17a, requires a county official to compile and retain the driving records of county officers and employees.

**Summary of Decision.** No law requires Cameron County to maintain driving records of elected officials and employees of the county and it does not maintain these records. The county's automobile liability insurer has acquired such records for its own use, not on behalf of or for the use of Cameron County. The Open Records Act does not require the county to seek copies of its employees' driving records from its insurer in response to a request under the act for such records.

TRD-9007454



**ORD-559 (RQ-1935).** Request from Jim Hightower, Commissioner, Department of Agriculture, Austin, concerning whether documents relating to the Texas-Federal Inspection Service are excepted from disclosure under the Open Records Act, Texas Civil Statutes, Article 6252-17a.

**Summary of Decision.** It is clearly inimical to the purposes of the Open Records Act to suppose that an agency may close up documents merely by stamping the word "draft" upon them. However, where a document is genuinely a preliminary draft

of a document that has been released or is intended for release in a final form, the draft necessarily represents the advice, opinion, and recommendation of the drafter as to the form and content of the final document. In such an instance, the draft itself, as well as comments made on the draft, underlining, deletions, and proofreading marks would qualify for exemption under §3(a)(11). Purely factual matter, where severable, must be released. When such factual matter is contained in the final version of the document, the release of the final version would satisfy this requirement. Open Records Decision Number 196 (1978) is overruled to the extent inconsistent with this decision.

Where an audit is completed the information in question is in the possession of the audited agency, withholding information that might reveal audit timing, scope, or strategy with specific respect to that audit would not serve the purpose of the exemption from public disclosure found in §3(a)(16).

TRD-9007453



**ORD-560 (RQ-1875).** Request from J. Kirk Brown, General Counsel, Texas Department of Criminal Justice, Huntsville, concerning whether videotapes of "forced cell transfers" are available to the public under the Open Records Act, Texas Civil Statutes, Article 6252-17a.

**Summary of Decision.** Use of Force Reports (including videotape recordings) held by the Texas Department of Criminal Justice are required by, and subject to, the jurisdiction of the federal court in ongoing litigation. This office will not apply the provisions of the Texas Open Records Act, Texas Civil Statutes, Article 6252-17a, to such materials. All informal open record letter rulings that interpret the Stipulated Modification of the Ruiz Amended Decree are overruled.

TRD-9007452



**ORD-561 (RQ-1987).** Request from Robert E. Talton, City Attorney, City of Pearland, Pasadena, concerning the effect of federal law on release of law enforcement information, and related questions.

**Summary of Decision.** Where a federal agency shares information with a governmental body in Texas pursuant to a policy affording the governmental body greater access to the information than that afforded to the general public, the Open Records Act, §3(a)(1), will except such information from public disclosure if the information is confidential in the hands of the federal agency under federal law.

The fact that the requestor may seek a writ of mandamus to enforce the provisions of the Open Records Act will not justify withholding information from public disclosure under the Act, §3(a)(3). Open Records Letter Rulings OR89-385, OR89-386, and OR89-387 are overruled.

TRD-9007451





Name: Keri Torres

Grade: 8

School: T.H. McDonald Middle School, Mesquite ISD

# 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 13. CULTURAL RESOURCES

### Part I. Texas State Library and Archives Commission

#### Chapter 9. Program for the Blind and Physically Handicapped

##### • 13 TAC §§9.1-9.14

The Texas State Library and Archives Commission proposes new §§9.1-9.14, concerning the Program for the Blind and Physically Handicapped. The new sections discuss the initial and continued eligibility for library service for blind, physically disabled, and learning disabled Texans.

Dale Propp, director of the Program for the Blind and Physically Handicapped, has determined that there will not be fiscal implications as a result of administering or enforcing these sections.

Mr. Propp 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 an improvement in the efficiency of the operations of the Program for the Blind and Physically Handicapped because books, magazines, and equipment will be returned more promptly and will be available on a more consistent basis to others. 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 Kay Nichols, manager of program development, Program for the Blind and Physically Handicapped, Texas State Library, P.O. Box 12927, Austin, Texas 78711.

The new sections are proposed under the Government Code, Chapter 441, §441.006, which provides the Texas State Library and Archives Commission with the authority to govern the Texas State Library.

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

**Active user**—A person who has borrowed at least one book in the most recent 12-month period beginning September 1, or who is currently subscribing to a magazine produced by the Texas State Library or by the National Library Service for the Blind and Physically Handicapped.

**Books**—Braille, flexible disc, cassette, and large print publications.

**Borrower**—A person who currently receives service.

**Commission**—The Texas State Library and Archives Commission.

**Competent authority**—In cases of blindness, visual disability, or physical limitation, includes doctors of medicine, doctors of osteopathy, ophthalmologists, optometrists, registered nurses, therapists, professional staff of hospitals, institutions, and public or welfare agencies (e. g., social workers, case workers, counselors, rehabilitation teachers, and superintendents). In the absence of any of these, certification may be made by professional librarians or by other persons whose competence is acceptable to the Library of Congress. In the case of reading disability from organic dysfunction, includes only doctors of medicine or osteopathy.

**Loan period**—The period of time beginning with the day the Texas State Library mails a book or magazine to a borrower and ending with the day the Texas State Library receives the returned book or magazine.

**Magazines**—Periodical publications in flexible disc, cassette, braille, or large print format.

**National Library Service for the Blind and Physically Handicapped (National Library Service)**—A division of the Library of Congress which operates a free national library service that produces recorded and braille materials and distributes them to a cooperating network of regional and subregional libraries, to be circulated by postage free-mail to blind and physically disabled borrowers.

**Texas State Library**—The staff, collections, archives, and property of the Texas State Library and Archives Commission organized to carry out the commission's responsibilities.

**§9.2. Administration.** A free, statewide program of library service for Texas residents who are blind, learning disabled, or physically handicapped is operated and administered by the Texas State Library, Program for the Blind and Physically Handicapped. The National Library Service for the blind and physically handicapped provides the Texas State Library with books in braille and audio format under regulations established by the Library of

Congress. The National Library Service also provides the Texas State Library with playback equipment for reading materials in audio format.

**§9.3. Eligibility.** The following persons are eligible for service:

(1) persons whose visual acuity, as determined by competent authority, is 20/200 or less in the better eye with correcting glasses, or whose widest diameter of visual field is no greater than 20 degrees;

(2) Persons whose visual disability, with correction and regardless of optical measurement, is certified by competent authority as preventing the reading of standard printed material;

(3) persons certified by competent authority as unable to read or unable to use standard printed materials as a result of physical limitations;

(4) persons certified by competent authority as having a reading dysfunction resulting from organic dysfunction and of sufficient severity to prevent their reading printed material in a normal manner.

**§9.4. Status Changes.** Registered borrowers of the Texas State Library, Program for the Blind and Physically Handicapped should notify the library if any of the following circumstances occur:

(1) the borrower moves to a different address or gets a different telephone number;

(2) the borrower desires to cancel service permanently or to place service on temporary hold for vacation, illness, or other reasons;

(3) the borrower moves temporarily or permanently to a location outside the State of Texas; or

(4) the borrower ceases to be eligible for service.

**§9.5. Playback equipment.**

(a) Loan period. A cassette player, a talking book machine, and accessories may be borrowed indefinitely, without charge, by borrowers who check out a cassette or talking book through the Texas State Library at least once each year.

(b) Equipment availability. At any given time, a borrower may have on loan a maximum of one cassette player and one talking book machine.

(c) Ownership of equipment and accessories. Playback equipment, amplifiers, headphones, and remote controls distributed by the Texas State Library or the National Library Service are the property of the federal government.

(d) Repair of playback equipment. Only the Texas State Library is authorized to make repairs of playback equipment on loan to Texas borrowers, or to make the determination that a machine is damaged beyond repair. A machine that needs repair must be returned to the Texas State Library, which will provide a replacement machine. Under no circumstances should a borrower or any other person attempt to repair the playback equipment or accessories.

(e) Repair of accessories. The National Library Service loans amplifiers and remote controls. An amplifier or remote control that needs repair must be returned to the National Library Service.

(f) Nontransferability. Borrowers must not lend playback equipment to other persons.

(g) Return of equipment. Playback equipment and accessories must be returned to the lending agency if the borrower ceases to actively use the service.

#### §9.6. Books and magazines.

(a) Loan period. The loan period for books is 45 days for individuals, 90 days for schools, and 120 days for other institutions. The loan period for magazines is 15 days for individuals and 45 days for schools and other institutions. No fines for overdue books or magazines will be levied.

(b) Ownership. Books and magazines in all formats are the property of the federal government, with the following exceptions.

(1) Books or magazines identified as "TSL" are the property of the Texas State Library.

(2) Flexible disc magazines distributed by the National Library Service are disposable unless clearly marked "Property of TSL".

(c) Nontransferability. Borrowers must not lend library books or magazines to other persons.

(d) Return of books and magazines. Except for disposable materials, all books and magazines must be returned to the Texas State Library at the end of their loan period. If the borrower becomes ineligible or cancels service, all books and magazines must be returned to the Texas State Library regardless of whether the loan period has ended.

§9.7. *Use of Mail Service.* No postage is required to return materials. When returning books, magazines, or equipment, the borrower must deliver the materials or equipment to the United States Postal Service by placing the items in a mailbox or taking them to a post office. Placing them on a doorstep for the mail carrier to pick up does not constitute delivery to the postal service and, if problems arise by use of this method, the borrower is responsible for the lost or damaged books.

§9.8. *Misuse of Service.* The following actions are considered misuses of service and may result in suspension of borrowing privileges:

(1) repeated requests for replacement of equipment that has been damaged through negligence, maliciousness, or unauthorized repair;

(2) excessive numbers of overdue books or magazines;

(3) repeated loss or damage of books or magazines;

(4) repeated obscene, harassing, or threatening behavior to Texas State Library staff;

(5) repeated loan of books or playback equipment to other persons; and

(6) repeated violations of other policies described in this chapter.

§9.9. *Notification of Potential Suspension.* If it appears that a borrower has misused service, the Texas State Library will first discuss the problem with the borrower by telephone or in person, then will send a warning letter that states the problem and provides an opportunity for the borrower to respond by a certain date.

§9.10. *Correction of Problem.* If the borrower's response resolves the apparent problem or the borrower ceases the misuse of service by the designated date, and the borrower agrees to abide by Texas State Library policies in the future, no further action will take place at that time.

#### §9.11. Suspension.

(a) If misuse of service continues or recurs, Texas State Library staff will send a notice suspending service. This notice will cite the earlier warning letter, list examples of subsequent misuse, and specify the dates the suspension will begin and end.

(b) The suspension period will not exceed six months.

(c) To avoid suspension, the borrower must contact the Texas State Library before the scheduled suspension date and show cause why suspension should not take place.

(d) Suspension will relate only to the portion of service being misused. For example, if the misuse relates to cassette books, then cassette service would be suspended, but circulation of magazines would continue. If the recurring offense is verbal abuse of Texas State Library staff, the borrower would lose telephone privileges and would be limited to written or third-person communication with the library.

§9.12. *Reinstatement of Service.* When the suspension ends, Texas State Library staff will send the borrower a notification that service is resuming.

§9.13. *Termination of Service.* Service to eligible borrowers will not be permanently cancelled, although suspensions may be applied repeatedly. Service will end only in the following circumstances:

(1) a borrower ceases to meet eligibility requirements;

(2) a borrower requests that service be terminated; or

(3) a borrower ceases to be an active user. Upon request service may be reinstated at any time that eligibility requirements are met.

§9.14. *Transfer of Service.* A borrower who has lived or will live outside the State of Texas for six months or longer will no longer be eligible to receive service through the Texas State Library, and must return all books and magazines to the Texas State Library. At the borrower's request, the Texas State Library will make arrangements to have service transferred to the new state of residence.

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 23, 1990.

TRD-9007440      Raymond Hitt  
Assistant State Librarian  
Texas State Library and  
Archives Commission

Earliest possible date of adoption: August 31, 1990

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

#### • 13 TAC §§9.21-9.31

The Texas State Library and Archives Commission proposes new §§9.21-9.31, concerning the operation and administration of a reading machine program in public and academic libraries. The proposed new sections establish procedures for public and academic libraries to participate and identify criteria for libraries to claim exemption from the program.

Dale Propp, director of the Program for the Blind and Physically Handicapped, has

determined that there will be fiscal implications as a result of enforcing or administering the sections. The effect on state government for the first five-year period will be an estimated additional cost of \$55,089. The effect on state government will depend on the choices made by the library involved. In the event that all participating libraries purchased a service contract, the total cost would be \$55,089 per year, for 24 participating state institutions. The effect on local government for the first five-year period will be an estimated additional cost of \$105,587. In the event that all participating libraries purchased a service contract, the total cost would be \$105,587 per year, for 46 public libraries.

Mr. Propp also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be that visually impaired persons attending participating colleges or visiting participating public libraries will be able independently to read books that may be not available to them in any other accessible format such as braille or audio tape. 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 Kay Nichols, Manager of Program Development, Program for the Blind and Physically Handicapped, Texas State Library, P.O. Box 12927, Austin, Texas 78711.

The new sections are proposed under the Government Code, Chapter 441, §§441.006, and 441.111-116, which provides the Texas State Library and Archives Commission with authority to govern the Texas State Library and to develop guidelines for the use and maintenance of reading devices.

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

**Primary trainer**—A Texas Reading Machine Program (TRMP) library employee who has primary responsibility for training the public in the use of a reading machine.

**Program coordinator**—A TRMP library employee designated as local administrator of the library's Reading Machine Program.

**Reading machine**—An optical scanner that converts printed words into synthetic speech.

**Reading machine user card**—An identification card given to persons who successfully complete training in the use of a reading machine.

**TRMP library**—A library designated as a recipient of a reading machine under the provisions of the Government Code, Chapter 441, §§441.111-116, reading devices for visually handicapped persons.

**Texas State Library**—The staff, collections, archives, and property of the Texas State Library and Archives Commission organized to carry out the commission's responsibilities.

**§9.22. Texas Reading Machine Program Library Responsibilities.** Each Texas Reading Machine Program (TRMP) library must:

(1) maintain on staff at least two persons who have been fully trained to operate the reading machine, and to teach blind and visually handicapped persons to operate the reading machine;

(2) publicize the availability of the reading machine to the general public, local agencies, schools, and organizations serving visually impaired or learning disabled people within its community;

(3) on request, provide reading machine training to the public;

(4) report reading machine activity to the Texas State Library on a quarterly basis;

(5) place the reading machine in an area of the library that is accessible to blind and visually handicapped persons, in an environment consistent with the manufacturer's recommended specifications;

(6) make the reading machine available during all hours the library is open to any individual who can demonstrate competency in reading machine operation or who presents a reading machine user card, giving highest priority in the use of the reading machine to blind or visually handicapped persons;

(7) make available, on loan, copies of the reading machine training manual in print, braille, and cassette formats to persons interested in using or learning to use the reading machine;

(8) ensure that the reading machine is maintained in proper working order at all times;

(9) designate a program coordinator who will:

(A) serve as liaison to the Texas State Library for matters concerning the Reading Machine Program;

(B) provide information concerning the Reading Machine Program to community agencies, schools, and other institutions and organizations; and

(C) coordinate service and maintenance for the reading machine with the equipment manufacturer;

(10) designate a primary trainer who will:

(A) attend reading machine workshops provided by the Texas State Library; and

(B) provide reading machine training, upon request by the public, during

normal working hours;

(11) pay all costs for staff to attend reading machine workshops sponsored by the Texas State Library;

(12) notify the Texas State Library of staff changes affecting the reading machine program; and

(13) notify the Texas State Library, by telephone or in writing, before moving the reading machine to any other building or to any other location within the building where it was originally housed.

**§9.23. Texas State Library Responsibilities.** The Texas State Library shall:

(1) make arrangements for delivery and installation of reading machines in libraries;

(2) notify, in writing, the director of each library prior to delivery and installation of his or her reading machine;

(3) provide each library with forms and schedules for reporting all activity;

(4) conduct a statewide public awareness campaign;

(5) coordinate reading machine site changes; and

(6) provide primary trainers and program coordinators with training, at the Texas State Library, in the use of the reading machine.

**§9.24. Repair of Reading Machines.** Each Texas Reading Machine Program (TRMP) library must:

(1) report to the equipment manufacturer, immediately upon detection, any reading machine malfunction which affects the use of the reading machine;

(2) notify the Texas State Library of any problems encountered in using the reading machine, and send copies of any field maintenance reports to the Texas State Library; and

(3) notify the Texas State Library, by telephone, whenever the equipment manufacturer fails to respond to a service call within three working days.

**§9.25. Reading Machine Maintenance.**

(a) Libraries are responsible for all costs incurred in maintaining and repairing a reading machine. A maintenance contract is not mandatory; a library may pay for repairs as needed.

(b) If a Texas Reading Machine Program (TRMP) library determines that it is financially unable to maintain the reading machine in operable condition, it may apply to the Texas State Library for an exemption.

**§9.26. Financial Exemption Requests.** To

apply for an exemption from the provisions of the Government Code, §441.112 or §441.113, a library must write the Texas State Library and state that it is financially unable to maintain the reading machine in proper working order and request that the machine be relocated. The following documentation must be included;

(1) evidence that the library requested reading machine maintenance funds from its funding authority;

(2) evidence that the library's funding authority did not provide the funds requested;

(3) evidence that the library requested funds from at least one outside funding agency or foundation; and

(4) evidence that the outside funding agency or foundation did not grant the request.

#### §9.27. Financial Exemption Restrictions.

(a) No exemptions will be granted, and no reading machines will be transferred until an alternate site has been identified.

(b) The library must continue to make the reading machine accessible to potential users during the time between the request and completion of a transfer, unless the machine is not in working order.

(c) The reading machine will not be relocated until current and potential users have been notified, as follows.

(1) Academic libraries. The library should make arrangements with the campus office coordinating services to disabled students to notify the college's blind, learning disabled, and visually impaired students.

(2) Public libraries. The Texas State Library's Program for the blind and physically handicapped will notify its borrowers living in the library's service area.

(d) If the machine is not in working order at the time of an exemption request, the library must return it to working order before the request will be granted, with the following exceptions:

(1) the library receiving the relocated machine agrees to pay the repair costs; or

(2) the machine is damaged beyond repair, as described in §9.30 of this title (relating to Retirement of Reading Machines).

§9.28. *Placement of Reading Machines.* The Texas State Library will determine eligible recipients of reading machines purchased through appropriated funds.

(1) All placements are contingent upon adequate appropriations to the Texas State Library for the purchase of the devices.

(2) Public libraries in cities with 50,000 or greater population must provide a reading machine for use by blind or visually handicapped persons, with the following exceptions:

(A) the city reached a population of 50,000 at a time when legislative appropriations for reading machines were not provided, and no subsequent appropriations have been made available; or

(B) the city has demonstrated, as described in §9.26 of this title (relating to Financial Exemption Requests), financial inability to maintain the machine in proper working order.

(3) Institutions of higher education in which at least two blind or visually impaired students are enrolled must provide a reading machine for use of their students, with the following exceptions:

(A) the institution reached an enrollment of two blind students at a time when legislative appropriations for reading machines were not provided, and no subsequent appropriation have been made available; or

(B) the institution has demonstrated, as described in §9.26 of this title (relating to Financial Exemption Requests), financial inability to maintain the machine in proper working order.

(4) A public library in a city of any population, or a library in an institution of higher learning may request a transferred reading machine, in a written proposal which includes the following elements:

(A) an estimate of the number of potential reading machine users in the community;

(B) one or more letters of support from potential users or from organizations that are in contact with potential users or, in the case of academic libraries, from the office serving disabled students;

(C) description of administrative support, including the following elements:

(i) description of the program's proposed staffing;

(ii) Description of how the reading machine would be publicized;

(iii) agreement to send the designated primary trainer to a reading machine workshop at the Texas State Library;

(iv) description of the proposed physical location of the machine;

(v) agreement to maintain regular communication with the Texas State Library regarding the program; and

(vi) agreement to purchase a maintenance contract for the reading machine; or documentation of financial ability to cover the cost of repairs.

(5) The Texas State Library will locate transferred reading machines based on the following criteria:

(A) extent of need and administrative support, as documented by the requesting institution; and

(B) availability of reading machine in a given geographic area.

§9.29. *Purchase of Reading Machine with Local Funds.* A library which purchases a reading machine with local funds may request removal of a reading machine provided by the Texas State Library.

§9.30. *Retirement of Reading Machines.* At the request of a library, the Texas State Library may arrange to remove a reading machine from the site and dispose of the machine as surplus state property under any of the following circumstances:

(1) the equipment manufacturer or a qualified service technician determines that a reading machine has been damaged beyond repair, or that the total cost of repair will exceed the fair market value of an identical model reading machine in proper working order;

(2) parts to repair the machine are no longer available; or

(3) the equipment manufacturer ceases to make service contracts available.

§9.31. *Cost to Transfer Reading Machines.* When a reading machine is removed from a library, whether due to exemption, relocation, replacement, or retirement, the Texas Reading Machine Program (TRMP) library requesting the removal is responsible for any labor or transportation cost of relocating it.

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 23, 1990.

TRD-9007439

Raymond Hitt  
Assistant State Librarian  
Texas State Library and  
Archives Commission

Earliest possible date of adoption: August 31, 1990

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

## TITLE 22. EXAMINING BOARD

### Part IV. Texas Cosmetology Commission

#### Chapter 83. Sanitary Rules

##### • 22 TAC §83.12

The Texas Cosmetology Commission proposes an amendment to §83.12, concerning neck brushes and dusters. The amendment is proposed in order to clarify the intent of the section.

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

Mr. Resech also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be the prohibited use of neck brushes and dusters for all cosmetologists. 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 Laura Donges, Administrative Assistant, 1111 Rio Grande, Austin, Texas 78701.

The amendment is proposed under Texas Civil Statutes, Article 8451a, which provide the Texas Cosmetology Commission with the authority to issue rules and regulations consistent with the Act that are needed to protect the public's health and welfare.

*§83.12. Neck Brushes and Dusters.* The use of neck brushes and dusters is prohibited [Neck brushes and dusters must be sanitized prior to each use].

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 23, 1990.

TRD-9007436 Ron Resech  
Executive Director  
Texas Cosmetology  
Commission

Earliest possible date of adoption: August 31, 1990

For further information, please call: (512) 463-5542

##### • 22 TAC §83.30

The Texas Cosmetology Commission proposes new §83.30, concerning proper labeling. The new section will require all licensed cosmetology establishments to label all products used in the conduct of their business to warn them of the substances and chemicals involved.

Ron Resech, executive director, has determined that for the first five-year period the section is in effect there will be no fiscal

implications for state or local government as a result of enforcing or administering the section.

Mr. Resech also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be to keep employees informed as to what type of chemicals are being used in various products which may be used to protect the public. 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 Laura Donges, Administrative Assistant, 1111 Rio Grande, Austin, Texas 78701.

The new section is proposed under Texas Civil Statutes, Article 8451a, which provide the Texas Cosmetology Commission with the authority to issue rules and regulations consistent with the Act that are needed to protect the public's health and welfare.

*§83.3. Proper Labeling.* Each cosmetology school and salon shall properly label all products used in the conduct of their business.

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 23, 1990.

TRD-9007435 Ron Resech  
Executive Director  
Texas Cosmetology  
Commission

Earliest possible date of adoption: August 31, 1990

For further information, please call: (512) 463-5542

#### Chapter 89. General Provisions

##### • 22 TAC §89.39

The Texas Cosmetology Commission proposes an amendment to §89.39, concerning new salon. The amendment is proposed in order to clarify the intent of the section.

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

Mr. Resech also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be to better educate salon owners as to their responsibilities regarding the employment of all people in a salon. 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 Laura Donges, Administrative Assistant, 1111 Rio Grande, Austin, Texas 78701.

The amendment is proposed under Texas Civil Statutes, Article 8451a, which provide the Texas Cosmetology Commission with the authority to issue rules and regulations consistent with the Act that are needed to protect the public's health and welfare.

##### §89.39. New Salon.

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

(d) Rules and regulations for all salons.

(1) A salon shall not be operated in conjunction with any establishment selling food or drink, and shall be separated by a solid wall and have a separate entrance if located in the same building.

(2) A person holding a beauty or specialty salon license shall be responsible for all the people working in that salon.

(e)-(f) (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 July 23, 1990.

TRD-9007438 Ron Resech  
Executive Director  
Texas Cosmetology  
Commission

Earliest possible date of adoption: August 31, 1990

For further information, please call: (512) 463-5542

##### • 22 TAC §89.53

The Texas Cosmetology Commission proposes an amendment to §89.53, concerning minimum requirements for both private and public beauty culture schools. The amendment is proposed in order to clarify the intent of the section.

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

Mr. Resech also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be to have consistent and accurate time records by requiring all schools of cosmetology to use the same type of time clock which will help to protect the students. 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 Laura Donges, Administrative Assistant, 1111 Rio Grande, Austin, Texas 78701.

The amendment is proposed under Texas Civil Statutes, Article 8451a, which provide the Texas Cosmetology Commission with the authority to issue rules and regulations consistent with the Act that are needed to protect the public's health and welfare.

§89.53. *Minimum Requirements for Both Private and Public Beauty Culture Schools.*

(a) The following are the requirements for a private beauty culture school as authorized by the Texas Cosmetology Commission as approved on June 1, 1985.

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

(3) The following equipment is designated for the junior and/or senior departments of the school and could be used by all students:

(A)-(G) (No change.)

(H) one computer [electric time clock];

(I)-(N) (No change.)

(4)-(14) (No change.)

(15) On and after September 1, 1993, all schools of cosmetology must use a computer time clock using the month, date, and year format. Safe guards must be in place so that an inspector can determine if the clock has been changed. Any new school opening after September 1, 1990, must use the computer clock.

(b) The following are the requirements for a public school cosmetology program.

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

(A)-(G) (No change.)

(H) One computer [electric time clock];

(I)-(N) (No change.)

(6) (No change.)

(7) On and after September 1, 1993, all schools of cosmetology must use a computer time clock using the month, date, and year format. Safe guards must be in place so that an inspector can determine if the clock has been changed. Any new school opening after September 1, 1990, must also use the computer clock.

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 23, 1990.

