

Texas Register

Volume 15, Number ⁶⁴ 65, August 31, 1990

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

Governor-Appointments, executive orders, and proclamations

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

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

Proposed Sections-sections proposed for adoption

Withdrawn Sections-sections withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date

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

Open Meetings-notices of open meetings

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

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

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

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

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

Texas Administrative Code

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

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

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

TAC stands for the *Texas Administrative Code*;

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



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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 August 16, 1990

To be a member of the Texas Council on Alzheimer's Disease and Related Disorders for a term to expire September 1, 1992: Betty Haisten, 3590 Brentwood, Beaumont, Texas 77706. Mrs. Haisten will be replacing Ann Hancock of Dallas whose term expired.

To be a member of the Continuing Advisory Committee for Special Education for a term to expire February 1, 1991: Maurice Theo Wilson, 14023 St. Marys, Houston, Texas 77079. Mrs. Wilson is being reappointed.

To be a member of the Continuing Advisory Committee for Special Education for a term to expire February 1, 1991: E. Darlene Topp, 5627 Verde Circle, Harlingen, Texas 78552. Mrs. Topp will be replacing Carolyn Broussard of Beaumont.

To be a member of the Continuing Advisory Committee for Special Education for a term to expire February 1, 1991: Lee Anne Rutledge, 2108 Wychwood Drive, Austin, Texas 78746. Mrs. Rutledge will be replacing Evelyn Chambers of Houston.

To be a member of the Continuing Advisory Committee for Special Education for a term to expire February 1, 1991: Mary Lou May, 3202 46th Street, Lubbock, Texas 79413. Mrs. May will be filling a vacant parent position.

To be a member of the Continuing Advisory Committee for Special

Education for a term to expire February 1, 1991: Jesus De Leon, 109 South O Street, Harlingen, Texas 78550. Mr. De Leon will be replacing Dr. Kenneth Brown.

To be a member of the Continuing Advisory Committee for Special Education for a term to expire February 1, 1991: Deborah Louder, 2744 Chimney Rock Lane, San Angelo, Texas 76904. Mrs. Louder is being reappointed.

To be a member of the Medical Preparation Program Advisory Board for a term to expire September 1, 1994: Zenaïdo Camacho, Ph.D., 53 Cascade Springs Place, The Woodlands, Texas 77382. Dr. Camacho is being appointed to a new position pursuant to Senate Bill 547, 71st Legislature.

To be a member of the Christopher Columbus Quincentenary Texas Jubilee Commission for a term at the pleasure of the governor: Constance Ware, Route 1, Box 254, Marshall, Texas 75670. Mrs. Ware is being appointed to a new position pursuant to Executive Order WPC 88-10.

To be a Vice Chairman of the Christopher Columbus Quincentenary Texas Jubilee Commission for a term at the pleasure of the governor: Dr. Dorothy E. Caram, Houston.

To be Chairman of the Christopher Columbus Quincentenary Texas Jubilee Commission for a term at the pleasure of the governor: Sheldon Hall, El Paso.

To be a member of the Texas Growth Fund Board of Trustees for a term to

expire February 1, 1991: Gary G. Jacobs, 318 Belair, Laredo, Texas 78041. Mr. Jacobs will be filling the unexpired term of A. W. Riter of Tyler who resigned.

To be a member of the Underground Storage Tank Advisory Committee for a term to expire February 1, 1991: Rafael Ortega, 2007 Cobble Creek Drive, Houston, Texas 77073. Mr. Ortega will be filling the unexpired term of Albert Gamboa, Jr. of El Paso who resigned.

To be a member of the Governor's Committee for Disabled Persons for a term to expire July 8, 1991 and at the pleasure of the governor: Sandi Kahn-Hammond, 601 Mississippi, El Paso, Texas 79902. Mrs. Kahn-Hammond is being reappointed.

To be a member of the Texas Department of Commerce Board of Directors for a term to expire February 1, 1993: Jack M. Rains, 910 Travis Street, Suite 1700, Houston, Texas 77002-5895. Mr. Rains will be filling the unexpired term of John Roach of Fort Worth who resigned.

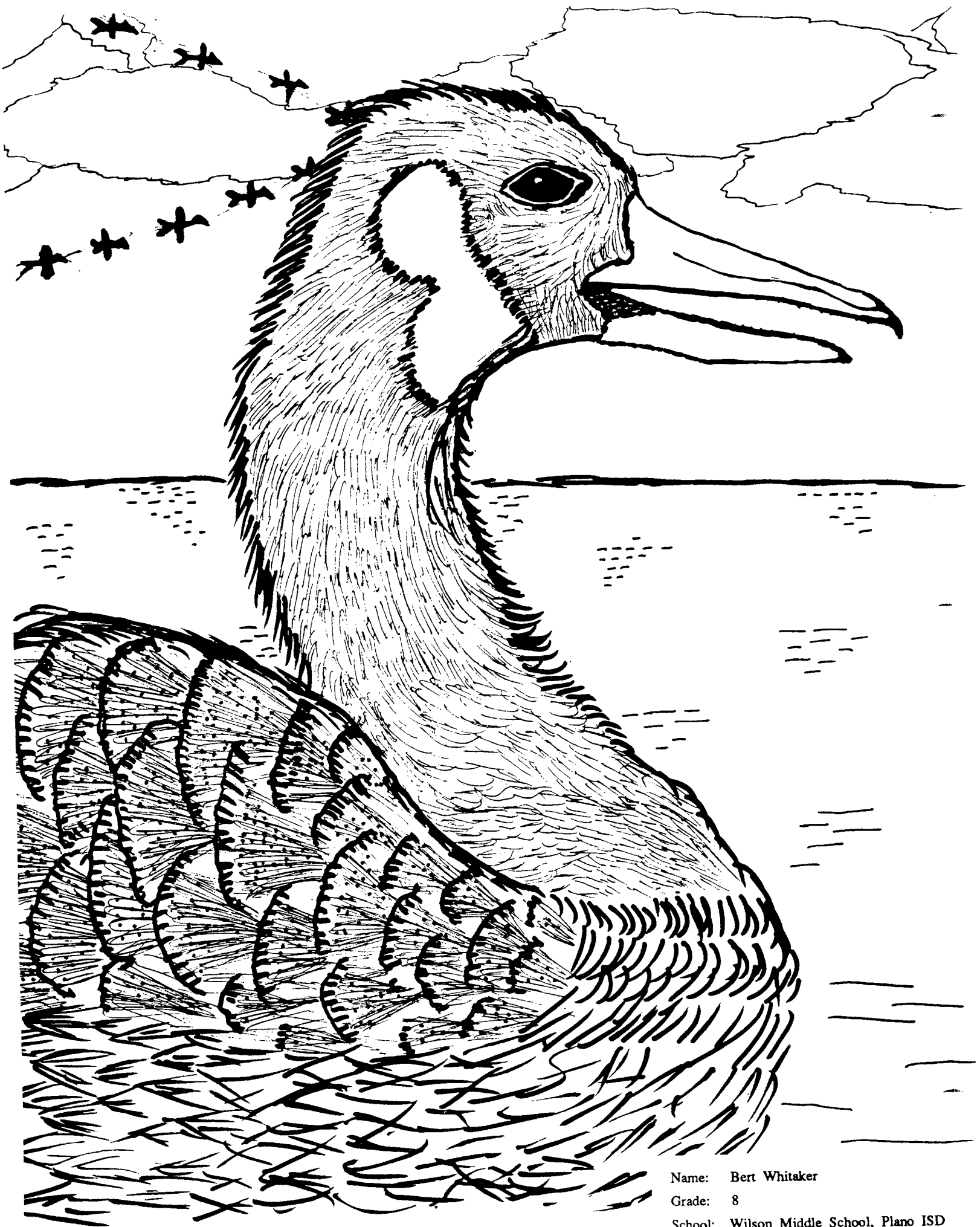
To be a member of the Texas Children 2000 Organization Committee for a term at the pleasure of the governor: Pagett Daves Holley, 6808 Velasco, Dallas, Texas 75214. Mrs. Holley is being appointed to a new position pursuant to Senate Bill 1718, 71st Legislature.

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

TRD-9008591

William P. Clements, Jr.
Governor of Texas





Name: Bert Whitaker

Grade: 8

School: Wilson Middle School, Plano ISD

Emergency Sections

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

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

TITLE 1. ADMINISTRATION Part IV. Office of the Secretary of State Chapter 95. Uniform Commercial Code

Standard Forms

• 1 TAC §95.51

The Office of the Secretary of State adopts on an emergency basis an amendment to §95.51, concerning standard forms. The amendment is adopted on an emergency basis to comply with the effective date of the standard forms of September 1, 1990.

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

§95.51. Prescribed Form.

(a) The secretary of state has prescribed forms for the financing statement, Form UCC-1 the financing statement change, Form UCC-3, [;] and the request for information, Form UCC-11, for use with the secretary of state of Texas and county clerks of Texas.

(1) Specifications pertaining to the prescribed forms may be obtained by writing to the Office of the Secretary of

State of Texas [Uniform Commercial Code Section], Uniform Commercial Code Section [Office of the Secretary of State of Texas], P.O. Box 13193, Austin, Texas, 78711-3193.

(2) Permission to print prescribed forms must be obtained in writing from the secretary of state. Printer must submit five forms of each type to the secretary of state for examination. Within 30 days of receipt of forms the secretary of state will transmit to the printer written notification of the results of the examination. The notification will grant permission to print forms or express the reasons for refusal to grant permission.

(3) Where a printer prints forms with a name other than the approved printer's name on the bottom right-hand corner the printer must notify the secretary of state in writing of such names and include a sample form for each name. If these entities sell forms the printer must specify that the entity is a supplier and give the supplier's business address and telephone number for inclusion on the secretary of state supplier list.

(4)[(3)] The secretary of state will notify approved printers of revisions which must be made to the prescribed forms. Printer must submit five revised forms of each type to the secretary of state for examination. Within 30 days of receipt of the revised forms, the secretary of state will transmit written notification of the results of the examination. The notification will grant permission to print forms or ex-

press the reasons for refusal to grant permission.

(5)[(4)]The secretary of state may suspend permission to print forms at any time for failure to comply with this section or failure to maintain compliance with form specifications.

(b) (No change.)

(c) Forms revised September 1, 1990, [September of the 1986] will be effective as standards forms on September 1, 1990 [March 1, 1987, and ending May 31, 1987, standard forms previously prescribed may be filed with the secretary of state as standard forms]. During the period beginning September 1, 1990, and ending December 31, 1990, previously prescribed standard forms (Revised September 1, 1986 and August 1, 1987) may be filed with the secretary of state as standard forms. Beginning January 1, 1991, previously prescribed forms [After May 31, 1987, forms previously prescribed] may be filed with the secretary of state as nonstandard forms.

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

TRD-9008526

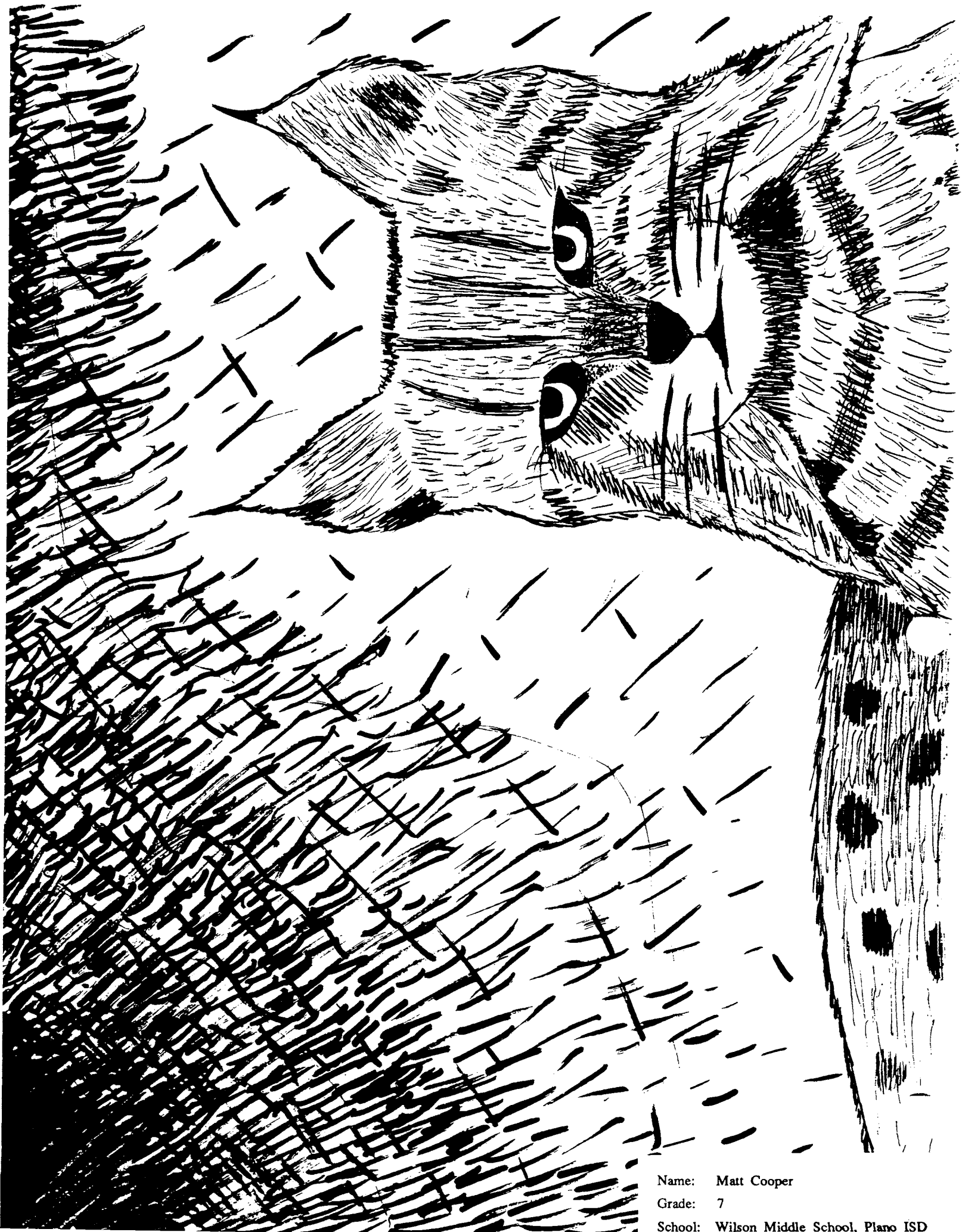
Pete Wassdorf
Assistant Secretary of
State and General
Counsel
Office of the Secretary of
State

Effective date: September 1, 1990

Expiration date: December 30, 1990

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





Name: Matt Cooper

Grade: 7

School: Wilson Middle School, Plano 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 1.

ADMINISTRATION

Part IV. Office of the Secretary of State

Chapter 5. Uniform Commercial Code

Standard Forms

• 1 TAC §95.51

(Editor's Note: The Office of the Secretary of State proposes for permanent adoption the new section it adopts on an emergency basis in this issue. The text of the new section is in the Emergency Rules section of this issue.)

The Office of the Secretary of State proposes an amendment to §95.51, concerning standard forms. The effective date of the standard forms is September 1, 1990.

Wallis N. Boggus, director, Uniform Commercial Code Section, has determined that for the first five-year period the section is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the section.

Mr. Boggus also has determined that for each year of the first five years the section is in effect of enforcing the section will be that the public will benefit from uniform and consistent form quality as a result of the secretary of state's forms examination and approval procedures. 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 Wallis N. Boggus, Director, Uniform Commercial Code Section, P.O. Box 13193, Austin, Texas 78711-3193.

The amendment is proposed under the Texas Business and Commerce Code (UCC), which provides the Office of the Secretary of State

with the authority to prescribe the forms to be used in making any filing or in requesting any information under the Texas Business and Commerce Code (UCC).

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

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

TRD-9008527

Pete Wassdorf
Assistant Secretary of
State and General
Counsel
Office of the Secretary of
State

Earliest possible date of adoption: October 1, 1990

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

TITLE 22. EXAMINING BOARDS

Part XXII. Texas State Board of Public Accountancy

Chapter 521. Fee Schedule

Fee Schedule

• 22 TAC §521.1

The Texas State Board of Public Accountancy proposes an amendment to §521.1, concerning fee schedule. The proposed amendment will provide the new prorated initial license fee and the annual fee for a license issued to a practice unit.

Bob E. Bradley, executive director, has determined that there will be fiscal implications for state government as a result of enforcing or administering the section. The effect on state government for the first five-

year period the proposed section is in effect will be an estimated increase of \$416,720 for fiscal year (FY) 1991; \$428,720 for FY 1992; \$440,720 for FY 1993; \$452,720 for FY 1994; and \$464,720 for FY 1995. There will be no fiscal implication for local governments as a result of enforcing or administering the section.

Mr. Bradley 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 allow for the adoption of an amendment to the section which will enact the increase in the annual license fee issued to an individual, and establish the fee for a license issued to a practice unit. There will be no effect on small businesses. The anticipated economic cost to persons who are required to comply with the section as proposed will be: for persons: \$200,720 for FY 1991; \$212,720 for FY 1992; \$224,720 for FY 1993; \$236,720 for FY 1994; and \$248,720 for FY 1995; and for practice units: \$216,000 for FY 1991-1995.

Comments on the proposal may be submitted to Cynthia Hairgrove, Attorney, 1033 La Posada, Suite 340, Austin, Texas 78752-3892.

The amendment is proposed under Texas Civil Statutes, Article 41a-1, §6(a), which provide the Texas State Board of Public Accountancy with the authority to promulgate rules regarding renewal of license fees.

§521.1. License Fees.

(a) [Application.] The annual fee for a license issued to an individual not in retired or disabled status [pursuant to the Act] shall be \$30 [26]; however, the initial fee shall [may] be prorated as shown:

Certificate or registration

obtained in:

Fee Payable

January 1 - March	31	\$ <u>30.00</u> [\$26.00]
April 1 - June	30	<u>22.50</u> [\$19.50]
July 1 - September	30	<u>15.00</u> [\$13.00]
October 1 - December	31	<u>7.50</u> [\$ 6.50]

[There shall be no change in the fee for licenses in retired status.]

(b) The annual fee for a license issued to a practice unit shall be \$50 and may not be prorated.

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 August 23, 1990.

TRD-9008531 Bob E. Bradley
Executive Director
Texas State Board of
Public Accountancy

Earliest possible date of adoption: October 1, 1990

For further information, please call: (512) 450-7066

◆ ◆ ◆
TITLE 28. INSURANCE
Part II. Texas Workers'
Compensation
Commission

Chapter 102. General
Provisions: Practice and
Procedures

• **28 TAC §102.3**

The Texas Workers' Compensation Commission proposes new §102.3, concerning computation of time by due dates and time periods for filings and notices required under the Texas Workers' Compensation Act.

The purpose of the new section is to incorporate certain provisions of the Government Code that apply to filing documents into the rules of the Texas Workers' Compensation Commission, and to make clear that those provisions do not apply to computation of eligibility for benefits.

Mr. R. Glen Looney, manager of planning and analysis, 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. Looney 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 implementation of the Workers' Compensation Act adopted by recent legislation. This section includes the Government Code, §311.104. There will be no effect on small businesses. There is no anticipated additional economic cost to persons who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Susan M. Kelley, General Counsel, Texas Worker's Compensation Commission, 200 East Riverside Drive, Austin, Texas 78704-1287. Comments will be accepted in writing for 30 days after publication of this proposal in the *Texas Register*.

The new section is proposed under Texas Civil Statutes, Article 8308, §2. 09(a), which authorize the commission to adopt rules necessary to administer the Texas Workers' Compensation Act.

§102.3. *Computation of Time.*

(a) Due dates and time periods for filings and notices required under this act shall be computed as follows:

(1) computing a period of days.
In counting a period of time measured by days, the first day is excluded and the last day is included;

(2) computing a period of months. If a number of months is to be computed by counting the months from a particular day, the period ends on the same numerical day in the concluding month as the day of the month from which the computation is begun, unless there are not that many days in the concluding month, in which case the period ends on the last day of that month;

(3) if the last day of any period is a Saturday, Sunday, or legal holiday, the period is extended to include the next day that is not a Saturday, Sunday, or legal holiday.

(b) This section does not apply to the computation of periods of entitlement to benefits. (Periods of entitlement to benefits are computed in accordance with specific

rules on benefits set forth in Chapters 126-139 of these rules).

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 August 24, 1990.

TRD-9008566 Susan M. Kelley
General Counsel
Texas Workers'
Compensation
Commission

Earliest possible date of adoption: October 1, 1990

For further information, please call: (512) 440-3973

◆ ◆ ◆
Chapter 120. Compensation
Procedures-Employers

• **28 TAC §120.1**

The Texas Workers' Compensation Commission proposes new §120.1, concerning record of all injuries and fatal injuries to employees as reported to an employer, or otherwise made known to an employer.

The new section requires an employer to keep records of all injuries reported to the employer, and provides for inspection of those records by the commission.

Mr. R. Glen Looney, manager of planning and analysis, 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. Looney also has determined that for each year of the first five years the section is in effect the public benefit anticipated is the implementation of the Workers' Compensation Act adopted by recent legislation. There will be no effect on small businesses. There is no anticipated additional economic cost to persons who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Susan M. Kelley, General Counsel, Texas Worker's Compensation Commission, 200 East Riverside Drive, Austin, Texas 78704-1287. Comments will be accepted in writing for 30 days after publication of this

proposal in the *Texas Register*.

The new section is proposed under Texas Civil Statutes, Article 8308, §2. 09(a), which authorize the commission to adopt rules necessary to administer the Texas Workers' Compensation Act.

§120.1. Employer's Record of Injuries.

(a) An employer shall keep a record of all injuries and fatal injuries to employees as reported to an employer, or otherwise made known to an employer. The record shall include:

- (1) the name, address, age, sex, wage, length of service, social security number, and occupation of the employee;
- (2) the reported cause and nature of the injury, the part of the body affected, and a description of any equipment involved and its location;
- (3) the date, time, and location where the injury occurred;
- (4) the name of the employees' immediate supervisor;
- (5) the names of any witnesses (if known);
- (6) the name and address of the treating health care provider, if known; and
- (7) any voluntary benefits paid by the employer under §4.06 of the Act.