TRD-9007437

Ron Resech  
Executive Director  
Texas Cosmetology  
Commission

Earliest possible date of adoption: August 31, 1990

For further information, please call: (512) 463-5542

◆ ◆ ◆  
**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 §37.90

*(Editors Note: Due to an error in the July 17, 1990, issue of the Texas Register (15 TexReg 4090), this proposed new section is being reprinted in its entirety for clarification purposes.)*

The Texas Department of Health proposes new §37.90, concerning chronically ill and disabled children's services. The section covers approved providers and facilities. The new section amends existing criteria and procedures for program cleft/craniofacial centers/teams for program reimbursement; and will add the criteria and procedures for bone marrow transplant centers and cardiac outreach clinics to become approved for program reimbursement.

Stephen Seale, Chief Accountant III, 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. Seale also has determined that for each year of the first five years that the section will be in effect the public benefit will be that the program is able to recognize bone marrow transplant centers, cardiac outreach clinics, and cleft/craniofacial centers/teams which are designated for program use for diagnosis and treatment of program specified diagnoses. There will be no effect on small or large businesses. There is no anticipated economic cost to persons who are required to comply with the section as proposed. There also will be no effect on local employment.

Comments on the proposal may be submitted to John E. Evans, Chief, Bureau of Chronically Ill and Disabled Children's Services, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7355. Public comments will be accepted for 30 days after this proposed section has been published in the *Texas Register*.

The new section is proposed under Health and Safety Code, §35.005, which provides the Texas Board of Health with the authority to adopt rules concerning medical, financial, and other criteria for eligibility to receive services under the Chronically Ill and Disabled Children's Services Program; 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.

§37.90. *Approved Providers and Facilities.* All approved providers must agree to abide by program rules and regulations, to accept program fees as payment in full, and not to discriminate against patients on the basis of insurance or Medicaid status. The following groups of providers must be processed through an application process to determine their desire to participate within the program's rules as approved by the board and to determine their qualifications in relation to the criteria for participation as decided by the board.

(1) Physicians, dentists, and podiatrists. To be approved for program participation the person must submit a fully completed application and attach the documents as requested on the form.

(A) Criteria. To be approved for program participation, a person must:

(i) have a Texas medical/dental/podiatric practice license;

(ii) have practiced in Texas for a minimum of one year;

(iii) be certified by the American Board of Medical Specialties, the American Osteopathic Association Specialty Boards, or by American Dental Specialty Boards, or American Board of Pediatric Surgery in the specialty area in which the physician/dentist/podiatrist will participate in the chronically ill and disabled children's (CIDC) services;

(iv) an active provider with the Texas Medicaid program and agree to accept Medicaid payment;

(v) agree to abide by the rules of the CIDC Services;

(vi) agree to allow on-site visits and/or audit privileges to program staff; and

(vii) accept responsibility for actions of their staff performed in behalf of the provider.

(B) Procedures.

(i) Applications will be reviewed by the program to assure that:

(I) all parts of the application form have been completed, including a signature and date;

(II) all of the eligibility criteria have been met;

(III) copies of documents verifying the applicant's American board or sub-board certification and state practice license are attached; if no sub-board exists for a specialty area,



documentation of the applicant's training and curriculum vitae must be attached.

(ii) Review of the application will result in approval or denial. An incomplete application will be returned to the applicant with explanation of information required. The program may consider a temporary approval status when geographic need for services exists. The one-year practice requirement may be waived in extenuating circumstances.

(I) Physicians/dentists/podiatrists who are board eligible, but not yet board certified must meet the following criteria in order for a temporary approval to be considered:

(-a-) have completed their specialty training; and

(-b-) are fully eligible for certification by the American specialty boards but are awaiting completion of board examinations.

(II) Temporary approval shall be granted for a 12-month period and may be renewed pending satisfactory progress, as determined by the program, toward completion of the board examination.

(iii) Within 15 days of the program's receipt of the provider application, a letter will be sent to the applicant stating the result of the review process.

(iv) Any physician/dentist/podiatrist who disagrees with the result of the program's review may appeal the decision through one of the following processes:

(I) administrative review;

(II) review by the program's General Advisory Committee; and/or

(III) due process hearing as set forth in §37.96(a)(2) of this title (Relating to Appeals, Confidentiality, Gifts, and Nondiscrimination).

(C) Update activities. In an effort to maintain the accuracy and currency of provider information, the program will formally update its listing of approved providers at least once every year. Those providers that have not received any program payment for services rendered during the previous two-year period will be given the option of withdrawing from program approved status, becoming inactive, or updating information to remain active. If updated information is not received within 60 days of the date of notification,

the provider will be considered inactive. This action will not remove a provider's approval, but reinstatement to active status will be made at the provider's request as soon as current information is given to the program.

(i) Updated information may include, but is not limited to, the following:

(I) current address, telephone number, and state comptroller's vendor identification number;

(II) name(s) of those hospitals where current privileges are held;

(III) notification of any additional specialty medical or dental board certifications with supporting documents attached; and

(IV) a copy of the current license to practice medicine or dentistry in Texas.

(ii) The provider will be given a current copy of program rules to review at the time reinstatement is requested.

(2) Hospitals.

(A) Criteria. The criteria for hospital approval includes, but is not limited to:

(i) current approval by the Joint Commission on Accreditation of Health Care Organizations;

(ii) location within Texas, unless as provided in §37.86(g) of this title (relating to Authorization of Services);

(iii) program approved medical staff sufficient to meet anticipated program case load;

(iv) a definable pediatric unit or facilities, equipment, and qualified staff necessary to meet the special needs of program eligible patients, as determined by the program;

(v) on-site visits and/or audit privileges to program staff.

(B) Procedures.

(i) Applications will be reviewed by the program to assure that:

(I) all parts of the application form have been completed including a signature and date;

(II) all of the eligibility criteria have been met; and

(III) copies of

documents have been provided verifying program approved medical staff as well as facilities available at the hospital to meet approval criteria.

(ii) Review of the application will result in approval or denial. An incomplete application will be returned to the applicant with explanation of information required. The application may be resubmitted with required documentation for reconsideration.

(iii) Within 15 days of the program's receipt of the provider application, a letter will be sent to the applicant stating the result of the review process.

(iv) Any hospital that disagrees with the result of the program's review, may appeal the decision through one of the following processes:

(I) administrative review; or

(II) review by the program's General Advisory Committee; and/or

(III) a due process hearing as set forth in §37.96(a)(2) of this title (relating to Appeals, Confidentiality, Gifts, and Nondiscrimination).

(C) Update activities. In an effort to maintain the accuracy and currency of provider information, the program will formally update its listing of approved hospitals at least once every year. Those providers that have not received any program payment for services rendered during the previous two-year period will be given the option of withdrawing from program approved status, becoming inactive, or updating information to remain active. If updated information is not received within 60 days of the date of notification, the provider will be considered inactive. This action will not remove a provider's approval, but reinstatement to active status will be made at the provider's request as soon as current information is given to the program.

(i) Updated information may include, but is not limited to, the following:

(I) current address, telephone number, state comptroller's vendor identification number, and current administrator;

(II) additional program approved medical staff;

(III) additional qualified staff or facilities available; and

(IV) updated approval by Joint Commission on Accreditation of Health Care Organizations.

(ii) The provider will be given a current copy of program rules to review at the time reinstatement is requested.

(3) Ambulatory surgical care (ASC) facilities.

(A) Ambulatory surgery services may be utilized by the program as a cost efficient means as long as quality of care is assured. Any hospital approved for program participation whose Joint Committee on Accreditation of Health Care Organizations accreditation includes hospital-sponsored ambulatory care services may be utilized for ambulatory surgery. However, freestanding facilities, even if governed or affiliated with an approved hospital, must apply for program approval. The program may contract with a limited number of facilities to assure program cost containment. For approval to participate in the CIDC Program, a freestanding ambulatory surgical care facility must meet the following criteria.

(i) State licensure requirements. Facilities must meet state licensure requirements in accordance with for ambulatory surgical centers in accordance with §§135.1-135.27 of this title (relating to Operating Requirements for Ambulatory Surgical Centers).

(ii) Medicare certification. Facilities must meet Medicare standards in accordance with Part II, Department of Health and Human Services, Health Care Financing Administration, 42 Code of Federal Regulations, Parts 405 and 416, relating to Medicare Program; Ambulatory Surgical Services, published in the *Federal Register*, Volume 47, Number 151, August 5, 1982.

(iii) Pediatric equipment. Pediatric facilities must have available all necessary pediatric equipment including operating room, surgical tools, resuscitation apparatus, pharmaceutical services, beds, and other supplies that are appropriate for children.

(iv) Staff requirements. Staff must be as follows.

(I) CIDC approved surgical staff must perform the surgical procedures.

(II) A board certified anesthesiologist must be in the operating room and present for the induction of anesthesia and at the time of completion of anesthesia, on the premises (immediately available) at the time of surgical procedure and until the patient leaves the facility.

(III) An R.N. with documented clinical pediatric experience must be on the premises at all times while the patient is in the facility.

(v) Risk management principles. The facility must apply risk management principles to all patient care.

(vi) Patient transfer. The facility must have patient transfer agreements with CIDC approved hospitals in the area.

(B) Centers are required to submit documentation of the criteria, as set out in subparagraph (A)(i)-(v) of this paragraph, in writing to the CIDC Bureau through an application process in accordance with subparagraph (D) of this paragraph.

(C) CIDC reimbursement for care at freestanding ambulatory surgical care facilities will be limited to:

(i) children 24 months of age or older; and

(ii) surgical procedures designated as ASA (American Society of Anesthesiologists) Level I and II.

(D) Application procedures will be as follows.

(i) Applications will be reviewed by the program to assure that:

(I) all parts of the application form have been completed including a signature and date;

(II) all of the criteria for program participation have been met; and

(III) copies of documents have been provided verifying facility state licensure, Medicare certification, and patient transfer agreements with CIDC approved hospitals.

(ii) Review of the application will result in approval or denial. An incomplete application will be returned to the applicant with explanation of information required. The application may be resubmitted with required documentation for reconsideration.

(iii) Within 15 days of the program's receipt of the provider application, a letter will be sent to the applicant stating the result of the review process

(iv) Any ambulatory surgical care facility who disagrees with the result of the program's review may appeal the decision through one of the following

processes:

(I) administrative review; or

(II) review by the program's General Advisory Committee; and/or

(III) a due process hearing in accordance with the requirements in §37.96 of this title (relating to Appeals, Confidentiality, Gifts, and Nondiscrimination).

(E) In an effort to maintain the accuracy and currency of provider information, the program will formally update its listing of approved ambulatory surgical care facilities at least once every year. Those providers that have not received any program payment for services rendered during the previous two-year period will be given the option of withdrawing from program approved status, becoming inactive, or updating information to remain active. If updated information is not received within 60 days of the date of notification, the provider will be considered inactive. This action will not remove a provider's approval but reinstatement to active status will be made at the provider's request as soon as current information is given to the program.

(i) Updated information may include, but is not limited to, the following:

(I) current address, telephone number, state comptroller's vendor identification number, and current administrator;

(II) current listing of program approved medical staff;

(III) current listing of qualified staff or facilities available; and

(IV) Medicare certification status.

(ii) The provider will be given a current copy of program rules to review at the time reinstatement is requested.

(4) Specialty centers. Such facilities must meet specific criteria as set forth by the program. Lists of facilities which are approved for program participation may be obtained from the program.

(A) Inpatient rehabilitation centers.

(i) Criteria. The criteria for inpatient rehabilitation facility approval includes, but is not limited to, the following.

(I) The facility will have current accreditation by either the Joint Commission on Accreditation of Health Care Organizations (JCAHCO) as a comprehensive physical rehabilitation program or Commission on Accreditation of Rehabilitation Facilities (CARF) as a comprehensive inpatient rehabilitation program.

(II) The facility will be located within Texas.

(III) CIDC Program staff will have on-site visits and/or audit privileges.

(IV) A physician as medical director who is CIDC approved and demonstrates experience in rehabilitation will be available.

(V) For units with patients less than 14 years old, a designated pediatrician will be available to participate in direct patient care and consultation regarding the rehabilitation unit's pediatric patients. This physician will be either certified or eligible for certification by the American Board of Pediatrics.

(VI) When pediatric patients (patients less than 14 years old) are receiving inpatient treatment, the unit will have at least one registered nurse with pediatric training or experience available to the unit at all times.

(VII) For units with patients less than 14 years old, a nutritionist (minimum registered dietitian) preferably with experience in evaluation and counseling children with chronic illness, will be on staff or available for consultation in order to provide nutrition services.

(VIII) For units with patients less than 14 years old, the unit/facility will have at least one recreational area or playroom with age appropriate and safe materials for patients who are at different stages in rehabilitation; the play area should be bed and wheelchair accessible.

(IX) For units with patients less than 14 years old, the unit will have specialized age-appropriate equipment necessary for day-to-day provision of care.

(X) The facility will make arrangement for/provide appropriate

educational services for children in the rehabilitation unit.

(XI) It is recommended that psychological services be available.

(ii) Procedures.

(I) Applications will be reviewed by the program to assure that:

(-a-) all parts of the application form have been completed including a signature and date;

(-b-) all of the eligibility criteria have been met; and

(-c-) copies of documents have been provided verifying program approved medical staff as well as facilities available at the hospital to meet approval criteria.

(II) Review of the application will result in approval or denial. An incomplete application will be returned to the applicant with explanation of information required. The application may be resubmitted with required documentation for reconsideration.

(III) Within 15 days of the program's receipt of the provider application, a letter will be sent to the applicant stating the result of the review process.

(IV) Any facility who disagrees with the result of the program's review, may appeal the decision through one of the following processes:

(-a-) administrative review; or

(-b-) a due process hearing as set forth in §37.96(a)(2) of this title (relating to Development and Improvement of Standards and Services).

(iii) Update activities. In an effort to maintain the accuracy and currency of provider information, the program will formally update its listing of approved facilities at least once every year. Those providers that have not received any program payment for services rendered during the previous two-year period will be given the option of withdrawing from program approved status, becoming inactive, or updating information to remain active. If updated information is not received within 60 days of the date of notification, the provider will be considered inactive. This action will not remove a provider's approval but reinstatement to active status will be made at the provider's request as soon as current information is given to the program.

(I) Updated information may include, but is not limited to, the following:

(-a-) current address, telephone number, state comptroller's vendor identification number, and current administrator;

(-b-) additional program approved medical staff;

(-c-) additional qualified staff or facilities available; and

(-d-) updated approval by JCAHCO or accreditation from CARF.

(II) The provider will be given a current copy of program rules to review at the time reinstatement is requested.

(B) Cleft/craniofacial (C/C) centers. To assure that eligible children with craniofacial anomalies, including cleft lip palate, receive quality comprehensive services, the following minimum standards for C/C teams have been established. The standards are based on guidelines recommended by the American Cleft Palate Association and draft material developed by the North Carolina Crippled Children's Program and the Illinois Department of Health. These standards must be met by C/C teams requesting approval from the CIDC Program.

(i) Approval process. All C/C teams must submit a completed CIDC C/C provider application form as specified by the CIDC Program. Applicants meeting the criteria outlined in the guidelines of this subparagraph will receive CIDC Program approval for a maximum of three years. Applications may include an application form, provider agreements, resumes of active team participants, and a description of team composition and process.

(ii) Administrative responsibilities of the C/C team.

(I) Coordination. The administrator of the C/C team is clearly identified and must assure that the following activities are accomplished:

(-a-) specify the mechanism for accepting referrals and providing community and patient education;

(-b-) schedule meetings of the C/C team members and scheduling patient appointments;

(-c-) summarize the C/C team's decisions;

(-d-) assist patients with CIDC Program eligibility requirements;

(-e-) assure confidentiality;

(-f-) submit an annual report with content as specified by the CIDC Program (due 30 days after the end of the state fiscal year);

(-g-) request required authorization for covered services from the CIDC Program;

(-h-) maintain centralized records;

(-i-) maintain communication (including C/C team reports) with the patient's local physician/dentist and other local resources involved in order to facilitate interim and follow-up care; and

(-j-) assure that the team abides by the CIDC Program rules and regulations.

(II) Records management. A system for maintaining a centralized record for each eligible CIDC patient must be in place. Each patient's record must include:

(-a-) a medical history and physical;

(-b-) a social assessment;

(-c-) other C/C team member assessments;

(-d-) a summary of the C/C team's decisions; and

(-e-) a treatment plan including all planned C/C team procedures and any follow-up procedures to be provided by other professionals and agencies.

(III) C/C team patient reviews.

(-a-) Frequency. Each child must be discussed by the C/C team in a joint meeting at least one time per year; on the recommendation of the C/C team, some single cases, after six or seven years of age, may be seen every other year.

(-b-) Location. The team will physically meet in a clearly identified location for patient review meetings.

(-c-) Required attendance. A representative from surgery, dentistry, and speech pathology must be present at team patient review meetings but reports from all involved team members (a minimum of all required active participants for comprehensive C/C teams) should be available.

(iii) Rights of patients. A CIDC Program approved C/C team recognizes the rights of eligible patients. All members of the C/C team are expected to:

(I) inform parents/guardians or adult patients of the complete information concerning diagnosis,

treatment, and prognosis; and

(II) insure that parents/guardians or adult patients participate in decisions involving the patient's care including development of the treatment plan.

(iv) Composition of a comprehensive C/C team.

(I) Required active participants.

(-a-) A comprehensive C/C team must be composed of the following active participants (only active participants representing surgery, dentistry, and speech pathology are required to attend C/C team patient review meetings):

(-b-) The required active team participants must be able to see patients in the same city with the exception of the primary care physician who may or may not see the patient in the same city as the other active C/C team participants. Despite this exception, the primary care physician is still required to attend and/or submit reports to the C/C team patient review meeting(s).

(-c-) Although there may be several health care providers in the same category designated as active C/C team participants (e.g. more than one plastic surgeon, more than one case manager), each patient seen by the C/C team should be seen by a group of C/C team members who consistently interact with the patient and who are responsible for monitoring and coordinating the patient's treatment plan and follow-up.

(II) The following team participants/services must be readily available to serve patients in the same city as the required active participants. These C/C team participants or participants providing these services must agree to actively participate with the C/C team as required according to individual patient needs. These participants must attend and/or submit reports to the C/C team patient review if they have involvement with the patient:

(-a-) a pediatric dentist (if not already designated as a team member);

(-b-) a licensed audiologist (master's level);

(-c-) neurology;

(-d-) neurosurgery;

(-e-) ophthalmology;

(-f-) radiology (should be board certified but CIDC Program approval not required);

(-g-) genetic counseling;

(-h-) nutritional counseling; and

(-i-) psychology.

(III) Physicians and dentists must be approved as CIDC Program providers, with the exception of radiologists.

(v) Diagnostic procedures. An approved C/C team must have available the following diagnostic procedures:

(I) multiview videofluoroscopy;

(II) fibroptic nasopharyngoscopy;

(III) cephalometrics; and

(IV) CT and three-dimensional reconstruction (only required for C/C teams managing craniofacial anomalies).

(vi) Case coordination.

(I) Each member of the C/C team, in cooperation with other members of the C/C team, shall be responsible for his/her specific area of management.

(II) The case manager will be responsible for the coordination of services for each patient. Each patient should have only one case manager. The case manager should assure that the focus of the service is patient and family oriented and that a comprehensive treatment plan is jointly developed by the patient/family and C/C team. A copy of the plan shall be given to the family, referring physician, and upon request, to the TDH regional social worker. The plan should include specific treatments and time frames for all disciplines and agencies involved. The case manager must assure that the patient is seen by only one team.

(III) When appropriate, a CIDC Program approved physician, in the child's home community, should be designated for follow-up and emergencies.

(IV) Some care, other than surgery, may be delivered by providers other than the named C/C team members.

These providers may be from a different geographic area than the C/C team. However, there must be communication between the independent providers and the C/C team, and services must be consistent with the C/C team treatment plan. All providers must meet CIDC Program guidelines in accordance with this section. The plan should be monitored by the C/C team who will provide appropriate follow-up.

(V) Communication, including C/C team reports, must be maintained with the patient's local physician/dentist and other local resources involved in order to facilitate interim and follow-up care. If a patient moves to another part of the state, the C/C team should inform the patient and his/her family of the C/C team closest to the family's new place of residence and inform the C/C team of the patient's relocation in order to assure continuity of care.

(vii) Statewide coverage.

(I) Affiliated C/C team approval.

(-a-) To facilitate statewide coverage, affiliated C/C teams may be approved. An affiliated C/C team must meet the criteria in clauses (i)-(iii), (vi), and (viii) of this subparagraph. All of the members must meet the CIDC Program provider enrollment requirements of this section. Affiliated C/C teams must be composed of a minimum of:

(-b-) An affiliated C/C team must consult with and coordinate treatment plan development with a comprehensive C/C team(s) according to individual patient needs. This coordination for comprehensive care must be documented in the patient's record.

(-c-) In the application process, an affiliated C/C team must specify the comprehensive C/C team(s) with which it is linked. A letter of agreement between the two or more C/C team(s) must accompany the application. The letter must verify the linkage between the two or more C/C teams and must specify the following:

(II) Corresponding members.

(-a-) Any CIDC Program provider can be a corresponding member of a C/C team for the purpose of interim and follow-up care.

(-b-) A corresponding member must work in full compliance with the treatment plan established by the comprehensive C/C team.

(-c-) Regular communication between the C/C team and the corresponding member must occur.

(viii) Implementation.

(I) Comprehensive C/C teams and affiliated C/C teams shall be designated by October 1, 1990. After January 1, 1991, only approved C/C teams will be reimbursed for invasive procedures by the CIDC Program. Corresponding members may be reimbursed by the CIDC Program for non-invasive follow-up and interim care only.

(II) The final decision regarding approval will only be made when the CIDC Program has carefully reviewed the documentation submitted, and has been convinced that the applying C/C team is capable of meeting the standards in this subparagraph. For C/C teams with one or more deficiencies noted in their application a time frame will be specified for the correction of the deficiencies. C/C team approval and interim reimbursement will be dependent on the nature of the deficiency and the ability of the C/C team to correct it within the time frame specified. Once the C/C team has been approved, its ongoing approval will only depend on its demonstrated ability to continue to maintain the high standards expected. This ability will be verified through CIDC Program required reports and documentation. In addition to required reports and documentation, the CIDC Program may verify compliance with standards in this subparagraph through site visits.

(C) Cardiac outreach clinic guidelines. These guidelines are subject to review and periodic revision by CIDC Program staff and the Cardiovascular Advisory Committee (CVAC).

(i) Definition and purpose of a CIDC Program approved cardiac outreach clinic.

(I) A cardiac outreach clinic is a primary or secondary level health care facility adequately equipped and staffed by local and secondary or tertiary level (outreach) staff who perform the following functions:

(-a-) assessment and screening of patients for cardiac disease;

(-b-) identification and referral of patients with cardiac disease to the appropriate closest tertiary center for definitive diagnostic procedures and, if needed, surgery; and

(-c-) clinic management of patients with heart disease to include development of a care/service plan, tracking, and periodic follow-up and

coordination with local case management services providers if available.

(II) The clinic must meet a recognized need of the community and surrounding geographic area. The clinic must be located a significant distance from tertiary centers of health care. The distance is such that routine travel to the tertiary center(s) for the services described in subclause (I) of this clause is an unreasonable expectation for the volume of local patients in need of such services; thus, the distance represents a barrier to quality health care for the community.

(ii) Staff.

(I) The outreach clinic must have the following staff as a minimum:

(-a-) a coordinator who shall be capable of processing referrals, scheduling appointments, coordinating clinics if more than one exists, and tracking patients if follow-up is necessary. It is strongly encouraged that the coordinator be locally based. If the clinic coordinator is not locally based, the clinic coordinator must communicate regularly (more frequently than the clinic frequency) with all local clinic staff involved with the cardiac clinic to insure that all of the coordinator's functions/responsibilities are fulfilled;

(-b-) an outreach physician who shall be a CIDC Program approved pediatric cardiologist who is responsible for supervising the cardiac outreach clinic, conducting the patient assessment, screening, developing the patient's individualized care plan, making appropriate recommendations for referral when necessary, sending a follow-up letter to the referral source, and maintaining appropriate medical records on the patients. The CIDC Program CVAC will review any request for exception to the preceding criteria for the outreach physician. It is strongly recommended that outreach physicians come from secondary or tertiary centers in closest geographic proximity to the community for ease of access;

(-c-) a nurse who shall be a minimum LVN with at least one year of clinical pediatric experience, either locally based or outreach. The nurse must be on site at the time of the physician exam; and

(-d-) a social worker (optional but strongly encouraged) who shall be certified by the Texas Department of Human Services, and is either locally based or outreach. If the outreach clinic does not have a social worker, the clinic must identify patients in need of social work services and refer them to local case management services providers, if available, or the Texas Department of Health regional social work staff. The social

worker, if available, must be on site at the time of the physician exam.

(II) All clinic staff must coordinate (share information) as requested with local case management services providers, if available.

(iii) Facility/equipment.

(I) The outreach clinic facility must have the ability to obtain adequate supplies, space, and equipment for the following:

(-a-) measuring vital signs on the smallest to largest child. An electronic blood pressure device must be available;

(-b-) performing weights and measures on all children; and

(-c-) obtaining acceptable EKG's and chest x-rays on all children.

(II) The clinic must be able to obtain routine lab work. It is encouraged that local resources for equipment be used when available.

(III) The clinic should be held where adequate examination facilities and record processing and storage facilities are available. Details on clinic setting standards may be obtained from the document titled "Generic Standards for Health Care" developed by the Texas Department of Health in June, 1988, which the department adopts by reference. These standards are available from the Texas Department of Health Associateship for Community and Rural Health, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756. The key criteria for clinic setting as described in the department publication entitled "Generic Standards for Health Care" are as follows.

(-a-) The clinic shall be accessible to the target population.

(-b-) Clinic services shall be provided in a setting designed to ensure comfort, safety, and privacy of the patient, and to expedite the work of the staff.

(iv) Services.

(I) Routine outreach clinic services must include history and physical exam, standard lab, EKG, and chest x-ray. Echocardiography may be performed if the results are of acceptable quality for pediatric patients and reviewed and interpreted by the cardiologist responsible for the clinic. In addition, each patient identified with heart disease and referred by the clinic to a secondary or tertiary center shall have an individualized care plan developed. The outreach clinic

staff shall work in conjunction with the patient, family, the referral source, and the secondary or tertiary center to develop the plan. The clinic staff are responsible for tracking patients if follow-up is required in the plan of care. Clinic services shall be integrated into the patient's overall service needs through clinic staff cooperation and sharing of information with local case management services providers (if available). The clinic must address Spanish speaking/bilingual needs and, in general, be culturally sensitive in the provision of services.

(II) The following clinical services shall not be approved or reimbursed by the CIDC Program at cardiac outreach clinics; echocardiography (unless clinic approval is given, see subclauses (III) and (IV) of this clause); exercise testing; catheterization; and surgery.