(b) These records shall be open to inspection by the commission, upon at least five working days notice to the employer, at a reasonable time and place.

(c) The employer shall retain a record of an injury until the expiration of five years from the last day of the year in which the injury occurred.

(d) An employer who does not maintain a record, or who refuses to make the record available to the commission, may be assessed to administrative penalty not to exceed \$500.

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 August 24, 1990.

TRD-9008567 Susan M. Kelley
 General Counsel
 Texas Workers'
 Compensation
 Commission

Earliest possible date of adoption: October 1, 1990

For further information, please call: (512) 440-3973

◆ ◆ ◆
 • 28 TAC §120.2

The Texas Workers' Compensation Commission proposes new §120.2, concerning filing a written report for each death, each occupational disease reported by an employee, and each injury that results in

more than one day's absence from work for the injured employee.

The new section tells the employer how to report "lost-time" injuries to the commission, and requires certain information on those reports.

Mr. R. Glen Looney, manager of planning and analysis, 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. Looney 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 implementation of the Workers' Compensation Act adopted by recent legislation. There will be no effect on small businesses. There is a minimal impact to employer for mailing a copy of the employer's report of injury to the employee.

Comments on the proposal may be submitted to Susan M. Kelley, General Counsel, Texas Worker's Compensation Commission, 200 East Riverside Drive, Austin, Texas 78704-1287. Comments will be accepted in writing for 30 days after publication of this proposal in the *Texas Register*.

The new section is proposed under Texas Civil Statutes, Article 8308, §2. 09(a), which authorize the Commission to adopt rules necessary to administer the Texas Workers' Compensation Act.

§120.2. Employer's Report of Injury.

(a) The employer shall file a written report for each death, each occupational disease reported by an employee, and each injury that results in more than one day's absence from work for the injured employee.

(b) The report shall contain the following information which must be filed in the manner and on a form prescribed by the commission:

- (1) the name, address, age, sex, wage, length of service, social security number, and occupation of the employee;
- (2) the reported cause and nature of the injury, the part of the body affected, and a description of any equipment involved and its location;
- (3) the date, time, and location where the injury occurred;
- (4) the name of the employee's immediate supervisor;
- (5) the names of any witnesses (if known); and
- (6) the name and address of the treating health care provider, if known.

(c) The report shall be filed with the commission and the carrier, with a copy sent to the employee's mailing address not later than the eighth day after the receipt of notice of occupational disease, or the employee's first day of absence from work due to injury or death. For purposes of this

section, a report is filed when personally delivered, or postmarked.

(d) If a report has not been received by the commission or the carrier, the employer has the burden of proving that the report was filed within the required time frame. The employer has the burden of proving that good cause exists if the employer failed to file the report.

(e) An employer who fails to file the report without good cause may be assessed an administrative penalty not to exceed \$500. An employer who fails to file the report without good cause waives the right to reimbursement of voluntary benefits even if no administrative penalty is assessed.

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 August 24, 1990.

TRD-9008568 Susan M. Kelley
 General Counsel
 Texas Workers'
 Compensation
 Commission

Earliest possible date of adoption: October 1, 1990

For further information, please call: (512) 440-3973

◆ ◆ ◆
 Chapter 122. Compensation
 Procedures-Claimants
 Subchapter A. Claims
 Procedure for Injured
 Employees

• 28 TAC §122.2

The Texas Workers' Compensation Commission proposes new §122.2, concerning an injured employee's required claim for workers' compensation.

The new section requires the employee, or someone acting on the employee's behalf, to file a claim and to provide to the commission information which will allow the agency to open a claim file; in addition, the rule makes clear that failure to file a claim may cause the injured employee to lose the right to claim benefits.

Mr. R. Glen Looney, manager of planning and analysis, has determined that for the first five-year period the proposed section is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the section.

Mr. Looney 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 implementation of the Workers' Compensation Act adopted by recent legislation. There will be no effect on small businesses. There is no anticipated additional economic cost to persons who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Susan M. Kelley, General Counsel, Texas Worker's Compensation Commission, 200 East Riverside Drive, Austin, Texas 78704-1287. Comments will be accepted in writing for 30 days after publication of this proposal in the *Texas Register*.

The new section is proposed under Texas Civil Statutes, Article 8308, §2. 09(a), which authorize the commission to adopt rules necessary to administer the Texas Workers' Compensation Act.

§122.2. Injured Employee's Claim For Compensation.

(a) An injured employee, or a person acting on the injured employee's behalf, shall file with the commission a written claim for compensation within one year after the date of the injury's occurrence, except as provided in subsection (b) of this section.

(b) An employee whose injury results from an occupational disease, or a person acting on that employee's behalf, shall file with the commission a written claim for compensation within one year after the date the employee knew or should have known that the disease was related to the employment.

(c) The claim should be on a form prescribed by the commission and should include the following:

- (1) the name, address, telephone number (if any), occupation, wage, and social security number of the injured employee;
- (2) the length of time the employee worked for the employer prior to the date of injury;
- (3) the date, time, and place where the injury occurred (or the date the employee knew or should have known that the occupational disease was related to the employment);
- (4) a description of the circumstances and nature of the injury;
- (5) the names of witnesses (if any);
- (6) the name and location of the employer at the time of the injury (or at the time of the last injurious exposure to the hazards of the occupational disease);
- (7) the name of the employee's immediate supervisor;
- (8) the name and address of the treating doctor that has treated the employee for the injury; and
- (9) the identity of the person (if any) acting on behalf of the injured employee.

(d) If the injury claimed is an occupational disease, the claim should list the name and location of the employer at the time of the last injurious exposure to the

hazards of the disease.

(e) The prescribed form or other written claim for compensation must be signed by the person filing it.

(f) Failure to file a claim for compensation with the commission shall relieve the employer and the employer's insurance carrier from liability under the Act unless:

- (1) good cause exists for failure to file a claim in a timely manner; or
- (2) the employer or insurance carrier does not contest the claim.

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 August 24, 1990.

TRD-9008569

Susan M. Kelley
General Counsel
Texas Workers'
Compensation
Commission

Earliest possible date of adoption: October 1, 1990

For further information, please call: (512) 440-3973

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Subchapter B. Claims Procedure for Beneficiaries of Injured Employees

◆ ◆ ◆

• 28 TAC §122.100

The Texas Workers' Compensation Commission proposes new §122.100, concerning required claims for death benefits.

The new section requires a claimant to provide enough information to the commission to open a claim file, and to prove that the claimant is related to the deceased employee and eligible for death benefits. The section makes clear that failure to file the claim can, in most cases, cause a beneficiary to lose the right to receive death benefits.

Mr. R. Glen Looney, manager of planning and analysis, has determined that for the first five-year period the proposed section is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the section.

Mr. Looney 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 implementation of the Workers' Compensation Act adopted by recent legislation. There will be no effect on small businesses. The anticipated additional economic cost to persons is an \$8.00 charge for obtaining a copy of a death certificate from the Texas Department of Health.

Comments on the proposal may be submitted to Susan M. Kelley, General Counsel, Texas Worker's Compensation Commission, 200 East Riverside Drive, Austin, Texas 78704-1287. Comments will be accepted in writing for 30 days after publication of this proposal in the *Texas Register*.

The new section is proposed under Texas Civil Statutes, Article 8308, §2. 09(a), which authorize the commission to adopt rules necessary to administer the Texas Workers' Compensation Act.

§122.100. Claim For Death Benefits.

(a) In order for a legal beneficiary, other than the Subsequent Injury Fund, to receive the benefits available as a consequence of the death of an employee which results from a compensable injury, a person shall file a claim for compensation with the commission within one year after the date of the employee's death.

(b) The claim should be on a form prescribed by the commission and should include the following:

- (1) the claimant's name, address, telephone number (if any), social security number, and relationship to the deceased employee;
- (2) the deceased employee's name, last address, social security number (if known), and workers' compensation claim number (if any); and
- (3) other information, as follows:

(A) a description of the circumstances and nature of the injury (if known);

(B) the name and location of the employer at the time of the injury;

(C) the date of the compensable injury, and date of death; and

(D) other known legal beneficiaries.

(c) Each claim shall be accompanied by a certified copy of the deceased employee's death certificate. In addition, each claimant shall file evidence that establishes that the claimant is a legal beneficiary under the Act, §4.42. (See §§132.2-132.6 for required proof of eligibility.)

(d) Each person must file a separate claim for death benefits, unless the claim expressly includes or is made on behalf of another person.

(e) Failure to file a claim for death benefits within one year after the date of the employee's death shall bar the claim of a legal beneficiary, other than the Subsequent Injury Fund, unless:

- (1) that legal beneficiary is a minor or otherwise legally incompetent; or
- (2) good cause exists for failure to file the claim in a timely manner.

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 August 24, 1990.

TRD-9008570

Susan M. Kelley
General Counsel
Texas Workers'
Compensation
Commission

Earliest possible date of adoption: October 1, 1990

For further information, please call: (512) 440-3973

Chapter 126. Benefits-General Provisions

• 28 TAC §126.2

The Texas Workers' Compensation Commission proposes new §126.2, concerning payment of workers' compensation benefits to minors.

The new section requires that benefits will be paid to the parent, guardian, or other court-ordered custodian, for the benefit of a minor, until the minor is 18. A parent, guardian, or managing conservator may agree that a minor be paid directly, or the minor may ask for direct payment by a commission order.

Mr. R. Glen Looney, manager of planning and analysis, has determined that for the first five-year period the proposed section is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the section.

Mr. Looney, 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 implementation of the Workers' Compensation Act adopted by recent legislation. There will be no effect on small businesses. There is no anticipated additional economic cost to persons who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Susan M. Kelley, General Counsel, Texas Worker's Compensation Commission, 200 East Riverside Drive, Austin, Texas 78704-1287. Comments will be accepted in writing for 30 days after publication of this proposal in the *Texas Register*.

The new section is proposed under Texas Civil Statutes, Article 8308, §2. 09(a), which authorize the Commission to adopt rules necessary to administer the Texas Workers' Compensation Act.

§126.2. Payment of Benefits To Minors.

(a) If an injured employee is a minor, benefits will be paid by the carrier to the custodial parent or guardian, for the use and benefits of the minor, until the minor turns 18 year of age, except as otherwise provided in this section.

(b) If a court-ordered relationship that affects the minor exists and is brought to the attention of the carrier or the commission, the carrier will pay benefits in accordance with that order.

(c) A parent, managing conservator, or guardian may agree, in writing, for direct payment of benefits to the minor.

(d) An injured employee who is a minor may petition the commission for direct payment of benefits. The carrier shall pay benefits directly to the minor if so ordered by the executive director, after a hearing, and a reasonable attempt is made to locate the parent or guardian for purpose of the hearing.

(e) When the carrier and commission receive proof that a minor has attained the age of 18 years, or that a guardianship has ended, benefits will be paid directly to the injured employee.

(f) This rule will also apply to payment of death benefits to legal beneficiaries who are minors.

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 August 24, 1990.

TRD-9008571

Susan M. Kelley
General Counsel
Texas Workers'
Compensation
Commission

Earliest possible date of adoption: October 1, 1990

For further information, please call: (512) 440-3973

• 28 TAC §126.3

The Texas Workers' Compensation Commission proposes new §126.3, concerning payment of workers' compensation benefits to incompetent adults.

The new section requires benefits to be paid to a court-ordered guardian of an incompetent adult unless the beneficiary's competency is restored.

Mr. R. Glen Looney, manager of planning and analysis, 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. Looney also has determined that for each year of the first five years the proposed section is in effect the public benefit anticipated as a result of enforcing the section will be the implementation of the Workers' Compensation Act adopted by recent legislation. There will be no effect on small businesses. There is no anticipated additional economic cost to persons who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Susan M. Kelley, General Counsel, Texas Worker's Compensation Commission, 200 East Riverside Drive, Austin, Texas 78704-1287. Comments will be accepted in writing for 30 days after publication of this proposal in the *Texas Register*.

The new section is proposed under Texas

Civil Statutes, Article 8308, §2. 09(a), which authorize the commission to adopt rules necessary to administer the Texas Workers' Compensation Act.

§126.3. Payment of Benefits To Legally Incompetent Persons.

(a) Benefits for an injured employee found to be legally incompetent shall be paid by the carrier to the court-appointed guardian for the use and benefit of the injured employee, in accordance with the terms of any court order.

(b) If the carrier and the commission receive a certified copy of the court order declaring the injured employee legally competent, benefits shall once again be paid directly to the injured employee.

(c) The Ombudsman Program may provide information to the parties to a claim about available options if no court has declared an employee to be legally incompetent.

(d) This section will also apply to payment of death benefits to legally incompetent beneficiaries of deceased employees.

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 August 24, 1990.

TRD-9008572

Susan M. Kelley
General Counsel
Texas Workers'
Compensation
Commission

Earliest possible date of adoption: October 1, 1990

For further information, please call: (512) 440-3973

Chapter 132. Benefits-Death and Burial Benefits

• 28 TAC §132.1

The Texas Workers' Compensation Commission proposes new §132.1, concerning calculation of workers' compensation death benefits.

The new section provides the formula an insurance carrier, or the commission, should use to figure the maximum weekly amount that can be paid to the beneficiaries of the deceased employee.

Mr. R. Glen Looney, manager of planning and analysis, has determined that for the first five-year period the proposed section is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the section.

Mr. Looney 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 implementation of the Workers' Compensation Act adopted by recent legislation. There will be no effect on small businesses. There is no anticipated additional

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

Comments on the proposal may be submitted to Susan M. Kelley, General Counsel, Texas Worker's Compensation Commission, 200 East Riverside Drive, Austin, Texas 78704-1287. Comments will be accepted in writing for 30 days after publication of this proposal in the *Texas Register*.

The new section is proposed under Texas Civil Statutes, Article 8308, §2. 09(a), which authorize the commission to adopt rules necessary to administer the Texas Workers' Compensation Act.

§132.1. Calculation of Death Benefits. A claim for death benefits shall be filed as required by §122.100 of this title (relating to Claim for Death Benefits). Death benefits shall be computed by multiplying the employee's average weekly wage by .75. The amount paid shall not exceed 100% of the state average weekly wage as determined by the Texas Workers' Compensation Commission and in effect on the date of injury.

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 August 24, 1990.

TRD-9008573 Susan M. Kelley
General Counsel
Texas Workers'
Compensation
Commission

Earliest possible date of adoption: October 1, 1990

For further information, please call: (512) 440-3973

◆ ◆ ◆
• 28 TAC §132.2

The Texas Workers' Compensation Commission proposes new §132.2, concerning how a dependent claimant for death benefits proves dependency.

The new section establishes presumptions that will be used by the carrier and the commission to define whether a claimant was economically dependent on a deceased employee, and describes the evidence that must be presented by claimants to prove that presumptions do or do not apply.

Mr. R. Glen Looney, manager of planning and analysis, has determined that for the first five-year period the proposed section is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the section.

Mr. Looney 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 implementation of the Workers' Compensation Act adopted by recent legislation. There will be no effect on small businesses. There is no anticipated additional economic cost to persons who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Susan M. Kelley, General Counsel, Texas Worker's Compensation Commission, 200 East Riverside Drive, Austin, Texas 78704-1287. Comments will be accepted in writing for 30 days after publication of this proposal in the *Texas Register*.

The new section is proposed under Texas Civil Statutes, Article 8308, §2. 09(a), which authorize the commission to adopt rules necessary to administer the Texas Workers' Compensation Act.

§132.2. Determination of Facts of Dependent Status.

(a) This section applies to a person who claims death benefits as a dependent of the deceased employee.

(b) A benefit which flowed from a deceased employee, at the time of death, on an established basis in at least monthly intervals to the person claiming to be dependent, is presumed to be a regular or recurring economic benefit. This presumption may be overcome by credible evidence. The burden is on the claimant to prove that benefits, which flowed less frequently than once a month, were regular or recurring at the time of the employee's death.

(c) It shall be presumed that an economic benefit, whose value was equal to or greater than 20% of the person's net resources in the period (see subsection (d) of this section) for which the benefit was paid, is an economic benefit which contributed substantially to the person's welfare and livelihood. This presumption may be overcome by credible evidence.

(d) Net resources for the purpose of subsection (b) of this section are 100% of all wage and salary income and all other income including non-pecuniary income and all income of the individual's spouse, less 100% of social security taxes and federal income tax withholding.

(e) The person claiming to be a dependent shall furnish sufficient information to enable the commission to accurately identify the net resources and to establish the existence of the economic benefit claimed. This information may include, but is not limited to, tax returns, a financial statement of the individual, and check stubs.

(f) If an economic benefit was provided in the form of goods and services, the value shall be the market value of the same or similar goods and services in the same vicinity.

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 August 24, 1990.

TRD-9008574 Susan M. Kelley
General Counsel
Texas Workers'
Compensation
Commission

Earliest possible date of adoption: October 1, 1990

For further information, please call: (512) 440-3973

◆ ◆ ◆
• 28 TAC §132.3

The Texas Workers' Compensation Commission proposes new §132.3, concerning eligibility of a beneficiary who claims to be a surviving spouse of a deceased employee for death benefits.

The new section described how a spouse must prove marriage to a deceased employee, and how a dispute between more than one spouse can be resolved. The new section also puts a burden on a person contesting a spouse's claim to prove abandonment.

Mr. R. Glen Looney, manager of planning and analysis, has determined that for the first five-year period the proposed section is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the section.

Mr. Looney 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 implementation of the Workers' Compensation Act adopted by recent legislation. There will be no effect on small businesses. There is no anticipated additional economic cost to persons who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Susan M. Kelley, General Counsel, Texas Worker's Compensation Commission, 200 East Riverside Drive, Austin, Texas 78704-1287. Comments will be accepted in writing for 30 days after publication of this proposal in the *Texas Register*.

The new section is proposed under Texas Civil Statutes, Article 8308, §2. 09(a), which authorize the commission to adopt rules necessary to administer the Texas Workers' Compensation Act.

§132.3. Eligibility of Spouse To Receive Death Benefits.

(a) The surviving spouse is entitled to receive death benefits, unless subsection (b) of this section applies. The surviving spouse shall submit a certified copy of the marriage license, or satisfactory evidence of common-law marriage to the deceased employee, along with the claim for benefits.

(b) A surviving spouse who abandoned the employee, without good cause for more than one year immediately preceding the death, shall be ineligible to receive death benefits. The surviving spouse shall be deemed to have abandoned the employee if the spouse had voluntarily separated from the employee with the intent of no longer living together as husband and wife. The spouse shall not be deemed to have abandoned the employee if the separation was caused, or agreed to by the deceased employee. The burden is on a person who opposes the claim of a surviving spouse to

prove that the spouse abandoned the deceased employee.

(c) If more than one person claims to be the surviving spouse of the deceased employee, the commission shall presume the most recent spouse is the surviving spouse. This presumption may be rebutted by an individual who present proof of a prior valid marriage to the deceased employee.

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 August 24, 1990.

TRD-9008575

Susan M. Kelley
General Counsel
Texas Workers'
Compensation
Commission

Earliest possible date of adoption: October 1, 1990

For further information, please call: (512) 440-3973

◆ ◆ ◆
• 28 TAC §132.4

The Texas Workers' Compensation Commission proposes new §132.4, concerning eligibility of the child of a deceased employee for death benefits.

The new section sets out how a person must prove that he or she was a child of the deceased worker, and that a child who is not a minor, but a dependent, full-time student, or handicapped child must also submit proof to receive death benefits.

Mr. R. Glen Looney, manager of planning and analysis, has determined that for the first five-year period the proposed section is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the section.

Mr. Looney 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 implementation of the Workers' Compensation Act adopted by recent legislation. There will be no effect on small businesses. There is no anticipated additional economic cost to persons who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Susan M. Kelley, General Counsel, Texas Worker's Compensation Commission, 200 East Riverside Drive, Austin, Texas 78704-1287. Comments will be accepted in writing for 30 days after publication of this proposal in the *Texas Register*.

The new section is proposed under Texas Civil Statutes, Article 8308, §2. 09(a), which authorize the commission to adopt rules necessary to administer the Texas Workers' Compensation Act.

§132.4. Eligibility of a Child To Receive Death Benefits.

(a) A child eligible for death benefits is the son or daughter of a deceased

employee, including an adoptive child, and including a dependent stepchild, who meets any of the conditions set out in the Act, §4.42(g)(2).

(b) A person claiming benefits as the biological or adoptive son or daughter of a deceased employee shall submit proof of relationship to the deceased employee. The claimant shall submit a certified copy of the claimant's birth certificate or decree of adoption. If these documents do not exist, the claimant shall submit other proof of relationship, such as baptismal records, court orders establishing paternity, voluntary admission of paternity, or affidavits of persons who have personal knowledge of the relationship to the deceased employee.

(c) If there are two parents listed on the claimant's birth certificate, but deceased employee is not listed, the claimant is presumed to be the child of the parents actually named and is presumed not eligible to receive death benefits. The presumption may be rebutted by credible evidence.

(d) A person claiming benefits as the dependent stepchild of the deceased employee shall prove that the employee was married to the claimant's parents, and must also establish dependent status as set out in §132.2 of this title (relating to Determining of Facts of Dependent Status).

(e) A child under 18 years of age, who is married or has been emancipated from the disabilities of minority at the time of the employee's death, shall not be eligible to receive benefits as a minor under the Act, §4.42(g)(2)(A).

(f) A child who is a full-time student at the time of the employee's death and is less than 25 years old shall submit evidence of enrollment at an accredited educational institution. A child shall only be considered a full-time student if the child meets the educational institution's requirements for a full-time student in the child's course of study.

(g) An adult child claiming eligibility to receive benefits under the Act, §4.429g(2), shall be required to establish dependent status as set out in §132.2 of this title (relating to Determination of Facts of Dependent States). A physically or mentally handicapped child shall submit medical evidence of the handicap.

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 August 24, 1990.

TRD-9008576

Susan M. Kelley
General Counsel
Texas Workers'
Compensation
Commission

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For further information, please call: (512) 440-3973

◆ ◆ ◆
• 28 TAC §132.5

The Texas Workers' Compensation Commission proposes new §132.5, concerning eligibility of dependent grandchildren of a deceased employee for death benefits.

The new section sets out how a person must prove that he or she was a grandchild of the deceased worker, and also states that the grandchild must prove that he or she was dependent on the deceased worker. The section makes clear that a grandchild can be paid death benefits only if his or her own parent cannot.

Mr. R. Glen Looney, manager of planning and analysis, 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. Looney 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 implementation of the Workers' Compensation Act adopted by recent legislation. There will be no effect on small businesses. There is no anticipated additional economic cost to persons who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Susan M. Kelley, General Counsel, Texas Worker's Compensation Commission, 200 East Riverside Drive, Austin, Texas 78704-1287. Comments will be accepted in writing for 30 days after publication of this proposal in the *Texas Register*.

The new section is proposed under Texas Civil Statutes, Article 8308, §2. 09(a), which authorize the commission to adopt rules necessary to administer the Texas Workers' Compensation Act.

§132.5. Eligibility of a Grandchild To Receive Death Benefits.

(a) A grandchild who was dependent on the deceased employee on the day of death shall be entitled to receive death benefits, unless the grandchild's own parent is eligible for benefits.

(b) A person claiming to be an eligible grandchild shall submit proof of the relationship to the deceased employee. The claimant shall submit a certified copy of the claimant's birth certificate or decree of adoption, and a certified copy of the birth certificate or decree of adoption of the parent who was a child of the deceased employee. If these documents do not exist, the claimant shall submit other proof of relationship, such as baptismal records, court orders establishing paternity, voluntary admissions of paternity, or affidavits of persons who have personal knowledge of the relationship to the deceased employee. In addition, the claimant must present evidence of dependent status on the deceased employee as defined by §132.2 of this title (relating to Determination of Facts of Dependent Status).

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 August 24, 1990.

TRD-9008577 Susan M. Kelley
General Counsel
Texas Workers'
Compensation
Commission

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For further information, please call: (512) 440-3973

◆ ◆ ◆
• 28 TAC §132.6

The Texas Workers' Compensation Commission proposes new §132.6, concerning the eligibility of certain dependent relatives of a deceased employee to receive death benefits.

The new section says that a dependent parent, sibling, stepparent, or grandparent of a deceased employee may receive death benefits if there was no surviving spouse, child, or grandchild. The rule also defines "sibling" to include sisters and brothers who share at least one parent with the deceased employee.

Mr. R. Glen Looney, manager of planning and analysis, has determined that for the first five-year period the proposed section is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the section.

Mr. Looney 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 implementation of the Workers' Compensation Act adopted by recent legislation. There will be no effect on small businesses. There is no anticipated additional economic cost to persons who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Susan M. Kelley, General Counsel, Texas Worker's Compensation Commission, 200 East Riverside Drive, Austin, Texas 78704-1287. Comments will be accepted in writing for 30 days after publication of this proposal in the *Texas Register*.

The new section is proposed under Texas Civil Statutes, Article 8308, §2. 09(a), which authorize the commission to adopt rules necessary to administer the Texas Workers' Compensation Act.

§132.6. Eligibility of Other Surviving Dependents To Receive Death Benefits.

(a) A parent, stepparent, sibling, or grandparent of a deceased employee who was dependent on the employee on the day of death is entitled to receive death benefits, only if there is no eligible spouse child, or grandchild.

(b) A person claiming to be an eligible beneficiary under the Act, §4. 42(e), is required to present proof of the relationship to the deceased employee. The evidence

presented as proof of a relationship shall include certified copies of applicable birth certificates, or decrees of adoption, or proof of marriage. If these documents do not exist, the claimant shall submit other proof of relationship, such as baptismal records, court orders establishing paternity, voluntary admissions of paternity, or affidavits of persons who have personal knowledge of the relationship to the deceased employee. In addition, the claimant shall submit evidence of dependence on the deceased employee as defined in §132.2 of this title (relating to Determination of Facts of Dependent Status).

(c) "Sibling" means a brother or sister who shares at least one parent, through birth or adoption, with the deceased employee.

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 August 24, 1990.

TRD-9008578 Susan M. Kelley
General Counsel
Texas Workers'
Compensation
Commission

Earliest possible date of adoption: October 1, 1990

For further information, please call: (512) 440-3973

◆ ◆ ◆
• 28 TAC §132.7

The Texas Workers' Compensation Commission proposes new §132.7, concerning the length of time that a spouse of a deceased employee can be paid death benefits.

The new section makes clear that a spouse who remarries must tell the commission within 30 days after the remarriage; the section also states that the spouse will be paid 104 weeks worth of death benefits after the date of remarriage.

Mr. R. Glen Looney, manager of planning and analysis, 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. Looney 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 implementation of the Workers' Compensation Act adopted by recent legislation. There will be no effect on small businesses. There is no anticipated additional economic cost to persons who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Susan M. Kelley, General Counsel, Texas Worker's Compensation Commission, 200 East Riverside Drive, Austin, Texas 78704-1287. Comments will be accepted in writing for 30 days after publication of this proposal in the *Texas Register*.

The new section is proposed under Texas Civil Statutes, Article 8308, §2. 09(a), which authorize the commission to adopt rules necessary to administer the Texas Workers' Compensation Act.

§132.7. Duration of Death Benefits For Eligible Spouse.

(a) A spouse who is determined eligible for death benefits is entitled to receive benefits until the update of the spouse's death or until remarriage.

(b) An eligible spouse who enters into a ceremonial or common law marriage is entitled to receive a lump-sum payment of 104 weeks of death benefits.

(c) An eligible spouse shall notify the commission and the carrier in writing within 30 days of the date of remarriage. The notice shall include the name and social security number of the deceased employee, the date of death, and the workers' compensation claim file number.

(d) The amount of the lump-sum payment shall be calculated by multiplying the amount paid to the spouse the week prior to the remarriage by 104. If the carrier paid any weekly benefits to the eligible spouse after the remarriage, the total amount of such payments shall be deducted from the amount of the commuted payment.

(e) An eligible spouse who accepts death benefits after remarriage in excess of the amount allowed by this rule, and who does not notify the commission or the carrier of remarriage, may be subject to administrative penalties under the Act, §10.04.

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 August 24, 1990.

TRD-9008579 Susan M. Kelley
General Counsel
Texas Workers'
Compensation
Commission

Earliest possible date of adoption: October 1, 1990

For further information, please call: (512) 440-3973

◆ ◆ ◆
• 28 TAC §132.8

The Texas Workers' Compensation Commission proposes new §132.8, concerning the length of time that death benefits can be paid to eligible children of a deceased employee.

The new section explains how long a child who receives death benefits will be paid, based upon the child's reason for being eligible for benefits.

Mr. R. Glen Looney, manager of planning and analysis, 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. Looney 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 implementation of the Workers' Compensation Act adopted by recent legislation. There will be no effect on small businesses. There is no anticipated additional economic cost to persons who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Susan M. Kelley, General Counsel, Texas Worker's Compensation Commission, 200 East Riverside Drive, Austin, Texas 78704-1287. Comments will be accepted in writing for 30 days after publication of this proposal in the *Texas Register*.

The new section is proposed under Texas Civil Statutes, Article 8308, §2. 09(a), which authorize the commission to adopt rules necessary to administer the Texas Workers' Compensation Act.

§132.8. Duration of Death Benefits For An Eligible Child.

(a) A child who is eligible to receive death benefits because the child is a minor on the date of the employee's death is entitled to receive benefits until the date on which the child turns 18. However, if the child is enrolled as a full-time student in an accredited educational institution on that date, benefits continue as described in subsection (b) of this section.

(b) A child who is eligible to receive death benefits as a full-time student in accredited educational institution on the date of the employee's death or on the child's eighteenth birthday is entitled to receive benefits until the earliest of:

(1) the date on which the child ceases, for the second consecutive semester, to be enrolled as a full-time student;

(2) the date on which the child turns 25; or

(3) the date on which the child dies.

(c) The insurance carrier may request proof that a child eligible for benefits is enrolled as a full-time student in an accredited educational institution; the child shall furnish such proof within 20 days of receiving such request.

(d) A child who is eligible to receive death benefits because the child had a mental or physical handicap and was dependent on the employee on the date of the employee's death is entitled to receive benefits until the earlier of:

(1) the date on which the child is no longer handicapped; or

(2) the date on which the child dies.

(e) Once each year, the insurance carrier may request proof that a child eligi-

ble under subsection (d) of this section is still mentally or physically handicapped. The carrier shall pay all reasonable medical and travel related expenses incurred in obtaining the requested proof.

(f) A child who is otherwise eligible to receive benefits because the child was dependent on the employee on the date of the employee's death is entitled to receive benefits until the earlier of:

(1) the date on which the child dies; or

(2) the expiration of 364 weeks of death benefits payments.

(g) A person who knowingly or intentionally continues to receive benefits as an eligible child or on behalf of an eligible child when the person is no longer entitled to receive them, or who fails to disclose the facts of ineligibility to the carrier or the commission, may be assessed administrative penalties under the Act, §10.04.

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 August 24, 1990.

TRD-9008580

Susan M. Kelley
General Counsel
Texas Workers'
Compensation
Commission

Earliest possible date of adoption: October 1, 1990

For further information, please call: (512) 440-3973

◆ ◆ ◆
• 28 TAC §132.9

The Texas Workers' Compensation Commission proposes new §132.9, concerning the length of time that death benefits can be paid to beneficiaries other than the spouse and children of the deceased employee.

The new section explains how long death benefits will be paid to an eligible grandchild, brother, sister, parent, stepparent, or grandparent of the deceased employee.

Mr. R. Glen Looney, manager of planning and analysis, has determined that for the first five-year period the proposed section is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the section.

Mr. Looney, 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 implementation of the Workers' Compensation Act adopted by recent legislation. There will be no effect on small businesses. There is no anticipated additional economic cost to persons who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Susan M. Kelley, General Counsel, Texas Worker's Compensation Commission, 200

East Riverside Drive, Austin, Texas 78704-1287. Comments will be accepted in writing for 30 days after publication of this proposal in the *Texas Register*.

The new section is proposed under Texas Civil Statutes, Article 8308, §2. 09(a), which authorize the commission to adopt rules necessary to administer the Texas Workers' Compensation Act.

§132.9. Duration of Death Benefits For An Eligible Grandchild and Any Other Eligible Dependents.

(a) A grandchild, who is eligible to receive death benefits and is a minor at the time of the employee's death, is entitled to receive benefits until the earlier of:

(1) the date on which the grandchild turns 18; or

(2) the date of death of the grandchild.

(b) A grandchild, who is eligible to receive death benefits and is not a minor at the time of the employee's death, is entitled to receive benefits until the earlier of:

(1) the date of death of the grandchild; or

(2) the expiration of 364 weeks of death benefit payments.

(c) Any other dependent, including a parent, stepparent, sibling, or grandparent of the deceased employee, who is entitled to death benefits shall receive benefits until the earlier of:

(1) the date of death of the beneficiary; or

(2) the expiration of 364 weeks of death benefit payments.

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 August 24, 1990.

TRD-9008581

Susan M. Kelley
General Counsel
Texas Workers'
Compensation
Commission

Earliest possible date of adoption: October 1, 1990

For further information, please call: (512) 440-3973

◆ ◆ ◆
• 28 TAC §132.10

The Texas Workers' Compensation Commission proposes new §132.10, concerning payment of death benefits to the Subsequent Injury Fund, where there are no eligible beneficiaries of a deceased employee.

The new section establishes procedures that an insurance carrier must follow to pay benefits into the Subsequent Injury Fund, and provides for reimbursement to the insurance carrier from the fund if any beneficiaries

come forward to claim benefits after the time for filing a claim has expired. The new section establishes presumption that a deceased employee did not have beneficiaries, if a claim for benefits is not filed within the year after the employee dies.

Mr. R. Glen Looney, manager of planning and analysis, 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. Looney 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 implementation of the Workers' Compensation Act adopted by recent legislation. There will be no effect on small businesses. There is no anticipated additional economic cost to persons who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Susan M. Kelley, General Counsel, Texas Worker's Compensation Commission, 200 East Riverside Drive, Austin, Texas 78704-1287. Comments will be accepted in writing for 30 days after publication of this proposal in the *Texas Register*.

The new section is proposed under Texas Civil Statutes, Article 8308, §2.09(a), which authorize the commission to adopt rules necessary to administer the Texas Workers' Compensation Act.

§132.10. Payment of Death Benefits To the Subsequent Injury Fund.

(a) If a compensable death occurs and the deceased employee has no legal beneficiaries or if a claim for death benefits is not made in a timely manner, the insurance carrier shall pay to the administrator of the subsequent injury fund an amount equal to 364 weeks of death benefits for deposit in the fund.

(b) The payment required by subsection (a) of this section shall be paid by the insurance carrier, in a lump sum, on the first payment due date after the date that the order was provided by the commission to the insurance carrier's representative, which finds that the deceased employee has no legal beneficiaries or that no timely claims for death benefits had been made.

(c) The order to pay benefits to the subsequent injury fund shall specify the amount that the carrier shall pay to the fund. The amount of a commuted payment shall be discounted at the rate established under the Act, §1.04, compounded annually.

(d) If, after the insurance carrier has paid the death benefits to the subsequent injury fund, a final award of the commission or the final judgment of a court of competent jurisdiction determines that a legal beneficiary is entitled to the death benefits, the insurance carrier shall pay benefits in accordance with award or order and request reimbursement for the amount overpaid to the fund. The request shall be in

writing and accompanied by a certified copy of the final award or final judgment.

(e) The commission shall order the fund to reimburse the insurance carrier when the documentation shows that the conditions set out in subsection (d) of this section, and the Act, §2.26(d) have been met. The order shall specify the amount to be paid by the subsequent injury fund to the insurance carrier.

(f) If no claims for death benefits is filed with the commission on or before the first anniversary of the death of the employee, it shall be presumed, for the purpose of this section and the Act, §2.26, that no legal beneficiary survived the deceased employee.

(g) The presumption created under subsection (f) of this section does not apply against a minor beneficiary, or an incompetent beneficiary for whom no guardian has been appointed.

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 August 24, 1990.

TRD-9008582

Susan M. Kelley
General Counsel
Texas Workers'
Compensation
Commission

Earliest possible date of adoption: October 1, 1990

For further information, please call: (512) 440-3973

• 28 TAC §132.11

The Texas Workers' Compensation Commission proposes new §132.11, concerning distribution of death benefits to a deceased employee's eligible beneficiaries.

The new section sets out how the weekly death benefit shall be divided among the deceased employee's surviving relatives, based on their eligibility for benefits. The rule makes clear that a grandchild's share can't be larger than his or her own parent could have been paid.

Mr. R. Glen Looney, manager of planning and analysis, has determined that for the first five-year period the proposed section is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the section.

Mr. Looney 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 implementation of the Workers' Compensation Act adopted by recent legislation. There will be no effect on small businesses. There is no anticipated additional economic cost to persons who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Susan M. Kelley, General Counsel, Texas Worker's Compensation Commission, 200 East Riverside Drive, Austin, Texas

78704-1287. Comments will be accepted in writing for 30 days after publication of this proposal in the *Texas Register*.

The new section is proposed under Texas Civil Statutes, Article 8308, §2.09(a), which authorize the commission to adopt rules necessary to administer the Texas Workers' Compensation Act.

§132.11. Distribution of Death Benefits.

(a) All of the death benefits shall be paid to the eligible spouse if the deceased employee has no eligible children or grandchildren.

(b) Death benefits shall be paid in equal shares to each eligible child per capita and to each eligible grandchild per stirpes if there is no eligible spouse.

(c) If there is an eligible spouse and an eligible child or eligible grandchild, half of the death benefits shall be paid to the eligible spouse. The remaining half shall be paid:

(1) if there are no eligible grandchildren, in equal shares to the eligible children;

(2) if there are no eligible children, per stirpes to the eligible grandchildren; or

(3) if there are eligible children and eligible grandchildren, the eligible children shall be paid equal shares per capita and the eligible grandchildren shall be paid per stirpes.

(d) If there is no eligible spouse, child, or grandchild, the death benefit shall be paid in equal shares to any other eligible beneficiaries. The amount to be paid to each shall be calculated by dividing the weekly death benefit by the number of eligible beneficiaries.

(e) If the deceased employee has no legal beneficiaries as defined by the rules of the Act, the death benefits shall be paid to the subsequent injury fund, as set out in §132.10 of this title (relating to Payment of Death Benefits to the Subsequent Injury Fund).

(f) "Per stirpes" means that the grandchildren shall be entitled to share in only the amount of benefits that the parent of those grandchildren would have received had the parent been alive or otherwise eligible to receive death benefits.

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 August 24, 1990.

TRD-9008583

Susan M. Kelley
General Counsel
Texas Workers'
Compensation
Commission

Earliest possible date of adoption: October 1, 1990

For further information, please call: (512) 440-3973

◆ ◆ ◆
• 28 TAC §132.12

The Texas Workers' Compensation Commission proposes new §132.12, concerning redistribution of the death benefit to other beneficiaries when a beneficiary of a deceased employee becomes disqualified from payment.

The section states that if a surviving spouse remarries, his or her benefits will be paid to remaining beneficiaries of the deceased employee. The section also provides that if there are no beneficiaries left, and 364 weeks of death benefits were not paid, that the balance of the benefits are paid to the subsequent injury fund.

Mr. R. Glen Looney, manager of planning and analysis, 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. Looney 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 implementation of the Workers' Compensation Act adopted by recent legislation. 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 Susan M. Kelley, General Counsel, Texas Worker's Compensation Commission, 200 East Riverside Drive, Austin, Texas 78704-1287. Comments will be accepted in writing for 30 days after publication of this proposal in the *Texas Register*.

The new section is proposed under Texas Civil Statutes, Article 8308, §2. 09(a), which authorize the commission to adopt rules necessary to administer the Texas Workers' Compensation Act.

◆ ◆ ◆
§132.12. *Redistribution of Death Benefits.*

(a) Death benefits shall be redistributed if a legal beneficiary dies or becomes ineligible to receive benefits. The benefits shall be redistributed to the remaining legal beneficiaries.

(b) If an eligible spouse becomes disqualified from continued payment of death benefits because of remarriage, the amount of benefits paid to each remaining legal beneficiary shall remain the same for 104 weeks. At the expiration of 104 weeks, the amount of benefits paid to each remaining legal beneficiary shall be recalculated by dividing the weekly death benefit originally paid to the spouse by the number of remaining legal beneficiaries.

(c) If 364 weeks of death benefit payments have not been paid and the only remaining legal beneficiary is the

subsequent injury fund, the insurance carrier shall pay any remaining amounts to the subsequent injury fund in accordance with §132.10 of this title (relating to Payment of Benefits to the Subsequent Injury Fund).

(d) In no case shall the insurance carrier pay an amount less than the weekly death benefit multiplied by 364, taking into consideration the discount rate set out in the Texas Workers' Compensation Act, §1.04, for a commuted payment to the subsequent injury fund in subsection (c) of this section.

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 August 24, 1990.

TRD-9008584 Susan M. Kelley
General Counsel
Texas Workers'
Compensation
Commission

Earliest possible date of adoption: October 1, 1990

For further information, please call: (512) 440-3973

◆ ◆ ◆
• 28 TAC §132.13

The Texas Workers' Compensation Commission proposes new §132.13, concerning payment of the burial benefit.

The new section provides a procedure for a deceased employee's family to apply for a burial benefit, which is the lesser amount of \$2,500 or the actual cost, plus any expenses for transporting the deceased's body.

Mr. R. Glen Looney, manager of planning and analysis, 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. Looney 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 implementation of the Workers' Compensation Act adopted by recent legislation. 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 Susan M. Kelley, General Counsel, Texas Worker's Compensation Commission, 200 East Riverside Drive, Austin, Texas 78704-1287. Comments will be accepted in writing for 30 days after publication of this proposal in the *Texas Register*.

The new section is proposed under Texas Civil Statutes, Article 8308, §2. 09(a), which authorize the commission to adopt rules necessary to administer the Texas Workers' Compensation Act.

◆ ◆ ◆
§132.13. *Burial Benefits.*

(a) When an employee has died as the result of a compensable injury, a person claiming burial benefits shall file a request

for payment of burial benefits and the bills showing the amount of burial and transportation costs incurred. The request and the documentation shall be filed with the insurance carrier within 12 months of the date of death of the employee.

(b) The person who incurred liability for the costs of burial is entitled to receive the lesser of:

(1) the actual costs incurred for reasonable burial expenses; or

(2) \$2,500.

(c) The person who incurred liability for the costs of transporting the body of the employee is entitled to be reimbursed for the reasonable cost of transportation of the employee died away from the usual place of employment. The insurance carrier's liability for transportation costs under this subsection shall not exceed the cost equivalent to transporting the body from the place the employee died to the employee's usual place of employment.

(d) The insurance carrier shall review each claim for burial benefits. The insurance carrier must either pay or deny the claim within seven days of the date the claim was received by the carrier. If the claim is denied, the insurance carrier must notify the person claiming death benefits and the commission in writing of its denial and the facts supporting the denial.

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 August 24, 1990.

TRD-9008585 Susan M. Kelley
General Counsel
Texas Workers'
Compensation
Commission

Earliest possible date of adoption: October 1, 1990

For further information, please call: (512) 440-3973

◆ ◆ ◆
• 28 TAC §132.14

The Texas Workers' Compensation Commission proposes new §132.14, concerning procedures for requesting a commission-ordered autopsy to determine a deceased employee's cause of death.

The section requires that a request for autopsy must be made in writing to the commission, which may order one, with or without a hearing, if the agency finds that one is needed to determine the cause of death.

Mr. R. Glen Looney, manager of planning and analysis, 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. Looney 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 implementation of the Workers' Compensation Act adopted by recent legislation. 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 Susan M. Kelley, General Counsel, Texas Worker's Compensation Commission, 200 East Riverside Drive, Austin, Texas 78704-1287. Comments will be accepted in writing for 30 days after publication of this proposal in the *Texas Register*.

The new section is proposed under Texas Civil Statutes, Article 8308, §2. 09(a), which authorize the commission to adopt rules necessary to administer the Texas Workers' Compensation Act.