(III) For echocardiograms to be considered for approval and reimbursement, the following information must be submitted with the clinic proposal/application (see clause (xi) of this subparagraph):

(-a-) the names and credentials of who will review and interpret the echocardiograms; and

(-b-) the type of echocardiography equipment that will be used and its suitability for pediatric patients.

(IV) Echocardiography should be used selectively for well defined indications and must not be used as routine screening. CIDC Program approval and reimbursement for echocardiography services are subject to periodic review.

(v) Patient volume/percent of patient volume that is CIDC Program eligible. The anticipated outreach clinic patient volume must be projected when documenting the need for the clinic (see clause (xi) of this subparagraph). A minimum of 50% CIDC Program eligibles must be projected. Clinic referrals may be accepted from all sources, including self-referral.

(vi) Records management. The clinic shall have an organized patient record system. The records shall be confidential and secure and available to the patient upon request with a signed release of information. A complete and accurate record of each patient's health care shall be maintained. The clinic shall implement a policy which delineates guidelines for the release of confidential information. Information collected for reporting purposes shall be disclosed only in summary, statistical, or other forms which do not identify particular individuals. The clinic shall have a written policy regarding retention and proper disposal of

patient records. Further details on these standards may be obtained from the department publication entitled "Generic Standards for Health Care."

(vii) Patient's rights. The outreach clinic shall assure confidentiality of patient information. Facilities within the clinic will be arranged or designed so that services shall be provided in a manner that protects the dignity and privacy of the patient. The clinic will provide services in a timely manner. The clinic shall provide services in a non-discriminatory manner. Services for patients not CIDC Program eligible may be billed on a sliding scale according to income guidelines. The clinic shall have a written policy that guarantees services to patients regardless of their ability to pay. Individuals may not be coerced into services, nor must participation in one service/program be an eligibility requisite for another. The clinic shall provide services in such a way that they can be understood by the patient. Further details on these standards may be obtained from the department publication entitled "Generic Standards for Health Care."

(viii) Tracking/follow-up.

(I) Tracking of patients who require follow-up visits must be done at the local outreach clinic level. This tracking process involves updating of information on the patients' location and compliance record. This information must be communicated to the base center of the outreach physician. Tracking of patients' whereabouts and compliance must be a concerted effort of the clinic in order to ensure continuity of care. Should a patient move out of the service area of the clinic, an attempt should be made to provide the patient and family with information on what services are available in the area where they are relocating. Follow-up on services provided is also an important aspect of the clinic service delivery. The clinic should have a system in place for the active determination of the effectiveness of services provided and adjustment of the plan of care when needed to maximize the patient's benefit.

(II) The clinic will have an organized tracking system to monitor patients' health status and use of the health care system. The following tracking system requirements are adapted from the department publication entitled "Generic Standards for Health Care." The system shall:

(-a-) schedule patient contacts at regular intervals according to program guidelines/protocols, and coordinate with other services/opportunities needed;

(-b-) monitor broken appointments and put in place a system

to follow-up for rescheduling;

(-c-) alert staff for follow-up of conditions identified as priorities for care; and

(-d-) track referrals made to other providers/agencies.

(ix) Community interaction.

(I) For CIDC Program approval/funding of the clinic, the local community, including the local/county medical society, must support the need for the clinic (see clause (xi) of this subparagraph). Within the first three months of CIDC Program funding, the local community, including local physicians, community service groups, and the general public, must be informed about the clinic setup and availability. The clinic must be integrated into the local health care system. The clinic staff must submit a report (to include patient numbers, services rendered, diagnoses, etc.) at least annually to the local/county medical group.

(II) The outreach clinic physician must communicate with the local/primary physician or referral source concerning the patient's history, physical exam, and diagnosis and must involve the local physician in the development of the patient's treatment/service plan. Local physicians must be encouraged to participate in the clinic.

(III) The outreach clinic physician and cardiac clinic staff should provide continuing education in the areas of diagnosis, evaluation, and treatment of patients with suspect and confirmed cardiovascular disease for local physicians and other community professionals involved with the clinic patient population.

(IV) The outreach clinic will coordinate its services with other community activities in an effort to facilitate the public's access to the clinic and other community services and to prevent duplication of services.

(V) If local pediatric cardiology expertise becomes available which meets the needs expressed in the outreach clinic proposal and is community supported, then the outreach clinic staff should plan and implement a phasing out of their services in coordination with the local providers.

(x) Evaluation (these criteria are adapted from the department's publication entitled "Generic Standard for Health Care").

(I) The outreach clinic will have a plan for internal review and evaluation of its services to assure the provision of quality services in compliance with the CIDC Program/clinic standards.

(II) The outreach clinic will submit reports to the CIDC Program (at least annually). The format and content of these reports will be specified by the CIDC Program and will be used as a paper audit to assure that the clinic is performing in accordance with this subparagraph. The CIDC Program will be permitted to conduct on-site visits to evaluate the clinic's adherence to the guidelines in this subparagraph. The on-site visits will be conducted when deemed necessary by the CIDC Program. The outreach clinic staff will typically be given two weeks notice and will be consulted for scheduling purposes.

(xi) Outreach clinic application process for initial and continued approval. The CIDC Program will use the following process to determine initial approval of cardiac outreach clinics. Every three years a CIDC Program approved cardiac outreach clinic must resubmit an application proposal for consideration of continued approval. In addition to the application proposal, the CIDC Program will review the clinic's annual reports and any on-site visit information available. If the clinic no longer meets the guidelines, approval may be discontinued. If concerns exist regarding quality of care, staff, facility, or justification issues, CIDC, with input from the CVAC, shall decide the status of the clinic until corrective action is taken; the recommended corrective action; the time frame for corrective action to occur; and the re-evaluation process. The CIDC Program will inform the clinic as to whether or not approval is continued.

(I) Proposal/application. Physicians of the local community to which outreach is planned must submit the proposal for the outreach clinic to the CIDC Program through the Texas Department of Health (TDH) regional office. The proposal must be submitted on an application form developed by CIDC Program. The proposal shall include the following information:

(-a-) a list of physicians and other staff who will participate in the clinic operation and service delivery (local and outreach);

(-b-) the estimated volume of patients (CIDC and non-CIDC) in the area in need of outreach;

(-c-) the frequency of clinics;

(-d-) the estimated number of patients (CIDC and non-CIDC) per clinic;

(-e-) the medical condition(s) of patients to be seen;

(-f-) the comments, support, and recommendations from the local pediatric and/or family/general practitioners medical society in the area receiving outreach services;

(-g-) a justification for the outreach clinic to the area which includes the following:

(-h-) a plan to coordinate the clinic with the TDH regional office;

(-i-) the specifications of other outreach clinics in the area and efforts made to coordinate with them;

(-j-) an agreement to allow audit privileges to the CIDC Program when deemed necessary by the CIDC program staff;

(-k-) a signed statement/form indicating that the outreach clinic shall meet and uphold the guidelines of this subparagraph.

(-l-) information on procedures/services requiring special approval for CIDC Program coverage. For echocardiograms to be considered for approval and reimbursement at cardiac outreach clinics the information specified in clause (iv)(III) of this subparagraph must be submitted with the clinic proposal/application.

(-m-) a proposed budget for CIDC Program funding, including the estimated overall clinic costs for personnel, facility, physician/clinic services, laboratory, radiology, supplies, equipment, travel, and other, and the percentage/amount of these costs requested to be funded by the CIDC Program; and

(-n-) a signed agreement by the outreach clinic physician that the outreach clinic staff will comply with §37.83 of this title (relating to Eligibility for Patient Services) in regard to CIDC Program eligibles seen at the clinic.

(II) TDH regional office review. The proposal will be reviewed by the TDH regional office staff (medical director with input from social workers, nurses, nutritionists).

(-a-) The TDH regional office review staff shall submit the following information to the CIDC Program:

(-b-) If controversy exists in the community regarding the need for the outreach clinic the TDH regional office review staff shall submit the

following information to the CIDC Program:

(III) CIDC review. The proposal and TDH regional review staff information will be submitted to the CIDC Program for review. The proposal and regional information (and annual reports and on-site visit information if the review is for continued approval) will be shared with the CVAC. The CIDC Program will determine outreach clinic approval/disapproval based on proposal content, the input from the regional staff, and the recommendations of the CVAC. The CIDC Program funding of the clinic will depend upon the clinic's budget request and CIDC availability of funds in accordance with clause (xii) of this subparagraph.

(xii) CIDC Program funding of approved outreach clinics. Those outreach clinics approved by the CIDC Program may receive funding on a contract or fee for service basis for the outreach physician's/team members' travel to the clinic site, the salaries of local and/or outreach staff necessary for administration of the clinic or provision of clinic services, physician services, facility use fees, laboratory, radiology, EKGs, and other procedures necessary for assessment and screening of patients. The CIDC Program will reimburse fee for service for covered services provided CIDC Program eligibles only if the providers of services are not otherwise funded by the CIDC Program. The CIDC Program will not fund rental of facility space. The specific reimbursement arrangement will depend upon budget needs specified in the clinic proposal and CIDC Program availability of funds.

(D) Bone marrow transplant center guidelines. The following minimum guidelines for bone marrow transplant centers have been established to assure that children and young adults, whose medical conditions justify the need of bone marrow transplantation, receive quality comprehensive services. Bone marrow transplant centers in Texas must meet the guidelines of this subparagraph to be approved by the CIDC Program for funding.

(i) Approval as a chronically ill and disabled children's (CIDC) services bone marrow transplant center.

(I) Initial approval process.

(-a-) All bone marrow transplant centers must submit to the CIDC Program a completed CIDC bone marrow transplant center (center) application form. Information required shall include:

(-b-) The CIDC Program will conduct an initial on-site visit if deemed necessary to assess quality of care and determine if the bone marrow transplant center meets the criteria in this subparagraph. Initial approval would then be based on the information obtained from the application and the on-site visit.

(-c-) Applicants meeting the guidelines as set forth in this subparagraph will receive CIDC Program approval for a maximum of three years.

(-d-) For those centers that meet the guidelines of this subparagraph yet have been in existence for only one year (i.e. only six transplants performed) or whose caseload history over the prior three years does not demonstrate six transplants per year, the CIDC Program may approve the center yet require a site visit after one year to determine continuing approval.

(II) Continuing approval process.

(-a-) The bone marrow transplant center's approval for an additional three years shall be based on qualitative and quantitative assessments. Quality and quantity shall be assessed by annual reports, and on-site visits. The annual reports must document that the requirements in the guidelines in this subparagraph are met. The reports must list caseload information and patient outcomes. The CIDC Program shall specify the report format. If the bone marrow transplant center no longer meets the guidelines in this subparagraph, approval shall be discontinued.

(-b-) If the on-site visit generates concerns regarding the center's quality of care, staff, or facility, the annual reports and on-site review team report(s) will be submitted to the CIDC General Advisory Committee. The committee will make a recommendation which shall include: the status of the center until corrective action is taken; the recommended corrective action; the time frame for corrective action to occur; and the re-evaluation process.

(-c-) The CIDC Program will inform the center as to whether or not approval is to be continued.

(ii) On-site visits. On-site visits made by the CIDC Program will assess a center's quality of care and adherence to the guidelines of this subparagraph. At the time of the site visit the center must submit documentation that the guidelines of this subparagraph are met.

(I) On-site review team composition. The CIDC Program will select the on-site review team to consist of:

(-a-) two Texas licensed pediatric hematologist/oncologists (adult hematologist/oncologists with board certification in hematology/oncology may be substituted for review of "adult" bone marrow transplant centers), sub-board certified in pediatric hematology-oncology or eligible for sub-board certification by the American Board of Medical Specialties; and

(-b-) one CIDC Program staff member.

(II) Frequency of on-site visits. On-site visits may be made by the CIDC Program site review team prior to determination of initial approval. For continuation of approved centers, on-site visits will be made every three years, or more often if deemed necessary by the CIDC Program, to determine if the guidelines of this subparagraph are being maintained.

(III) On-site review process. During the on-site visit a chart review will be conducted. For initial approval the on-site review team will review at least five consecutive bone marrow transplantations performed over the last year at the center. For continuing approval the site on-site review team will review 18 consecutive bone marrow transplantations performed over the last three years at the center. The chart review will serve to assess competency of staff; quality of the therapeutic measures; and outcome of short and long-term follow-up of patients. In addition to the chart review, the quality of the facility and records documentation shall be evaluated on-site.

(IV) Written report. The on-site review team shall submit a written report to the CIDC Program in a format specified by the CIDC Program. The CIDC Program shall share the report with the center and the CIDC General Advisory Committee.

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

(I) "Pediatric" bone marrow transplant centers—Those centers which the CIDC Program approves and reimburses for bone marrow transplants performed on patients ages 0-20.

(II) "Adult" bone marrow transplant centers—Those centers which the CIDC Program approves and reimburses for bone marrow transplants performed on young adult patients ages 18-20 only.

(iv) Case load requirements.



(I) Initial approval. For initial approval a bone marrow transplant center must have performed a minimum of six transplants over the last year. To be designated as a CIDC Program approved "pediatric" bone marrow transplant center the six transplants must be performed on patients ages 0-17. The center should demonstrate the ability to perform both allogeneic and autologous transplants unless the center elects to limit the scope of its approval to only one type of transplant. The center must have the capability of providing total body irradiation.

(II) Continued approval. For continued approval, a center should perform at least six bone marrow transplants a year to maintain proficiency. To be continued as a CIDC Program approved "pediatric" bone marrow transplant center the six transplants must be for patients ages 0-17. The center must maintain and demonstrate the ability to perform both allogeneic and autologous transplants unless the center elects to limit the scope of its approval to only one type of transplant. The center must maintain the capability of providing total body irradiation.

(v) Bone marrow transplant center staff requirements (for "adult" centers the equivalent CIDC Program approved specialists and nurses without pediatric specialization may be substituted). "Pediatric" centers must meet the following staff requirements.

(I) Pediatric hematologist/oncologist. The director of a CIDC pediatric bone marrow transplant center must be a CIDC Program approved pediatric hematologist/oncologist. The director must be certified or eligible for certification in the sub-board of pediatric hematology/oncology and must have experience in bone marrow transplantation that includes having performed at least 25 bone marrow transplants demonstrating a consistent high quality of procedural and patient management skills when submitted to peer review.

(II) Other medical staff.

(-a-) The "pediatric" bone marrow transplant center, directed by a CIDC Program approved pediatric hematologist/oncologist must assure that there is adequate professional coverage 24 hours a day to manage all complications and emergencies. Professional coverage may include pediatric residents under the supervision of attending pediatricians.

(-b-) A CIDC Program approved "pediatric" bone marrow transplant center has available physicians in

the following specializations for consultation:

(III) Nursing staff. A CIDC Program approved "pediatric" bone marrow transplant center has one to two registered nurses experienced in pediatrics per patient per shift. The head nurse must be experienced in pediatrics and have at least one year's clinical experience in bone marrow transplantation in children.

(IV) Social work staff. A CIDC Program approved "pediatric" bone marrow transplant center must have available a certified social worker for referrals for family social assessments and for coordination of community resources.

(V) Case management staff. At the time of informed consent for the bone marrow transplant, an individual must be designated as case manager who is assigned to the patient's family and who will assist the family in designing and implementing an individualized service plan which will coordinate the services needed to accomplish the rehabilitation of the patient. This plan must take into account the stated medical goals and the family's specific needs to attain those goals. The case manager may be a member of the center's nursing or social work staff or may be another individual identified as such by the center who is capable of performing the stated responsibilities.

(vi) Administration/facilities requirements.

(I) Administration. Hospital support systems and service delivery must be sufficiently integrated to manage all complications and emergencies.

(II) Nursing training. A continuing education nursing in-service training program on bone marrow transplantation must be developed and in place and is required for nurses assigned to the bone marrow transplant program.

(III) Infection control. Infection control procedures must be in place and in compliance with the Joint Commission on Accreditation of Health Care Organization requirements. Transplant patients must be assigned to private rooms with the capability for standard reverse isolation.

(IV) Treatment protocols.

(-a-) The program director must assure that all bone marrow transplantation protocols are approved by

the hospital's internal review board.

(-b-) To be designated as a CIDC Program approved "pediatric" bone marrow transplant center, the center and staff must be active participants in one of the national pediatric research protocol groups.

(-c-) Donor match criteria for reimbursement will be designated by the CIDC Program and will track the National Marrow Donor Program histocompatibility criteria.

(V) Intensive care facilities. A CIDC Program approved "pediatric" bone marrow transplant center must have available a pediatric intensive care unit (adult intensive care unit for "adult" centers).

(VI) Laboratory facilities. A CIDC Program approved bone marrow transplant center must have documented evidence of an affiliation/agreement with an HLA (histocompatibility antigens) typing laboratory. The laboratory must be accredited by American Association of Blood Banks or the American Society of Histocompatibility and Immunogenetics. The center must have laboratory facilities available with capacity and experience in cryopreserving bone marrow in liquid nitrogen for autologous transplants.

(VII) Blood components supply. A CIDC Program approved bone marrow transplant center must have a written agreement with a blood bank to provide adequate blood component support. If the blood bank does not have the ability to irradiate blood, the center's radiation therapy department or the associated radiation therapy facility must have that ability. (see subclause (VIII) of this clause).

(VIII) Radiation therapy. A CIDC Program approved bone marrow transplant center must have capacity for single or double-source total body irradiation by an experienced radiation therapist either through its own facility or through documented association with an independent radiation therapy facility. A radiation therapy quality assurance program must be in place which requires an external review process.

(IX) Records management. A CIDC Program approved bone marrow transplant center must maintain a medical records system permitting prompt retrieval of information. Medical records must be legible, accurately documented in a timely manner, and accessible to the CIDC site review team.

(X) Responsibility to the CIDC Program. A CIDC Program approved bone marrow transplant center shall agree to abide by CIDC rules and regulations which include, but are not limited to, utilizing all third party resources available to patients prior to requesting payment; accepting program payment as payment in full; submitting program required documentation; and submitting an annual report due 30 days after the end of the state fiscal year (August 31).

(XI) Rights of patients. A CIDC Program approved bone marrow transplant center is responsible for assuring that all members of the transplant team recognize the rights of eligible patients.

(-a-) The responsible physician is expected to inform parents or guardians or adult patients of the complete information concerning treatment and prognosis. He or she should provide opportunities for parents or adult patients to participate in discussion involving the patient's care and provide a written follow-up plan for parents or guardians or adult patients and referring physicians. Communication should occur between the center physician and a local physician (preferably CIDC Program approved) in the child's home community for follow-up care.

(-b-) As a part of the qualification for a CIDC bone marrow transplant center, all facilities must disclose to CIDC Program present methods of priority selection of patients for bone marrow transplantation. This is to include priorities for selection of both allogenic and autologous grafts and the use of any randomized patient selection methods. Selection procedures will be reviewed for their fairness and consistency with the following CIDC Program policy statement. It is the policy of the Chronically Ill and Disabled Children's Bureau that once a CIDC patient is recognized as in need of a bone marrow transplant and meets both the criteria for the center's transplant protocol and the CIDC Program eligibility standards, that fair selection procedures should be employed to expedite the necessary care needed without deference to the client's nationality, race, religion, creed, or socioeconomic standards.

(vii) Priority medical conditions for CIDC Program reimbursement for bone marrow transplantation. The CIDC Program will determine which medical conditions with levels of severity may be eligible for reimbursement as well as coverage policies for bone marrow transplants.

(E) Other types of centers. The CIDC Program may recognize other types of centers in various localities in the state which may be designated for program use for diagnosis and treatment of certain

conditions needing specialized evaluation and treatment, and comprehensive planning and follow-up.

(5) Other approved providers and facilities. With changes in the health delivery system and in consideration of cost effectiveness and efficiency, the CIDC Program may, with the approval of the board, establish other areas of approved providers and facilities.

(6) Provider application for program approval.

(A) Applications may be obtained from the CIDC Program on request. A copy of the CIDC Program's rules and regulations and a provider's manual will be mailed to the applicant to provide current information regarding the program. The completed application will be reviewed by CIDC Program staff for correctness and to verify that all professional criteria have been met, including required documentation. Notification of the status of the application will be made within 15 days of CIDC Program receipt of the application.

(B) Any provider may withdraw from program participation at any time by notifying the CIDC Program in writing of its desire to do so.

(7) Denial/modification/suspension/termination of provider or facility approval.

(A) The CIDC Program may deny, modify, suspend, or terminate the approval of providers or facilities for due cause. Any provider or facility submitting false or fraudulent claims, failing to provide and maintain quality services or medically acceptable standards, or not adhering to the agreement signed at the time of application or renewal for CIDC Program participation is subject to review, fraud referral, and/or administrative sanctions which include suspension of payment. The CIDC Program may cancel or suspend a physician's/dentist's/podiatrist's approved provider status based on the CIDC Program's knowledge of disciplinary action taken against the provider by the Texas State Board of Medical Examiners, the provider's peers, or by professional medical association or society (local, regional, or national in scope).

(i) The CIDC Program will notify the provider or facility in writing of the proposed action to be taken, the date of the action, and the reasons for the action.

(ii) The provider has the right of appeal as described in §37.96(a) of this title (relating to Appeals, Confidentiality, Gifts, and Nondiscrimination).

(iii) The CIDC Program must give the provider at least 30 days written notice prior to final action.

(B) A due process hearing is available to any provider for the resolution of conflict between the CIDC Program and the provider.

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 24, 1990.

TRD-9007431

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

Proposed date of adoption: September 22, 1990

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

◆ ◆ ◆  
Chapter 289. Occupational  
Health and Radiation  
Control

Texas Regulations for Control  
of Radiation

• 25 TAC §289.111 §289.121

The Texas Department of Health proposes amendments to §289.111 and §289.121, concerning the *Texas Regulations for the Control of Radiation (TRCR)*. Section 289.111 adopts by reference Part 11 of the TRCR titled "General Provisions." Section 289.121 adopts by reference Part 41 of the TRCR titled "Licensing of Radioactive Material." The amendment to Part 11 will add a definition of misadministration of different kinds of radiation to §11.2 of the part. The amendment to Part 41 will add a new subsection 41.26(d) to the part concerning the requirements for handling records and reports of misadministrations. The amendments are proposed at this time because the rule concerning medical misadministrations is a matter of strict compatibility with the Nuclear Regulatory Commission (NRC). The NRC has informed the agency that as of April 1, 1990, the agency would not receive a finding of compatibility unless the misadministration requirement is addressed.

Stephen Seale, Chief Accountant III, 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.

Ruth E. McBurney, C.H.P., director, Division of Licensing, Registration and Standards, Bureau of Radiation Control, has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be that the department will have available data to evaluate. Evaluation of such data allows the department to determine causes for misadministrations, identify trends, and recommend corrective actions in order to better protect the public health and safety. There will be no fiscal implications for small businesses. There is no anticipated economic cost to persons who are required to comply

as a result of implementing the sections.

Comments on the proposal may be presented in writing to the Bureau of Radiation Control, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756-3189. Public comments will be accepted for 30 days following publication of these sections in the *Texas Register*. In addition, a public hearing on the amendments will be held at 10 a.m., Friday, August 18, 1990, at the Bureau of Radiation Control, Texas Department of Health, 1212 East Anderson Lane, Austin.

The amendments are proposed under Health and Safety Code, Chapter 401, as amended by Chapters 172, 840, 913, and 930, Acts of the 71st Legislature, 1989. Section 401.051 provides the Board of Health with the authority to adopt rules and guidelines relating to the control of radiation; 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.

**§289.111. General Provisions.**

(a) The Texas Department of Health adopts by reference Part 11, General Provisions, of the department's document titled, *Texas Regulations for Control of Radiation*, as amended in August 1990 [March 1989].

(b) (No change.)

**§289.121. Licensing of Radioactive Material.**

(a) The Texas Department of Health adopts by reference Part 41, Licensing of Radioactive Material, of the department's document titled *Texas Regulations for Control of Radiation*, as amended in August 1990 [April 1988].

(b) (No change.)

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

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

TRD-9007403 Robert A. MacLean, M.D.  
Deputy Commissioner for  
Professional Services  
Texas Department of  
Health

Proposed date of adoption: October 1, 1990

For further information, please call: (512) 835-7000

◆ ◆ ◆  
**TITLE 31. NATURAL  
RESOURCES AND CON-  
SERVATION**

**Part II. Texas Parks and  
Wildlife Department**

**Chapter 55. Law Enforcement**

**Depredating Animal Control  
and Wildlife Management  
from Aircraft**

• **31 TAC §55.142**

The Texas Parks and Wildlife Department proposes an amendment to §55.142, concerning regulating depredating animal control and wildlife management from aircraft. The 71st Legislature expanded the agency's regulatory authority over managing wildlife by aircraft. Senate Bill 24, Acts of the 71st Legislature, amended the Texas Parks and Wildlife Code, Chapter 43, Subchapter G, to include red fox as an animal that may be controlled.

Robin Riechers, staff economist, 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.

The department has filed a local employment impact statement with the Texas Employment Commission and has received correspondence advising the department that the section as proposed will have no local employment impact.

Mr. Riechers 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 protection of livestock from depredation. 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 Chester Burdett, Director of Law Enforcement, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, Texas 78744, (512) 389-4845.

The amendment is proposed as a result of recent legislature that amended the Texas Parks and Wildlife Code, Chapter 43, Subchapter G, and Texas Civil Statutes, Article 6252-13a, which authorizes the department to issue permits for the control of depredating animals or the management of wildlife by use of an aircraft in this state.

**§55.142. Definitions.**

Depredating animals—Feral hogs, bobcats, red foxes, coyotes, and cross-breeds between coyotes and dogs.

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 24, 1990.

TRD-9007446 Boyd M. Johnson  
General Counsel  
Texas Parks and Wildlife  
Department

Earliest possible date of adoption: August 31, 1990

For further information, please call: (512) 389-4845

**TITLE 40. SOCIAL  
SERVICES AND  
ASSISTANCE**

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

**Chapter 29. Purchased Health  
Services**

**Subchapter V. Certified Regis-  
tered Nurse Anesthetists'  
Services**

• **40 TAC §§29.2101-29.2103**

The Texas Department of Human Services (DHS) proposes new §§29.2101-29.2103, concerning benefits, limitations, reimbursement, and conditions for participation in its Purchased Health Services chapter. The new sections add services provided by certified registered nurse anesthetists as benefits of the Texas Medical Assistance Program. These sections are proposed in new Subchapter V, Certified Registered Nurse Anesthetists' Services.