§132.14. Autopsy.

(a) In a claim for death benefits based on an occupational disease, an autopsy may be requested by:

(1) an insurance carrier or the commission; or

(2) any legal beneficiary if the claim for benefits is denied.

(b) The request shall be submitted in writing to the commission with a copy delivered to every other party. Any party that disputes the need for an autopsy shall request, within 10 days after an autopsy is requested, a contested case hearing in accordance with the Texas Workers' Compensation Act, §6.31. A benefit review conference is not required before the hearing is held.

(c) After opportunity for a hearing, the commission may order the legal beneficiaries of the deceased employee to permit an autopsy if an autopsy is deemed necessary to determine the cause of the employee's death.

(d) If an autopsy is ordered, a legal beneficiary is entitled to have a representative present at the autopsy.

(e) The insurance carrier shall pay the costs of an autopsy ordered under this section.

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 August 24, 1990.

TRD-9008586

Susan M. Kelley
General Counsel
Texas Workers'
Compensation
Commission

Earliest possible date of adoption: October 1, 1990

For further information, please call: (512) 440-3973

• 28 TAC §132.15

The Texas Workers' Compensation Commission proposes new §132.15, concerning definition of three terms that are used for determining the eligibility of certain children of a deceased employee for death benefits.

The section defines the terms "full-time student," "accredited educational institution," and "semester."

Mr. R. Glen Looney, manager of planning and analysis, has determined that for the first five-year period the proposed section is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the section.

Mr. Looney 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 implementation of the Workers' Compensation Act adopted by recent legislation. 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 Susan M. Kelley, General Counsel, Texas Worker's Compensation Commission, 200 East Riverside Drive, Austin, Texas 78704-1287. Comments will be accepted in writing for 30 days after publication of this proposal in the *Texas Register*.

The new section is proposed under Texas Civil Statutes, Article 8308, §2. 09(a), which authorize the commission to adopt rules necessary to administer the Texas Workers' Compensation Act.

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

Accredited educational institution—An institution which provides a recognized course or courses of instruction and leads to the conferment of a diploma, degree, or other recognized certification of completion at the conclusion of the course of study. The definition may include, but is not limited to, high schools, colleges and universities, and trade schools.

Full-time student—A person enrolled in at least the minimum course load required to qualify as full-time at the particular educational institution and in the particular course of study.

Semester—The periods by which the educational institution divides its academic year.

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 August 24, 1990.

TRD-9008587

Susan M. Kelley
General Counsel
Texas Workers'
Compensation
Commission

Earliest possible date of adoption: October 1, 1990

For further information, please call: (512) 440-3973

Chapter 136. Benefits- Vocational Rehabilitation

• 28 TAC §136.1

The Texas Workers' Compensation Commission proposes new §136.1, concerning referrals of injured employees for vocational rehabilitation services.

The section requires the commission to screen reports of injury for certain conditions, and refer injured employees with those conditions to the Texas Rehabilitation Commission (TRC). The commission will send notices to the injured employee and TRC when it looks like rehabilitation would help the employee.

Mr. R. Glen Looney, manager of planning and analysis, has determined that for the first five-year period the proposed section is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the section.

Mr. Looney 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 implementation of the Workers' Compensation Act adopted by recent legislation. There will be no effect on small businesses. There is no anticipated additional economic cost to persons who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Susan M. Kelley, General Counsel, Texas Worker's Compensation Commission, 200 East Riverside Drive, Austin, Texas 78704-1287. Comments will be accepted in writing for 30 days after publication of this proposal in the *Texas Register*.

The new section is proposed under Texas Civil Statutes, Article 8308, §2. 09(a), which authorize the commission to adopt rules necessary to administer the Texas Workers' Compensation Act.

§136.1. *Review of Employer Report of Injury.*

(a) The commission shall analyze each employer report of injury, within 15 days of its receipt, for any information indicating that the employee had or is likely to have:

(1) an amputation of:

(A) an arm or leg;

(B) three fingers or more; or

(C) the large toe or 1/3 of the foot or more;

(2) the loss of use of an arm or leg;

- (3) a permanent spinal cord injury;
- (4) a head injury;
- (5) a heart attack or heart disease;
- (6) an occupational disease;
- (7) blindness or significant vision loss;
- (8) severe or extensive burns; or
- (9) any other condition that indicates an impairment is likely.

(b) Whenever the commission finds facts that suggest one or more of the conditions listed in subsection (a) of this section, the commission shall notify the employee, the Texas Rehabilitation Commission, and the insurance carrier that the commission had identified the employee as someone who may be assisted by vocational rehabilitation. The notice shall:

- (1) be made no later than 30 days after the date the commission received the employer report of injury;
- (2) contain the following information:
 - (A) the workers' compensation claim number assigned by the commission;
 - (B) the address of the local office of the commission assigned to manage the claim;
 - (C) the insurance carrier's name and commission-assigned identification number;
 - (D) the name and address of the employee; and
 - (E) the condition listed in subsection (a) of this section that indicates that the employee may be assisted by vocational rehabilitation.

(c) In addition to the information required by subsection (b) of this section, the commission's notice to the employee shall contain the following:

- (1) the address and telephone number of the office of the Texas Rehabilitation Commission that is closest to the employee's address;
- (2) a brief description of the types of evaluation, assessment, assistance, placement, and support services that are generally available from persons who provide vocational rehabilitation services; and
- (3) a statement that the commission notified the Texas Rehabilitation Commission and the insurance carrier that the employee may be

assisted by vocational rehabilitation.

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 August 24, 1990.

TRD-9008588 Susan M. Kelley
General Counsel
Texas Workers'
Compensation
Commission

Earliest possible date of adoption: October 1, 1990

For further information, please call: (512) 440-3973

◆ ◆ ◆
• 28 TAC §136.2

The Texas Workers' Compensation Commission proposes new §136.2, concerning the establishment of a registry for providers of rehabilitation services.

The section requires local offices of the commission to keep a registry of providers of rehabilitation services for public use. The section tells providers who want to be included in the registry to provide information describing their services.

Mr. R. Glen Looney, manager of planning and analysis, has determined that for the first five-year period the proposed section is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the section.

Mr. Looney 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 implementation of the Workers' Compensation Act adopted by recent legislation. There will be no effect on small businesses. There is no anticipated additional economic cost to persons who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Susan M. Kelley, General Counsel, Texas Worker's Compensation Commission, 200 East Riverside Drive, Austin, Texas 78704-1287. Comments will be accepted in writing for 30 days after publication of this proposal in the *Texas Register*.

The new section is proposed under Texas Civil Statutes, Article 8308, §2. 09(a), which authorize the commission to adopt rules necessary to administer the Texas Workers' Compensation Act.

§136.2. *Registry of Private Providers of Vocational Rehabilitation Services.*

- (a) The commission shall maintain a registry of private providers of vocational rehabilitation services. A private provider may apply to the commission to be included in the registry.
- (b) A private provider who wishes to be included in the registry shall complete a commission-approved registration form. The registration form shall be submitted to the commission at its Austin office, signed by the provider, and include the following

information:

- (1) the private provider's name, business address, and telephone number;
- (2) a brief description of the evaluation, assessment, assistance, placement, or support services available from the private provider;
- (3) the locations where the private provider renders services;
- (4) a statement showing the private provider's education, training, or experience in vocational rehabilitation; and
- (5) a statement showing any accreditation held by the private provider with any national or state-wide organization.

(c) The commission shall include in its registry, for a period of one year from the date the commission enters the private provider's name in the registry, a copy of the registration form of each private provider who complies with the requirements of subsection (b) of this section.

(d) The commission shall provide a copy of the registration form of each private provider included in the registry for inspection by the public at each local office of the commission.

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 August 24, 1990.

TRD-9008589 Susan M. Kelley
General Counsel
Texas Workers'
Compensation
Commission

Earliest possible date of adoption: October 1, 1990

For further information, please call: (512) 440-3973

◆ ◆ ◆
TITLE 31. NATURAL
RESOURCES AND CON-
SERVATION
Part IX. Texas Water
Commission
Chapter 293. Water Districts

Creation of Water Districts
• 31 TAC §§293.11, 293.13, 293.17,
293.18

The Texas Water Commission (commission) proposes amendments to §§293.11, 293.13, and 293.17, and new §293.18, concerning the creation of water districts, the conversion of water supply corporations to special utility districts, and the conversion of water districts to municipal utility districts.

The amendments to §293.11 primarily add detailed requirements for information which must accompany applications for the conver-

sion of water supply corporations to special utility districts as authorized by the Texas Water Code, Chapter 65. In addition to the formal requirements of an application petition, affidavits of proposed directors, and a copy of its certificate of convenience and necessity, the applicant is required to submit detailed engineering and technical data which will show that the proposed conversion conforms to statutory and feasibility requirements. The applicant also will be required to show that a vote of the membership of the water supply corporation approved the conversion, the subsequent dissolution of the water supply corporation, and conveyance of all assets and debts of the corporation, to the special utility district.

The amendments to §293.11 will require all water district creation applications other than applications for regional districts, special utility districts, and stormwater control districts to contain a tax assessor's certificate showing ownership and tax valuation as of the date of the petition or any amended petition; to contain any information required by the executive director of the Texas Water Commission necessary to show accurately the ownership of land to be included in the district; to contain signature authority for the individuals signing the creation petition on behalf of corporations, trusts, partnerships, and joint ventures; and to contain data showing the financial conditions of developers where substantial development is proposed.

The amendments to §293.13 provide that a water supply corporation must be dissolved after conversion to a special utility district and that its certificate of convenience and necessity will automatically be transferred to the district. The amendments to §293.13 also provide a detailed itemization of the notice requirements for the public creation hearing and transfer of the certificate of convenience and necessity.

The amendments to §293.17 enlarge the scope of the section to include requirements for the addition of drainage and/or sewer powers to the powers of a water control and improvement district. The existing requirements of the section will henceforth apply to the addition of drainage and/or sewer powers. The amendments to §293.17 also require that a suggested form of the notice of the conversion hearing accompany the application. The existing exemption from the mailed notice of hearing requirement for districts that do not propose to add new powers or purposes is deleted from §293.17. Revised §293.18 replaces the section as presently worded in its entirety and provides a form of notice for the public creation hearing for the creation of a water district.

Roger G. Bourdeau, chief fiscal officer, has determined that for the first five year period the sections are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the sections.

Mr. Bourdeau 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 consistency with legislative intent regarding the Texas Water Code. There will be no effect on small businesses as a result of enforcing the sections. There is no anticipated economic

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

Comments on the proposal and request for public hearing may be submitted to Alan Petrov, Senior Attorney, Texas Water Commission, P.O. Box 13087, Austin, Texas 78711-3087.

These amended and new sections are proposed under the Texas Water Code, §§5.103, 5.105, and 5.235, which provides the Texas Water Commission with the authority to adopt any sections necessary to carry out its powers and duties under the Texas Water Code and other laws of the State of Texas, to establish and approve all general policies of the commission, and to collect statutory fees from persons filing various applications with the commission.

§293.11. Information Required to Accompany Applications for Creation of Districts.

(a) All creation applications shall consist of a petition and other required material. They shall be filed with the executive director of the commission. **All creation applications, except special utility districts.** [Each application] filed following the effective date of these sections shall contain the following [with variations as indicated for the different kinds of districts]:

(1) a petition and/or any amended petitions containing the matters required by the Texas Water Code, §50.456, for regional districts for water, sanitary sewer, and wastewater drainage; the Texas Water Code, §51.013 and §51.014, for water control and improvement districts and underground water conservation districts; the Texas Water Code, §§51.013, 51.014 and 52.022, for underground water conservation districts authorized under the Texas Water Code, Chapter 52, Subchapter B, §§52.021-52.026, as amended by Chapter 133, Acts of the 69th Legislature, 1985; the Texas Water Code, §54.014 and §54.015, for municipal utility districts; the Texas Water Code, §54.037(b), for regional plan implementation agencies, the Texas Water Code, §58.013 and §58.014, for irrigation districts; the Texas Water Code, §66.014 and §66.015, for stormwater control districts; [and the Texas Water Code, §65.014 and §65.015, for special utility districts, including a certified copy of the required resolution of the board of directors of the applying water supply corporation requesting conversion,]

(2) a plat, showing district boundaries, metes and bounds, area, physical culture, and computation sheet for survey closure;

(3) a preliminary plan (22-24 inches by 36 inches) showing the location of existing facilities including highways, roads, and other improvements, together with the location of proposed utility mains and sizing, general drainage patterns, principal drainage ditches and structures, utility plant sites, recreational areas, com-

mercial and school sites, areas within the 100-year flood plain and 100-year floodway, and any other information pertinent to the project including an inventory of any existing water, sewer, or drainage facilities;

(4) a preliminary engineering report including as appropriate:

(A) a description of existing area, conditions, topography and proposed improvements;

(B) land use plan;

(C) 100-year flood computations or source of information;

(D) existing and projected populations;

(E) tentative itemized cost estimates of the proposed capital improvements and itemized cost summary for anticipated bond issue requirement;

(F) projected tax rate and water and sewer rates;

(G) an investigation and evaluation of the availability of comparable service from other systems, including but not limited to water districts, municipalities, and regional authorities;

(H) an evaluation of the effect the district and its systems and subsequent development within the district will have on the following:

(i) land elevation;

(ii) subsidence;

(iii) groundwater level within the region;

(iv) recharge capability of a groundwater source;

(v) natural run-off rates and drainage;

(vi) water quality; and

(vii) total tax assessments on all land within the district; and

(I) complete justification for creation of the district supported by evidence that the project is feasible, practicable, necessary, and will benefit all of the land to be included in the district;

(5) except for regional districts [for water, sanitary sewer and wastewater drainage, special utility districts], and stormwater control districts, a certificate by the county tax assessor indicating the owners and tax valuation of land within the proposed district as reflected on the county tax rolls as of the date of the petition or

any amended petition. If the tax rolls do not show the petitioner(s) to be the owners of the majority of value of the land within the proposed district, then the petitioner(s) shall file with the executive director a certified copy of the deed(s) tracing title from the person(s) listed on the county tax rolls as owners of the land to the petitioner(s) and any additional information required by the executive director necessary to show accurately the ownership of the land to be included in the district;

(6) a statement by the appropriate secretary or clerk that a copy of the petition for creation of the proposed district was received by the city secretary or clerk of any city in whose extraterritorial jurisdiction all or part of the proposed district is located and by the clerk of the county commissioners court of any county in which all or part of the proposed district is located;

(7) a certified copy of the action of the governing body of any municipality where consent to creation is required by the Texas Water Code, §50.457 and §54.016, and the Local Government Code, Texas Civil Statutes, §42.042. When creation of a district is proposed within the extraterritorial jurisdiction of a city without the city's consent, the petitioners must show that statutory procedures authorizing such creation have been carefully followed;

(8) a [suggested form of the] notice of the public creation hearing in the form shown in §293.18 (relating to Notice of Public Hearing On a Petition for Creation of a Water District);

(9) a copy of the preliminary engineering report including the preliminary plan for proposed utilities and the plat showing the proposed district boundaries and area to the appropriate commission field office simultaneously with submission of the petition to the executive director;

(10) for districts where substantial development is proposed, an independently prepared market study of the proposed district and surrounding area which shall include industry and other attractions supporting district growth projections, past growth history of the market area, housing and commercial absorption rates, magnitude of market competition, projected building schedule, and a complete justification of district growth potential;

[(11) for conversion of water supply corporations to special utility districts, a certified copy of a certificate of convenience and necessity issued by the Public Utility Commission of Texas to the water supply corporation applying for conversion to a special utility district and a certified copy of the most recent financial report filed by the water supply corporation with the Public Utility Commission of Texas or the Texas Water Commission, as appropriate;]

(11)[(12)] for regional districts [for water, sanitary sewer and wastewater drainage], certified copies of resolutions of municipal districts (as such districts are defined in the Texas Water Code, §50.452) authorizing the districts to petition the commission for creation; or, a certificate by the county tax assessor indicating that the owners of 2,000 or more contiguous acres of land within the proposed district are the persons who have signed the petition; if the tax rolls do not show the petitioners to be the owners of 2,000 or more contiguous acres of land within the proposed district, the petitioners will file with the petition certified copies of deeds tracing title from the persons listed on the county tax rolls as owners of the land to the petitioners; or a certified copy of the resolution, order or other official action of one or more county commissioners courts authorizing the petition for creation of the district; or a certified copy of a resolution or ordinance of a governing body of a city authorizing the petition for creation of the district within the city or its extraterritorial jurisdiction. The petition must be accompanied by evidence that the county where the proposed district is to be located has a population of at least 2.2 million, or borders a county having a population of at least 2.2 million, according to the most recent federal census;

(12)[(13)] for stormwater control districts, a certified copy of the resolution, order or other official action of the county commissioners courts authorizing the petition to be signed by county commissioners; or an affidavit or affidavits by each of at least 50 of the persons who sign the petition stating under oath that they reside within the boundaries of the proposed district; for the purpose of establishing residence, the rules for determining residence provided in the Texas Election Code, Article 1.015, shall be followed;

(13)[(14)] for underground water conservation districts, an order of the commission designating an underground water management area as provided in the Texas Water Code, §52.024, and §§293.21-293.24 of this title (relating to Designation of Underground Water Management Areas);

(14)[(15)] except for regional districts, a certification by the petitioning landowners that those lienholders who signed the petition, or a separate document consenting to the petition, or who were notified by certified mail, are the only persons holding liens on the land described in the petition;

(15) if the petitioner is a corporation, trust, partnership, or joint venture, a certificate of corporate authorization to sign the petition, a certificate of the trustee's authorization to sign the petition, a copy of the partnership agreement or a copy of the joint venture agreement as appropriate to evidence that the person signing the peti-

tion is authorized to sign the petition on behalf of the corporation, trust, partnership, or joint venture;

(16) affidavits by those persons desiring appointment by the commission as temporary directors, showing compliance with applicable statutory requirements of qualifications and eligibility for temporary directors, as required by §293.31 of this title (relating to Appointment of Directors); [and]

(17) for districts where substantial development is proposed, provide the following information from the developer(s):

(A) current financial statement; and

(B) list of principals;

(C) copy of deed or land purchase contract; and

(18) other data and information as the executive director may require.

(b) All applications for creation of special utility districts filed following the effective date of these sections shall contain the following:

(1) a petition containing the matters required by the Texas Water Code, §65.014 and §65.015;

(2) a plat showing boundaries of proposed district, describing the boundaries of the proposed district by metes and bounds or by lot and block number, if there is a recorded map or plat and survey of the area, or by any other commonly recognized means;

(3) a preliminary plan (22-24 inches by 36 inches) showing the location of existing facilities including highways, roads, and other improvements, together with the location of proposed utility mains and sizing, general drainage patterns, principal drainage ditches and structures, utility plant sites, recreational areas, commercial and school sites, areas within the 100-year flood plain and 100-year floodway, and any other information pertinent to the project including an inventory of any existing water or sewer facilities;

(4) a preliminary engineering report including the following information unless previously provided to the commission:

(A) a description of existing area, conditions, topography and any proposed improvements;

(B) existing and projected populations;

(C) for proposed system expansions:

(i) tentative itemized cost estimates of any proposed capital improvements and itemized cost summary for any anticipated bond issue requirement;

(ii) an investigation and evaluation of the availability of comparable service from other systems, including but not limited to water districts, municipalities, and regional authorities;

(D) water and sewer rates;

(E) projected water and sewer rates;

(F) an evaluation of the effect the district and its system and subsequent development within the district will have on the following:

(i) land elevation;

(ii) subsidence;

(iii) groundwater level within the region;

(iv) recharge capability of a groundwater source;

(v) natural run-of rates and drainage;

(vi) water quality; and

(G) complete justification for creation of the district supported by evidence that the project is feasible, practicable, necessary, and will benefit all of the land to be included in the district;

(5) a statement by the appropriate secretary or clerk that a copy of the petition for creation of the proposed district was received by the city secretary or clerk of any city in which any part of the proposed district is located or in whose extraterritorial jurisdiction all or part of the proposed district is located and by the clerk of the county commissioners court of any county in which all or part of the proposed district is located;

(6) a notice of the public creation hearing similar to the form shown in §293.18 of this title (relating to Notice of Public Hearing on a Petition for Creation of a Water District) but including:

(A) notice of transfer of the certificate of convenience and necessity;

(B) a plat showing boundaries of the proposed district, describing the boundaries of the proposed district by metes and bounds or by lot and block number, if there is a recorded map or plat and survey of the area, or by any

other commonly recognized means;

(C) a vicinity map;

(7) a copy of the preliminary engineering report including the preliminary plan for proposed utilities and the plat showing the proposed district boundaries and area to the appropriate commission field office simultaneously with submission of the petition to the executive director:

(8) for districts where substantial development is proposed, application must include all those items specified in subsection (a) of this section which are not listed in this subsection;

(9) a certified copy of a certificate of convenience and necessity issued by the Texas Water Commission or its predecessor agency to the water supply corporation applying for conversion to a special utility district;

(10) a certified copy of the most recent financial report prepared by the water supply corporation;

(11) affidavits by those persons desiring appointment by the commission as temporary directors, showing compliance with applicable statutory requirements of qualifications and eligibility for temporary directors, as required by §293.31 of this title (relating to Appointment of Directors);

(12) Certified copy of resolution and an order canvassing election results, adopted by the water supply corporation, which shows an affirmative vote of its membership to:

(A) authorize conversion to a special utility district operating pursuant to the Texas Water Code, Texas Civil Statutes, Chapter 65;

(B) approve the dissolution of the water supply corporation at such time as creation of the special utility district is approved by the commission; and

(C) approve the conveyance of all the assets and debts of the water supply corporation to the special utility district upon dissolution; and

(13) other data and information as the executive director may require.

§293.13. *Special Considerations for Water District Creation.*

(a) Except for conversion to a Special Utility District, the following considerations shall apply with respect to the district creations.

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

[(3) The legal description accompanying the resolution requesting conversion of a water supply corporation, as defined in the Texas Water Code, §65.001(10), to a special utility district shall conform to the legal description of the service area of the water supply corporation as such service area appears in the certificate of public convenience and necessity issued by the commission or by the Public Utility Commission of Texas to the water supply corporation.

[(4) A water supply corporation shall not be converted to a special utility district unless the water supply corporation is to be dissolved after the conversion. The resolution requesting conversion shall contain a covenant that the assets and debts of the water supply corporation are to be transferred to the special utility district as expeditiously as practicable and that dissolution proceedings are to be commenced by the water supply corporation immediately after such transfer. A certified copy of the dissolution order shall be filed with the executive director.]

(3)[(5)] Creation consent agreements entered into pursuant to the Texas Water Code, §54.016(f) and (h), and creation consent granted pursuant to the Texas Water Code, §54.016(e), shall not contain provisions which exceed the authorized statutory provisions and provisions exceeding statutory authorization may be considered invalid and severed from the remainder of the creation consent. Consent agreements authorized pursuant to the Texas Water Code, §54.016(h), must provide for the notice to buyers of land required by the Texas Water Code, §50.301(d)-(n) and (p), and §54.016(h)(4)(A). A district which has entered into a creation consent agreement pursuant to the Texas Water Code, §54.016(h), must provide evidence to the commission that it has complied with the Texas Water Code, §54.016(h)(4)(B), by including in the required filings with the appropriate county clerk or clerks the information required by the Texas Water Code, §54.016(h)(4)(A), and the provisions of the Texas Water Code, §50.302(c)-(j).

(b) The following considerations shall apply only with respect to special utility districts.

(1) The legal description accompanying the resolution requesting conversion of a water supply corporation, as defined in the Texas Water Code, §65.001(10), to a special utility district shall conform to the legal description of the service area of the water supply corporation as such service area appears in the certificate of public convenience and necessity issued by the commission or by the Public Utility Commission of Texas to the water supply corporation except that any area of the water supply corporation that overlaps another entity's certificate of convenience and neces-

sity must be excluded unless the other entity consents in writing to the inclusion of its dually certified area in the district.

(2) A water supply corporation shall not be converted to a special utility district unless the water supply corporation is to be dissolved after the conversion. A certified copy of the dissolution order shall be filed with the executive director. The certificate of convenience and necessity for the water supply corporation will automatically be transferred to the district.

(3) Notice of the public creation hearing and transfer of the certificate of convenience and necessity shall be provided as follows:

(A) published in a newspaper with general circulation in the county or counties in which the district is located once a week for two consecutive weeks. The first publication shall be at least 30 days before the date of the hearing;

(B) sent to each city which has extraterritorial jurisdiction in the county or counties in which the proposed district is located and which has formally requested notice of the creation of all districts in the county or counties in which the city's extraterritorial jurisdiction is located;

(C) mailed to customers of the water supply corporation and other affected parties at least 60 days prior to the date of the hearing including the following:

(i) name and business address of the district;

(ii) a description of the service area involved;

(iii) the anticipated effect of the conversion on the operation or the rates and services provided to customers;

(iv) a statement that persons may attend the hearing and participate in the process.

§293.17. Addition of Sewer and/or Drainage Powers and Conversion of Districts into Municipal Utility Districts.

(a) Any water improvement district, water control and improvement district, fresh water supply district, levee improvement district, irrigation district or any other conservation district and reclamation district or any special utility district created under the Texas Constitution, Article XVI, §59, may be converted into a municipal utility district operating under the Texas Water Code, Chapter 54, or obtain additional sewer and/or drainage powers.

(b) The application shall be accom-

panied by the following:

(1) a certified copy of the resolution adopted by the board of directors requesting the commission to hold a hearing on the question of conversion of the district or the addition of sewer and/or drainage powers for the district;

(2) a \$700 filing fee plus the cost of required notice, if any;

(3) unless waived by the executive director, a preliminary plan (22-24 inches by 36 inches) showing the location of existing facilities including highways, roads, and other improvements together with the location of proposed utility mains and sizing, general drainage patterns, principal drainage ditches and structures, utility plant sites, recreational areas, commercial and school sites, areas within the 100-year flood plain, and any other information pertinent to the project;

(4) unless waived by the executive director, a preliminary engineering report including:

(A) a description of existing area, conditions, topography and proposed improvements;

(B) land use plan;

(C) 100-year flood computations or source of information;

(D) existing and projected populations;

(E) tentative itemized cost estimates of the proposed capital improvements, if any and itemized cost summary for anticipated bond issue requirements;

(F) projected tax rate and water and sewer rates; and

(G) total tax assessments on all land within the district;

(5) a suggested form of the notice of the conversion hearing;

(6) other data and information as the executive director may require.

(c) Prior to the hearing, the following requirements shall be met with evidence of such compliance submitted to the Commission at or prior to the hearing.

(1) Notice of the hearing shall be given by publishing notice in a newspaper with general circulation in the county or counties in which the district is located. The notice shall be published once a week for two consecutive weeks with the first publication to be made not less than 30 days before the time set for

the hearing. The notice shall:

(A) state the time and place of the hearing;

(B) set out the resolution adopted by the district in full; and

(C) notify all interested persons to appear and offer testimony for or against the proposal contained in the resolution.

(2) At least 30 days before the date of the hearing, notice of the hearing shall be sent by certified mail, return receipt requested, to all fee simple landowners, as reflected on the county tax rolls, whose property is located within the proposed district unless good cause is shown why such notice by mail should not be given.

(3) Ownership of the property shall be certified by the tax assessor and collector from tax rolls as of the date of the filing of the resolution with the Texas Water Commission.

(4) The district shall file its resolution requesting conversion or additional powers with the city secretary or clerk of each city, in whose corporate limits or extraterritorial jurisdiction any part of the district is located, concurrently with filing its application for conversion with the commission. [Prior to the conversion hearing, the notice requirements of the Texas Water Code, §54.032, must be completed and an affidavit verifying publication of the notice must be filed with the commission. Districts which purpose to add new powers or purposes or which file a resolution requesting conversion during the first two-year period following their creations shall, at least 30 days before the date of the conversion hearing, send the notice of the conversion hearing by certified mail, return receipt requested, to all fee simple landowners, as reflected on the county tax rolls, whose property is located within the proposed district, unless good cause is shown why such notice by mail should not be given. Ownership of the property shall be certified by the tax assessor and collector from the tax rolls as of the date of the filing of the resolution with the Texas Water Commission. The district shall file its resolution requesting conversion with the city secretary or clerk of each city, in whose corporate limits or extra-territorial jurisdiction any part of the district is located, concurrently with filing its application for conversion with the commission.]

(d)[(c)] A special utility district formed pursuant to the Texas Water Code, Chapter 65, which applies for conversion to a district having taxing authority that provides water, sewer or other public utility services, must comply with the requirements of the Texas Water Code,

§65.732 and Municipal Annexation Act, Texas Civil Statutes, Article 970a, §8, Subsection B.] the Local Government Code, Texas Civil Statutes, §42.042.

§293.18. *Form of Notice of a Public Hearing on the Creation of a Water District.* The following form should be used to provide notice of the public hearing on the creation of a water district.

TO: ALL PERSONS INTERESTED IN THE PETITION FOR CREATION OF
_____ DISTRICT, OF _____ COUNTY, TEXAS

Notice is hereby given that a public hearing will be held at
_____ o'clock, __.m., on _____, 1990, before a Hearings
Examiner of the Texas Water Commission (the "Commission"), in room
_____ of the Stephen F. Austin State Office Building, 1700 North
Congress Avenue, Austin, Travis County, Texas, upon a Petition for
the Organization of _____ District (the "Petition")
relating to the proposed _____ District of
_____ County, Texas (the "District"). The Petition is
filed and the hearing is held under the authority of Chapter __,
Subchapter __, Texas Water Code, 31 Texas Administrative Code
§§293.11-293.14 and under the procedural rules of the Commission.
The Petition reflects that it has been signed by landowners within
the proposed District who collectively represent a majority in value
of the owners of land therein, as required by §_____, Texas
Water Code.

The nature and purpose of the Petition is for the organization,
creation and establishment of the District as a _____
district under the provisions of Article XVI, Section 59, Texas
Constitution, and Chapter __, Texas Water Code, as amended, which
District shall have the purposes provided for in Section _____,
Texas Water Code, and the powers provided for in Section _____,
Texas Water Code. The general nature of the work to be done is the
purchase, construction, acquisition, ownership, operation, repair,

improvement and extension of a waterworks and sanitary sewer system for domestic and commercial purposes, and a drainage system to control, abate and amend harmful excesses of waters and to reclaim and drain overflowed lands within said District, all as more particularly described in an engineer's report filed simultaneously with the filing of the Petition, to which report reference is hereby made for a more detailed description of the District's proposed facilities. Such report estimates that the cost of all such improvements will be \$_____.

The territory to be included within the proposed District is set forth in the following metes and bounds description designated as Exhibit "A" hereto, and is depicted in the following vicinity map designated as Exhibit "B" hereto.

Prepared testimony to be offered into evidence by anyone at the hearing on the Petition shall be filed with the Chief Clerk of the Commission with copies furnished to the petitioner, the Executive Director and the Public Interest Counsel of the Texas Water Commission, and to any person who files a written protest to the Petition. Any person may appear at the hearing and present evidence and testify for or against the allegations in the petition, the necessity and feasibility of the proposed District's project, and the benefits to accrue.

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 August 27, 1990.

TRD-9008593 Jim Haley
Director, Legal Division
Texas Water Commission

Earliest possible date of adoption: October 1, 1990

For further information, please call: (512) 463-8069

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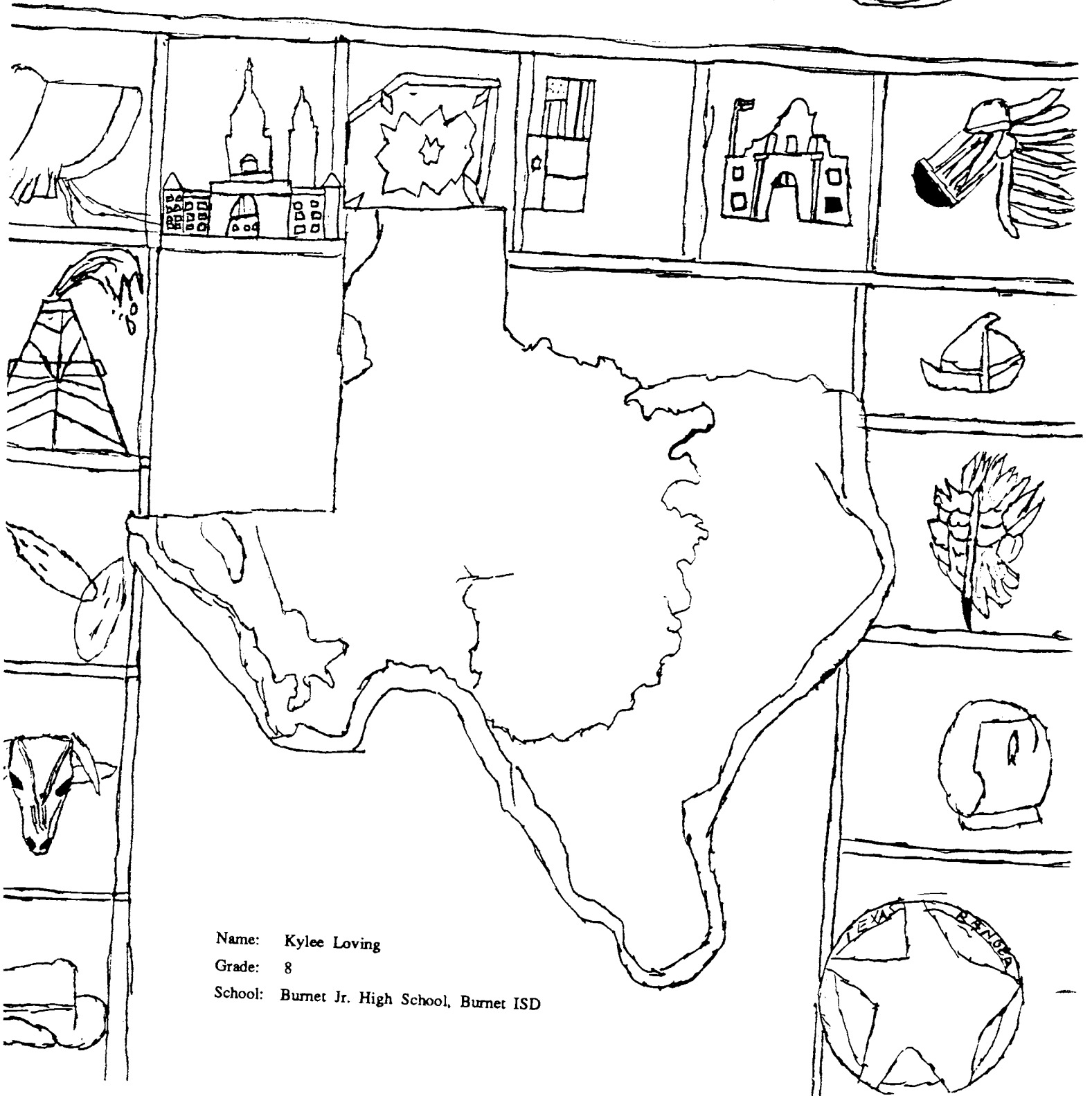


Name: Minh Do

Grade: 8

School: Garner Middle School, Northeast ISD

TEXAS



Name: Kylee Loving

Grade: 8

School: Burnet Jr. High School, Burnet 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 7. BANKING AND SECURITIES

Part VI. Credit Union Department

Chapter 95. Texas Share Guaranty Credit Union.

Finance and Accounts.

• 7 TAC §95.303

The Credit Union Commission adopts an amendment to §95.303, without changes to the proposed text as published in the July 3, 1990, issue of the *Texas Register* (15 TexReg 3785).

The amendment will clarify the rule currently in effect by eliminating any questions as to the definition of "next preceding". Other changes were insignificant, but such changes will improve the membership's understanding of the rule.

Each member credit union is required to maintain a membership investment in Texas Share Guaranty Credit Union equal to 1.0% of its total share and deposit capital. Prior to March 1, using the prior December 31 as the financial data base, each member credit union must pay such amounts as necessary to bring their membership investment shares up to 1.0% of the credit union's total share and deposit capital.

Comments were received from the Texas Share Guaranty Credit Union indicated that is considered the changes to be unnecessary.

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

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 August 24, 1990.

TRD-9008542 John R. Hale
 Commissioner
 Credit Union Department

Effective date: September 14, 1990

Proposal publication date: July 3, 1990

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



Chapter 97. Commission Policies and Administrative Rules

Fees

• 7 TAC §97.114

The Credit Union Commission adopts an amendment to §97.114, without changes to the proposed text as published in the July 3, 1990, issue of the *Texas Register* (15 TexReg 3785).

The Credit Union Department's current fee schedule has been in effect for two years; and during these two years, those costs associated with conducting an examination of a credit union have steadily escalated. To equate that revenue derived from conducting an examination to those expenses incurred performing the examination, the hourly rate was increased \$4.00—from \$32 to \$36 an hour.

A credit union will be charged \$36 an hour times the man-hours required to perform its examination and complete the associated Report of Examination. The credit union examiner responsible for the examination will invoice the credit union for that amount due upon completion. A reduced examination fee, \$27 an hour, was established for credit unions having more than \$200,000 and less than \$500,000 in assets. Credit unions having less than \$200,000 in assets and newly chartered credit unions are examined without charge.

No comments were received regarding adoption of the amendment.

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

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 August 24, 1990.

TRD-9008541 John R. Hale
 Commissioner
 Credit Union Department

Effective date: September 14, 1990

Proposal publication date: July 3, 1990

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



TITLE 22. EXAMINING BOARDS

Part IV. Texas Cosmetology Commission

Chapter 83. Sanitary Rules

• 22 TAC §83.12

The Texas Cosmetology Commission adopts an amendment to §83.12, without changes to the proposed text as published in the July 31, 1990, issue of the *Texas Register* (15 TexReg 4367).

The amendment will clarify the intent of the section.

The amendment will inform all cosmetologists that the use of neck brushes and dusters is prohibited.

No comments were received regarding adoption of the amendment.

The amendment is adopted 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.

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 August 22, 1990.

TRD-9008493 Ron Resech
 Executive Director
 Texas Cosmetology
 Commission

Effective date: September 12, 1990

Proposal publication date: July 31, 1990

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



• 22 TAC §83.30

The Texas Cosmetology Commission adopts new §83.30, without changes to the proposed text as published in the July 31, 1990, issue of the *Texas Register* (15 TexReg 4367).

The new section will require all cosmetology establishments to label all products for safety precautions.

The new section will function as a precautionary measure by informing the users of the products of the chemicals involved.

No comments were received regarding adoption of the new section.

The new section is adopted 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.

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 August 22, 1990.

TRD-9008492 Ron Resech
Executive Director
Texas Cosmetology
Commission

Effective date: September 12, 1990

Proposal publication date: July 31, 1990

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

Chapter 89. General Provisions

• 22 TAC §89.39

The Texas Cosmetology Commission adopts an amendment to §89.39, without changes to the proposed text as published in the July 31, 1990, issue of the *Texas Register* (15 TexReg 4367).

The amendment is to clarify the intent of the section.

The amendment will notify salon owners of their responsibilities regarding the employment of all people in a salon.

No comments were received regarding adoption of the amendment.

The amendment is adopted 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.

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 August 22, 1990.

TRD-9008495 Ron Resech
Executive Director
Texas Cosmetology
Commission

Effective date: September 12, 1990

Proposal publication date: July 31, 1990

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

• 22 TAC §89.53

The Texas Cosmetology Commission adopts an amendment to §89.53, without changes to the proposed text as published in the July 31, 1990, issue of the *Texas Register* (15 TexReg 4367).

The amendment will clarify the intent of the section.

The amendment will require all schools to use the same type of time clock which will

produce consistent and accurate time records for all students.

No comments were received adoption of the amendment.

The amendment is adopted 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.

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 August 22, 1990.

TRD-9008494 Ron Resech
Executive Director
Texas Cosmetology
Commission

Effective date: September 12, 1990

Proposal publication date: July 31, 1990

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

Part XII. Board of Vocational Nurse Examiners

Chapter 235. Licensing

Application for Licensure

• 22 TAC §235.18

The Board of Vocational Nurse Examiners adopts an amendment to §235.18, without changes to the proposed text as published in the July 24, 1990, issue of the *Texas Register* (15 TexReg 4156).

The adoption of the amendment elaborates upon the requirements for modifications of the licensure examination for handicapped candidate and allows candidates to write the exam in all scheduled sites.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 4528c, §5(g) which provide the Board of Vocational Nurse Examiners with the authority to make such rules and regulations as may be necessary to govern its procedures and to carry in effect the purposes of the law.

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 August 24, 1990.

TRD-9008559 Marjorie A. Bronk, R.N.,
M.S.H.P.
Executive Director
Board of Vocational Nurse
Examiners

Effective date: September 14, 1990

Proposal publication date: July 24, 1990

For further information, please call: (512) 835-2071

Part XXII. Texas State Board of Public Accountancy

Chapter 511. Certification as CPA

Experience Requirements

• 22 TAC §511.124

The Texas State Board of Public Accountancy adopts new §511.124, without changes to the proposed text as published in the May 15, 1990, issue of the *Texas Register* (15 TexReg 2723).

The new section will allow individuals who do not meet acceptable supervision requirements under the section currently in effect, to begin receiving supervision credit.

The new section defines acceptable supervision, which is necessary to meet the work experience requirements.

No comments were received regarding adoption of the new section.

The new section is adopted under Texas Civil Statutes, Article 41a-1, §6(a), which provide the Texas State Board of Public Accountancy with the authority to promulgate rules relating to the experience requirements a candidate must meet prior to certification.

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 August 22, 1990.

TRD-9008532 Bob E. Bradley
Executive Director
Texas State Board of
Public Accountancy

Effective date: September 14, 1990

Proposal publication date: May 15, 1990

For further information, please call: (512) 450-7066

TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part X. Texas Water Development Board

Chapter 363. Rules Relating to Financial Programs

Subchapter A. Financial Assistance for Water Supply, Water Quality Enhancement, Flood Control, and Acquisition

Introductory Provisions

• 31 TAC §363.5

The Texas Water Development Board (board) adopts new §363.5, without changes to the proposed text as published in the June 15, 1990, issue of the *Texas Register* (15 TexReg 3473).

The new section concerns the adoption by reference of a memorandum of understanding (MOU) between the board and the United States Section of the International Boundary and Water Commission. The memorandum is adopted to allow the board to provide funds to participate in a cooperative plan of Texas, the United States and the Republic of Mexico to construct a wastewater treatment facility in Nuevo Laredo, Tamaulipas, for the improvement of the quality of the water being discharged in the Rio Grande.

No comments were received regarding adoption of the new section.

The new section is adopted pursuant to the Texas Water Code, §6.190, which allows the

board to contract with the United States or its agencies to carry out the board's powers, duties and responsibilities, and pursuant to the Texas Water Code, §6.101, which gives the board the authority to adopt rules necessary to carry out its powers and duties. The section is further adopted pursuant to Senate Bill 2, 71st Legislature, General Session, 1989, which amended Chapter 15 of the Texas Water Code to include that the Water Loan Assistance Fund, administered by the board, may provide financial assistance to federal agencies acting through the American Commissioner of the International Boundary and Water Commission, the United States, and Mexico.

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 August 23, 1990.

TRD-9008544

Suzanne Schwartz
General Counsel
Texas Water Development
Board

Effective date: September 14, 1990

Proposal publication date: June 15, 1990

For further information, please call: (512) 463-7981

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Open Meetings

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

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

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

State Aircraft Pooling Board

Thursday, September 6, 1990, 3 p.m. The State Aircraft Pooling Board will meet at 4900 Old Manor Road, Austin. According to the complete agenda, the board will approve minutes of previous meeting; review University of Texas contracts; Texas Department of Criminal Justice operations manual; employees personnel policies handbook; report on audit; and discuss any other Aircraft Pooling Board operational matters.

Contact: Gladys Alexander, 4900 Old Manor Road, Austin, Texas 78723, (512) 477-8900.

Filed: August 23, 1990, 1:17 p.m.