Burton F. Raiford, chief financial officer, has determined that for the first five-year period the proposed sections are in effect there will be fiscal implications for state government as a result of enforcing or administering the sections. The effect on state government for the first five-year period the sections are in effect is an estimated additional cost of \$392,249 for fiscal year 1992; \$409,114 for fiscal year 1993; \$435,555 for fiscal year 1994; \$468,245 for fiscal year 1995; and \$496,340 for fiscal year 1996. There will be no fiscal implications for 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 to increase the provider base, enhance the department's relations with providers, and maintain services to clients. 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.

Questions about the content of this proposal may be directed to Genie B. DeKneef at (512) 338-6509 in DHS' Purchased Health Services Section. Comments on the proposal may be submitted to Cathy Rossberg, Administrator, Policy Communication Services-445, Texas Department of Human Services 454-W, P.O. Box 149030, Austin, Texas 78714-9030, within 30 days of publication in the *Texas Register*. DHS has scheduled a public hearing concerning this proposal. The hearing will begin at 9 a.m. on August 20, 1990, in the public hearing room on the First Floor of the John H. Winters Building, 701 West 51st Street, Austin.

The new sections 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

**§29.2101. Benefits and Limitations.**

(a) Effective for services provided on or after September 1, 1991, and subject to the specifications, conditions, requirements, and limitations specified in this section and established by the department or its designee, anesthesia services provided by a certified registered nurse anesthetist (CRNA) are covered by the Texas Medical Assistance Program.

(b) To be payable, the services must be:

(1) within the CRNA's scope of practice, as defined by state law;

(2) reasonable and medically necessary as determined by the department or its designee;

(3) prescribed and supervised by a physician (M.D. or D.O.) who must be licensed in the state in which he or she practices; and

(4) provided under one of the following conditions:

(A) no physician anesthesiologist is on the medical staff of the facility where the services are provided;

(B) as determined in accordance with the policies of the facility in which the services are provided, no physician anesthesiologist is available to provide the services;

(C) the physician performing the procedure requiring the services specifically requests the services of a CRNA;

(D) the eligible recipient requiring the services specifically requests the services of a CRNA;

(E) the CRNA is scheduled or assigned to provide the services in accordance with policies of the facility in which the services are provided; or

(F) the services are provided by the CRNA in connection with a medical emergency.

(c) The Texas Medical Assistance Program will not reimburse the CRNA for equipment or supplies. Equipment and supplies are the responsibility of the facility in which the CRNA services are provided. If the equipment and supplies are covered and reimbursable by the Texas Medical Assistance Program, payment may be made to the facility if the facility is approved for participation in the Texas Medical Assistance Program. The basis and amount of reimbursement depends on the reimbursement methodology utilized by the Texas Medical Assistance Program for the services and providers involved.

(d) The scope of this section is lim-

ited to reimbursement policy for anesthesia services under the Texas Medical Assistance Program. Nothing contained in this section shall be construed to modify, supersede, or otherwise affect any other existing federal or state law or regulation or institutional practice regarding the administration of anesthesia.

**§29.2102. Conditions for Participation.** Subject to the specifications, conditions, limitations, and requirements established by the department or its designee, a certified registered nurse anesthetist must:

(1) be a registered nurse who is approved as an advanced nurse practitioner by the state in which he or she practices and is currently certified by either the Council on Certification of Nurse Anesthetists or the Council on Recertification of Nurse Anesthetists;

(2) comply with all applicable federal and state laws and regulations governing the services provided;

(3) be enrolled and participating in Medicare;

(4) be enrolled and approved for participation in the Texas Medical Assistance Program;

(5) sign a written provider agreement with the department or its designee;

(6) comply with the terms of the provider agreement and all requirements of the Texas Medical Assistance Program, including regulations, rules, handbooks, standards, and guidelines published by the department or its designee; and

(7) bill for services covered by the Texas Medical Assistance Program in the manner and format prescribed by the department or its designee.

**§29.2103. Reimbursement.**

(a) Subject to the specifications, conditions, limitations, and requirements established by the department or its designee, payment for covered anesthesia services provided by a participating certified registered nurse anesthetist (CRNA) will be limited to the lesser of the actual charge or 70% of the rate reimbursed to a physician anesthesiologist for the same service.

(b) Reimbursement for covered CRNA services may be made to the CRNA actually performing the services or, provided that federal requirements related to reassignment of claims are met, to a hospital, physician, group practice, or ambulatory surgical center with which the CRNA has an employment or contractual relationship.

(c) The department or its designee reimburses covered CRNA services only

when the services are submitted for payment under a CRNA provider number.

(d) Physician reimbursement for supervision of CRNAs is governed by the department's policies regarding physician services.

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 25, 1990.

TRD-9007466  
Cathy Rossberg  
Agency liaison, Policy  
Communication  
Services  
Texas Department of  
Human Services

Proposed date of adoption: September 1, 1990

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

## Chapter 48. Community Care for Aged and Disabled

### Eligibility

#### • 40 TAC §48.2902

The Texas Department of Human Services (DHS) proposes an amendment to §48.2902, concerning eligibility, in its community care for aged and disabled chapter. The purpose of the amendment is to allow a qualified Medicare beneficiary (QMB) recipient to be categorically eligible for community care for the aged and disabled (CCAD) services.

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

Mr. Raiford also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be a quicker certification/recertification process for QMB recipients. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the proposed section.

Questions about the content of this proposal may be directed to Frances Barraza at (512) 450-3216 in DHS's Client Eligibility Section. Comments on the proposal may be submitted to Cathy Rossberg, Policy Communication Services-438, Texas Department of Human Services 454-W, P.O. Box 149030, Austin, Texas 78714-9030, within 30 days of publication in the *Texas Register*.

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

**§48.2902. Income and Income Eligibles.** To be eligible for CCAD services, the applicant/client must:

(1) receive SSI/AFDC payments, food stamps (as head of household or spouse), Medicaid; **Qualified Medicare Beneficiary (QMB) benefits**; or

(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 July 25, 1990.

TRD-9007465 Cathy Rossberg  
Agency liaison, Policy  
Communication  
Services  
Texas Department of  
Human Services

Proposed date of adoption: December 1, 1990

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

## Support Documents

### • 40 TAC §48.9808

The Texas Department of Human Services (DHS) proposes to amend §48.9808, concerning support documents, in its community care for aged and disabled chapter. The purpose of the amendment is to avoid conflict with a new amended cost report rule that will be cross referenced.

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

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

Questions about the content of this proposal may be directed to Carolyn Pratt at (512) 450-4057 in DHS's Provider Reimbursement Division. Comments on the proposal may be submitted to Cathy Rossberg, Policy Communication Services-446, Texas Department of Human Services 454-W, P.O. Box 149030, Austin, Texas 78714-9030, within 30 days of publication in the *Texas Register*.

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

§48.9808. *Reimbursement Methodology for §1915(c) of the Social Security Act Medicaid Home and Community Based Waiver Services for Persons With Related Conditions.*

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

(d) Reporting of cost.

(1) Cost report. Each provider must submit financial and statistical

information on a cost report or in a survey format designated by DHS. The cost report must capture the expenses of the waiver services provider, including salaries and benefits, administration, building and equipment, utilities, supplies, travel, and indirect overhead expenses related to the waiver services program.

(A)-(E) (No change.)

[(F)] Amended cost reports. DHS accepts amended cost reports until the completion of the rate determination process. Amended cost reports filed after the actual rate determination have no effect on the rate and are not accepted.]

(F)[(G)] Cost report supplements. DHS may require additional financial and other statistical information to ensure the fiscal integrity of the program.

(G)[(H)] Failure to file an acceptable cost report. If a provider fails to file a cost report or files an unacceptable report and refuses to make necessary changes, DHS may withhold vendor payments to that provider until the deficiencies are corrected.

(H)[(I)] Record keeping requirements. Each provider must maintain records according to the requirements stated in §51.50 of this title (relating to Record Retention Requirements). The provider must ensure that the records are accurate and sufficiently detailed to support the financial and statistical information reported in the cost report. If a provider does not maintain records which support the financial and statistical information submitted on the cost report, the provider will be given 90 days to correct his record keeping. A hold of the vendor payments to the provider will be made if the deficiency is not corrected within 90 days from the date the provider is notified.

(I)[(J)] Audit and review of cost reports.

(i)-(iv) (No change.)

(2) (No change.)

(e)-(f) (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 July 25, 1990.

TRD-9007467 Cathy Rossberg  
Agency liaison, Policy  
Communication  
Services  
Texas Department of  
Human Services

Proposed date of adoption: October 15, 1990

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

## Part II. Texas Rehabilitation Commission

### Chapter 117. Special Rules and Policies

#### • 40 TAC §117.3

The Texas Rehabilitation Commission proposes new §117.3, concerning commission special rules and policies. New §117.3 proposes to adopt by reference the Texas Rehabilitation Commission Board Policies Manual, which contains a codification of board policies established directly or indirectly through the recorded actions of the board of the Texas Rehabilitation Commission.

Charles Harrison, controller, 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.

Charles W. Schiesser, assistant commissioner for legal services division, 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 to members of the public of the policies used by the board and to provide reasonable procedures for the public to appear before the board. 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 Charles W. Schiesser, 4900 North Lamar Boulevard, Suite 7102, Austin, Texas 78751-2316.

The new section is proposed under the Texas Human Resources Code, Title 7, which provides the Texas Rehabilitation Commission with the authority to "... make regulations governing personnel standards, the protection of records and confidential information, the manner and form of filing applications, eligibility, investigation, and determination for hearings, and other regulations necessary to carry out the purposes of this chapter."

#### §117.3. Board Policies.

(a) The commission proposes for adoption by reference board policies contained in the Texas Rehabilitation Commission Board Policies Manual.

(b) Copies of the board policy manual are available for review in the Legal Services Division, Texas Rehabilitation Commission, 4900 North Lamar Boulevard, Austin, Texas 78751. Copies are available on request.

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 23, 1990.

TRD-9007401      William B. Churchill  
                         General Counsel  
                         Texas Rehabilitation  
                         Commission

Earliest possible date of adoption: August 31,  
1990

For further information, please call: (512)  
483-4052



# 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 July 6, 1990 issue of the *Texas Register* (15 TexReg 3835). The effective date of this withdrawal should be July 2, 1990.

The emergency amendment contained incorrect information. After a discussion with Texas Register staff, the department resubmitted a corrected emergency amendment which became effective on July 11, 1990, and was published in the July 24, 1990, issue of the *Texas Register* (15 TexReg 4149); however, the incorrect version in the July 6, 1990, issue was not withdrawn. The department believes that the withdrawal date should be July 2 so that there will not be a period when the incorrect version will be in effect.

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

Issued in Austin, Texas, on July 25, 1990.

TRD-9007468

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

◆ ◆ ◆

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

### Chapter 15. Surplus Lines Insurance

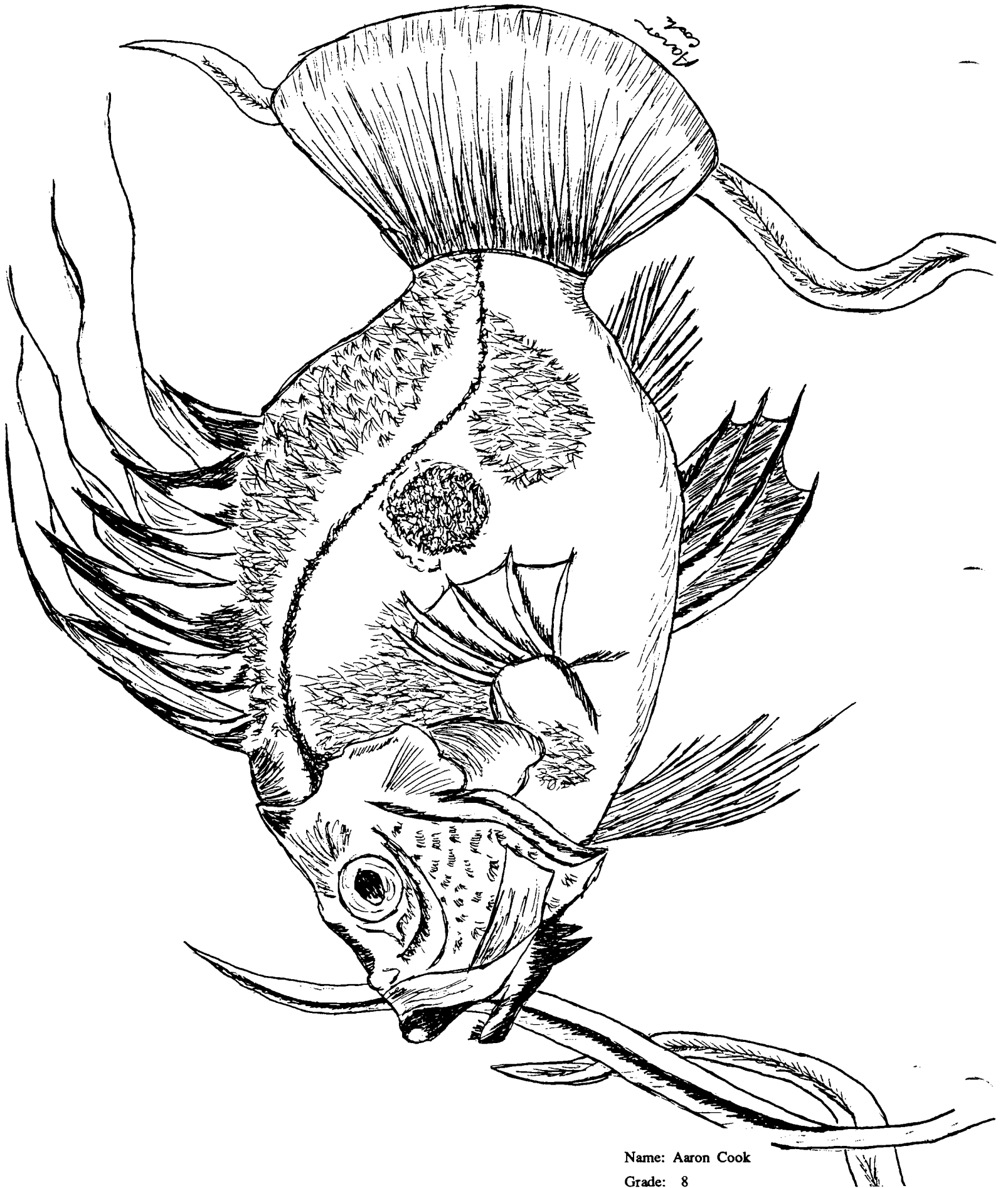
#### Subchapter A. General Regulation of Surplus Lines Insurance

- 28 TAC §15.29

Pursuant to Texas Civil Statutes, Article 6252-13, §5(b), and 1 TAC §91.24(b), the proposed new §15.29, submitted by the State Board of Insurance has been automatically withdrawn, effective July 24, 1990. The new as proposed appeared in the January 23, 1990, issue of the *Texas Register* (15 TexReg 319).

TRD-9007505

◆ ◆ ◆



Name: Aaron Cook

Grade: 8

School: T.H. McDonald Middle School, Mesquite ISD



# Adopted Sections

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

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

## TITLE 31. NATURAL RESOURCES AND CONSERVATION

### Part II. Texas Parks and Wildlife Department

#### Chapter 65. Wildlife

#### Subchapter H. Type I Wildlife Management Areas, Hunting and Fishing

##### • 31 TAC §§65.190-65.230

The Texas Parks and Wildlife Department adopts the repeal of §§65.190-65.230, without changes to the proposed text as published in the April 27, 1990, issue of the *Texas Register* (15 TexReg 2407).

Repeal of the existing sections was needed to permit adoption of revised and reformatted sections providing for addition and deletion of areas, clarification, and improved enforceability.

Repeal of the existing sections removes conflict with adopted new sections.

No comments were received regarding adoption of the repeals.

The repeals are adopted under the Texas Parks and Wildlife Code, Chapter 81, Subchapter E, which provides the Texas Parks and Wildlife Commission with the authority to regulate seasons, numbers, means, methods, and conditions for taking wildlife resources on wildlife management areas, and Chapter 62, which gives the commission authority to regulate the taking of wildlife on state parks.

§65.190. Application.

§65.191. Consent.

§65.192. Definitions.

§65.193. General Regulations.

§65.194. Firearms.

§65.195. Archery.

§65.196. Hunting with Dogs.

§65.197. Hunting Permits.

§65.198. Checking Game, Entering and Exiting Wildlife Management Areas.

§65.199. Tagging of Game.

§65.200. Open Seasons and Bag Limits for Wildlife Resources.

§65.201. Open Seasons: General Rules.

§65.202. Deer and Exotic Mammals.

§65.203. Javelina.

§65.204. Prong-horned Antelope.

§65.205. Desert Bighorn Sheep.

§65.208. Squirrel.

§65.209. Turkey.

§65.210. Quail.

§65.211. Pheasant.

§65.215. Migratory Birds.

§65.216. Migratory Birds: Means and Methods.

§65.218. Other Nonprotected Species: Rabbits and Hares.

§65.219. Furbearing Animals.

§65.220. Predatory Animals.

§65.222. Fishing Permits.

§65.223. Fish.

§65.224. Fishing Seasons.

§65.225. Fishing: Means and Methods.

§65.226. Fish: Size and Bag Limits.

§65.229. Alligators.

§65.230. Penalties.

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 24, 1990.

TRD-9007449

Boyd M. Johnson  
General Counsel  
Texas Parks and Wildlife  
Department

Effective date: September 1, 1990

Proposal publication date: April 27, 1990

For further information, please call: 1 (800) 792-1112, ext. 4505 or (512) 389-4505

##### • 31 TAC §§65.190-65.197

The Texas Parks and Wildlife Department adopts new §§65.190-65.197. Sections 65.191-65.193 are adopted with changes to the proposed text as published in the April 27, 1990, issue of the *Texas Register* (15 TexReg 2409). Sections 65.190 and 65.194-65.197 are adopted without changes and will not be republished.

Deletion and addition of areas, increases in permit fees, a total reformat of regulations for law enforcement purposes, and needed clarification required the Parks and Wildlife Commission to adopt new rules for the 1990-1991 seasons.

The adopted sections provide for harvest of wildlife resources consistent with recognized wildlife management tenets. The changes made to the proposed text as published relate to clarification of the definition of game birds, requirements for visible fluorescent orange during concurrent hunts for mourning dove and quail or chachalaca, regulations governing the possession of firearms during archery only hunts, and requirements for non-consumptive users and fishermen to comply with permission by registration procedures. A change was made to correct an inadvertent omission and to restore the same deer bag limit for the Kerr Wildlife Management Area as was in effect the previous year. Other changes involved correction of the numbering sequence of paragraphs within regulations for the J. D. Murphree Wildlife Management Area.

No public comment was received concerning the proposed sections as published; however, numerous letters and petitions were received voicing opposition to the conduct of public deer hunts on state park lands.

A nationwide campaign by the Fund for Animals, Inc. resulted in the receipt of 192 letters during the previous 16 month period

voicing opposition to the current practice of conducting public deer hunts on state parks. One-half of the letters were from within Texas with the remainder from residents of 28 other states, primarily California and New York. Reasons given for opposition involved a personal anti-hunting philosophy, concerns that wildlife populations were being abused, and the closing of concerned parks to conventional park use while hunts were being conducted. During the same period, a total of 14,779 people registered their approval in writing by applying for public hunts on state parks.

Public deer hunts on state parks are employed to control excessive numbers of deer and exotic mammals in order to protect native vegetation from abuse and preserve habitat for indigenous wildlife species. Active management is necessary to remove surplus number of animals resulting from on-site production and ingress from surrounding areas. Deer are not eliminated, but numbers are reduced to a level compatible with natural habitats. Public hunts are conducted as a maintenance activity to preserve natural features of park sites and are scheduled so as to have minimal impact upon conventional park use.

The new sections are adopted under the Texas Parks and Wildlife Code, Chapter 81, Subchapter E, which provides the Texas Parks and Wildlife Commission with authority to regulate seasons, number, means, methods, and conditions for taking wildlife resources on wildlife management areas; with respect to designated state parks, the commission is acting under the authority of the Texas Parks and Wildlife Code, Chapter 62, Subchapter D, which provides authority to prescribe seasons, number, size, kind, and sex, and the means and method of taking any wildlife. The new sections have as their factual bases scientific studies and investigations which track trends in wildlife resource populations and assess factors affecting those populations.

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

**Antlerless deer**—A deer having no hardened antler protruding through the skin.

**Bearded hen**—A female turkey possessing a clearly visible beard protruding through the feathers of the breast.

**Buck deer**—A deer having a hardened antler protruding through the skin.

**Consumptive user**—A person who takes or attempts to take wildlife resources.

**Daily bag limit**—The quantity of a species of wildlife that may be taken in one day.

**Department or Parks and Wildlife Department**—The Texas Parks and Wildlife Department or a specifically authorized employee of the department.

**Designated campsite**—An area where camping and camping activities are authorized and the location of which is identified by signs, departmental literature, or directives of department personnel.

**Designated days**—Specific days within an established season or period of

time as designated by the executive director and identified in the current departmental publication, "Hunting Opportunities on Type I Wildlife Management Areas."

**Designated road**—A constructed roadway indicated as being open to the public by either signs posted to that effect or by current maps and leaflets distributed at the area. Roads closed to the public may additionally be specified by signs posted to that effect.

**Designated units of the state park system**—Specific units of the state park system designated by the executive director for application of provisions of this subchapter and identified in the current departmental publication, "Hunting Opportunities on Type I Wildlife Management Areas."

**Disabled person**—A paraplegic or a person who has a physician's statement in their immediate possession certifying that they fit the criteria for ambulatory disability as defined in Texas Civil Statutes, Article 6675a-5e.1, referenced in "Application for Disabled Persons—Special Registration Insignia" and whose disability is permanent.

**Executive director**—The executive director of the Texas Parks and Wildlife Department.

**Exotic mammals**—Nonindigenous wild mammals.

**Furbearing animals**—Wild beaver, otter, mink, ring-tailed cat, badger, skunk, raccoon, muskrat, opossum, fox, civet cat, nutria, or weasel.

**Game animals**—Wild deer, wild elk, wild pronghorn antelope, wild desert big-horn sheep, wild gray or cat squirrels, wild fox squirrels or red squirrels, and collared peccary or javelina.

**Game birds**—Wild turkey, wild grouse, wild prairie chickens, wild pheasants of all varieties, wild partridge, wild bobwhite quail, wild scaled quail, wild Mearns quail, wild Gambel's quail, chachalacas, and migratory game birds.

**Hunt**—Includes take, kill, pursue, trap, and the attempt to take, kill, pursue, or trap.

**Loaded firearm**—A firearm containing a live round of ammunition within the chamber and/or the magazine, or if muzzleloading, one which has a cap on the nipple or a priming charge in the pan.

**Migratory game birds**—Wild ducks of all species, wild geese and wild brant of all species, wild coot, wild rail, wild gallinules, wild plovers, Wilson's snipe or jack snipe, woodcock, mourning doves, white-winged doves, white-fronted or white-tipped doves, red-billed pigeons, band-tailed pigeons, shore birds of all varieties, and sandhill cranes.

**Non-consumptive user**—A person who does not take or attempt to take wildlife resources.

**Nontoxic shot**—Any shot material which is approved by the federal government as being nontoxic to wildlife or the environment.

**Permission by registration**—The registering at designated places on wildlife

management areas by consumptive and non-consumptive users.

**Possession limit**—The maximum number of a species of game that may be possessed at one time.

**Predatory animals on wildlife management areas**—Feral hogs, European wild hogs, and crosses thereof, coyotes, feral house cats, bobcats, and mountain lions.

**Preference points**—An increased chance of selection assigned an application for a special permit due to and progressively enhanced by prior unsuccessful applications within the same hunt category by the concerned individual or party members.

**Regular permit**—A permit issued to an individual to allow the taking of designated species of wildlife from wildlife management areas when such permit is issued on a first-come-first-served basis by department personnel on an area at the time of the hunt.

**Special permit**—A permit issued to an applicant to allow the taking of designated species of wildlife from wildlife management areas when such permit is issued as the result of a computer selection procedure or public drawing, or as authorized by the Parks and Wildlife Commission for the taking of desert big-horn sheep.

**Waterfowl**—Wild ducks of all species, wild geese and wild brant of all species, and wild coot.

**Wildlife management areas**—Lands identified in §65.190 of this title (relating to Application), on which provisions of this subchapter apply and which include designated units of the state park system.

**Wildlife resources on wildlife management areas**—Game animals, game birds, furbearing animals, alligators, marine animals, fish, other aquatic life, exotic mammals, predatory animals, rabbits and hares, and other wild fauna.

**Wounded deer**—A deer leaving a blood trail.

#### **§65.192. General Rules and Regulations.**

(a) The following rules and regulations apply to all wildlife management areas unless an exception is provided in the open seasons and special regulations section for a specific area.

(1) It is an offense if a person camps anywhere other than in a designated campsite.

(2) It is an offense to not confine vehicle use to designated roads, except parking is permitted on the shoulder of or immediately adjacent to designated roads and as provided in paragraph (4) of this subsection.

(3) It is unlawful to hunt, take, or kill, or attempt to hunt, take, or kill any wildlife resource from a motor vehicle, motor-driven land conveyance, or from any aircraft or airborne device, or possess a

loaded firearm in or on the vehicle, except as provided in paragraph (4) of this subsection.

(4) It is lawful for disabled persons to hunt from a stationary motor vehicle or motor driven land conveyance provided the hunting is not conducted on a designated road.

(5) The disturbance of plants, rocks, artifacts, or other objects or their removal from wildlife management areas is prohibited, except as authorized by the department.

(6) It is unlawful for any person to not obey posted regulations, fail to comply with instructions on permits or area leaflets, or refuse to follow directives given by departmental personnel in the discharge of official duties as established by the Texas Parks and Wildlife Code, §§81.401-81.404.

(7) Strewing of refuse, litter, trash, or garbage is prohibited.

(8) The possession of a loaded firearm within a designated campsite, vehicle parking area, boat launching facility, or departmental check station is prohibited.

(9) It is unlawful for a person engaged in hunting activities on wildlife management areas to be under the influence of alcohol, or consume or possess alcoholic beverages.

(10) It is an offense if a person fails to visibly wear a minimum of 400 square inches of daylight fluorescent orange material with 144 square inches appearing on both the chest and back when hunting any wildlife on a wildlife management area, except that persons hunting only the following species are exempt from this requirement:

(A) deer, javelina, or feral hog during the archery only seasons;

(B) turkey;

(C) migratory birds;

(D) coyotes or furbearers at night;

(E) alligators;

(F) desert bighorn sheep.