TRD-9008519



Texas Animal Health Commission

Thursday, September 6, 1990, 1:30 p.m. The TAHC Sub-Committee of the Texas Animal Health Commission will meet at 210 Barton Springs Road, First Floor Conference Room, Austin. According to the complete agenda, the sub-committee will review and discuss existing and proposed regulations of the Texas Animal Health Commission relating to the entry of livestock and poultry into Texas and admission into shows, fairs, an exhibition, racing events and sales.

Contact: Jo Anne Conner, 210 Barton Springs Road, Austin, Texas 78711, (512) 479-6697.

Filed: August 27, 1990, 10:15 a.m.

TRD-9008596

Friday, September 7, 1990, 9 a.m. The Texas Animal Health Commission will meet at 210 Barton Springs Road, First Floor Conference Room, Austin. According to the agenda summary, the commission will approve minutes of previous meeting; present an award to an employee; approve actions of executive director; report of the TAHC Sub-Committee; consideration for adopting amendments to the following regulations: brucellosis, bovine and swine;

and dairy goats; exotic livestock and exotic fowl; tuberculosis, dairy goats; interstate; swine; and general practice and procedures.

Contact: Jo Anne Conner, 210 Barton Springs Road, Austin, Texas 78711, (512) 479-6697.

Filed: August 27, 1990, 10:16 a.m.

TRD-9008597



Texas Commission for the Blind/Texas Rehabilitation Commission

Monday, September 10, 1990, 9 a.m. The State Independent Living Council of the Texas Commission for the Blind/Texas Rehabilitation Commission will meet at the Doubletree Hotel, 6505 IH-35 North, Austin. According to the agenda summary, the council will hear a report from the chair; reports from Texas Commission for the Blind and Texas Rehabilitation Commission; public comments on independent living issues; and update on five-year plan.

Contact: Robert Packard, P.O. Box 12866, Austin, Texas 78711, (512) 459-2588, and Mel Fajkus, 4900 North Lamar Boulevard, Austin, Texas 78751, (512) 483-4133.

Filed: August 27, 1990, 10:32 a.m.

TRD-9008598



Credit Union Department

Friday, August 24, 1990, 10 a.m. The Credit Union Commission of the Credit Union Department met at the Credit Union Department Building, 914 East Anderson Lane, Austin. According to the complete emergency revised agenda, the commission met to consider the draft of the State Auditor's report on financial services and clarification of travel policy. The emergency status was necessary as the state auditor's report does not qualify for discussion in executive session, as advised by legal counsel and the current travel policy needs clarification relative to an impending travel by

the commission chairman.

Contact: Harry L. Elliott, 914 East Anderson Lane, Austin, Texas 78752-1699, (512) 837-9236.

Filed: August 23, 1990, 10:01 a.m.

TRD-9008510



Daughters of the Republic of Texas, Inc.

Thursday-Friday, September 6-7, 1990, 1 p.m. and 9 a.m. respectively. The Board of Management of the Daughters of the Republic of Texas, Inc. will meet at the Marriott Mandalay, Irving. According to the agenda summary, the board will discuss French Legation; Daughters of the Republic of Texas, Inc.; DRT Library at the Alamo; Alamo committee; DRT Museum (formerly at Old Land Office building); and closed executive session at 3:15 p.m. The subject matter shall be pursuant to Article 5252-17 §2g-personnel and pursuant to Article 6252-16 2j-security matters.

Contact: June Franklin Naylor, 404 North Washington Street, Odessa, Texas 79761, (915) 332-0169 or 366-8360.

Filed: August 27, 1990, 4:15 p.m.

TRD-9008622



Texas Education Agency

Friday, September 14, 1990, 1:30 p.m. The State Board of Education Committee on Personnel of the Texas Education Agency will meet at the William B. Travis Building, 1701 North Congress Avenue, Room 1-111, Austin. According to the complete agenda, the committee will conduct a public hearing on program certification requirements for speech/language pathologists. Persons wishing to testify must sign up before 5 p.m. on Wednesday, September 12, 1990, by calling Professional Development at (512) 463-9328. Testimony will be limited to five minutes. This limit may be reduced depending on the number of individuals wishing to testify. It is

requested that individuals testifying supply 10 written copies of their testimony prior to the oral presentation.

Contact: W. N. Kirby, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-8985.

Filed: August 28, 1990, 8:57 a.m.

TRD-9008624

Texas Finance Commission

Friday, September 14, 1990, 9:30 a.m. The Texas Finance Commission will meet at the Reagan Building, Room 107, Austin. According to the agenda summary, the commission will conduct a meeting/hearing to discuss possible consolidation of agencies under its jurisdiction pursuant to §117 of Senate Bill 607. Public comment is invited on the following issues: the effect of consolidation on the regulatory operations of the agencies; the extent to which cost savings may be achieved through consolidation; any financial or other consolidation would have on the regulated industries; what type of consolidation would be most appropriate, i.e. fully integrated partial or functional; and whether specific regulations should be functionally consolidated.

Contact: Laura M. Hale, 2601 North Lamar Boulevard, Suite 201, Austin, Texas, 78705, (512) 479-1250.

Filed: August 27, 1990, 9:53 a.m.

TRD-9008594

General Land Office

Thursday, September 6, 1990, 3 p.m. The Veterans Land Board of the General Land Office will meet at the Stephen F. Austin Building, Austin. According to the agenda summary, the board will approve minutes of August 21, 1990 Veterans Land Board meeting; consider and act on resolution authorizing the issuance and sale of State of Texas Veterans' Land Refunding Bonds, Series 1990, \$44,960,000; awarding sale of the bonds pursuant to a bond purchase agreement; authorizing, ratifying and approving preliminary official statement and final official statement with respect to the bonds; authorizing other matters in connection therewith; take such action regarding the sale of bonds as shall be considered by the board to be appropriate and/or necessary.

Contact: Mae Vrazel, Stephen F. Austin Building, Austin, Texas 78701, (512) 463-5340.

Filed: August 24, 1990, 3:27 p.m.

TRD-9008517

Texas Guaranteed Student Loan Corporation

Wednesday, September 5, 1990, 10 a.m. The Finance Committee of the Texas Guaranteed Student Loan Corporation will meet at 12015 Park 35 Circle, Colonnade Building, Suite 300, Austin. According to the complete agenda, the committee will discuss the corporation's proposed FY 1991 budget and the personnel/fringe benefit proposal.

Contact: Peggy Irby, P.O. Box 15996, Austin, Texas 78761-5996, (512) 835-1900.

Filed: August 27, 1990, 2:29 p.m.

TRD-9008611

Texas Department of Health

Thursday, September 13, 1990, 10 a.m. The Family Planning Interagency Advisory Council of the Texas Department of Health will meet at the Texas Department of Health, 1100 West 49th Street, Room T-607, Austin. According to the agenda summary, the council will approve minutes of previous meeting; consider prescriptive authority; nurse practitioner training resources; legislative appropriations request; coordinated allocation update and data collection; family planning program HIV prevention policy; sexuality education; standards and monitoring system pilot; worker incentives for improved family planning referrals; Adolescent Pregnancy and Parenthood Advisory Council's report to Legislature; advisory committee report; annual advisory committee report form; medical ad hoc subcommittee for review of family planning medical matters.

Contact: Walter P. Peter, Jr., M.D., 1100 West 49th Street, Austin, Texas 78756, (512) 458-7700.

Filed: August 24, 1990, 2:20 p.m.

TRD-9008545

University of Houston System

Monday, August 27, 1990, 5 p.m. The Board of Regents of the University of Houston System met at 1600 Smith, Suite 3400, Conference Room One, Houston. According to the complete agenda, the board met in executive session to review and discuss purchase, exchange, lease or value of real property; open meeting act, Texas Civil Statutes, Article 6252-17 2(f); University of Houston-Clear Lake.

Contact: Peggy Cervenka, 1600 Smith, Suite 3400, Houston, Texas 77002, (713) 754-5440.

Filed: August 24, 1990, 2:29 p.m.

TRD-9008546

State Board of Insurance

Tuesday, September 4, 1990, 9 a.m. The Commissioner's Hearing Section of the State Board of Insurance will meet at the State Insurance Building, 1110 San Jacinto Street, Room 342, Austin. According to the complete agenda, the section will conduct a public hearing to consider the application for amendment to the Articles of Incorporation of Titan Life Insurance Company, San Antonio, changing the home office of the company and increasing the authorized capital. Docket Number 10941.

Contact: James W. Norman, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6526.

Filed: August 27, 1990, 4:45 p.m.

TRD-9008615

Tuesday, September 4, 1990, 9 a.m. The Commissioner's Hearing Section of the State Board of Insurance will meet at the State Insurance Building, 1110 San Jacinto Street, Room 414, Austin. According to the complete agenda, the section will conduct a public hearing to consider whether disciplinary action should be taken against Fred Terrance Rooters, Jr., Dallas, who holds a Local Recording Agent's license. Docket number 10926.

Filed: August 27, 1990, 4:45 p.m.

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

TRD-9008616

Tuesday, September 4, 1990, 1:30 p.m. The Commissioner's Hearing Section of the State Board of Insurance will meet at the State Insurance Building, 1110 San Jacinto Street, Room 414, Austin. According to the complete agenda, the section will conduct a public hearing to consider whether disciplinary action should be taken against Nick Diaz, San Antonio, who holds a Group I, Legal Reserve Life Insurance Agent's license and a Group II, Insurance Agent's license. Docket Number 10942.

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

Filed: August 27, 1990, 4:45 p.m.

TRD-9008617

Tuesday, September 4, 1990, 2 p.m. The State Board of Insurance will meet at the State Insurance Building, 1110 San Jacinto Street, Room 460, Austin. According to the agenda summary, the board will appoint an advisory committee to study "a" rate approval process, general liability experience rating plan and loss cost rating; proposed amendment to Rule III-C of the Texas Workers Compensation manual concerning policy period; proposed action on 28 TAC §§3.3701, 3.3702, 3.3704, and 15.101. Proposed action on rules

concerning terms for which persons may serve as legal counsel for assigned risk pools, guaranty funds, etc. Board orders on several different matters as itemized on the complete agenda; proposals for decision in the appeals of T. E. Worthington; personnel matters; litigation; solvency matters; appointments to boards of directors of Property and Casualty Guaranty Association, Title Guaranty Association and Health Maintenance Organization Solvency Surveillance Committee.

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

Filed: August 24, 1990, 3:35 p.m.

TRD-9008554

Wednesday, September 5, 1990, 9 a.m. The Commissioner's Hearing Section of the State Board of Insurance will meet at the State Insurance Building, 1110 San Jacinto Street, Room 414, Austin. According to the complete agenda, the section will conduct a public hearing to consider whether disciplinary action should be taken against General American Insurance Center, Inc., Houston, which holds a Local Recording Agent's license. Docket Number 10919.

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

Filed: August 27, 1990, 4:46 p.m.

TRD-9008618

Wednesday, September 5, 1990, 1:30 p.m. The Commissioner's Hearing Section of the State Board of Insurance will meet at the State Insurance Building, 1110 San Jacinto Street, Room 414, Austin. According to the complete agenda, the section will conduct a public hearing to consider whether disciplinary action should be taken against Keith Michael Dunda, Corpus Christi, who holds a Group I, Legal Reserve Life Insurance Agent's license and a Local Recording Agent's license. Docket Number 10939.

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

Filed: August 27, 1990, 4:46 p.m.

TRD-9008619

Wednesday, September 5, 1990, 3 p.m. The State Board of Insurance will meet at the State Insurance Building, 1110 San Jacinto Street, Room 460, Austin. According to the complete agenda, the board will conduct a public hearing to consider the appeal by Henry Paul Guillory of Commissioner's Orders 88-1116 and 88-1223.

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

Filed: August 24, 1990, 3:36 p.m.

TRD-9008555

Friday, September 7, 1990, 9 a.m. The Commissioner's Hearing Section of the State Board of Insurance will meet at the State Insurance Building, 1110 San Jacinto Street, Room 353, Austin. According to the complete agenda, the section will conduct a public hearing to consider respondents' motion to withdraw Commissioner's Order Number 90-1038, in the matter of United Healthcare Benefits Trust, United Association of Small Businesses, Inc., United Health Insurance Administrators, Inc., Hameed Ullah, also known as Terry Ullah, Hameed Ullah doing business as Small Business Insurance Services, and Nonnie Maria Bryan, respondents. Docket 10949.

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

Filed: August 27, 1990, 4:47 p.m.

TRD-9008620

Friday, September 7, 1990, 1:30 p.m. The Commissioner's Hearing Section of the State Board of Insurance will meet at the State Insurance Building, 1110 San Jacinto Street, Room 414, Austin. According to the complete agenda, the section will conduct a public hearing to consider the application of Nathanael Brent Pugh, Grand Prairie, for a Local Recording Agent's license. Docket Number 10948.

Contact: Wendy L. Ingham, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6526.

Filed: August 27, 1990, 4:48 p.m.

TRD-9008621

Special Joint Committee on Insurance Regulation

Thursday, September 6, 1990, 9:30 a.m. The Special Joint Committee on Insurance Regulation will meet at the Capitol Building, Senate Chamber, Austin. According to the complete agenda, the committee will review and discuss regulation and industry competition: limited anti-trust exemption; rate-making issues: independent data reporting, rating organizations, standards for hearings; and licensing of agents/companies.

Contact: John Opperman, Room 325, Capitol Building, Austin, Texas 78701, (512) 463-0128.

Filed: August 23, 1990, 2:12 p.m.

TRD-9008525

Texas State Board of Medical Examiners

Tuesday, August 28, 1990, noon. The Executive Committee of the Texas State Board

of Medical Examiners held an emergency meeting at 1101 Camino LaCosta, Austin. According to the agenda summary, the committee considered licensee under provisions 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, Number H-484. The emergency status was necessary because of information coming to attention of agency and merits consideration prior to next meeting.

Contact: Jean Davis, P.O. Box 13562, Austin, Texas 78752, (512) 452-1078.

Filed: August 24, 1990, 10:03 a.m.

TRD-9008534

Texas Municipal Retirement System

Saturday, September 15, 1990, 9 a.m. The Board of Trustees of the Texas Municipal Retirement System will meet at 1200 North IH-35, Austin. According to the agenda summary, the board will hear and approve minutes of the June 22, 1990, regular meeting; review and approve service retirements; disability retirements; review and approve supplemental death benefits payments; consider extended supplemental death benefits; review and act on financial statements; consider adoption of statement policies for investment of system assets; discuss proposed legislation; consider adoption of resolution concerning updated service credit for the system; consider dates and times for future board of trustees meetings; report of legal counsel; report by the director; and consider any other business to come before the board.

Contact: Jimmie L. Mormon, P.O. Box 2225, Austin, Texas 78768, (512) 476-7577.

Filed: August 23, 1990, 1:35 p.m.

TRD-9008521

Texas Department of Criminal Justice Board of Pardons and Paroles

Tuesday-Friday, September 4-7, 1990, 10 a.m. The Texas Department of Criminal Justice, Board of Pardons and Paroles will meet at 2503 Lake Road, Suite 2, Huntsville. According to the agenda summary, a panel (composed of three board members) will meet on a daily basis to receive, review, and consider information and reports concerning prisoners/inmates and administrative releases subject to the board's jurisdiction and initiate and carry through with appropriate action.

Contact: Karin Armstrong, 8610 Shoal Creek Boulevard, Austin, Texas 78758,

(512) 459-2713.

Filed: August 27, 1990, 10:53 a.m.

TRD-9008600

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**Texas State Board of
Pharmacy**

Tuesday, September 4, 1990, 1:30 p.m. The Texas State Board of Pharmacy will meet at the Texas State Board of Pharmacy, 8505 Cross Park, Suite 110, Austin. According to the complete agenda, the board will conduct a telephonic conference to consider the motion for rehearing in the matter of the Texas State Board of Pharmacy versus Robert J. (Jeff) Young.

Contact: Fred S. Brinkley, Jr., 8505 Cross Park, Suite 110, Austin, Texas 78754, (512) 832-0661.

Filed: August 27, 1990, 12:44 p.m.

TRD-9008606

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**Texas State Board of
Examiners of Psychologists**

Tuesday-Friday, September 4-7, 1990, 8 a.m. The Texas State Board of Examiners of Psychologists will meet at 9101 Burnet Road, Suite 212, Austin. According to the complete agenda, the board will meet to consider complaints; proposed rules; budget; legislative matters; applications; minutes, opinion letters; hearings, exam issues; reports; and planning issues.

Contact: Patricia S. Bizzell, 9101 Burnet Road, Suite 212, Austin, Texas 78758, (512) 835-2036.

Filed: August 24, 1990, 3:33 p.m.

TRD-9008551

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**Public Utility Commission of
Texas**

Thursday, September 6, 1990, 1:30 p.m. The Hearings Division of the Public Utility Commission 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 8880-petition of Texas-New Mexico Power Company for approval of deferred accounting treatment for TNP one, units one and two, and adjustment of PCRF calculation.

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

Filed: August 23, 1990, 3:28 p.m.

TRD-9008528

Friday, October 26, 1990, 9 a.m. The Hearings Division of the Public Utility

Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450N, Austin. According to the complete agenda, the division will conduct a hearing on the merits in Docket Number 9471-application of E.N.M.R. Telephone Cooperative, Inc. for exemption from filing the earnings reports required by P.U.C. substantive rules §23.11 and §23.12.

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

Filed: August 24, 1990, 3:50 p.m.

TRD-9008561

Friday, October 26, 1990, 1:30 p.m. The Hearings Division of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450N, Austin. According to the complete agenda, the division will conduct a hearing on the merits in Docket Number 9476-application of Southwest Arkansas Telephone Cooperative, Inc. for exemption from filing the earnings reports required by P.U.C. substantive rules §23.11 and §23.12.

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

Filed: August 24, 1990, 3:50 p.m.

TRD-9008560

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**Railroad Commission of
Texas**

Monday, August 27, 1990, 9 a.m. The Railroad Commission of Texas met at the William B. Travis Building, 1701 North Congress Avenue, 12th Floor Conference Room, Room 12-126, Austin. According to the complete emergency revised agenda, the commission considered whether to plug a leaking well, C. L. Hodgkins, C. E. Allen lease, Well Number 1, Palo Pinto County. The emergency status was necessary because the well was leaking salt water at the rate of 17 barrels per day into a stock tank, causing an imminent threat to the public's health and safety.

Contact: Kinder Chambers, P.O. Box 12967, Austin, Texas 78711, (512) 463-6830.

Filed: August 23, 1990, 4:03 p.m.

TRD-9008529

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House of Representatives

Tuesday, September 11, 1990, 2 p.m. The Joint Interim Committee on Proprietary Schools of the House of Representatives will meet at Texas Tech University Medical School, 4800 Alberta Avenue, Auditorium "A", El Paso. According to the complete agenda, the committee will approve minutes; discuss committee business; and

hear public comments (testimony).

Contact: Judy Sexton, P.O. Box 2910, Austin, Texas 78768-2910, (512) 463-0900.

Filed: August 24, 1990, 3:31 p.m.

TRD-9008549

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**Texas County and District
Retirement System**

Friday, September 7, 1990, 9 a.m. The Board of Trustees of the Texas County and District Retirement System will meet at the Hyatt Regency Hotel, On Town Lake, 208 Barton Springs, Austin. According to the agenda summary, the board will read minutes of June 8, 1990 regular board meeting; consider and pass on applications for service retirement benefits and disability retirement benefits; consider escheatment of former member accounts; consider applications for Texas County and District Retirement System participation (TCDRS); report from investment performance analyst concerning TCDRS investment performance for the year 1989; discussion of proposed TCDRS amendments for submission to the legislature in 1991; review and act on reports from actuary, director, legal counsel and investment counsel; an set date of December meeting.

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

Filed: August 24, 1990, 11:40 a.m.

TRD-9008540

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School Land Board

Tuesday, September 4, 1990, 10 a.m. The School Land Board will meet at the Stephen F. Austin Building, 1700 North Congress Avenue, Room 831, Austin. According to the agenda summary, the board will approve minutes of the previous board meeting; and discuss pooling applications, Jefferson County.

Contact: Linda K. Fisher, 1700 North Congress Avenue, Room 836, Austin, Texas 78701, (512) 463-5016.

Filed: August 24, 1990, 4:15 p.m.

TRD-9008590

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**Structural Pest Control
Board**

Thursday, September 6, 1990, 8:30 a.m. The Structural Pest Control Board will meet at 9101 Burnet Road, Suite 201, Austin. According to the complete agenda, the board will approve minutes of July 11, 1990 board meeting; consider adoption of proposed rule §591.5(f) and proposed amended rule §593. 7(6); discuss proposed

termite inspection fees; preliminary draft of the Sunset Bill; and set next board meeting date.

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

Filed: August 24, 1990, 3:39 p.m.

TRD-9008558

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**Texas Board of Regents
State University System**

Thursday-Friday, August 30-31, 1990, 8 a.m. The Board of Regents of Texas State University System will meet at Sul Ross University, Administration Building, Second Floor Conference Room, Alpine. According to the agenda summary, the board reviewed matters of the board and the four universities in the system including: all matters reviewed by the building committee and submitted to the full board, all matters reviewed by the curriculum committee and submitted to the full board, all matters reviewed by the finance committee and submitted to the full board; personnel actions including new employees, promotions, resignations, terminations, and special appointment for any system employee including the presidents and chancellor; discussion of litigation; budgetary changes at each university and the system office; contract approvals at each university and the system office; acceptance of gifts; admission requirements, fees, selection of bond counsel and financial advisor; and approval of group insurance rates.

Contact: Lamar Urbanovsky, 201 East 14th Street, Austin, Texas 78701, (512) 463-1808.

Filed: August 23, 1990, 11:20 a.m.

TRD-9008607

Thursday, August 30, 1990, 4 p.m. The Building Committee of the Board of Regents of Texas State University System met at Sul Ross University, Administration Building, Second Floor Conference Room, Alpine. The committee reviewed construction projects and documents for the four universities in the system: reroofing the library at Angelo State University; selecting consultants for the twelve dormitory repair project; drain building basement and art laboratory building and contract award for the Peabody building repairs-phase II at Sam Houston State University; and contract award for the demolition of San Marcos Hall and selection of consultants for the recreational sports building and Flowers Hall renovation at Southwest Texas State University.