(11) It is an offense if a mourning dove hunter fails to comply with minimum requirements for visible fluorescent orange material on days when concurrent hunts are held for mourning dove and quail or mourning dove and chachalaca.

(12) It is a violation to conduct business concessions such as selling, buy-

ing, renting, leasing, or peddling goods, merchandise, or services to the public unless specifically authorized in writing by the executive director.

(13) It is unlawful to enter a wildlife management area with a firearm, bow and arrow, or any other weapon, or to possess a firearm, bow and arrow, or any other weapon on a wildlife management area, except persons authorized by the Parks and Wildlife Department to hunt on the areas, or commissioned law enforcement officers' and/or department employees in performance of their duties.

(14) It is a violation to possess dogs in camp that are not confined or leashed.

(15) Water skiing is prohibited except on those leased or licensed wildlife management areas when allowed by the leasing or licensing authority.

(16) It is a violation to leave boats, skiffs, or floating craft of any type overnight on a wildlife management area.

(17) Swimming is prohibited except on those leased or licensed wildlife management areas when allowed by the leasing or licensing authority.

(18) It is a violation for a person without a valid permit to be afield during hunts on wildlife management areas, except on those areas where no permits are required.

(19) It is unlawful for any person or persons to harass, molest, or otherwise interfere with anyone lawfully engaged in hunting or fishing activities on a wildlife management area. This paragraph does not apply to peace officers of this state, law enforcement officers of the United States, or employees of the department while in the actual discharge of official duties.

(20) The use of traps, snares, and deadfalls is prohibited, except handheld snares with integral locking mechanism may be used for taking alligator and crab traps may be used for taking crabs.

(21) The use of electrically amplified calls is prohibited for taking wildlife resources, except when stipulated as an approved means and method on regular permits issued specifically for taking coyotes and furbearers.

(22) It is unlawful to use or possess a horse, mule, burro, or any type of riding stock or pack animal on any wildlife management area, except as provided by written authorization of the department.

(23) Firearms.

(A) It is unlawful to hunt with any firearm other than a rifle or shotgun capable of and designed for being fired from the shoulder. The possession or use of handguns is prohibited.

(B) It is unlawful to take a game bird with a rifle.

(C) It is unlawful to possess shotgun shells containing slugs or buckshot or to possess a rifle while engaged in hunts conducted exclusively for game birds, rabbits, or hares.

(D) It is unlawful to use rimfire ammunition in taking or shooting deer or exotic mammals, javelina, pronghorn antelope, desert bighorn sheep, predatory animals, alligators, or turkey.

(E) It is an offense if a waterfowl hunter fails to comply with requirements for use of non-toxic shot in respective areas as provided in the Nontoxic Shot Zone Proclamation.

(24) Archery.

(A) Regulations governing the use of archery in hunting:

(i) game animals and game birds are as provided in the Statewide Hunting and Fishing Proclamation;

(ii) exotic mammals and predatory animals are as provided for hunting all game animals, other than squirrels, in §65.15 of this title (relating to Archery);

(iii) furbearing animals, rabbits, and hares are as provided for hunting squirrels in §65.15 of this title (relating to Archery).

(B) It is unlawful to possess a firearm while participating in archery only hunts conducted under special or regular permit.

(C) Shotguns with shells having no larger than size #4 lead or #2 nontoxic shot may be possessed when hunting under permission by registration during concurrent periods of archery only hunts and firearms hunts, but may not be used to take species for which archery only hunts are being held.

(25) Hunting with dogs.

(A) It is unlawful to use a dog or dogs in hunting, pursuing, or taking deer, pronghorn antelope, desert bighorn sheep, predatory animals, javelina, or turkey.

(B) It is lawful to use a dog or dogs in hunting squirrel, rabbits and hares, or game birds other than turkey during the open season prescribed on wildlife management areas.

(C) It is lawful to use no more than two leashed dogs in trailing wounded deer.

(26) Checking game, entering and exiting wildlife management areas.

(A) When hunting under special or regular permit, it is a violation if a person fails to check in with management area personnel prior to hunting. Unless otherwise authorized in writing by the department, it is a violation if a person hunting under special or regular permit fails to check out at management area check stations and allow inspection of the bag before leaving the area.

(B) On areas where permission by registration is required for hunting, fishing, or non-consumptive use, it is a violation if a hunter, fisherman, or non-consumptive user fails to check in each day at a self-registration station and properly complete permission by registration procedures before initiation of hunting, fishing, or non-consumptive use activities or fails to check out at the checking station or self-registration station and leave the completed permit before departing the area.

(C) Access for non-consumptive use may be temporarily restricted while hunts are being conducted.

(D) Employees of the department may remove parts from specimens harvested on management areas for scientific investigation.

(27) Tagging of game.

(A) It is a violation if a person possesses the carcass of a deer or turkey which does not have attached to it a valid tag issued to the person from his or her hunting license.

(B) It is a violation if a person removes a deer, exotic mammal, feral hog, javelina, pronghorn antelope, desert bighorn sheep, turkey, or alligator taken under special or regular permit from a wildlife management area without attachment of a special tag issued by the wildlife management area.

(C) A tagging fee is assessed for alligators which are to be disposed of commercially and for desert bighorn sheep.

(b) The following rules and regulations apply to the taking of specific wildlife resources.

(1) Deer and exotic mammals.

(A) Hunt categories include Archery Only, Buck Only or Either-Sex General, and Antlerless Only General.

(B) Bag and possession limits apply to individual areas within each hunt category. It is a violation if the cumulative bag of a person for all areas and hunt categories exceeds the number of appropriate carcass tags on the hunting license.

(C) The hunting for deer and exotic mammals of either-sex is legal during the archery only season.

(D) On hunts designated as Antlerless Only, the antlerless only restriction applies to deer only and exotic mammals of either-sex may legally be taken.

(2) Desert bighorn sheep.

(A) Certification. Any bighorn sheep taken must be certified by the accompanying department wildlife biologist as a harvestable animal prior to the kill. The permit must be possessed while hunting.

(B) Legal weapons. Only centerfire rifles designed to shoot a bullet of at least .250" in diameter may be used. The firearm must be equipped with a telescopic sight capable of four power magnification or greater.

(C) Method of hunting.

(i) All hunting shall be on foot or from horseback or mule.

(ii) No motorized conveyance or aircraft of any type may be used to hunt, spot, herd, or harass desert bighorn sheep.

(iii) No two-way radio communications may be used in hunting desert bighorn sheep.

(D) Tagging. Any bighorn sheep must be tagged immediately after being taken with a permanent tag issued and affixed in the horn by a designated representative of the department. The tag shall remain in the horn throughout the existence of the trophy.

(E) Hunter orientation. Each person receiving a bighorn sheep hunting permit is required to attend an orientation conducted by the department prior to the hunt.

(F) Tag fees.

(i) The tag fee is \$300 for each permittee selected by means of a random drawing, payable in advance of the hunt and is non-refundable.

(ii) The tag fee is \$300 for each permittee selected by membership

of a Desert Bighorn Sheep Cooperative Unit, payable in advance of the hunt and is non-refundable.

(iii) The tag fee for each permittee selected by means of auction-conducted by the Foundation for North American Wild Sheep is in the amount established by the Parks and Wildlife Commission, payable in advance of the hunt and is non-refundable.

(G) Permit issuance.

(i) Bighorn sheep hunting permits are authorized for issuance to persons selected by random drawing. Only residents of Texas who are 17 years of age or older at the time of the hunt and possesses a valid Texas resident hunting license are eligible to participate in the random drawing.

(ii) Bighorn sheep hunting permits are authorized for issuance to persons selected by membership of a Desert Bighorn Sheep Cooperative Unit.

(iii) Upon authorization of the Parks and Wildlife Commission, bighorn sheep hunting permits may be issued to persons selected by means of an auction conducted by the Foundation for North American Wild Sheep.

(3) Waterfowl.

(A) Means, methods, and special requirements for taking migratory game birds are as provided by the Early Season Migratory Game Bird Proclamation and the Late Season Migratory Game Bird Proclamation, except as further restricted in the open seasons and special regulations section for a specific area.

(B) It is a violation if a waterfowl hunter does not comply with requirements of the nontoxic Shot Zone Proclamation while hunting in a nontoxic shot zone.

(4) Predatory animals—special regulations. It is a violation if a person takes any predatory animal other than the specific species listed on the permit during hunts by special or regular permit on wildlife management areas or designated units of the state park system.

(5) Fishing. Regulations governing fishing activities are as provided by the Statewide Hunting and Fishing Proclamation, except as further restricted in the open seasons and special regulations section for a specific area.

(6) Alligator.

(A) Means and methods. As specified on the permit or attachments.

(B) Tagging requirements and tag fees.

(i) It is a violation if a hunter does not possess a State of Texas alligator hide tag while engaged in the act of hunting alligators. There is no charge for the state tag and it is available at the area prior to the hunt. The tag must be attached to the alligator immediately after it is taken.

(ii) Successful hunters who opt to commercially dispose of their alligator will be assessed an additional tagging fee of \$120 for attachment of the United States Fish and Wildlife Service alligator hide tag required for sale.

(iii) Successful hunters who do not opt to commercially dispose of their alligator will not be required to obtain the United States Fish and Wildlife Service alligator hide tag or to pay the tagging fee.

*§65.193. Open Seasons, Bag and Possession Limits, and Means and Methods; General Rules.*

(a) It is unlawful to take wildlife resources at any time other than during the open seasons provided in this subchapter, or to take more than the daily bag limits, or to have in possession more than the possession limits, as provided in this subchapter.

(b) Open seasons are given by their opening and closing dates and include all days between the opening and closing dates unless otherwise specified.

(c) Specific days, times, and compartments for taking wildlife resources within the open seasons, as provided, will be established by the executive director, in the interest of sound conservation practices.

(d) Except for hunting coyotes and furbearers and fishing, it is prohibited to take wildlife resources during the hours between 1/2 hour after sunset and 1/2 hour before sunrise.

(e) Hours during which migratory birds may be taken may be further restricted by the Early Season Migratory Game Bird Proclamation and the Late Season Migratory Game Bird Proclamation.

(f) The executive director may close to public use an area or a portion of an area to protect sensitive sites, or may close the season on specific species in certain areas to avoid depletion of wildlife resources.

(g) The executive director may permit recreational activities on wildlife management areas which are compatible with sound resource management practices and public health and safety.

(h) It is unlawful to take any wildlife resources on the wildlife management areas except during open seasons set out in this subchapter.

(i) Open seasons, bag and possession limits, means and methods, and special regulations for certain areas.

(1) Chaparral Wildlife Management Area:

(A) deer and exotic mammals:

(i) archery—during the period from September 1-January 31; one deer or exotic mammal (either-sex); by special permit;

(ii) general—during the period from October 1-February 15; one deer or exotic mammal as specified on the permit; by special permit;

(B) javelina:

(i) archery—to correspond with dates designated for archery only deer and exotic mammal hunts; one javelina (either-sex); by special permit;

(ii) general—during the period of September 1-March 31; one javelina (either-sex); by special permit;

(C) quail—on designated days during the period from October-February; bag and possession limits as provided by the Statewide Hunting and Fishing Proclamation; by regular permit;

(D) mourning dove—on designated days during the seasons as provided by the Early Season Migratory Game Bird Proclamation; shooting hours, bag, and possession limit as provided by the Early Season Migratory Game Bird Proclamation; by regular permit;

(E) rabbits and hares—to correspond with hunt dates and shooting hours designated for quail and mourning dove; no bag or possession limit; by regular permit;

(F) coyote—during the period from September 1-August 31; no bag or possession limit; by regular permit;

(G) fishing—no open season.

(2) Dam B Wildlife Management Area:

(A) deer and exotic mammals:

(i) archery—to correspond with the season as provided by the Statewide Hunting and Fishing Proclamation; one deer or exotic mammal (either-sex); by permission by registration;

(ii) general—to correspond with the season as provided by the Statewide Hunting and Fishing Proclamation; one deer or exotic mammal (buck only); by permission by registration;

(B) squirrel—regulations are as provided by the Statewide Hunting and Fishing Proclamation; by permission by registration;

(C) quail—regulations are as provided by the Statewide Hunting and Fishing Proclamation; by permission by registration;

(D) mourning doves—regulations are as provided by the Early Season Migratory Game Bird Proclamation; by permission by registration;

(E) waterfowl—regulations are as provided by the Early Season Migratory Game Bird Proclamation and the Late Season Migratory Game Bird Proclamation; by permission by registration;

(F) woodcock—regulations are as provided by the Late Season Migratory Game Bird Proclamation; by permission by registration;

(G) king and clapper rail—regulations are as provided by the Early Season Migratory Game Bird Proclamation; by permission by registration;

(H) sora and Virginia rails—regulations are as provided by the Early Season Migratory Game Bird Proclamation; by permission by registration;

(I) gallinules—regulations are as provided by the Early Season Migratory Game Bird Proclamation; by permission by registration;

(J) snipe—regulations are as provided by the Late Season Migratory Game Bird Proclamation; by permission by registration;

(K) rabbits and hares—no closed season; no bag or possession limits; by permission by registration;

(L) furbearing animals—during the period from September 1-March 31; bag and possession limits are as provided by the Statewide Furbearing Animal and Trapping Proclamation; by permission by registration;

(M) feral hog:

(i) archery—to correspond with the archery only season for taking deer and exotic mammals; no bag or possession limits; by permission by registration;

(ii) general—to correspond with the general season for taking deer and

exotic mammals; no bag or possession limits; by permission by registration;

(N) coyotes—during the period from September 1-March 31; no bag or possession limit; by permission by registration;

(O) special regulations.

(i) Camping is by permit only; permits may be obtained at the United States Corps of Engineers office at the reservoir site.

(ii) Airboats are prohibited.

(iii) Boats, skiffs, or other types of floating craft may be left overnight by authorized campers.

(iv) It is a violation to use any firearm other than shotguns with no larger than Size #4 lead shot or Size #2 non-toxic shot or bow and arrow for hunting, except that rifles or shotguns with rifled slugs are the only legal firearms for taking deer, exotic mammals, or feral hogs during the general season prescribed for deer and exotic mammals.

(v) Dogs may be used in hunting coyotes and furbearers.

(vi) Permission by registration is not required for non-consumptive users.

(vii) Exemption from the daylight restriction for open seasons is provided for hunting coyotes and furbearers.

(3) Designated units of the Las Palomas Wildlife Management Area:

(A) chachalaca—on designated days during the season as provided by the Statewide Hunting and Fishing Proclamation; bag and possession limits as provided by the Statewide Hunting and Fishing Proclamation; by permission by registration;

(B) mourning dove—on designated days during the seasons as provided by the Early Season Migratory Game Bird Proclamation; shooting hours, bag, and possession limits as provided by the Early Season Migratory Game Bird Proclamation; by permission by registration;

(C) white-winged and white-tipped dove—on designated days during the season as provided by the Early Season Migratory Game Bird Proclamation; shooting hours, bag, and possession limits as provided by the Early Season Migratory Game Bird Proclamation; by regular permit;

(D) fishing—no open season;

(E) special regulations. Parking is permitted only in designated areas.

(4) Designated units of the state park system:

(A) deer and exotic mammals: general—during the period from October 1-February 15; two deer and unlimited exotic mammals as specified on the permit; by special permit;

(B) white-winged and white-tipped dove—on designated days during the season as provided by the Early Season Migratory Game Bird Proclamation; shooting hours, bag, and possession limits as provided by the Early Season Migratory Game Bird Proclamation; by regular permit;

(C) waterfowl—on designated days during the duck season as provided by the Late Season Migratory Game Bird Proclamation; shooting hours begin as provided by the Late Season Migratory Game Bird Proclamation and end at noon; bag and possession limits as provided by the Late Season Migratory Game Bird Proclamation; by regular permit;

(D) feral hog—to correspond with hunt dates established for deer and exotic mammals; no bag or possession limit; special permit;

(E) special regulations.

(i) Airboats are prohibited.

(ii) The use or possession of dogs is prohibited, except one dog per permit-holding hunter is permitted to retrieve dead or wounded waterfowl.

(5) Elephant Mountain Wildlife Management Area:

(A) deer and exotic mammals:

(i) archery—during the period from September 1-January 31; one deer or exotic mammal (either-sex); by special permit;

(ii) general—during the period from October 1-February 15; one deer or exotic mammal as specified on the permit; by special permit;

(B) javelina:

(i) archery—to correspond with dates designated for archery only deer and exotic mammal hunts; one javelina (either-sex); by special permit;

(ii) general—during the period from September 1-March 31; one javelina (either-sex); by special permit;

(C) pronghorn antelope—during the period from September 1-October 31; one antelope as specified on the permit; by special permit;

(D) desert bighorn sheep—during the period from September 1-August 31; one mature ram; by special permit;

(E) quail—on designated days during the period from October-February; bag and possession limits as provided by the Statewide Hunting and Fishing Proclamation; by permission by registration;

(F) mourning dove—on designated days during the seasons as provided by the Early Season Migratory Game Bird Proclamation; shooting hours, bag, and possession limits as provided by the Early Season Migratory Game Bird Proclamation; by permission by registration;

(G) rabbits and hares—to correspond with hunt dates and shooting hours designated for quail and mourning dove; no bag or possession limit; by permission by registration;

(H) fishing—no open season.

(6) Gene Howe Wildlife Management Area:

(A) deer and exotic mammals:

(i) archery—during the period from October 1-October 31; one deer or exotic mammal (either-sex); by permission by registration;

(ii) general—during the period from October 1-February 15; one deer or exotic mammal as specified on the permit; by special permit;

(B) turkey—during the months of April and May; one gobbler; by special permit;

(C) quail—on designated days during the period from October-February; bag and possession limits as provided by the Statewide Hunting and Fishing Proclamation; by permission by registration;

(D) mourning dove—on designated days during the seasons as provided by the Early Season Migratory Game Bird Proclamation; shooting hours, bag, and possession limits as provided by the Early Season Migratory Game Bird Proclamation; by permission by registration;

(E) rabbits and hares—to correspond with hunt dates and shooting hours designated for quail and mourning dove; no bag or possession limit; by permission by registration;

(F) feral hog; archery—to correspond with the archery only season for deer and exotic mammals; no bag or possession limit; by permission by registration;

(G) fishing—regulations as provided by the Statewide Hunting and Fishing Proclamation, except season closed on days when hunts are conducted by special permit; no permit required.

(7) Granger Wildlife Management Area:

(A) squirrel—regulations are as provided by the Statewide Hunting and Fishing Proclamation; by permission by registration;

(B) quail—regulations are as provided by the Statewide Hunting and Fishing Proclamation; by permission by registration;

(C) mourning doves—regulations are as provided by the Early Season Migratory Game Bird Proclamation; by permission by registration;

(D) waterfowl—regulations are as provided by the Early Season Migratory Game Bird Proclamation and the Late Season Migratory Game Bird Proclamation; by permission by registration;

(E) woodcock—regulations are as provided by the Late Season Migratory Game Bird Proclamation; by permission by registration;

(F) gallinules—regulations are as provided by the Early Season Migratory Game Bird Proclamation; by permission by registration;

(G) snipe—regulations are as provided by the Late Season Migratory Game Bird Proclamation; by permission by registration;

(H) rabbits and hares—no closed season; no bag or possession limits; by permission by registration;

(I) furbearing animals—during the period from September 1–March 31; bag and possession limits are as provided by the Statewide Furbearing Animal and Trapping Proclamation; by permission by registration;

(J) coyotes—during the period from September 1–March 31; no bag or possession limit; by permission by registration;

(K) special regulations.

(i) It is a violation to park other than in designated areas.

(ii) It is a violation to use any type of firearm other than a shotgun with no larger than Size #4 lead shot or Size #2 nontoxic shot or bow and arrow for hunting.

(iii) Dogs may be used in hunting coyotes and furbearers.

(iv) Permission by registration is not required for non-consumptive users.

(v) Exemption from the daylight restriction for open seasons is provided for hunting coyotes and furbearers.

(8) Guadalupe Delta Wildlife Management Area:

(A) waterfowl—on designated days during the seasons as provided by the Early Season Migratory Game Bird Proclamation and the Late Season Migratory Game Bird Proclamation; shooting hours begin as provided by the Early Season Migratory Game Bird Proclamation and the Late Season Migratory Game Bird Proclamation and end at noon; bag and possession limits are as provided by the Early Season Game Bird Proclamation and the Late Season Migratory Game Bird Proclamation; by regular permit;

(B) king and clapper rails—regulations are as provided by the Early Season Migratory Game Bird Proclamation on dates and shooting hours which correspond to those designated for waterfowl hunts; by regular permit;

(C) sora and Virginia rails—regulations are as provided by the Early Season Migratory Game Bird Proclamation on dates and shooting hours which correspond to those designated for waterfowl hunts; by regular permit;

(D) gallinules—regulations are as provided by the Early Season Migratory Game Bird Proclamation on dates and shooting hours which correspond to those designated for waterfowl hunts; by regular permit;

(E) snipe—regulations are as provided by the Late Season Migratory Game Bird Proclamation on dates and shooting hours which correspond to those

designated for waterfowl hunts; by regular permit;

(F) alligator—during the month of September; one alligator as specified on the permit; means and methods as specified on the permit or attachments; by special permit.

(9) Gus Engeling Wildlife Management Area:

(A) deer and exotic mammals:

(i) archery—during the period from the third Saturday in October–October 31; one deer or exotic mammal (either-sex); by permission by registration;

(ii) general—during the period from October 1–February 15; one deer or exotic mammal as specified on the permit; by special permit;

(B) squirrel—on designated days during the periods of May 1–May 31 and October 1–January 15; bag possession limit as provided by the Statewide Hunting and Fishing Proclamation; by permission by registration;

(C) turkey—during the months of April and May; one gobbler; by special permit;

(D) waterfowl—on designated days during the season as provided by the Early Season Migratory Game Bird Proclamation and the Late Season Migratory Game Bird Proclamation; shooting hours begin as provided by the Early Season Migratory Game Bird Proclamation and the Late Season Migratory Game Bird Proclamation and end at noon; bag and possession limits as provided by the Early Season Migratory Game Bird Proclamation and the Late Season Migratory Game Bird Proclamation; by regular permit;

(E) woodcock—during the season as provided by the Late Season Migratory Game Bird Proclamation on dates and shooting hours which correspond with those designated for waterfowl hunts; bag and possession limit as provided by the Late Season Migratory Game Bird Proclamation; by regular permit;

(F) gallinules—during the season as provided by the Early Season Migratory Game Bird Proclamation on dates and shooting hours which correspond to those designated for waterfowl hunts; bag and possession limits as provided by the Early Season Migratory Game Bird Proclamation; by regular permit;

(G) snipe—during the season as provided by the Late Season Migratory Game Bird Proclamation on dates and shooting hours which correspond to those designated for waterfowl hunts; bag and possession limit as provided by the Late Season Migratory Game Bird Proclamation; by regular permit;

(H) rabbits and hares—to correspond with dates and shooting hours designated for squirrel hunts; no bag or possession limits; by permission by registration;

(I) feral hog:

(i) archery—to correspond with dates designated for archery only deer and exotic mammal hunts; no bag or possession limits; by permission by registration;

(ii) general—during the period from September 1—August 31; no bag or possession limits; by special permit;

(J) fishing—regulations are as provided by the Statewide Hunting and Fishing Proclamation, except season is closed on dates designated for hunts by special or regular permit; by permission by registration;

(10) James Daughtrey Wildlife Management Area:

(A) deer and exotic mammals:

(i) archery—during the period from September 1—January 31; one deer or exotic mammal (either-sex); by special permit;

(ii) general—during the period from October 1—February 15; one deer or exotic mammal as specified on the permit; by special permit;

(B) javelina:

(i) archery—to correspond with dates designated for archery only deer and exotic mammal hunts; one javelina (either-sex); by special permit;

(ii) general—during the period of September 1—March 31; one javelina (either-sex); by special permit;

(C) turkey—during the months of April and May; one gobbler; by special permit;

(D) quail—on designated days during the period from October—February; bag and possession limits as provided by the Statewide Hunting and Fishing Proclamation; by permission by registration;

(E) mourning dove—on designated days during the season as provided by the Early Season Migratory Game Bird Proclamation; shooting hours, bag and possession limits as provided by the Early Season Migratory Game Bird Proclamation; by permission by registration;

(F) waterfowl—regulations are as provided by the Early Season Migratory Game Bird Proclamation and the Late Season Migratory Game Bird Proclamation; by permission by registration;

(G) sandhill crane—regulations are as provided by the Late Season Migratory Game Bird Proclamation; by permission by registration;

(H) snipe—regulations are as provided by the Late Season Migratory Game Bird Proclamation; by permission by registration;

(I) rabbits and hares—to correspond with hunt dates and shooting hours designated for quail and mourning dove; no bag or possession limit; by permission by registration;

(J) feral hog: archery—on designated days during the period from September 1—August 31; no bag or possession limit; by regular permit;

(K) coyote—on designated days during the period from September 1—through August 31; no bag or possession limit; by regular permit;

(L) special regulations. Permission by registration is not required for non-consumptive users.

(11) J. D. Murphree Wildlife Management Area:

(A) waterfowl—on designated days during the seasons as provided by the Early Season Migratory Game Bird Proclamation and the Late Season Migratory Game Bird Proclamation; shooting hours begin as provided by the Early Season Migratory Game Bird Proclamation and the Late Season Migratory Game Bird Proclamation and end at noon; bag and possession limits are as provided by the Early Season Game Bird Proclamation and the Late Season Migratory Game Bird Proclamation; by regular permit;

(B) king and clapper rails—regulations are as provided by the Early Season Migratory Game Bird Proclamation on dates and shooting hours which correspond to those designated for waterfowl hunts; by regular permit;

(C) sora and Virginia rails—regulations are as provided by the Early Season Migratory Game Bird Proclamation on dates and shooting hours which correspond to those designated for waterfowl hunts; by regular permit;

(D) gallinules—regulations are as provided by the Early Season Migratory Game Bird Proclamation on dates and shooting hours which correspond to those designated for waterfowl hunts; by regular permit;

(E) snipe—regulations are as provided by the Late Season Migratory Game Bird Proclamation on dates and shooting hours which correspond to those designated for waterfowl hunts; by regular permit;

(F) fishing—regulations are as provided by the Statewide Hunting and Fishing Proclamation (no permit required) with the following restrictions.

(i) In that portion of Keith Lake which lies within the confines of the J. D. Murphree Wildlife Management Area, fishing is permitted year-round with no daylight restrictions.

(ii) Fishing is prohibited in that portion of Big Hill Bayou which lies within the J. D. Murphree Area, except during the period from the Monday following the closing of waterfowl season through October 31, both days inclusive, from 30 minutes before sunrise to 30 minutes after sunset.

(iii) In the remainder of the area, fishing is prohibited except during the period from March 1—August 31, both days inclusive, from 30 minutes before sunrise to 30 minutes after sunset, but when required by the department for the proper management of waterfowl resources, leveed wetland compartments or outside borrow ditches may be temporarily closed to fishing.

(iv) Powered skiffs, powered boats, or powered floating craft of any type with motor not to exceed 35 horsepower shall be permitted within leveed wetland compartments during the period from March 1—August 31.

(v) The use of boats, skiffs, or floating craft of any type is prohibited in the ditches along the west boundary of Wetland Compartments 5, 6, 7, 8, and 9, and the north boundary of Wetland Compartment 11, except for travel by permitted hunters.

(vi) It is an offense to take fish within leveed wetland compartments and borrow ditch areas other than by means of pole and line, except that gar may be taken by means of bowfishing utilizing



an arrow securely attached to the bow with a line.

(vii) It is a violation for a person to leave a fishing line unattended at any time within a leveed compartment or borrow ditch.

(viii) In that portion of Big Hill Bayou and Keith Lake which lies within the J. D. Murphree Area, jug lines and seines and nets other than 20-foot minnow seines are prohibited.

(G) alligator—during the month of September; one alligator as specified on the permit; means and methods as specified on the permit or attachments; by special permit:

(H) special regulations.

(i) Airboats are prohibited, except in Big Hill Bayou, Blind Bayou, and Keith Lake.

(ii) The use or possession of dogs is prohibited except one dog per permit-holding hunter is permitted to retrieve dead or wounded waterfowl.

(12) Keechi Creek Wildlife Management Area:

(A) deer and exotic mammals:

(i) archery—on designated days during the period from the third Saturday in October—October 31; one deer or exotic mammal (either-sex); by regular permit;

(ii) general—during the period from October 1—February 15; one deer or exotic mammal; by special permit;

(B) squirrel—on designated days during the periods of May 1—May 31 and October 1—January 15; bag and possession limits as provided by the Statewide Hunting and Fishing Proclamation; by regular permit;

(C) turkey—during the months of April and May; one gobbler; by special permit;

(D) waterfowl—on designated days during the season as provided in the Early Season Migratory Game Bird Proclamation and the Late Season Migratory Game Bird Proclamation; shooting hours begin as provided by the Early Season Migratory Game Bird Proclamation and the Late Season Migratory Game Bird Proclamation and end at noon; bag and possession limits are as provided by the Early Season Migratory Game Bird Proclamation and the Late Season Migratory Game Bird Proclamation; by regular permit;

(E) woodcock—during the season as provided by the Late Season Migratory Game Bird Proclamation on dates and shooting hours which correspond to those designated for waterfowl hunts; bag and possession limits as provided by the Late Season Migratory Game Bird Proclamation; by regular permit;

(F) gallinules—during the season as provided by the Early Season Migratory Game Bird Proclamation on dates and shooting hours which correspond to those designated for waterfowl hunts; bag and possession limits as provided by the Early Season Migratory Game Bird Proclamation; by regular permit;

(G) snipe—during the season as provided by the Late Season Migratory Game Bird Proclamation on dates and shooting hours which correspond to those established for waterfowl hunts; bag and possession limits as provided by the Late Season Migratory Game Bird Proclamation; by regular permit;

(H) rabbits and hares—to correspond with dates and shooting hours designated for squirrel hunts no bag or possession limits; by regular permit;

(I) feral hog:

(i) archery—to correspond with dates designated for archery only deer or exotic mammal hunts; no bag or possession limits; by regular permit;

(ii) general—during the period from September 1—August 31; no bag or possession limits; by special permit;

(J) fishing—no open season.

(13) Kerr Wildlife Management Area.

(A) deer and exotic mammals:

(i) archery—during the period from September 1—January 31; one deer and one exotic mammal or two exotic mammals (either-sex); by special permit;

(ii) general—during the period from October 1—February 15; one deer and one exotic mammal or two exotic mammals as specified on the permit; by special permit;

(B) javelina: archery—to correspond with dates designated for archery only deer and exotic mammal hunts; one javelina (either-sex); by special permit;

(C) turkey—during the months of April and May; one gobbler; by special permit;

(D) mourning dove—on designated days during the seasons as provided by the Early Season Migratory Game Bird Proclamation; shooting hours, bag, and possession limits as provided by the Early Season Migratory Game Bird Proclamation; by permission by registration;

(E) rabbits and hares—to correspond with hunt dates and shooting hours established for mourning dove; no-bag or possession limit; by permission by registration;

(F) fishing—regulations are as provided by the Statewide Hunting and Fishing Proclamation; by permission by registration.

(14) Lands within a desert bighorn sheep cooperative unit: Desert Bighorn Sheep—during the period from September 1—August 31; one mature ram; by special permit.

(15) Lower Neches Wildlife Management Area:

(A) waterfowl—on designated days during the seasons as provided by the Early Season Migratory Game Bird Proclamation and the Late Season Migratory Game Bird Proclamation; shooting hours begin as provided by the Early Season Migratory Game Bird Proclamation and the Late Season Migratory Game Bird Proclamation and end at noon; bag and possession limits are as provided by the Early Season Game Bird Proclamation and the Late Season Migratory Game Bird Proclamation; by permission by registration;

(B) king and clapper rails—regulations are as provided by the Early Season Migratory Game Bird Proclamation on dates and shooting hours which correspond to those designated for waterfowl hunts; by permission by registration;

(C) sora and Virginia rails—regulations are as provided by the Early Season Migratory Game Bird Proclamation on dates and shooting hours which correspond to those designated for waterfowl hunts; by permission by registration;

(D) gallinules—regulations are as provided by the Early Season Migratory Game Bird Proclamation on dates and shooting hours which correspond to those designated for waterfowl hunts; by permission by registration;

(E) snipe—regulations are as provided by the Late Season Migratory Game Bird Proclamation on dates and shooting hours which correspond to those

designated for waterfowl hunts; by permission by registration;

(F) fishing—regulations are as provided by the Statewide Hunting and Fishing Proclamation (no permit required) with the following restrictions.

(i) It is an offense to take fish within the area other than by means of pole and line, except that gar may be taken by means of bowfishing utilizing an arrow securely attached to the bow with a line.

(ii) It is a violation for a person to leave a fishing line unattended at any time within the area.

(iii) Trotlines and juglines are prohibited.

(iv) Crab traps are prohibited in that portion of the area east of State Highway 87.

(v) In the Nelda Stark Unit and in that portion of the Old River Unit that includes the Old River Cove, the Gulf States Utilities (GSU) intake canal, and 150 feet on either side of Lake Street and State Highway 87, fishing is permitted year-round without daylight restrictions.

(vi) In the remainder of the Old River Unit, fishing is prohibited except during the period from March 1–August 31, both days inclusive, from 30 minutes before sunrise to 30 minutes after sunset, but when required by the department for the proper management of waterfowl resources, portions of the area may be closed to fishing for temporary periods of time;

(G) alligator—during the month of September; one alligator as specified on the permit; means and methods as specified on the permit or attachments; by special permit;

(H) special regulations: airboats are prohibited in the Old River Unit.

(16) Mad Island Wildlife Management Area:

(A) waterfowl—on designated days during the seasons as provided by the Early Season Migratory Game Bird Proclamation and the Late Season Migratory Game Bird Proclamation; shooting hours begin as provided by the Early Season Migratory Game Bird Proclamation and the Late Season Migratory Game Bird Proclamation and end at noon; bag and possession limits are as provided by the Early Season Migratory Game Bird Proclamation and the Late Season Migratory Game Bird Proclamation; by regular permit;

(B) king and clapper rails—regulations are as provided by the

Early Season Migratory Game Bird Proclamation on dates and shooting hours which correspond to those designated for waterfowl hunts; by regular permit;

(C) sora and Virginia rails—regulations are as provided by the Early Season Migratory Game Bird Proclamation on dates and shooting hours which correspond to those designated for waterfowl hunts; by regular permit;

(D) gallinules—regulations are as provided by the Early Season Migratory Game Bird Proclamation on dates and shooting hours which correspond to those designated for waterfowl hunts; by regular permit;

(E) snipe—regulations are as provided by the Late Season Migratory Game Bird Proclamation on dates and shooting hours which correspond to those designated for waterfowl hunts; by regular permit;

(F) alligator—during the month of September; one alligator as specified on the permit; means and methods as specified on the permit or attachments; by special permit.

(17) Matagorda Island Wildlife Management Area:

(A) deer and exotic mammals: General—during the period from October 1–February 15; one deer or exotic mammal as specified on the permit; by special permit;

(B) quail—on designated days during the period from October–February; bag and possession limits as provided by the Statewide Hunting and Fishing Proclamation; by regular permit;

(C) mourning dove—on designated days during the seasons as provided by the Early Season Migratory Game Bird Proclamation; shooting hours, bag, and possession limits as provided by the Early Season Migratory Game Bird Proclamation; by regular permit;

(D) waterfowl—on designated days during the seasons as provided by the Early Season Migratory Game Bird Proclamation and the Late Season Migratory Game Bird Proclamation; shooting hours begin as provided by the Early Season Migratory Game Bird Proclamation and the Late Season Migratory Game Bird Proclamation and end at noon; bag and possession limits are as provided by the Early Season Migratory Game Bird Proclamation and the Late Season Migra-

tory Game Bird Proclamation; by regular permit, except within the designated marsh unit no permit is required, there is no restriction to designated hunt days, and shooting hours do not end at noon;

(E) gallinules—regulations are as provided by the Early Season Migratory Game Bird Proclamation on dates and shooting hours which correspond to those designated for waterfowl hunts; by regular permit;

(F) snipe—regulations are as provided by the Late Season Migratory Game Bird Proclamation on dates and shooting hours which correspond to those designated for waterfowl hunts; by regular permit.

(18) M. O. Neasloney Wildlife Management Area: fishing—no open season.

(19) Pat Mayse Wildlife Management Area:

(A) deer and exotic mammals:

(i) archery—during the period from October 1–October 31; one deer or exotic mammal (either- sex); by permission by registration;

(ii) general—during the period from October 1–February 15; one deer or exotic mammal as specified on the permit; by special permit;

(B) squirrel—regulations are as provided by the Statewide Hunting and Fishing Proclamation, except season closed on days designated for hunts by special permit; by permission by registration;

(C) quail—regulations are as provided by the Statewide Hunting and Fishing Proclamation, except season closed on days designated for hunts by special permit; by permission by registration;

(D) mourning dove—regulations are as provided by the Early Season Migratory Game Bird Proclamation, except season closed on days designated for hunts by special permit; by permission by registration;

(E) waterfowl—regulations are as provided by the Early Season Migratory Game Bird Proclamation and the Late Season Migratory Game Bird Proclamation, by permission by registration;

(F) woodcock—regulations are as provided by the Late Season Migratory Game Bird Proclamation, except season closed on days designated for hunts by special permit; by permission by registration;

(G) gallinules—regulations are as provided by the Early Season Migratory Game Bird Proclamation, except season closed on days designated for hunts by special permit; by permission by registration;

(H) snipe—regulations are as provided by the Late Season Migratory Game Bird Proclamation, except season closed on days designated for hunts by special permit; by permission by registration;

(I) rabbits and hares—no closed season, except no hunting for rabbits or hares on days designated for hunts by special permit; no bag or possession limit; by permission by registration;

(J) furbearing animals—during the period from September 1–March 31, except season closed on days designated for hunts by special permit; bag and possession limit are as provided by the Statewide Furbearing Animal and Trapping Proclamation; by permission by registration;

(K) feral hog: archery—to correspond with the archery only season for taking deer and exotic mammals; no bag or possession limit; by permission by registration;

(L) coyote—during the period from September 1–March 31, except season closed on days designated for hunts by special permit; no bag or possession limit; by permission by registration;

(M) special regulations.

(i) It is a violation to use any firearm other than shotguns with no larger than Size #4 lead shot or Size #2 non-toxic shot or bow and arrow for hunting, except that rifles or shotguns with rifled slugs are the only legal firearms for taking deer, exotic mammals, or feral hogs during the general season prescribed for deer and exotic mammals.

(ii) Dogs may be used in hunting coyotes and furbearers.

(iii) Permission by registration is not required for non-consumptive users.

(iv) Exemption from the daylight restriction for open seasons is provided for hunting coyotes and furbearers.

(20) Peach Point Wildlife Management Area:

(A) quail—on designated days during the period from October–February; bag and possession limits as provided by the Statewide Hunting and Fishing Proclamation; by permission by registration;

(B) mourning dove—on designated days during the seasons as provided by the Early Season Migratory Game Bird Proclamation; shooting hours, bag, and possession limits as provided by the Early Season Migratory Game Bird Proclamation; by permission by registration;

(C) waterfowl—on designated days during the seasons as provided by the Early Season Migratory Game Bird Proclamation and the Late Season Migratory Game Bird Proclamation; shooting hours begin as provided by the Early Season Migratory Game Bird Proclamation and the Late Season Migratory Game Bird Proclamation and end at noon; bag and possession limits are as provided by the Early Season Migratory Game Bird Proclamation and the Late Season Migratory Game Bird Proclamation; by regular permit;

(D) king and clapper rails—regulations are as provided by the Early Season Migratory Game Bird Proclamation on dates and shooting hours which correspond to those designated for waterfowl hunts; by regular permit;

(E) sora and Virginia rails—regulations are as provided by the Early Season Migratory Game Bird Proclamation on dates and shooting hours which correspond to those designated for waterfowl hunts; by regular permit;

(F) gallinules—regulations are as provided by the Early Season Migratory Game Bird Proclamation on dates and shooting hours which correspond to those designated for waterfowl hunts; by regular permit;

(G) snipe—regulations are as provided by the Late Season Migratory Game Bird Proclamation on dates and shooting hours which correspond to those designated for waterfowl hunts; by regular permit;

(H) rabbits and hares—to correspond with hunt dates and shooting hours designated for quail and mourning dove; no bag or possession limit; by permission by registration;

(I) feral hog: general—during the period from September 1–August 31; no bag or possession limit; by special permit.

(21) Sheldon Wildlife Management Area: fishing—regulations are as provided by the Statewide Hunting and Fishing Proclamation (no permit required) with the following restrictions.

(i) Fishing is prohibited, except during the period from 5 a.m. to 9:30 p.m. each day.

(ii) The use of handlines and trotlines is prohibited.

(iii) Wade fishing and the use of boats is prohibited during the period November 1–February 28, both days inclusive.

(iv) The use of boat motors over 10 horsepower is prohibited.

(22) Sierra Diablo Wildlife Management Area:

(A) deer and exotic mammals:

(i) archery—during the period from September 1–January 31; one deer or exotic mammal (either-sex); by special permit;

(ii) general—during the period from October 1–February 15; one deer or exotic mammal as specified on the permit; by special permit;

(B) javelina: archery—to correspond with date designated for archery only deer and exotic mammal hunts; one javelina (either-sex); by special permit;

(C) desert bighorn sheep—during the period from September 1–August 31; one mature ram; by special permit;

(D) fishing—no open season.

(23) Somerville Wildlife Management Area:

(A) deer and exotic mammals:

(i) archery—during the period from October 1–October 31; one deer or exotic mammal (either-sex); by permission by registration;

(ii) general—during the period from October 1–February 15; one deer or exotic mammal as specified on the permit; by special permit;

(B) squirrel—regulations are as provided by the Statewide Hunting and Fishing Proclamation, except season closed on days designated for hunts by special permit; by permission by registration;

(C) quail—regulations are as provided by the Statewide Hunting and

Fishing Proclamation, except season closed on days designated for hunts by special permit; by permission by registration;

(D) mourning dove—regulations are as provided by the Early Season Migratory Game Bird Proclamation, except season closed on days designated for hunts by special permit; by permission by registration;

(E) waterfowl—regulations are as provided by the Early Season Migratory Game Bird Proclamation and the Late Season Migratory Game Bird Proclamation, except season closed on days designated for hunts by special permit; by permission by registration;

(F) woodcock—regulations are as provided by the Late Season Migratory Game Bird Proclamation, except season closed on days designated for hunts by special permit; by permission by registration;

(G) gallinules—regulations are as provided by the Early Season Migratory Game Bird Proclamation, except season closed on days designated for hunts by special permit; by permission by registration;

(H) snipe—regulations are as provided by the Late Season Migratory Game Bird Proclamation, except season closed on days designated for hunts by special permit; by permission by registration;

(I) rabbits and hares—no closed season, except no hunting for rabbits or hares on days designated for hunts by special permit; no bag or possession limit; by permission by registration;

(J) feral hog: archery—to correspond with the archery only season for taking deer and exotic mammals; no bag or possession limit; by permission by registration;

(K) special regulations.

(i) It is a violation to park other than in designated areas.

(ii) It is a violation to use any firearm other than shotguns with no larger than Size #4 lead shot or Size #2 non-toxic shot or bow and arrow for hunting, except that rifles or shotguns with rifled slugs are the only legal firearms for taking deer, exotic mammals, or feral hogs during the general season prescribed for deer and exotic mammals.

(iii) Permission by registration is not required for non-consumptive users.

(24) Walter Buck Wildlife Management Area:

(A) deer and exotic mammals:

(i) archery—during the period from September 1–January 31; one deer and one exotic mammal or two exotic mammals (either-sex); by special permit;

(ii) general—during the period from October 1–February 15; one deer and one exotic mammal or two exotic mammals as specified on the permit; by special permit;

(B) javelina: archery—to correspond with dates designated for archery only deer and exotic mammal hunts; one javelina (either-sex); by special permit;

(C) turkey—during the months of April and May; one gobbler; by special permit;

(D) fishing—no open season.

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 24, 1990.

TRD-9007447

Boyd M. Johnson  
General Counsel  
Texas Parks and Wildlife  
Department

Effective date: September 1, 1990

Proposal publication date: April 27, 1990

For further information, please call: 1 (800) 792-1112, ext. 4505 or (512) 389-4505

◆ ◆ ◆  
Subchapter N. Early Season  
Migratory

• 31 TAC §65.313, §65.315

The Texas Parks and Wildlife Department, adopts amendments to §65.313 and §65.315, with changes to the proposed text as published in the April 20, 1990, issue of the *Texas Register* (15 TexReg 2263).

Fluctuations in migratory game bird populations, changes in federal frameworks, and the need to provide better hunting opportunities for sportsmen require the Parks and Wildlife Commission to adopt regulation changes for the 1990-1991 hunting seasons. The United States Fish and Wildlife Service continued the suspension of the teal season due to drought and reduced the whitewing season due to weather-related habitat problems on the breeding grounds.

The sections allow the taking of early season migratory game bird wildlife resources consistent with their populations. The first of the changes (in §65.313) increases the fall mourning dove season from 50 to 52 days in the special white-winged dove area of the South Zone. The next change (in §65.313)

reduces the special white-winged dove season from two weekends to one weekend. The next change (in §65.313) suspends the September teal season. The final change (in §65.315) suspends the September teal season for falconry. These changes were the result of United States Fish and Wildlife Service action and commission direction to permit maximum hunting opportunities consistent with federal regulations.

The department received a total of 728 comments, including 12 letters, nine telephone calls, one petition (with 258 signatures), and 449 public hearing responses concerning early season migratory game bird hunting regulations. Of the varied comments received, two were opposed to live pigeon shoots, six were opposed to all-day dove hunting, two believed that the dove season started too early, 571 favored moving six days from the end of the fall dove season to the end of the January dove season, and 135 were opposed to this action. All public comments are available for public inspection at the Texas Parks and Wildlife Department Headquarters Complex, 4200 Smith School Road, Austin, Texas 78744, 1-800-792-1112, extension 4778 or (512) 389-4778.

No public comments were made during the public hearing.

The Texas Parks and Wildlife Commission disagreed with some recommendations made by the public because they were judged not to be consistent with recognized wildlife management principles and regulations as published in the federal frameworks. The sections as adopted are based upon scientific studies and investigations which monitor trends in relative abundance and permit optimum harvest of the wildlife resources.

The amendments are adopted under the Texas Parks and Wildlife Code, Chapter 64, Subchapter C, which provides the commission with the authority to regulate seasons, means, methods, and devices for taking and possessing migratory game bird wildlife resources.

§65.313. *Open Seasons, Shooting Hours, Bag and Possession Limits.*

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

(g) Every migratory game bird wounded by hunting and retrieved by the hunter shall be immediately killed and become a part of the daily bag limit.

(1) (No change.)

(2) Mourning doves.

(A) (No change.)

(B) Central Zone: that portion of the state east of a line beginning at the junction of the Texas-Arkansas state line and Interstate Highway 30; thence southwest along Interstate Highway 30 to Interstate Highway 20 at Fort Worth; thence southwest along Interstate Highway 20 to Interstate Highway 10; thence west on Interstate Highway 10 to U.S. Highway 90 at Van Horn; thence southeast along U.S. Highway 90 to Interstate Highway 10 at

San Antonio; thence east along Interstate Highway 10 to the Texas-Louisiana state line.

(i) Dates: September 1-October 24 and beginning on the first Saturday in January for 16 consecutive days.

(ii)-(iii) (No change.)

(C) South Zone: that portion of the state south and west of a line beginning at the International Bridge south of Fort Hancock; thence north along FM 1088 to State Highway 20; thence west along State Highway 20 to State Highway 148; thence north along State Highway 148 to Interstate Highway 10 at Fort Hancock; thence east along Interstate Highway 10 to U.S. Highway 90 at Van Horn; thence southeast along U.S. Highway 90 to Interstate Highway 10 at San Antonio; thence east along Interstate Highway 10 to the Texas-Louisiana state line.

(i) Dates: beginning on September 20, for 54 consecutive days (52 consecutive days in the special white-winged dove area) and beginning on the first Saturday in January, for 16 consecutive days.

(ii)-(iii) (No change.)

(3) White-winged doves. Special white-winged dove area: that portion of the state south and west of a line beginning at the International Bridge south of Fort Hancock; thence north along FM 1088 to State Highway 20; thence west along State Highway 20 to State Highway 148; thence north along State Highway 148 to Interstate Highway 10 at Fort Hancock; thence east along Interstate Highway 10 to United States Highway 90 at Van Horn; thence southeast along U.S. Highway 90 to United States Highway 83 at Uvalde; thence south along U.S. Highway 83 to State Highway 44; thence east along State Highway 44 to State Highway 16 at Freer; thence south along State Highway 16 to State Highway 285 at Hebronville; thence east along State Highway 285 to FM 1017; thence southeast along FM 1017 to State Highway 186 at Linn; thence east along State Highway 186 to the Mansfield Channel at Port Mansfield; thence east along the Mansfield Channel to the Gulf of Mexico.

(A) Dates: the first complete weekend (both Saturday and Sunday) in September.

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

(4) (No change.)

(5) Teal ducks. (blue-winged, green-winged, and cinnamon). Statewide: no September open season.

(6)-(7) (No change.)

### §65.315. *Extended Falconry Season.*

(a) (No change.)

(b) It is lawful to take migratory game birds by means of falconry during the following prescribed open seasons.

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

(5) Teal ducks: no September open season.

(c)-(d) (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 24, 1990.

TRD-9007448

Boyd M. Johnson  
General Counsel  
Texas Parks and Wildlife  
Department

Effective date: September 1, 1990

Proposal publication date: April 20, 1990

For further information, please call: (512) 389-4778

## Part IX. Texas Water Commission

### Chapter 335. Industrial Solid and Municipal Hazardous Waste

The Texas Water Commission (TWC) adopts §335.2 and §335.43, with changes to the proposed text as published in the May 1, 1990, issue of the *Texas Register* (15 TexReg 2506). The May 1, 1990, preamble of the *Texas Register* proposed new §335.2 and §335.4(e). This preamble incorrectly cited §335.4(e) as a new proposed subsection. The new proposed subsection should have read §335.43(e). The TWC corrects that error at this time. However, §335.43(e) (rather than §335.4(e)) was correctly published as the new proposed subsection in the text of the May 1, 1990, issue of the *Texas Register*.

The purpose of §335.2(i) and §335.43(e) is to make clear that the Texas Water Commission has the authority to enforce HSWA provisions in hazardous waste permits arising out of the HSWA, which had been issued pursuant to the permitting process of the United States Environmental Protection Agency. Generally, those provisions in HSWA permits which were designated as issued pursuant to federal requirements were also reflective of state authority to impose such conditions at the time the subject permits were issued.

No comments were received regarding adoption of the amendments.

### Subchapter A. Industrial Solid Waste and Municipal Hazardous Waste Management in General

#### • 31 TAC §335.2

The new amendments are adopted under the

Texas Water Code, §5.103, which provides the Texas Water Commission with the authority to adopt any rules necessary to carry out the powers and duties under the provisions of the Texas Water Code, the Texas Solid Waste Disposal Act, and other laws of this state.

For further information contact Carlos Celestino, Legal Division, Texas Water Commission, at (512) 463-8069.

### §335.2. *Permit Required.*

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

(i) Upon receipt of the federal Hazardous and Solid Waste Act (HSWA) authorization for Texas Water Commission's (commission) Hazardous Waste Program, the commission shall be authorized to enforce the provisions that the Environmental Protection Agency (EPA) imposed in hazardous waste permits that were issued before the HSWA authorization was granted.

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 24, 1990.

TRD-9007461

Jim Haley  
Director, Legal Division  
Texas Water Commission

Effective date: August 14, 1990

Proposal publication date: May 1, 1990

For further information, please call: (512) 463-8069

### Subchapter B. Hazardous Waste Management General Provisions

#### • 31 TAC §335.43

The amendment is adopted under the Texas Water Code, §5.103, and the Texas Solid Waste Disposal Act, §361.024(a), which provides the Texas Water Commission with the authority to adopt any rules necessary to carry out the powers and duties under the provisions of the Texas Water Code, the Texas Solid Waste Disposal Act, and other laws of this state.

### §335.43. *Permit Required.*

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

(e) Upon receipt of federal Hazardous and Solid Waste Act (HSWA) authorization for the Texas Water Commission's (commission) Hazardous Waste Program, the commission shall be authorized to enforce the HSWA provisions that the Environmental Protection Agency (EPA) imposed in hazardous waste permits that were issued before the HSWA authorization was granted.

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 24, 1990.