Contact: Lamar Urbanovsky, 201 East 14th Street, Austin, Texas 78701, (512) 463-1808.

Filed: August 23, 1990, 11:19 p.m.

TRD-9008608

Thursday, August 30, 1990, 5 p.m. The Curriculum Committee of the Board of Regents of Texas State University System met at Sul Ross University, Administration Building, Second Floor Conference Room, Alpine. According to the complete agenda, the committee reviewed curriculum needs and requests for the four universities in the system including: twelfth and fourth day class reports; new degree programs or program changes; new course offerings; course deletions and course changes; off campus, out-of-state and out-of-country course offerings.

Contact: Lamar Urbanovsky, 201 East 14th Street, Austin, Texas 78701, (512) 463-1808.

Filed: August 23, 1990, 11:18 a.m.

TRD-9008609

Friday, August 31, 1990, 9:30 a.m. The Finance Committee of the Board of Regents of Texas State University System will meet at Sul Ross State University, Administration Building, Second Floor Conference Room, Alpine. According to the complete agenda, the committee will review financial matters of the system office and the four universities in the system including: legislative appropriation requests for fiscal years 1991-1993 for the system office, Angelo State University, Sam Houston State University, Southwest Texas State University, Sul Ross State University and Sul Ross Uvalde Center.

Contact: Lamar Urbanovsky, 201 East 14th Street, Austin, Texas 78701, (512) 463-1808.

Filed: August 23, 1990, 11:16 a.m.

TRD-9008610

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Texas Southern University

Thursday, August 30, 1990, noon. The Board of Regents of Texas Southern University met at Texas Southern University, University Library, Fifth Floor, Houston. According to the complete emergency revised agenda, the board held a special meeting to consider personnel matters. The emergency status was necessary due to employee performance evaluations and fiscal matters requiring immediate board action and executive session.

Contact: Everett O. Bell, 3100 Cleburne Avenue, Houston, Texas 77004, (713) 529-8911.

Filed: August 27, 1990, 3:45 p.m.

TRD-9008614

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Texas Woman's University

Wednesday, August 29, 1990, 9 a.m. The Board of Regents Committee on Institutional Advancement of Texas Woman's

University met at the Administration Conference Tower, 16th Floor, Denton. According to the complete agenda, the committee considered the approval of minutes of the June 8, 1990 meeting; report on alumnae relations, development and public information; and heard the report of the committee chair.

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

Filed: August 23, 1990, 10:04 a.m.

TRD-9008511

Wednesday, August 29, 1990, 9:20 a.m. The Board of Regents Student Affairs Committee of Texas Woman's University met at the Administration Conference Tower, 16th Floor, Denton. According to the complete agenda, the committee considered the approval of the minutes of the meeting of June 8, 1990; report on preparation for compliance with the Drug-Free Schools and Communities Act Amendments of 1989; considered recommendation to authorize the president to approve the TWU Drug-Free Campus Policy on an interim basis; report on the status of the student center renovation project; and report of the chair.

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

Filed: August 23, 1990, 10:08 a.m.

TRD-9008512

Wednesday, August 29, 1990, 9:40 a.m. The Board of Regents Academic Affairs Committee of Texas Woman's University met at the Administration Conference Tower, 16th Floor, Denton. According to the complete agenda, the committee considered the approval of the minutes of the meeting of June 8, 1990; considered recommending approval of the program of assessment and assistance for faculty and teaching personnel whose primary language is not English and procedures for assistance to faculty whose primary language is not English; considered recommending approval of amendments to faculty senate constitution and bylaws; small class report; and a report of the committee chair.

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

Filed: August 23, 1990, 10:09 a.m.

TRD-9008513

Wednesday, August 29, 1990, 10:30 a.m. The Board of Regents Finance Committee of Texas Woman's University met at the Administration Conference Tower, 16th Floor, Denton. According to the agenda summary, the board considered the approval of minutes of the June 8, 1990 meeting; personnel additions and changes; gifts and grants; agreements and contracts; allocations of federal funds; renewal and extension of insurance; sale of surplus property;

certificates of substantial completion; change order; operating budget for fiscal 1991; opening two new bank accounts to accommodate funds covering Perkins Loan and Nursing Student loan payments on behalf of TWU and authorize the controller and two accountants to sign checks and transfer funds by wire on said accounts; and report of the committee chair.

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

Filed: August 23, 1990, 10:10 a.m.

TRD-90098514

Wednesday, August 29, 1990, 9 a.m. The Board of Regents of Texas Woman's University met at the Administration Conference Tower, 16th Floor, Denton. According to the agenda summary, the board considered approval of minutes of June 8, 1990 meeting; authorized the president to approve the TWU Drug-Free Campus policy on an interim basis; the program of assessment and assistance for faculty and teaching personnel whose primary language is not English and procedures for assistance to faculty whose primary language is not English; amendments to faculty senate constitution and bylaws; the small class report; personnel additions and changes, gifts and grants, contracts and agreements; allocations of federal funds, insurance; sale of surplus property; certificates of substantial completion, change order; operating budget for fiscal 1991; to open two bank accounts covering Perkins loan a nursing student loan payments and authorize the controller and two accountants to sign checks and transfer funds by wire on said accounts; reports of committee chairs; election of chair and vice chair; and report from the president.

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

Filed: August 23, 1990, 10:13 a.m.

TRD-9008515

University Interscholastic League

Wednesday, August 29, 1990, 11 a.m. The Interscholastic League Advisory Council of the University Interscholastic League met at the Radisson Plaza Hotel, 700 San Jacinto Street, Austin. According to the agenda summary, the council will review the rules of the UIL and make recommendations relating to the rules to the Legislative Council of the UIL and to the State Board of Education.

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

Filed: August 23, 1990, 11:23 a.m.

TRD-9008517

Texas Veterans Commission

Tuesday, September 18, 1990, 1:30 p.m. The Texas Veterans Commission will meet at the Wyndham Hotel, 981 Colonnade, San Antonio. According to the complete agenda, the commission will consider reports of the commission; discuss and receive comments concerning implementation of the provisions set forth in 434.038 Government Code as amended by Senate Bill 282, 71st Legislature, Regular Session; make decisions regarding administrative matters pertaining to veterans counseling and assistance; and elect officers for the coming year.

Contact: Doug Brown, P.O. Box 12277, Austin, Texas 78711, (512) 463-5538.

Filed: August 24, 1990, 10:50 a.m.

TRD-9008537

Texas Council on Vocational Education

Thursday, September 6, 1990, 10 a.m. The Texas Council on Vocational Education will meet at the Guest Quarters Hotel, 303 West 15th Street, Houston II Room, Austin. According to the agenda summary, the council will be addressed by state leaders in education; approve the minutes of the July 17, council meeting; develop the council's 1990-1991 schedule of work taking into consideration current federal/state responsibilities, proposed federal vocational legislation, state school finance legislation, 1990-1991 evaluation topics, the Texas Vocational Education Awards Program, external presentations at future council meetings, 1990-1991 council reports, and 1992-1993 biennial appropriations requests. The council will also discuss complaints pertaining to proprietary schools, discuss council responsibilities for adult education, discuss upcoming meetings/conferences, and set future council meeting dates as well as conduct other business.

Contact: Val Blaschke, 815 Brazos Street, Suite 500, Austin, Texas 78701, (512) 463-5490.

Filed: August 27, 1990, 10:34 a.m.

TRD-9008599

Texas Water Commission

Thursday, September 6, 1990, 1:30 p.m. The Advisory Committee-Water District and River Authority Supervision of the Texas Water Commission will meet at the Stephen F. Austin Building, 1700 North Congress Avenue, Room 513F, Austin. According to the complete agenda, the committee will conduct a public meeting of the Advisory Committee on Water District and River Authority Supervision.

Contact: Dean Robbins, P.O. Box 13087, Austin, Texas 78711, (512) 463-7941.

Filed: August 24, 1990, 3:53 p.m.

TRD-9008565

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 conduct a hearing to determine whether Emergency Order Number 8613-E issued by the commission on August 15, 1990 to Mark Dial doing business as Transco Water Company should be affirmed, modified, or set aside by the commission. The order required Mark Dial to immediately provide continuous and adequate water service to every customer currently or previously provided water service by Transco Water Company.

Contact: Alan Petrov, P.O. Box 13087, Austin, Texas 78711, (512) 463-8069.

Filed: August 24, 1990, 3:52 p.m.

TRD-9008563

Wednesday, October 3, 1990, 9 a.m. The Office of Hearings Examiner of the Texas Water Commission will meet at the Erath County Courthouse, Courtroom, On the Square, Stephenville. According to the agenda summary, the examiner will review an application by Guy Viss for proposed Permit Number 03210 authorizing disposal of waste and wastewater from a dairy which will be constructed in phases. The dairy is approximately 4.5 miles southeast of the intersection of U.S. Highway 67 and Farm-to-Market Road 2481 in Erath County.

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

Filed: August 24, 1990, 3:52 p.m.

TRD-9008564

Texas Workers' Compensation Commission

Monday, August 27, 1990, 9 a.m. The Texas Workers' Compensation Commission met at the Bevington A. Reed Building, 200 East Riverside Drive, Second Floor, Room 255, Austin. According to the agenda summary, the commission approved minutes; discussed contract for review of hearings rules; rules process; emergency rules to effect the transfer of progress as outlined in §17.02(e) of Senate Bill 1; Chapter 177, Workers' Health and Safety; new rules, Chapter 126, Benefits; previously discussed rules; Chapter 110, Required Notices of Coverage; Chapters 131 and 126, Benefits; Chapter 133, Medical Benefits; report on rule chapter ready for release to *Texas Register*; progress report on TWCC reorganization; and discussion of future public meetings and agenda.

Contact: George E. Chapman, 200 East

Riverside Drive, Austin, Texas 78704, (512) 448-7962.

Filed: August 24, 1990, 8:26 a.m.

TRD-9008530

Regional Meetings

Meetings Filed August 23, 1990

The Dallas Area Rapid Transit Governmental Relations Committee met at 601 Pacific Avenue, Board Conference Room, Dallas, August 28, 1990, at 3 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237.

The Dallas Area Rapid Transit Minority Affairs Committee met at 601 Pacific Avenue, Board Conference Room, Dallas, August 28, 1990, at 4 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237.

The Edwards County Appraisal District Appraisal Review Board will meet at the New County Annex Building, Rocksprings, September 11, 1990, at 10 a. m. Information may be obtained from Natalie McNealy, P.O. Box 378, Rocksprings, Texas 78880, (512) 683-4189.

The Mills County Appraisal District met at the Mills County Commissioners Court, Goldthwaite, August 30, 1990, at 6:30 p.m. Information may be obtained from Doran E. Lemke, P.O. Box 565, Goldthwaite, Texas 78444, (915) 648-2253.

The Tyler County Appraisal District Board of Directors will meet at 806 West Bluff, Woodville, September 6, 1990, at 4 p.m. Information may be obtained from Linda Lewis, P.O. Drawer 9, Woodville, Texas 75979, (409) 283-3736.

The West Central Texas Municipal Water District met at 401 Cypress Street, Suite 300, Abilene, August 30, 1990, at 9:30 a.m. Information may be obtained from Virginia Duncan, P.O. Box 2362, Abilene, Texas 79604, (915) 673-8254.

The Swisher County Appraisal District Board of Directors met at 130 North Armstrong Street, Tulia, August 30, 1990, at 8 p.m. Information may be obtained from Rose Lee Powell, P.O. Box 8, Tulia, Texas 79088, (806) 995-4228.

TRD-9008500

Meetings Filed August 24, 1990

The Alamo Area Council of Governments Alamo Area Housing Finance Corporation met at the World Trade Center Building, Room 420, San

Antonio, August 29, 1990, at 11:30 a.m. Information may be obtained from Al J. Notzon III, 118 Broadway, Suite 400, San Antonio, Texas 78205, (512) 225-5201.

The Atascosa County Appraisal District Appraisal Review Board met at the Atascosa County Appraisal District Office, Fourth and Avenue J, Poteet, August 30, 1990, at 8 a.m. Information may be obtained from Vernon J. Warren, P. O. Box 139, Poteet, Texas 78065, (512) 742-3591.

The Austin-Travis County Mental Health and Mental Retardation Center Finance and Control Committee met at 9101 Burnet Road, Suite 212, Austin, August 28, 1990, at 4:30 p.m. Information may be obtained from Sharon Taylor, 1430 Collier Street, Austin, Texas 78758, (512) 447-4141.

The Austin-Travis County Mental Health and Mental Retardation Center Board of Trustees met at 1430 Collier Street, Board Room, Austin, August 30, 1990, at 7 a.m. Information may be obtained from Sharon Taylor, 1430 Collier Street, Austin, Texas 78758, (512) 447-4141.

The Cass County Appraisal District Appraisal Review Board met at the Cass County Appraisal District, 502 North Main Street, Linden, August 28, 1990, at 9 a.m. Information may be obtained from Janelle Clements, P.O. Box 1150, Linden, Texas 75563, (214) 756-7545.

The Coastal Bend Council of Governments Membership Committee will meet at the Nueces County Courthouse, Commissioners Courtroom, Third Floor, 901 Leopard Street, Corpus Christi, August 31, 1990, at 2 p.m. Information may be obtained from John P. Buckner, P.O. Box 9909, Corpus Christi, Texas 78469, (512) 883-5743.

The Dallas Central Appraisal District Board of Directors met at 1420 West Mockingbird Lane, #500, Dallas, August 27, 1990, at noon. Information may be obtained from Rick L. Kuehler, 1420 West Mockingbird Lane, #500, Dallas, Texas 75247, (214) 631-0520.

The Jack County Appraisal District Board of Directors met at 216-D South Main Street, Jacksboro, August 28, 1990, at 7 p.m. Information may be obtained from Treva Epperson or Donna E. Hartzell, 216-D South Main Street, Jacksboro, Texas 76056, (817) 567-6301.

The Jack County Appraisal District Appraisal Review Board met at the Jack County Appraisal District Office, 216-D South Main Street, Jacksboro, August 29, 1990, at 8:30 a.m. Information may be obtained from Treva Epperson or Donna E. Hartzell, 216-D South Main Street, Jacksboro, Texas 76056, (817) 567-6301.

The Jasper County Appraisal District Appraisal Review Board will meet at 116 North Austin Street, Jasper, September 20, 1990, at 9 a.m. Information may be

obtained from David W. Luther, P.O. Box 1300, Jasper, Texas 75951, (409) 384-2544.

The Lampasas County Appraisal District Board of Directors met at 109 East Fifth Street, Lampasas, August 29, 1990, at 8:30 a.m. Information may be obtained from Dana Ripley, P.O. Box 175, Lampasas, Texas 76550, (512) 556-8058.

The Lavaca County Central Appraisal District Board of Directors will meet at the Lavaca County Central Appraisal District, 113 North Main Street, Hallettsville, September 10, 1990, at 4 p.m. Information may be obtained from Diane Munson, P.O. Box 386, Hallettsville, Texas 77964, (512) 798-4396.

The Lubbock Regional Mental Health and Mental Retardation Board of Trustees met at 1202 Main Street, Civic Center Inn, Lubbock, August 27, 1990, at noon. Information may be obtained from Gene Menefee, 1210 Texas Avenue, Lubbock, Texas 79401, (806) 766-0202.

The Middle Rio Grande Development Council Texas Review and Comment System Committee met, according to a revised agenda at the Civic Center, Reading Room, 300 East Main Street, Uvalde, August 29, 1990, at 10 a.m. Information may be obtained from Dora Flores, P.O. Box 1199, Carrizo Springs, Texas 78834, (512) 876-3533.

The Middle Rio Grande Development Foundation, Inc. Executive Committee met at the Holiday Inn, 300 East Main Street, Uvalde, August 29, 1990, at noon. Information may be obtained from Michael Patterson, P.O. Box 1199, Carrizo Springs, Texas 78834, (512) 876-3533.

The Middle Rio Grande Development Council Interim Board of Directors met at the Holiday Inn, 300 East Main Street, Uvalde, August 29, 1990, at noon. Information may be obtained from Michael Patterson, P.O. Box 1199, Carrizo Springs, Texas 78834, (512) 876-3533.

The Panhandle Regional Planning Commission Board of Directors met at 2736 West Tenth Street, Panhandle Regional Planning Commission Board Room, Amarillo, August 30, 1990, at 1:30 p.m. Information may be obtained from Rebecca Rusk, P.O. Box 9257, Amarillo, Texas 79105-9257, (806) 372-3381.

The Region III Education Service Center Board of Directors met at 1905 Leary Lane, Victoria, August 30, 1990, at 1:30 p.m. Information may be obtained from Julius D. Cano, 1905 Leary Lane, Victoria, Texas 77901, (512) 573-0731.

The Tarrant Appraisal District Board of Directors will meet at 2301 Gravel Road, Fort Worth, August 31, 1990, at 9 a.m. Information may be obtained from Olive Miller, 2301 Gravel Road, Fort Worth, Texas, 76118, (817) 595-6005.

The Texas Panhandle Mental Health Authority Board of Trustees met at the Christian Ranch, Claude, August 30, 1990, at 8:30 a.m. Information may be obtained from Claire Rigler, P.O. Box 3250, Amarillo, Texas 79106, (806) 353-7235.

TRD-9008501

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Meetings Filed August 27,
1990

The Barton Springs/Edwards Aquifer Conservation District Board of Directors met at 1124 A Regal Row, Austin, August 30, 1990, at 5 p.m. Information may be obtained from Bill E. Couch, 1124 A Regal Row, Austin, Texas 78748, (512) 282-8441.

The Bexar Appraisal District Appraisal Review Board will meet at 535 South Main Street, San Antonio, August 31, 1990, at 9 a.m. Information may be obtained from Walter Stoneham, 535 South Main Street, San Antonio, Texas 78204, (512) 224-8511.

The Bexar Appraisal District Appraisal Review Board will meet at 535 South Main Street, San Antonio, September 4-7,

10-13, 17-21, 24-27, 1990, at 8:30 a.m. Information may be obtained from Walter Stoneham, 535 South Main Street, San Antonio, Texas 78204, (512) 224-8511.

The Dallas Area Rapid Transit Board of Directors met at 601 Pacific Avenue, Board Room, Dallas, August 28, 1990, at 5 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237.

The Ellis County Appraisal District Board of Directors held a meeting, rescheduled from August 16 at 406 Sycamore Street, Waxahachie, August 30, 1990, at 6 p.m. Information may be obtained from Russell A. Garrison, P.O. Box 878, Waxahachie, Texas 75165, (214) 937-3552.

The Hale County Appraisal District Appraisal Review Board will meet at 302 West Eighth Street, Plainview, September 13, 1990, at 8:30 a.m. Information may be obtained from Linda Jaynes, P.O. Box 329, Plainview, Texas 79072, (806) 293-4226.

The Region VII Education Service Center Board of Directors met at the Days Inn, Highway 259 South, Henderson, August 30, 1990, at 7 p.m. Information may be obtained from Don J. Peters, 818 East Main

Street, Kilgore, Texas 75662, (214) 984-3071.

The West Central Texas Council of Governments Private Industry Council met at 1025 East North 10th Street, Abilene, August 30, 1990, at 10:30 a. m. Information may be obtained from Mary Ross, P.O. Box 3195, Abilene, Texas 79604, (915) 672-8544.

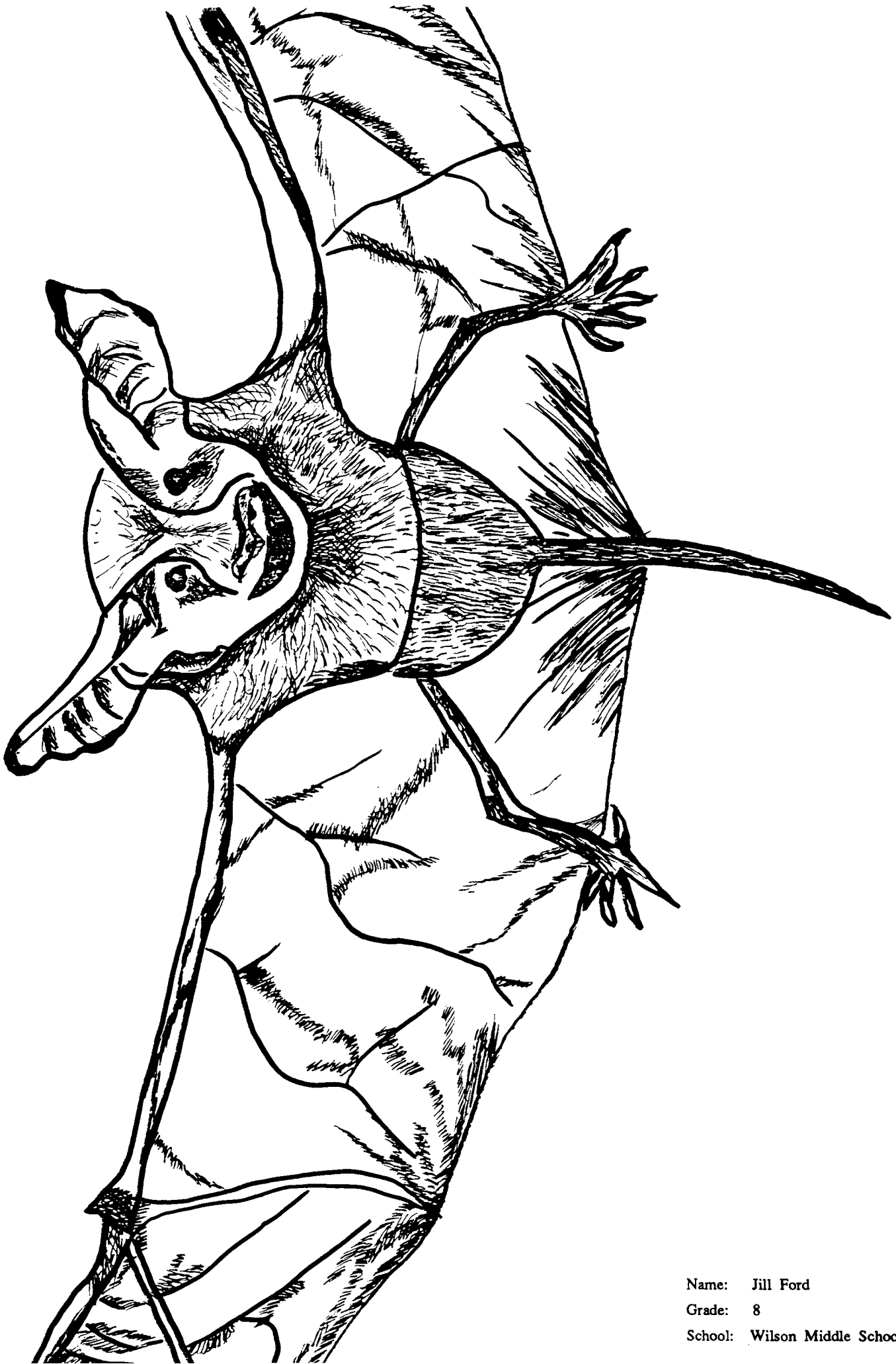
TRD-9008502

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Meetings Filed August 28,
1990

The Mental Health and Mental Retardation Authority of Brazos Valley Board of Trustees held an emergency meeting at the Mental Health and Mental Retardation Authority of Brazos Valley, 302 East 24th Street, Bryan, August 29, 1990, at 2:30 p.m. Information may be obtained from Leon Bawcom, P.O. Box 4588, Bryan, Texas 77805, (409) 822-6467. The emergency status was necessary in order to approve contract for prices stabilization that expires August 31, 1990.