TRD-9007460

Jim Haley  
Director, Legal Division  
Texas Water Commission

Effective date: August 14, 1990

Proposal publication date: May 1, 1990

For further information, please call: (512)  
463-8069



# 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

**Wednesday, August 22, 1990, 10 a.m.** The Texas Department of Agriculture will meet at the Stephen F. Austin Building, 1700 North Congress Avenue, 9th Floor Conference Room, Austin. According to the complete agenda, the department will conduct an administrative hearing to review alleged violation of Texas Agriculture Code Annotated Section 13.001 et. seq. by Gore Brothers Agri-Service.

**Contact:** Alana Marie Holmes, P.O. Box 12847, Austin, Texas 78711, (512) 463-7602.

**Filed:** July 25, 1990, 10:45 a.m.

TRD-9007482

**Wednesday, August 22, 1990, 11 a.m.** The Texas Department of Agriculture will meet at the Stephen F. Austin Building, 1700 North Congress Avenue, 9th Floor Conference Room, Austin. According to the complete agenda, the department will conduct an administrative hearing to review alleged violation of Texas Agriculture Code Annotated Section 13.001 et. seq. by Golden Oak Milling.

**Contact:** Alana Marie Holmes, P.O. Box 12847, Austin, Texas 78711, (512) 463-7602.

**Filed:** July 25, 1990, 10:45 a.m.

TRD-9007480

**Wednesday, August 22, 1990, 1 p.m.** The Texas Department of Agriculture will meet at the Stephen F. Austin Building, 1700 North Congress Avenue, 9th Floor Conference Room, Austin. According to the complete agenda, the department will conduct an administrative hearing to review alleged violation of Texas Agriculture Code Annotated Section 13.001 et. seq. by Bradberry's Best dba Farm Feed Store.

**Contact:** Alana Marie Holmes, P.O. Box 12847, Austin, Texas 78711, (512) 463-7602.

**Filed:** July 25, 1990, 10:45 p.m.

TRD-9007481

**Wednesday, August 22, 1990, 2 p.m.** The Texas Department of Agriculture will meet at the Stephen F. Austin Building, 1700 North Congress Avenue, 9th Floor Conference Room, Austin. According to the complete agenda, the department will conduct an administrative hearing to review alleged violation of Texas Agriculture Code Annotated Section 13.001 et. seq. by Cocanoughen Feed Company.

**Contact:** Alana Marie Holmes, P.O. Box 12847, Austin, Texas 78711, (512) 463-7602.

**Filed:** July 25, 1990, 10:45 a.m.

TRD-9007478

**Wednesday, August 22, 1990, 3 p.m.** The Texas Department of Agriculture will meet at the Stephen F. Austin Building, 1700 North Congress Avenue, 9th Floor Conference Room, Austin. According to the complete agenda, the department will conduct an administrative hearing to review alleged violation of Texas Agriculture Code Annotated Section 13.001 et. seq. by Poston Feed Mill.

**Contact:** Alana Marie Holmes, P.O. Box 12847, Austin, Texas 78711, (512) 463-7602.

**Filed:** July 25, 1990, 10:45 a.m.

TRD-9007477

**Wednesday, August 22, 1990, 4 p.m.** The Texas Department of Agriculture will meet at the Stephen F. Austin Building, 1700 North Congress Avenue, 9th Floor Conference Room, Austin. According to the complete agenda, the department will conduct an administrative hearing to review alleged violation of Texas Agriculture Code Annotated Section 13.001 et. seq. by Anderson's Feed and Fertilizer.

**Contact:** Alana Marie Holmes, P.O. Box 12847, Austin, Texas 78711, (512) 463-7602.

**Filed:** July 25, 1990, 10:46 a.m.

TRD-9007472

**Thursday, August 23, 1990, 9 a.m.** The Texas Department of Agriculture will meet at the Stephen F. Austin Building, 1700

North Congress Avenue, 9th Floor Conference Room, Austin. According to the complete agenda, the department will conduct an administrative hearing to review alleged violation of Texas Agriculture Code Annotated Section 13.001 et. seq. by Wendlands.

**Contact:** Alana Marie Holmes, P.O. Box 12847, Austin, Texas 78711, (512) 463-7602.

**Filed:** July 25, 1990, 10:46 a.m.

TRD-9007471

**Thursday, August 23, 1990, 10 a.m.** The Texas Department of Agriculture will meet at the Stephen F. Austin Building, 1700 North Congress Avenue, 9th Floor Conference Room, Austin. According to the complete agenda, the department will conduct an administrative hearing to review alleged violation of Texas Agriculture Code Annotated Section 13.001 et. seq. by Farmland Industries.

**Contact:** Alana Marie Holmes, P.O. Box 12847, Austin, Texas 78711, (512) 463-7602.

**Filed:** July 25, 1990, 10:46 a.m.

TRD-9007474

**Thursday, August 23, 1990, 11 a.m.** The Texas Department of Agriculture will meet at the Stephen F. Austin Building, 1700 North Congress Avenue, 9th Floor Conference Room, Austin. According to the complete agenda, the department will conduct an administrative hearing to review alleged violation of Texas Agriculture Code Annotated Section 13.001 et. seq. by Livengood Feeds.

**Contact:** Alana Marie Holmes, P.O. Box 12847, Austin, Texas 78711, (512) 463-7602.

**Filed:** July 25, 1990, 10:46 a.m.

TRD-9007475

**Thursday, August 23, 1990, 1 p.m.** The Texas Department of Agriculture will meet at the Stephen F. Austin Building, 1700 North Congress Avenue, 9th Floor Conference Room, Austin. According to the complete agenda, the department will

conduct an administrative hearing to review alleged violation of Texas Agriculture Code Annotated Section 13.001 et. seq. by Ansel Grain Company.

Contact: Alana Marie Holmes, P.O. Box 12847, Austin, Texas 78711, (512) 463-7602.

Filed: July 25, 1990, 10:46 a.m.

TRD-9007476

**Thursday, August 23, 1990, 3 p.m.** The Texas Department of Agriculture will meet at the Stephen F. Austin Building, 1700 North Congress Avenue, 9th Floor Conference Room, Austin. According to the complete agenda, the department will conduct an administrative hearing to review alleged violation of Texas Agriculture Code Annotated Section 13.001 et. seq. by Evergreen Feeds.

Contact: Alana Marie Holmes, P.O. Box 12847, Austin, Texas 78711, (512) 463-7602.

Filed: July 25, 1990, 10:46 a.m.

TRD-9007473

### Texas Commission on Alcohol and Drug Abuse

**Thursday, August 2, 1990, 10 a.m.** The Grant and Contract Review Committee of the Texas Commission on Alcohol and Drug Abuse will meet at the Texas Commission on Alcohol and Drug Abuse Conference Room, 5th Floor, Perry Brooks Building, 720 Brazos Street, Austin. According to the complete agenda, the committee will deliberate and determine funding decisions on D.A.R.E. applications submitted through regular FY 90 application cycles. Proposed program start date is September 1, 1990.

Contact: Reta Alexander, 1705 Guadalupe, Austin, Texas 78701, (512) 867-8700.

Filed: July 25, 1990, 2:19 p.m.

TRD-9007487

### State Board of Barber Examiners

**Tuesday, August 7, 1990, 8:30 a.m.** The Board Members of the State Board of Barber Examiners will meet at 9101 Burnet Road, Suite 103, Austin. According to the complete agenda, the board will approve minutes of previous meeting; sign teacher and school certificates; hear reports by the executive director; read letters to the board; and review a proposed inter-agency contract with the Texas Cosmetology Commission for the board to inspect dual-licensed shops during 1990-1991.

Contact: Jo King McCrorey, 9101 Burnet Road, Suite 103, Austin, Texas 78758, (512) 835-2040.

Filed: July 24, 1990, 11:02 a.m.

TRD-9007441

### Texas Commission for the Deaf

**Friday, August 3, 1990, 8 p.m.** The Rules and Regulations Subcommittee of the Texas Commission for the Deaf will meet at 510 South Congress Avenue, #300, Austin. According to the complete agenda, the subcommittee will discuss rules and board policy pertaining to MOU; and discuss FY 1991 direct services allocations proposal.

Contact: Larry D. Evans, 510 South Congress Avenue, #300, Austin, Texas 78704, (512) 469-9891.

Filed: July 25, 1990, 4:28 p.m.

TRD-9007498

**Friday, August 3, 1990, 8 p.m.** The Fiscal Affairs Subcommittee of the Texas Commission for the Deaf will meet at 510 South Congress Avenue, #300, Austin. According to the complete agenda, the subcommittee will discuss the TCD FY 1991 operating budget; and TCD financial statements.

Contact: Larry D. Evans, 510 South Congress Avenue, #300, Austin, Texas 78704, (512) 469-9891.

Filed: July 25, 1990, 4:28 p.m.

TRD-9007500

**Friday, August 3, 1990, 8 p.m.** The Direct Services Subcommittee of the Texas Commission for the Deaf will meet at 510 South Congress Avenue, #300, Austin. According to the complete agenda, the subcommittee will discuss camp sign.

Contact: Larry D. Evans, 510 South Congress Avenue, #300, Austin, Texas 78704, (512) 469-9891.

Filed: July 25, 1990, 4:28 p.m.

TRD-9007501

**Friday, August 3, 1990, 9-noon, 6 p.m.** The Board for Evaluation of Interpreters (BEI) will meet at the Texas Commission for the Deaf Conference Room, 510 South Congress Avenue, Austin. According to the complete agenda, the board will approve previous meeting minutes; hear BEI financial report; discuss the BEI calendar, evaluator scheduling and evaluator training. An executive session will address certificate recommendations, revocations and reviews and recommendations for new evaluators. Final open session will be recommendations from the executive session, staff report and chairperson's report.

Contact: Larry D. Evans, 510 South Congress Avenue, #300, Austin, Texas 78704, (512) 469-9891.

Filed: July 25, 1990, 4:28 p.m.

TRD-9007502

**Saturday, August 4, 1990, 8 a.m.** The Board of Evaluation of Interpreters (BEI) of the Texas Commission for the Deaf will meet at 510 South Congress Avenue, #300, Austin. According to the complete agenda, the subcommittee will discuss the BEI FY 1991 operating budget; and recommendations for certification.

Contact: Larry D. Evans, 510 South Congress Avenue, #300, Austin, Texas 78704, (512) 469-9891.

Filed: July 25, 1990, 4:28 p.m.

TRD-9007499

### East Texas State University

**Thursday, July 26, 1990, 9:45 a.m.** The Board of Regents of East Texas State University met at 2600 North Robison Road, Aiken Center, Texarkana. According to the emergency revised agenda summary, the board approved the agenda; minutes of the May 4, 1990 meeting; hear a report from the president; and considered the following items: Policy for English Proficiency of Faculty; curriculum changes at East Texas State University-Texarkana; adjustments to the FY90 operating budget for East Texas State University Commerce-Texarkana; voluntary modification of employment policy; adjustments authorization for construction bids, renovation projects; award contract for roof repairs; preliminary plans and specifications of renovation of art building; an education north buildings; receive minutes and report from the executive committee and met in executive session to discuss pending litigation and personnel matters; and contract with the Department of Human Resources. The emergency status was necessary as the contract with the Department of Human Resources needed to be made before Tuesday, July 31, 1990.

Contact: Charles Turner, East Texas State University, Commerce, Texas 75429, (214) 886-5030.

Filed: July 25, 1990, 10:09 a.m.

TRD-9007470

### The Advisory Commission on State Emergency Communications

**Wednesday, August 1, 1990, 9:30 a.m.** The Executive Committee of the Advisory Commission on State Emergency Communications will meet at 1101 Capital of Texas Highway South, Building B-100, Austin. According to the agenda summary, the commission will call the meeting to order and recognize guests; hear informational reports; discuss and consider any action items; and consider any new business.

Contact: Glenn Roach, 1101 Capital of Texas Highway South, Suite B-100, Austin,



Texas 78746, (512) 327-1911.  
Filed: July 24, 1990, 5:06 p.m.  
TRD-9007462

◆ ◆ ◆  
**Texas Health Insurance Risk Pool**

**Tuesday, August 7, 1990, 10 a.m.** The Board of Directors of the Texas Health Insurance Risk Pool will meet at 333 Guadalupe, Republic Plaza I, Room 216, Austin. According to the complete agenda, the board will approve minutes; continued discussion of eligibility provisions including a list of medical conditions automatically qualifying an individual as eligible for pool coverage; policy provisions; report from committee seeking office space; 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 26, 1990, 8:45 a.m.  
TRD-9007506

◆ ◆ ◆  
**Texas Department of Human Services**

**Thursday, August 2, 1990, 10 a.m.** The Texas Board of Human Services of the Texas Department of Human Services will meet at the Amarillo Kingston Hotel, I-40 at Lakeside, Amarillo. According to the agenda summary, the board will approve minutes of June 15, 1990; review and discuss FY 91 operating plan; FY 1992-1993 LAR; county indigent health care; inpatient hospital services; reimbursement rates for nursing facilities; nurse aide training reimbursement; PASARR; remedies for violations of nursing facility agreements; long term nursing facility requirements and reimbursement rates; 1915(c) medicaid waiver request; ICF-MR provider application and reimbursement rates; federally mandated medicaid hospice room and board rates; payment of services to family nurse practitioners and certified pediatric nurse practitioners; client eligibility criteria for medically dependent children; release of information to adoptive families; job opportunities and basic skills program maximum allowance for transportation and work-related expenses; minimum age requirement for providers of self-arranged child care; CCMS; family planning; summer food service program; mandatory participation in adult day care food program for DAHS providers; children's trust fund; amendments to policies and procedures; FY 90 budget adjustments; and commissioner's report.

**Contact:** Bill Woods, P.O. Box 149030, Austin, Texas 78714-9030, (512) 450-3047.  
TRD-9007491

◆ ◆ ◆  
**State Board of Insurance**

**Thursday, July 26, 1990, 10 a.m.** The State Board of Insurance met at the State Insurance Building, 1110 San Jacinto Street, Room 460, Austin. According to the emergency revised complete agenda, the board considered revision of the estimated number of small premium policies used in determining a designated insurer's proportionate share in the Texas Workers' Compensation Assigned Risk Pool. The emergency revision was necessary because of the imminent threat to the public welfare that would result from failure to determine a designated insurer's proportionate share in the pool before implementation of the small premium policy plan.

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

**Filed:** July 24, 1990, 3:49 p.m.  
TRD-9007458

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

**Thursday, August 9, 1990, 8:30 a.m.** The Board of Directors of the Texas Low-Level Radioactive Waste Disposal Authority will meet at 7701 North Lamar Boulevard, Suite 300, Austin. According to the agenda summary, the board will approve minutes of the previous quarterly meeting; hear report of the budget committee; a general manager's report and staff reports, including a financial year-to-date report and the approval of the FY 1992-1993 appropriations request; technical progress reports on site suitability studies; facility design; license application; consider the financial statements of the general manager and deputy general; and technical and quality assurance contracts for FY 91. The board will meet in executive session to discuss pending litigation with El Paso County, et al., cause number 2588-34.

**Contact:** L.R. Jacobi, Jr., 7701 North Lamar Boulevard, Suite 300, Austin, Texas 78752.

**Filed:** July 26, 1990, 1:58 p.m.  
TRD-9007528

◆ ◆ ◆  
**Texas State Board of Medical Examiners**

**Friday, July 27, 1990, 1 p.m.** The Executive Committee of the Texas State Board of Medical Examiners met in an emergency meeting at 1101 Camino La Costa, #201,

Austin. According to the agenda summary, the committee considered licensee under provision of Article 4495b, 4.13; executive session under authority of Article 6252-17, as related to Article 4495b, 2.07, 3.05(d), 4.05(d), 5.06(s)(1) and Opinion of Attorney General, 1974; and Number H-484. The emergency was necessary due to information coming to attention of agency and merited consideration prior to next scheduled meeting.

**Contact:** Julie Stevens, P.O. Box 13562, Austin, Texas 78752, (512) 452-1078.

**Filed:** July 24, 1990, 11:27 a.m.  
TRD-9007434

**Thursday, August 23, 1990, 10 a.m.** The District Review Committee #3 of the Texas State Board of Medical Examiners will meet at the TCOM, 226 Bailey Avenue, Forth Worth. According to the agenda summary, the committee will review investigative files; liability claims; executive session under authority of Article 6252-17, as related to Article 4495b, 2.07, 3.05(d), 4.05(d), 5.06(s) (1), and Opinion of Attorney General 1974, Number H-484.

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

**Filed:** July 24, 1990, 11:27 a.m.  
TRD-9007433

◆ ◆ ◆  
**Texas Motor Vehicle Commission**

**Thursday, August 2, 1990, 9 a.m.** The Texas Motor Vehicle Commission will meet at the Brazos Building, 815 Brazos Street, Suite 302, Austin. According to the agenda summary, the commission will adopt minutes of commission meeting of June 28, 1990; review proposals for decision; licensing and enforcement; motion for rehearing; lemon law cases set for oral argument; lemon law cases with exceptions only; lemon law cases, no arguments or exceptions; agreed orders, enforcement; settlement orders, consumer complaints; orders of dismissal: consumer complaints, licensing and enforcement. Other: Review of final copy of lemon law consumer handbook; review lemon law consumer complaint recap report; review of agency budget and financial status; and review of litigation status report.

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

**Filed:** July 25, 1990, 2:41 p.m.  
TRD-9007488

## Texas Council on Offenders with Mental Impairments

**Friday, August 10, 1990, 8:30 a.m.** The Executive Committee of the Texas Council on Offenders with Mental Impairments will meet at the Texas Juvenile Probation Commission Offices, 2015 South IH-35, Austin. According to the agenda summary, the committee will approve the minutes; hear the Executive Director's report; committee reports; discuss old and new business.

Contact: Dee Kifowit, P.O. Box 12546, Austin, Texas 78711, (512) 459-2720.

Filed: July 25, 1990, 1:10 p.m.

TRD-9007485

**Friday, August 10, 1990, 10 a.m.** The Texas Council on Offenders with Mental Impairments will meet at the Texas Juvenile Probation Commission Offices, 2015 South IH-35, Austin. According to the agenda summary, the council will approve the minutes; hear committee reports; hear a report from Harris County Pilot Project-Project ACTION; discuss the Legislative Appropriations Request; Executive Director's report; and discuss old and new business.

Contact: Dee Kifowit, P.O. Box 12546, Austin, Texas 78711, (512) 459-2720.

Filed: July 25, 1990, 1:10 p.m.

TRD-9007486

## State Pension Review Board

**Tuesday, August 7, 1990, 10 a.m.** The State Pension Review Board will meet at the Employees Retirement System Building, 18th and Brazos Streets, Room 403, Austin. According to the complete agenda, the board will read and adopt minutes of previous meeting; hear executive director's report; status report on investment review committee; discussion and possible action on RFP for actuarial services; discussion of performance measurement services; 1989-90 biennial report; adoption of fiscal year 1991 PRB operating budget; announcements and invitation for audience participation; and set date of next meeting.

Contact: Lynda Baker, P.O. Box 13498, Austin, Texas 78711, (512) 463-1736.

Filed: July 24, 1990, 11:02 a.m.

TRD-9007442

## Public Utility Commission of Texas

**Wednesday, August 1, 1990, 9 a.m.** The Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450N, Austin. According to the agenda summary, the commissioners will consider

the following dockets: 6668, 6753, 8425, 8646, 9354, 8018, 8660, 8684, 8719, 8588, 8374, P9589, 8897, 9139, and 9346.

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

Filed: July 24, 1990, 3:38 p.m.

TRD-9007457

**Wednesday, August 1, 1990, 1 p.m.** The Administrative Division of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450N, ("CHR"), Austin. According to the agenda summary, the division will discuss reports; discussion and action on budget and fiscal matters; progress report on dual-party relay service; approval of request for proposals for utility information systems analysis and design; scheduling of matters for open meetings and agendas; Special Counsel's request for clarification of PURA Section 6(b) and (f); staff presentation of QF Wheeling Task Force report; rules of conduct and decorum in the hearing rooms; adjournment for executive session to consider litigation and personnel matters; reconvene for discussions and decisions on matters considered in executive session; and set time and place for next meeting.

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

Filed: July 24, 1990, 4:18 p.m.

TRD-9007459

**Wednesday, August 1, 1990, 1 p.m.** The Administrative Division of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450N, Austin. According to the complete emergency revised agenda, the division in addition to the previously submitted agenda, will consider FCC Docket 90-132 streamlining Inter-state regulation of AT&T. The emergency status was necessary because commission action is necessary before the FCC's August 2 deadline.

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

Filed: July 25, 1990, 3:03 p.m.

TRD-9007490

**Friday, August 17, 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 9645 to review application of GTE to revise tariff to eliminate the offering of rural eight-party service within the exchanges of Robert Lee, Sterling City and Wellington.

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

Filed: July 25, 1990, 3:04 p.m.

TRD-9007489

## Texas Racing Commission

**Wednesday, August 1, 1990, 10 a.m.** The Greyhound Racing Section of the Texas Racing Commission will meet at the William B. Travis Building, Room 1.111, 1701 North Congress Avenue, Austin. According to the complete agenda, the section will consider and vote on amendments to and new sections in Chapters 301, 305, 309, 311, 315, and 319 regarding the conduct of pari-mutuel greyhound racing, for proposal in the Texas Register. The section will also consider and vote on any pending matters regarding the Galveston greyhound racetrack license.

Contact: Paula Cochran Carter, P.O. Box 12080, Austin, Texas 78711, (512) 476-7223.

Filed: July 24, 1990, 11:42 a.m.

TRD-9007444

## Texas Rehabilitation Commission

**Friday, August 3, 1990, 9 a.m.** The Texas Planning Council for Developmental Disabilities Advocacy and Public Information Committee of the Texas Rehabilitation Commission will meet at the Texas Rehabilitation Commission, 4900 North Lamar Boulevard, Room 4240, Austin. According to the complete agenda, the committee will approve summary report of May 3-4, 1990, review draft position on case management; discuss disability coalition activities; state policy/legislation; federal policy/legislation; update on public information activities; and executive director's report.

Contact: Roger A. Webb, 4900 North Lamar Boulevard, Austin, Texas 78751-2316, (512) 483-4081.

Filed: July 24, 1990, 10:59 a.m.

TRD-9007443

## Texas A&M University System

**Thursday-Friday, July 26-27, 1990, 2:45 p.m. and 9:45 a.m. respectively.** The Executive Committee of the Texas A&M University System Board of Regents met at the Board of Regents Meeting Room, Texas A&M University, College Station. According to the complete emergency revised agenda, the board added appropriation to purchase equipment for the

College of Veterinary Medicine, and authorization to enter into supply and transportation agreements with Lone Star Gas Company, Texas A&M University. The emergency was necessary as unforeseeable events created a need to amend a contract for the procurement of gas from Lone Star Gas prior to August 1, 1990; and to authorize purchase of equipment for the College of Veterinary Medicine prior to September 1, 1990. This was the only meeting prior to September 1, 1990.

**Contact:** Vickie Running, The Texas A&M University System, College Station, Texas, 77843-1122, (409) 845-9603.

**Filed:** July 25, 1990, 3:59 p.m.

TRD-9007496

**Friday, July 27, 1990, 2:30 p.m.** The Board of Regents of the Texas A&M University System met at the Board of Regents Meeting Room, Texas A&M University, College Station. According to the complete emergency revised agenda, the board added appropriation to purchase equipment for the College of Veterinary Medicine, and authorization to enter into supply and transportation agreements with Lone Star Gas Company, Texas A&M University. The emergency was necessary as unforeseeable events created a need to amend a contract for the procurement of gas from Lone Star Gas prior to August 1, 1990; and to authorize purchase of equipment for the College of Veterinary Medicine prior to September 1, 1990. This was the only meeting prior to September 1, 1990.

**Contact:** Vickie Running, The Texas A&M University System, College Station, Texas, 77843-1122, (409) 845-9603.

**Filed:** July 25, 1990, 4 p.m.

TRD-9007497

◆ ◆ ◆  
**University of Texas System**

**Tuesday, July 31, 1990, 10 a.m.** The Executive and Personnel and Audit Committees of the Board of Regents of the University of Texas System will meet at Ashbel Smith Hall, Regents' Conference Room, 9th Floor, 201 West 7th Street, Austin. According to the complete agenda, the committees will jointly convene in open session and immediately recess to convene in executive session in accordance with Texas Civil Statutes, Article 6252-17, Section 2(g) to consider personnel matters associated with the management and administration of the land and real estate operations of the University of Texas System.

**Contact:** Arthur H. Dilly, P.O. Box N, U. T. Station, Austin, Texas 78713-7328, (512) 499-4402.

**Filed:** July 24, 1990, 2:42 p.m.

TRD-9007450

**Texas Water Commission**

**Wednesday, August 8, 1990, 3 p.m.** The Texas Water Commission will meet at the Stephen F. Austin Building, 1700 North Congress Avenue, Room 118, Austin. According to the agenda summary, the commission will consider items previously posted for open meeting and at such meeting verbally postponed or continued to this date. With regard to any item, the commission may take various actions, including but not limited to scheduling an item in the entirety or for particular action at a future date or time.

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

**Filed:** July 24, 1990, 3:41 p.m.

TRD-9007456

**Monday, August 27, 1990, 10 a.m.** The Texas Water Commission will meet at the Stephen F. Austin Building, 1700 North Congress Avenue, Room 1028A, Austin. According to the complete agenda, the commission will conduct a public hearing to consider an application by Rockett Water Supply Corporation, Application Number 5174 for a water use permit.

**Contact:** Joe O'Neal, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

**Filed:** July 25, 1990, 3:14 p.m.

TRD-9007492

**Wednesday, September 5, 1990, 3 p.m.** The Texas Water Commission will meet at the Stephen F. Austin Building, 1700 North Congress Avenue, Room 118, Austin. According to the agenda summary, the commission will consider an emergency order for Heat Transfer Research, Inc. and the Texas A&M University System, Texas Engineering Experiment Station to authorize discharge of treated stormwater runoff at a volume variable with rainfall from a research facility located approximately 1/4 mile southwest of the intersection of FM 2818 and FM 2437 adjacent to Fish Tank Road, approximately 1.5 miles south of College Station in Brazos County.

**Contact:** Robert Martinez, P.O. Box 13087, Austin, Texas 78711, (512) 463-8069.

**Filed:** July 24, 1990, 3:41 p.m.

TRD-9007455

**Wednesday, September 12, 1990, 3 p.m.** The Texas Water Commission will meet at the Stephen F. Austin Building, 1700 North Congress Avenue, Room 118, Austin. According to the agenda summary, the commission will consider whether to affirm, modify, or set aside Emergency Order Number 90-26E, granted by the commission on July 18, 1990, to Rollins Environmental Services, Inc. The order authorizes Rollins to continue storing hazardous wastes in the proposed new, expanded facility at this hazardous and non-hazardous solid waste

storage, processing, and disposal facility in Deer Park, Harris County.

**Contact:** Michelle A. McFaddin, P.O. Box 13087, Austin, Texas 78711, (512) 463-8030.

**Filed:** July 25, 1990, 3:13 p.m.

TRD-9007495

**Thursday, September 13, 1990, 10 a.m.** The Office of Hearings Examiner of the Texas Water Commission will meet at the Environmental Pollution Control Auditorium, 7411 Park Place, (1 mile south of Loop 610 at the intersection of Telephone Road), Houston. According to the agenda summary, the examiner will consider application by Nagron U.S.A., Inc., for proposed Permit Number 13526-01 authorizing a discharge of treated domestic wastewater effluent into Harris County Flood Control ((H.C.F.C.D.) ditches; thence to Lake Houston in Segment Number 1002 of the San Jacinto River Basin.

**Contact:** Mary Sahs, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

**Tuesday, September 18, 1990, 9 a.m.** The Office of Hearings Examiner of the Texas Water Commission will meet at the Stephen F. Austin Building, 1700 North Congress Avenue, Room 543, Austin. According to the agenda summary, the examiner will consider application by a Catholic High School for Austin, Inc. for renewal of Permit Number 12916-01 authorizing disposal of treated domestic wastewater effluent by irrigation. The treatment facilities are on the east side of Barton Creek, approximately 2.5 miles east of State Highway 71 and approximately 1.8 miles south of Farm-to-Market Road 2244 in Travis County.

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

**Filed:** July 25, 1990, 3:14 p.m.

TRD-9007493

◆ ◆ ◆  
**Regional Meetings**

**Meetings Filed July 24, 1990**

**The Garza County Appraisal District Board of Directors** will meet at the Appraisal Office, 124 East Main Street, Post, August 2, 1990, at 9 a.m. Information may be obtained from Billie Y. Windham, P.O. Drawer F, Post, Texas 79356, (806) 495-3518.

**The Sabine River Authority of Texas Board of Directors** will meet at the Authority's General Office, Orange, August 3, 1990, at 10 a.m. Information may be obtained from Sam F. Collins, P.O. Box 579, Orange, Texas 77630, (409) 746-3200.

TRD-9007432

◆ ◆ ◆

**Meetings Filed July 25, 1990**

**The Austin Transportation Study Executive Committee** met at the State Capitol, Sergeant's Committee Room (Outside Senate Chambers), Austin, July 30, 1990, at 1:30 p.m. Information may be obtained from Joseph P. Gieselman, 811 Barton Springs Road, #700, Austin, Texas 78704, (512) 472-7483.

**The Carson County Appraisal District Board of Directors** will meet at 102 Main Street, Panhandle, August 8, 1990, at 9 a.m. Information may be obtained from Dianne Lavake, P.O. Box 970, Panhandle, Texas 79068, (806) 537-3569.

**The Carson County Appraisal District Board of Directors** will meet at 102 Main Street, Panhandle, August 8, 1990, at 9:15 a.m. Information may be obtained from Dianne Lavake, P.O. Box 970, Panhandle, Texas 79068, (806) 537-3569.

**The Dawson County Central Appraisal District Board of Directors** will meet at 920 North Dallas Avenue, Lamesa, August 1, 1990, at 7 a.m. Information may be obtained from Tom Anderson, P.O. Box 797, Lamesa, Texas 79331, (806) 872-7060.

**The Jack County Appraisal District Board of Directors** met in an emergency meeting at 216 D South Main Street, Jacksboro, July 26, 1990, at 7 a.m. The emergency was necessary because of personnel, and contractual settlement. Information may be obtained from Gary L. Zeitler or Donna E. Hartzell, 216 D South Main Street, Jacksboro, Texas 76056, (817) 567-6301.

**The Region IX Education Service Center Regional Advisory Committee** will meet at the Region IX Education Service Center, 301 Loop 11, Wichita Falls, August 16, 1990, at 10 a.m. Information may be obtained from Dr. Jim O. Rogers, 301 Loop 11, Wichita Falls, Texas 76305, (817) 322-6928.

**The Region IX Education Service Center Board of Directors** will meet at the Region IX Education Service Center, 301 Loop 11, Wichita Falls, August 16, 1990, at 1 p.m. Information may be obtained from Dr. Jim O. Rogers, 301 Loop 11, Wichita Falls, Texas 76305, (817) 322-6928.

**The Sabine Valley Center Board of Trustees** met in an emergency meeting at the Administration Building, Ben Bane Room, 107 Woodbine Place, Longview, July 26, 1990, at 7 p.m. The emergency was necessary due to work needed to be completed; funds expended by August 31, 1990, and roof leak at Boyd House. Information may be obtained from Jack Coston or LaVerne Moore, 105 Branlett Lane, Longview, Texas 75601, (214) 758-2471.

**The Sabine Valley Center Board of Trustees** met in an emergency meeting at the Administration Building, Ben Bane Room, 107 Woodbine Place, Longview, July 26, 1990, at 7 p.m. The emergency revised agenda was necessary as work must be completed and funds expended by August 31, 1990; roof leaking at Boyd House; and vacant position of executive director. Information may be obtained from Jack Coston or LaVerne Moore, 105 Branlett Lane, Longview, Texas 75601, (214) 758-2471.

TRD-9007464



**Meetings Filed July 26, 1990**

**The Brazos Valley Development Council Regional Criminal Justice Planning Advisory Committee** will meet at Council Offices, 3006 East 29th Street, #2, Bryan, August 2, 1990, at 10 a.m. Information may be obtained from Glenn J. Cook, P.O. Drawer 4128, Bryan, Texas 77805-4128, (409) 776-2277.

**The Burnet County Appraisal District Appraisal Review Board** will meet at 223 South Pierce Street, Burnet, August 23, 1990, at 9 a.m. Information may be obtained from Melissa Cude, Drawer E, Burnet, Texas 78611, (512) 756-8291.

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

**The Hunt County Tax Appraisal District Appraisal Review Board** will meet at the Hunt County Tax Appraisal District Board Room, 4801 King Street, Greenville, July 31, August 1-2, 1990, at 9 a.m. Information may be obtained from Joe P. Davis or Shirley Smith, P.O. Box 1339, Greenville, Texas 75401, (214) 454-3510.

**The Upshur County Appraisal District Appraisal Review Board** will meet at the Upshur County Appraisal District Office, Warren and Trinity Streets, Gilmer, August 2, 1990, at 8 a.m. Information may be obtained from Louise Stracener, P.O. Box 280, Gilmer, Texas 75644, (214) 843-3041.

TRD-9007504



# 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 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.

On July 19, 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 July 19, 1990.

TRD-9007395

William F. Aldridge  
Director of Corporate Activities  
Texas Department of Banking

Filed: July 23, 1990

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

◆           ◆           ◆

## Texas Department of Health Licensing Actions for Radioactive Materials

The Texas Department of Health has taken actions regarding licenses for the possession and use of radioactive materials as listed in the table below. The subheading labeled "Location" indicates the city in which the radioactive material may be possessed and/or used. The location listing "Throughout Texas" indicates that the radioactive material may be used on a temporary basis at job sites throughout the state.

NEW LICENSES ISSUED:

<u>Location</u>	<u>Name</u>	<u>License#</u>	<u>City</u>	<u>Amend- ment #</u>	<u>Date of Action</u>
Houston	Sheldon Rubinfeld, M.D.	L04410	Houston	0	07/06/90

AMENDMENTS TO EXISTING LICENSES ISSUED:

<u>Location</u>	<u>Name</u>	<u>License#</u>	<u>City</u>	<u>Amend- ment #</u>	<u>Date of Action</u>
Abilene	Hendrick Medical Center	L00021	Abilene	24	07/03/90
Austin	Texas Department of Health	L01155	Austin	44	06/29/90
Austin	Seton Medical Center	L02896	Austin	23	07/03/90
Austin	Austin Diagnostic Clinic	L00868	Austin	37	07/06/90
Baytown	United States Steel Corporation	L02656	Baytown	7	07/10/90
Burnet	Shepperd Memorial Hospital	L03515	Burnet	10	06/29/90
Dallas	North Dallas Diagnostic Center	L03125	Dallas	24	07/03/90
Eagle Lake	Eagle Lake Community Hospital	L03408	Eagle Lake	4	07/11/90
El Paso	Syncor International Corporation	L01999	El Paso	67	07/03/90
Fort Worth	Syncor International Corporation	L02905	Fort Worth	27	07/06/90
Groesbeck	South Limestone Hospital	L03426	Groesbeck	3	06/29/90
Houston	Exxon Production Research Company	L00205	Houston	35	06/29/90
Houston	U.T. M.D. Anderson Cancer Center	L02972	Houston	8	07/06/90
Houston	Sun Belt Regional Medical Center	L03306	Houston	7	07/11/90
Houston	Parkway Hospital	L01964	Houston	25	07/11/90
Huntsville	Sam Houston State University	L00496	Huntsville	21	07/03/90
Irving	Syncor International Corporation	L02048	Irving	60	07/03/90
Marshall	Memorial Hospital	L02572	Marshall	9	07/03/90
Paris	Radiology Incorporated	L00458	Paris	43	07/03/90
Plano	HCA Medical Center Plano	L02032	Plano	18	07/10/90
Port Arthur	Chevron U.S.A., Inc.	L00054	Port Arthur	38	06/29/90
Richardson	EPI Technologies, Inc.	L03706	Richardson	6	07/03/90
San Antonio	Humana Hospital - Metropolitan	L02232	San Antonio	19	06/28/90
San Antonio	Southwest Texas Methodist Hospital	L00594	San Antonio	81	07/11/90
Stamford	Stamford Memorial Hospital	L03044	Stamford	8	07/06/90
Terrell	Colonial Hospital	L02934	Terrell	8	07/03/90
Texas City	Amoco Oil Company	L00254	Texas City	37	07/09/90

AMENDMENTS TO EXISTING LICENSES ISSUED CONTINUED:

Throughout Texas	BJ Services Company, U.S.A.	L02684	Houston	22	06/20/90
Throughout Texas	R/A Services, Inc.	L03010	Odessa	27	07/03/90
Throughout Texas	Southwestern Laboratories, Inc.	L00299	Houston	64	06/28/90
Throughout Texas	Berry Fabricators	L01575	Corpus Christi	17	06/28/90
Throughout Texas	Kooney X-Ray, Inc.	L01074	Barker	48	06/27/90

Throughout Texas	Houston Inspection, Inc.	L04255	Houston	7	06/25/90
Throughout Texas	Koch Engineering Company Inc.	L03913	La Porte	26	07/09/90
Throughout Texas	United Surveys, Inc.	L01570	Rosenberg	13	07/09/90
Weimar	Colorado-Fayette Medical Center	L03470	Weimar	8	07/11/90
Wichita Falls	Wichita General Hospital	L00403	Wichita Falls	19	07/11/90
Wichita Falls	Wichita General Hospital	L00350	Wichita Falls	39	07/11/90
Wichita Falls	Mike Rathman Logging Company	L01700	Wichita Falls	11	07/09/90

AMENDMENTS TO EXISTING LICENSES DENIED:

Location	Name	License#	City	Amend- ment #	Date of Action
Houston	Herbert C. Allen, Jr., M.D.	L00498	Houston	0	06/15/90

In issuing new licenses and amending and renewing existing licenses, the Texas Department of Health, Bureau of Radiation Control, has determined that the applicants are qualified by reason of training and experience to use the material in question for the purposes requested in accordance with *Texas Regulations for Control of Radiation* in such a manner as to minimize danger to public health and safety or property and the environment; the applicants proposed equipment, facilities, and procedures are adequate to minimize danger to public health and safety or property and the environment; the issuance of the license(s) will not be inimical to the health and safety of the public or the environment; and the applicants satisfy any applicable special requirements in the *Texas Regulations for Control of Radiation*.

This notice affords the opportunity for a hearing on written request of a licensee, applicant, or "person affected" within 30 days of the date of publication of this notice. A "person affected" is defined as a person who is resident of a county, or a county adjacent to the county, in which the radioactive materials are or will be located, including any person who is doing business or who has a legal interest in land in the county or adjacent county, and any local government in the county; and who can demonstrate that he has suffered or will suffer actual injury or economic damage due to emissions of radiation. A licensee, applicant, or "person affected" may request a hearing by writing David K. Lacker, Chief, Bureau of Radiation Control (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756-3189.

Any request for a hearing must contain the name and address of the person who considers himself affected by Agency action, identify the subject license, specify the reasons why the person considers himself affected, and state the relief sought. If the person is represented by an agent, the name and address of the agent must be stated.

Copies of these documents and supporting materials are available for inspection and copying at the office of the Bureau of Radiation Control, Texas Department of Health,

1212 East Anderson Lane, Austin, from 8 a.m. to 5 p.m. Monday-Friday (except holidays).

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

TRD-9007396 Robert A. MacLean, M.D.  
Deputy Commissioner  
Texas Department of Health

Filed: July 23, 1990

For further information, please call (512) 835-7000.

◆ ◆ ◆  
**Public Comments on Application for  
Maternal and Child Health Block  
Grant**

Under the authority of the Omnibus Budget Reconciliation Act (Act) of 1981, the Texas Department of Health (TDH) is making application to the United States Public Health Service for funds to continue the maternal and child services block grant during federal fiscal year (FFY) 1991.

A FFY 1991 application for funds and 1989 annual report has been prepared by TDH for the block grant as required by the Act. Prior to the preparation of this report, four hearings and four planning conferences were held within TDH's public health regions, and public comments received at these hearings/conferences have been included. The application consists of: statements of compliance and assurances; program need; goals and objectives; systems development; needs assessment for preventive and primary care services for maternal and infant health, children and adolescents, and children with special health care needs; plan for coordination of services; allocation of funds; activities/services; reports/data; criteria for fund distribution; and FFY 1989 accomplishments.

The report is available for public review and comment by any person (including any federal, state, local, or other public agency) and may be viewed at the Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7470.

Written comments regarding this block grant may be sent to Lynne Hudson, Program Coordinator, Title V Block Grant, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756-3199.

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

TRD-9007402 Robert A. MacLean, M.D.  
Deputy Commissioner  
Texas Department of Health

Filed: July 23, 1990

For further information, please call: (512) 458-7470

◆ ◆ ◆  
**Radioactive Material License Amendment**

Notice is hereby given by the Texas Department of Health that it has granted Amendment Number 5 to the following radioactive material license.

Radioactive Material License Number L03910, issued to Syncor International Corporation for their facility located in Austin (mailing address: Syncor International Corporation, 6448 Highway 290 East, Building F, Suite 102, Austin, Texas 78723).

The amendment to this license changes the Radiation Safety Officer from Philip Rushing to Ben Trickey.

The Division of Licensing, Registration and Standards has determined that the licensee has met the standards appropriate to this amendment: the licensee is qualified by reason of training and experience to use the material in question for the purpose requested in accordance with Texas Regulations for Control of Radiation (TRCR) in such a manner as to minimize danger to public health and safety or property; the licensee's equipment, facilities, and procedures are adequate to minimize danger to public health and safety or property; the issuance of the license amendment will not be inimical to the health and safety of the public; and the licensee satisfies any applicable special requirements of Part 41 of TRCR.

This notice affords the opportunity for a public hearing upon written request within 30 days of the date of publication of this notice by a person affected as required by the Health and Safety Code, §401.116, and as set out in TRCR 13.6. A person affected is defined as a person who is a resident of a county, or a county adjacent to a county, in which the radioactive materials are or will be located, including any person who is doing business or who has a legal interest in land in the county or adjacent county, and any local government in the county; and who can demonstrate that he has suffered or will suffer actual injury or economic damage. A person affected may request a hearing by writing David K. Lacker, Chief, Bureau of Radiation Control (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756. Any request for a hearing must contain the name and address of the person who considers himself affected by Agency action, identify the subject license, specify the reasons why the person considers himself affected, and state the relief sought. If the person is represented by an agent, the name and address of the agent must be stated. Should no request for a public hearing be timely filed, the amendment will remain in effect.

A copy of all material submitted is available for public inspection at the Bureau of Radiation Control, 1212 East Anderson Lane, Austin. Information relative to the amendment of this specific radioactive material license may be obtained by contacting Mr. David K. Lacker, Chief, Bureau of Radiation Control (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas

78756. For further information, please call (512) 835-7000.

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

TRD-9007428 Robert A. MacLean, M.D.  
Deputy Commissioner  
Texas Department of Health

Filed: July 24, 1990

For further information, please call: (512) 835-7000

◆ ◆ ◆  
**State Department of Highways and  
Public Transportation  
Consultant Proposal Request**

As required by Texas Civil Statutes, Article 6252-11c, the following notice for consultant proposal request is filed.

**Notice of Invitation.** The State Department of Highways and Public Transportation (SDHPT) intends to engage a consultant to perform a review and evaluation of all site documentation from the Wilson Leonard Site (41WM235), a multi-component prehistoric archaeological site excavated between 1982 and 1984 by members of the SDHPT environmental staff. The site contained stratified deposits extending 4.5 meters below the ground surface, and provided evidence of some 11,000 years of intermittent human occupation. In addition to a review and evaluation of site documentation, the consultant will prepare a statement of the site's significance at the local, state, and national levels, establish the main research objectives to be reached through a study of site materials, and develop methods and analytical strategies for analysis of the site materials.

**Agency Contact.** Additional information regarding this consultant proposal request may be obtained by contacting Kenneth C. Bohuslav, P.E., engineer of environmental studies, State Department of Highways and Public Transportation, Highway Design Division, 11th and Brazos Streets, Austin, Texas 78701-2483, (512) 463-0269. A bidders conference will be held on August 14, 1990, at 1:30 p.m. in room 103, 2602-D ridgepoint Drive, Austin.

**Response Date.** To be considered, proposals may be delivered by hand to the Highway Design Division, Room 103, 2602-D Ridgepoint Drive, Austin, or be received by mail by Kenneth C. Bohuslav, P.E., State Department of Highways and Public Transportation, Highway Design Division (D-8E), 11th and Brazos, Austin, Texas 78701-2483, by 5 p.m., September 11, 1990. Any proposals received after that date will not be considered.

**Selection Criteria.** Proposals will be evaluated on the demonstrated competence of the offeror; the knowledge, qualifications, and experience of the principal investigator, the project director, and the offeror's staff; the project plan; and the cost index. Final selection will be made by the chief engineer, Highway Design Division, based upon the recommendation of the selection committee.

Issued in Austin, Texas on July 24, 1990.

TRD-9007463 Diane L. Northam  
Administrative Procedures Technician  
State Department of Highways and Public  
Transportation

Filed: July 25, 1990

For further information, please call: (512) 463-8630





An enforcement order was issued to Meine Huisman Dairy (No Permit), on July 13, 1990, assessing \$13,300 in administrative penalties with entire amount deferred and possibly waived contingent upon compliance. Stipulated penalties were also imposed.

Information concerning any aspect of this order may be obtained by contacting Geof Meyer, Enforcement Coordinator, Texas Water Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 463-8063.

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

TRD-9007408      Gloria A. Vasquez  
                         Notices Coordinator  
                         Texas Water Commission

Filed: July 23, 1990

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



Pursuant to the Texas Water Code which states that if the commission finds that a violation has occurred and a civil penalty is assessed, the commission shall file notice of its decision in the *Texas Register* not later than the 10th day after the date on which the decision is adopted, the following information is submitted.

An enforcement order was issued to Morgan Halbert Dairy (No Permit), on July 13, 1990, assessing \$6,000 in administrative penalties. Stipulated penalties were also imposed.

Information concerning any aspect of this order may be obtained by contacting Margaret Ligarde, Staff Attorney, Texas Water Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 463-8069.

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

TRD-9007407      Gloria A. Vasquez  
                         Notices Coordinator  
                         Texas Water Commission

Filed: July 23, 1990

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



### Notice of Application For Waste Disposal Permit

Notice is given by the Texas Water Commission of public notices of waste disposal permit applications issued during the period of July 16-July 20, 1990.

No public hearing will be held on these applications unless an affected person has requested a public hearing. Any such request for a public hearing shall be in writing and contain the name, mailing address, and phone number of the person making the request; and a brief description of how the requester, or persons represented by the requester would be adversely affected by the granting of the application. If the commission determines that the request sets out an issue which is relevant to the waste discharge permit decision, or that a public hearing would serve the public interest, the commission shall conduct a public

hearing, after the issuance of proper and timely notice of the hearing. If no sufficient request for hearing is received within 30 days of the date of publication of notice concerning the applications, the permit will be submitted to the commission for final decision on the application.

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

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

City of Amarillo; River Road Wastewater Treatment Plant; approximately 10 miles north-northeast of the intersection of Interstate Highway 40 and U.S. Highway 87, approximately 1.5 miles east of U.S. Highway 87 in Potter County; 10392-01; renewal.

Countrywide Partnership Investments, Inc; Houston; Northwest Pines Mobile Home Park wastewater treatment facilities; 14022 Walters Road, approximately 3 1/2 miles west of IH-45 and 3/4 mile south of FM 1960 in Harris County; 12218-01; amendment.

City of Donna; immediately west of FM Road 493 and approximately 1 1/2 miles south of U.S. Highway 83 (Business Route) in Hidalgo County; 10504-01; amendment.

Mr. Jelle Jongsma; Winnsboro; a dairy; approximately 1 1/2 miles east of downtown Winnsboro, approximately 1/8 mile north of State Highway 11 on County Road 4310 in Wood County; 03128; new.

City of Port Lavaca; Blardone Wastewater Treatment Facilities; approximately 1/4 mile northwest of the State Highway 238 crossing of Little Chocolate Bayou in Calhoun County; 10251-02; renewal.

Nita M. Scott doing business as Construction Aggregates, Inc.; Port Arthur; bulk material facility handling washed aggregate, petroleum coke, carbonaceous pitch, sand and gravel; within the Port of Houston Authority at 3100 Penn City Road in the City of Houston, Harris County; 03244; new.

Bob Smith; Stafford; wastewater treatment facilities; 9401 Windfern Road, approximately 300 feet south of Zaka Road and approximately three miles north from the intersection of Windfern Road and U.S. Highway 290 in Harris County; 13509-01; new.

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

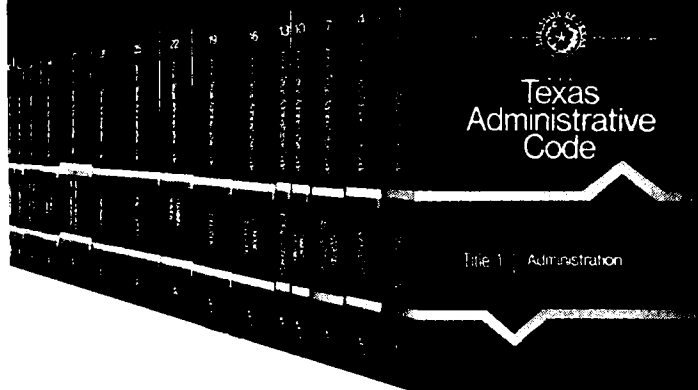
TRD-9007410      Brenda W. Foster  
                         Chief Clerk  
                         Texas Water Commission

Filed: July 23, 1990

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



The only COMPLETE, OFFICIAL and  
UP-TO-DATE  
source of administrative rules for Texas!



★ SAVE 40%

## WEST'S® TEXAS ADMINISTRATIVE CODE

West Publishing Company, official publisher of the *Texas Administrative Code* for 1989, is proud to announce that the complete TAC is now ready—and is being offered to you right now at a full set savings of 40%! Or, choose only those volumes essential to your daily practice.

### **COMPLETE, FOR RESEARCH CONVENIENCE!**

The TAC is your convenient access to the rules and regulations of Texas state agencies. Each title is divided into parts, and each part corresponds to a state agency. The chapters and sections within each part thus contain all permanent rules and regulations for that particular agency in one convenient publication.

### **DEPENDABLE SUPPLEMENTATION TO KEEP YOU UP-TO-DATE!**

West's TAC includes rules and regulations soon after their adoption into

Texas law. You'll find the exact currency dates of the provisions contained within the preface of each volume.

**Timely Supplementation!** Semi-annual supplements bring subscribers current within 120 days of the adoption of new rules and changes in existing rules. The supplementation will be softbound, cumulative, companion volumes to the 16-volume TAC set. This eliminates the time-consuming need for complicated collation and substitution of pages that was required by the looseleaf format of the previous publisher.

### **OFFICIAL, FOR YOUR ASSURANCE OF CONFIDENCE!**

Only with West's *Texas Administrative Code* do you get absolute assurance that all code provisions appear as finally reviewed and corrected by the Secretary of State's Office.

### **TITLES INCLUDED IN THIS COMPLETE AND OFFICIAL SET:**

1. Administration
4. Agriculture
7. Banking and Securities
10. Community Development
13. Cultural Resources
16. Economic Regulation
19. Education
22. Examining Boards
25. Health Services
28. Insurance
31. Natural Resources and Conservation
34. Public Finance
37. Public Safety and Corrections
40. Social Services and Assistance
43. Transportation
- All New General Index

### **SAVE 40% ON YOUR FULL SET PURCHASE!**

Get complete details from your West representative, or call toll free **1-800-328-9352**. (In MN call collect 0-612-688-3600.)



**WEST PUBLISHING COMPANY**  
50 W. Kellogg Blvd.  
P.O. Box 64526  
St. Paul, MN 55164-0526

---

---

Second Class Postage

**PAID**

Austin, Texas  
and additional entry offices

---

---

To order a new subscription, or to indicate a change of address, please use this form. When notifying us of an address change, please attach the mailing label from the back of a current issue. Questions concerning existing subscriptions should also include the subscription number from the mailing label.

For information concerning the Texas Register, please call (512) 463-5561, or write to P.O. Box 13824, Austin, Texas 78711-3824.

You may also use this form to request back issues of the Texas Register. Please specify the exact dates and quantities of the issues requested. Each copy of a back issue is \$4.

Change of Address  
(Please attach mailing label)

Back Issues Requested  
(Please specify dates)

---

Please enter my subscription to the Texas Register as indicated below. (I will look for my first issue in about two weeks.)

1 year (100 issues) \$90

Payment enclosed

6 months (50 issues) \$70

Bill me

---

Name

---

Organization

---

Occupation

Telephone

---

Address

---

City

State

Zip Code

Please make checks payable to the Secretary of State. Subscription fees are not refundable.

---

For office use only