TRD-9008637

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Name: Jill Ford
Grade: 8
School: Wilson Middle School, Plano ISD

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 Commission on Alcohol and Drug Abuse

Summary of Public Comments on the Intended Use of Federal and State Funds

The Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35, as amended) requires annual public hearings on the intended use of federal funds allocated under the Alcohol, Drug Abuse and Mental Health Services (ADM) Block Grant. Additionally, the state, through Texas Civil Statutes, Article 6252-13e, mandates that agencies responsible for administering block grant funds must hold public hearings in four locations once every two years as a mechanism for public input on development of the agency's budget request for the next biennium.

Consistent with these mandates, the Texas Commission on Alcohol and Drug Abuse (TCADA), conducted public hearings at the following locations: March 26, 1990, South Texas Development Council, 600 South Sandman, Laredo; March 27, 1990, North Central Texas Council of Governments, 616 Six Flags Drive, Arlington; March 28, 1990, Panhandle Regional Planning Commission, 2736 West 10th Street, Amarillo, and March 29, 1990, Golden Crescent Regional Planning Commission, Victoria Regional Airport, Building 102, Victoria.

At these hearings, a preliminary summary of the intended use of funds for federal fiscal year 1991 (beginning October 1, 1990) and relevant information for TCADA's legislative appropriations request for 1992-1993 biennium were provided. Public comments were solicited for use in preparation of the final plans. Written comments were accepted by the commission through April 7, 1990. All written and oral comments have been considered in the preparation of the final fiscal year 1991 report on the intended use of federal funds, and the 1992-1993 Legislative Appropriations Request (LAR). A summary of the public comments follows.

Fifty-seven individuals or entities submitted either oral or written comments. A majority of comments revolved around services for women and their infants including pregnant and postpartum women. Currently 10% of ADM block grant money is set aside for services to women. In addition, TCADA is in the process of collecting incidence and prevalence data on women giving birth through a survey of Texas Hospitals. Also, treatment for drug-abusing mothers and their infants is a priority in TCADA's 1992-1993 Legislative Appropriations Request. At the federal level, the Alcohol, Drug Abuse and Mental Health Administration is currently accepting applications for model projects for pregnant and post partum women and their infants.

Six comments dealt with the need for more regional coordination of services. Several witnesses suggested reinstating funding to the regional councils of governments to provide networking assistance and comprehensive coordination. TCADA is responding to these comments by re-

questing funds in 1992-1993 for the training and support of community teams to eliminate substance abuse through community mobilization.

Eleven comments focused on taking a pro-active stance with funding for prevention/education of youth, including, but not limited to, funding schools for the assessment of youth (including middle schools), day programs, after-school programs and community-based programs for students, and more curriculum-based support groups. One witness was concerned with the availability of prevention services for young Texans attending institutions of higher education. No less than 50% of all Drug-Free Schools and Communities Block Grant funds received by TCADA must be spent on high-risk youth (21 and under). One of TCADA's priorities, as defined by the Texas Legislature, is youth, and for the 1992-1993 biennium, one of TCADA's priorities is additional funds for prevention and intervention programs for children and youth.

Six witnesses testified on the need for the expansion of facilities to medically indigent clients. Services needing to be enhanced include residential services, both medical and non-medical detoxification, primary care and intermediate care. One witness recommended that TCADA look at overall services in regions, not just per capita funding, when awarding grants. For the 1992-1993 biennium TCADA is requesting \$75 million to provide treatment to 49% of the medically indigent adults seeking substance abuse treatment.

Services for the deaf community were mentioned by seven witnesses. Currently, TCADA has a grant with the Texas Commission for the Deaf to assist in providing interpreter services for deaf or hearing impaired substance abusers, and a grant with Nightingale Adult Day Center (Houston) to provide treatment services to the hearing-impaired. TCADA's 1992-1993 LAR seeks additional funds for handicapped substance abusers.

The need for transportation services was discussed by witnesses in both rural and urban areas of the state. Transportation is needed for clients to access support groups and accommodate aftercare services.

Parental and family education was discussed by six witnesses who felt that a comprehensive approach to the treatment of adolescents needs to incorporate family education and involvement.

Two comments dealt with expanding services to the substance abusing homeless population. Four comments addressed those dually diagnosed with both mental illness and substance abuse as a major problem. TCADA's payment schedule for methadone was mentioned by one witness since there has been an increase in the price of methadone recently. The witness felt that TCADA's Purchase of Service price structure did not adequately meet this increase.

Eight comments revolved around the prevalence of substance abuse within the criminal justice population. One witness suggested that prisoners should be counseled before transferring to TDJC-Institutional Division. Two

witnesses testified on the need for literacy programs for substance abusing offenders. Three comments focused on the extent of substance abuse in the probation population and the need to educate these offenders. TCADA is requesting funds in 1992-1993 to provide intensive services to substance abusers in the criminal justice population. One comment focused on lack of funds for court-ordered urine testing.

One witness testified on the need for more public awareness on inhalant abuse. TCADA is currently launching a statewide prevention campaign; the first focus of this campaign will be inhalants.

This summary of comments is published in response to the Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35, as amended) and Texas Civil Statutes, Article 6252-13e.

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

TRD-9008535 Bob Dickson
Executive Director
Texas Commission on Alcohol and Drug Abuse

Filed: August 24, 1990

For further information, please call: (512) 867-8700

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Texas Department of Commerce

Request for Proposal

Overview. The Texas Department of Commerce (Commerce) requests offers from qualified companies or individuals to provide a one-vendor turnkey computer-assisted instructional system to be located in and operated by the Upper Rio Grande Private Industry Council (El Paso) and Tarrant County (Fort Worth) to serve offenders in the criminal justice system. The project is to be funded by the Job Training Partnership Act (JTPA).

The applicant selected must be prepared to install, configure and train prior to the operational date of October 1, 1990. The acceptance of an offer by Commerce, made in response to this request will be based on its evaluation of the factors below.

Project Deliverables. The deliverables for this project will be a comprehensive computer assisted educational system which focuses on adult literacy, adult basic education, vocational awareness, preparation for the G.E.D. and functional life skills needed on and off the job, with specific focus on G. E.D. attainment. The system shall include networked computer hardware using state-of-the-art technology capable of supporting up to 15 student workstations at each site.

Scope of Products/Services. The successful applicant will prepare the proposal to include 15 learning study carrels with shelves (workstations), for each site location, fitted with microcomputers comparable to IBM PS/2 Model 25, 512KB RAM, 3.5" Disk Drive equipped with keyboards, mouse input, voice output, 128KB memory expansion, enabling IBM DOS 3.3 and full color monitor systems. These will be networked with one master file server, at each site location, comparable to IBM PS/2 Model 80, 1.44MB-3.5" Disk Drive, 115MB Hard Disk Drive, 314MB Hard Disk Drive, 2MB RAM, 20 MHz, each fitted with 2-8 memory adapters and 2MB memory expansion module, 80MB internal tape drive, CD-ROM Player (card, cable, cleaning kit), tape back-ups, monochrome CRTs, base extenders, two dot matrix printers (wide carriage), enabling IBM DOS 3.3, ICLAS (ver. 1.20) and Novell 286 (ver. 2.12) network operating softwares. The proposal

should include a total of 30 base band adapters, 30 adapter cables, 16 speech adapters with headsets, two Hayes compatible Acer 2400 baud modems with error and cables (Procom plus software), two safe backup powers, and two facsimile machines.

The successful applicant shall include a mandatory management system that individualizes instruction and provides reports for individual students, classes by teacher, by sites and/or other special groupings as defined by the administering staff. The management system must be able to operate and deliver multiple lessons and curricula simultaneously and have the capability of data transfer by modem to other file servers, with format that can be converted to different PC applications (Lotus 123, SPSS, D-Base). The system must be an open architecture system to allow other vendor (3rd party) lessons to be prescribed by the management system and delivered on the network. At least 60 additional learner characteristic fields will need to be available for sorting customized reports.

The educational curriculum courseware should feature instructional materials that are specifically related for adult learners and have an open entry/open exit continuum. Related textbooks and consumable educational materials need to accompany the computer-aided program for supplemental instructional activities. The courseware must be designed to provide instruction for adult students at levels 1-9 in reading, mathematics, and language skills, plus G.E.D. preparation. Specific to the courseware design shall be an adult literacy program, providing lessons and tests at levels 1 to 3.9 in the areas of pre-reading, reading, writing, mathematics and survival skills; an adult basic education program providing lessons and tests at levels 4.0 to 8.9 in the areas of reading, writing, mathematics and lifeskills; and G.E.D. preparation program, providing lessons and tests at levels 9.0 to G.E.D. including reading, writing, mathematics and learning skills. All courseware developmental lessons must have a copyright date of 1988 or later. Included in the successful proposal shall be "add-on" instructional software comparable to an integrated on-line research tool (encyclopedia).

The successful applicant must provide on-site repair or replacement of workstations within five working days of notification and repair or replacement of file servers within 48 hours of notification. The proposal shall include the maintenance/re-configuration of all non-functional software/courseware, including all upgrade and enhancements, within 48 hours of notification. The proposal shall include the distribution of corrections and replacements of any software/courseware that is lost, stolen, or inoperable, and the distribution of ongoing developments of instructional courseware and management software, to include new releases/updates and documentation, under license agreement.

Initial on-site training must be provided to designated personnel prior to October 1, 1990. A minimum of two follow-up visits per month, for one year following contract execution, by a trained consultant will be required. A technical assistance hot-line must be available during normal working hours (Central Standard Time) during the contract performance.

Applicant Qualifications. Each applicant must demonstrate or provide evidence to the satisfaction of commerce that such entity/individual has the capacity for providing the products and services as listed in the Scope of Products/Services Section, is not excluded from federal procurement programs, and can provide all deliverables by October 1, 1990.

Evidence of the preceding requirements and a proposal will include: a detailed description of the plan of action to

fulfill the requirements described in the Scope of Products/Services Section, timelines for implementing the system setup, costs for the products/services.

A bidder's conference will be held at 2 p.m., September 7, 1990, First City Centre, 816 Congress Avenue, Suite 1140, Austin.

Responses must be received no later than 5 p.m., September 12, 1990. Responses received after this deadline will not be considered. Commerce anticipates entering into the resulting contract on September 17, 1990.

Commerce retains the right to accept or reject any or all proposals. Commerce is under no legal requirement to execute a resulting contract from making this request for proposals and intends the material provided herein only as a means of identifying and considering various contractor alternatives and the general costs of services derived. This request for proposal does not commit Commerce to pay any costs before execution of a contract. Commerce may vary the provisions set forth herein before execution of a contract.

The state assumes no responsibility for expenses incurred in preparing responses to this solicitation. Please address responses to Laura Roberson, Texas Department of Commerce, P.O. Box 12728, Austin, Texas 78711, (512) 320-9815.

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

TRD-9008536 William D. Taylor
Executive Director
Texas Department of Commerce

Filed: August 24, 1990

For further information, please call: (512) 320-9815

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Texas Education Agency
Correction to Request for Applications

In the August 17, 1990, issue of the *Texas Register* (15 TexReg 4725) the Texas Education Agency published a request for applications/proposals for a literacy program for limited English proficient students entering school without previous schooling in Grades six-12. This was a second call for applications. As published, the RFA number cited was #701-91-009, and this was incorrect. When requesting this RFA, the correct RFA number is #701-91-025.

A copy of the complete request for application may be obtained by writing or calling the Document Control Center, Texas Education Agency, William B. Travis Building, Room 6-108, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9304.

For clarifying information about this request, contact Anna Pedroza, Division of Special Programs Planning and Implementation, Texas Education Agency, (512) 463-9067.

The deadline for submitting an application is 5 p.m., Thursday, September 20, 1990.

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

TRD-9008504 W. N. Kirby
Commissioner of Education

Filed: August 22, 1990

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



Governor's Energy Division Consultant Contract Awards

In compliance with the provisions of Texas Civil Statutes, Article 6252-11c, the Governor's Energy Division furnishes this notice of contracts awarded through the Seniors Helping Seniors Program.

Publication Date. The request for proposals was published in the December 26, 1989, issue of the *Texas Register* (14 TexReg 6901).

Description of Services. The request was for contractors to implement programs through which senior volunteers will be trained to weatherize the homes of other elderly persons. The contract periods extend through December 31, 1991.

Name and addresses, contract valued. The contracts have been awarded to Houston Lighting and Power Company, P.O. Box 1700, Houston, Texas 77251, \$67,537; and Greater El Paso Service, Education and Development, Inc., 4838 Montana Avenue, El Paso, Texas 79903, \$100,000.

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

TRD-9008507 Auburn L. Mitchell
Director
Energy Division

Filed: August 23, 1990

For further information, please call: (512) 463-1931



In compliance with the provisions of Texas Civil Statutes, Article 6252-11c, the Governor's Energy Division furnishes this notice of consultant contract awards.

Publication Date. The consultant proposal request was published in the January 23, 1990, issue of the *Texas Register* (15 TexReg 379).

Description of Services. The request was for consultants to serve as regional outreach coordinators to establish and monitor energy education programs in Texas schools.

Names and addresses. The consultant contracts have been awarded to: the Energy Center at University of Texas-El Paso, Texas 79968-0645; and the Region 4 Education Service Center, P.O. Box 863, Houston, Texas 77001.

Value and Date of Contracts. The total dollar value of the contracts is \$126,359. The contract periods extend from June 1, 1990 to May 31, 1990, by which date all work associated with these contracts must be completed.

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

TRD-9008508 Auburn L. Mitchell
Director
Energy Division

Filed: August 23, 1990

For further information, please call: (512) 463-1931



Texas Department of Health Correction of Error

The Texas Department of Health submitted a notice which contained an error in the July 24, 1990, issue of the *Texas Register* (15 TexReg 4249).

In the notice entitled "Proposed Radioactive Material License", the second sentence of the first paragraph should

read as follows. "Notice is hereby given by the Texas Department of Health that it proposes to renew the following Radioactive Material License: LO1234 issued to Chevron Resources Company (mailing address: Chevron Resources Company, agent for Chevron U.S.A., Inc., P.O. Box 1000, Hobson, Texas 78117) for the Palangana project located in Duval County, about 5.5 miles north of Benavides. This renewal would authorize only activities related to final closure of the project, which is an in situ uranium mining and recovery facility. The renewal would not authorize active leaching of uranium."

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Texas Higher Education Coordinating Board

Notice of Meetings

The Texas Academic Skills Council will meet on Friday, November 2, 1990, from 10 a.m.-4 p.m. The meeting will be located at the Coordinating Board offices at 7745 Chevy Chase Drive, Building V, Room 5.139. For further information please contact Dr. Ron Swanson at (512) 483-6330.

Issued in Austin, Texas, on August 21, 1990.

TRD-9008522 Suzanne Ortiz
Special Projects Director
Texas Higher Education Coordinating Board

Filed: August 23, 1990

For further information, please call: (512) 483-6160

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The Committee for Students with Special Needs will meet on Friday, September 28, 1990, from 10 a.m.-4 p.m. The meeting will be located at the Coordinating Board office at 7745 Chevy Chase Drive, Building V, Room 5.139. For further information please contact Dr. Mike Kerker at (512) 483-6330.

Issued in Austin, Texas, on August 21, 1990.

TRD-9008523 Suzanne Ortiz
Special Projects Director
Texas Higher Education Coordinating Board

Filed: August 23, 1990

For further information, please call: (512) 483-6160

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The MedPREP Advisory Committee will meet on Wednesday, September 12, 1990, from 9:30 a.m.-1 p.m. The meeting will be located at the Coordinating Board offices at 7745 Chevy Chase Drive, Building V, Room 5.200. For further information please contact Dr. Hugh Bonner at (512) 483-6213.

Issued in Austin, Texas, on August 21, 1990.

TRD-9008524 Suzanne Ortiz
Special Projects Director
Texas Higher Education Coordinating Board

Filed: August 23, 1990

For further information, please call: (512) 483-6160

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State Board of Insurance Company Licensings

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

1. Application for incorporation in Texas of Southwest Casualty Company, a domestic casualty insurance company. The home office is in Austin.

2. Application for admission to do business in Texas of PROActive Insurance Corporation, a foreign life insurance company. The home office is in Birmingham, Alabama.

3. Application for admission to do business in Texas of Medical Inter-Insurance Exchange of New Jersey, a foreign casualty insurance company. The home office is in Lawrenceville, Pennsylvania.

4. Application for admission to do business in Texas of World Life and Health Insurance Company of Penna.; a foreign life insurance company. The home office is in King of Prussia, Pennsylvania.

5. Application for incorporation in Texas of Fidelity National Title Insurance Company of Texas, a domestic Title insurance company. The home office is in Austin.

6. Application for incorporation in Texas of Integrated Healthcare Systems, Inc., a domestic third party administrator. The home office is in Galveston.

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

TRD-9008556 Nicholas Murphy
Chief Clerk
State Board of Insurance

Filed: August 24, 1990

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

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1. Application for incorporation in Texas of Vesta Lloyds Insurance Company, a domestic lloyds plan insurer. The home office is in Austin.

2. Application for admission to do business in Texas of United General Title Insurance Company, a foreign title insurance company. The home office is in Baton Rouge, Louisiana.

3. Application for admission to do business in Texas of Settlers Life Insurance Company, a foreign life insurance company. The home office is in Briston, Virginia.

Issued in Austin, Texas, on August 15, 1990.

TRD-9008557 Nicholas Murphy
Chief Clerk
State Board of Insurance

Filed: August 24, 1990

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

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Legislative Budget Office Joint Budget Hearing Schedule

Executive and Legislative Budget Offices, Joint Budget Hearing Schedule**, Appropriations Requests for the 1992-1993 Biennium (For the period of September 3-7, 1990).

Texas Water Commission, September 4-9:30 a.m., Room 107, John H. Reagan Building, 15th and North Congress Avenue, Austin.

Texas Education Agency, September 5-9 a.m., Room 103, John H. Reagan Building, 15th and North Congress Avenue, Austin.

Board of Regents, Texas State University System, Angelo State University, and Sul Ross State University (including Uvalde Study Center), September 5-9 a.m., Room 107, John H. Reagan Building, 15th and North Congress

Avenue, Austin.

Sam Houston State University (including museum) and Southwest Texas State University, September 5-1:30 p.m., Room 107, John H. Reagan Building, 15th and North Congress Avenue, Austin.

Texas Council for Vocational Education, September 5-3 p.m., Room 246, John H. Reagan Building, 15th and North Congress Avenue, Austin.

Comptroller of Public Accounts, September 6-3 p.m., Room 107, John H. Reagan Building, 15th and North Congress Avenue, Austin.

Cosmetology Commission, September 7-9 a.m., Room 102, John H. Reagan Building, 15th and North Congress Avenue, Austin.

Texas Alcoholic Beverage Commission, September 7-9:30 a.m., Room 107,

Board of Barber Examiners, September 7-10 a.m., Room 102, John H. Reagan Building, 15th and North Congress Avenue, Austin. John H. Reagan Building, 15th and North Congress Avenue, Austin.

Incentive and Productivity Commission, September 7-2 p.m., Room 102, John H. Reagan Building, 15th and North Congress Avenue, Austin.

****NOTE:** Please confirm above dates, times and locations in the event you plan to attend a hearing, since experience has shown that some rescheduling always occurs. Hearings schedule may be checked on PROFS.

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

TRD-9008538 Larry Kopp
Assistant Director for Budgets
Legislative Budget Office

Filed: August 24, 1990

For further information, please call: (512) 463-1200

◆ ◆ ◆
**State Property Tax Board
Consultant Proposal Request**

Description of Services Requested. Pursuant to Texas Civil Statutes, Annotated Article 6252-11c (Vernon), the State Property Tax Board invites individuals to offer their services on a consulting basis to serve in the capacity of statistical consultant to the board in planning statistical analyses of property value studies. The consulting service is a continuation of consulting services previously performed by Analytical Services, Inc. The State Property Tax Board intends to award the contract to Analytical Systems, Incorporated because of its previous work unless a better bid is submitted. Duties of the consultant(s) chosen to perform in this capacity shall be as follows: be available to board's designee to discuss all aspects of the methodologies used in the Board's annual studies of school district market values and the level and uniformity of property tax appraisals; be available to the board's designee to counsel and assist board staff in planning statistical analyses and studies to be conducted by board staff pursuant to the Property Tax Code, §5.10 and the Texas Education Code, §11.86. Consultant shall also review and comment on statistical analyses and studies prepared by board staff; participate in educational seminars. Provide consultation concerning the structure and content of staff training seminars in statistical methods used developing estimates of real and personal property value estimates, in sample size estimation techniques, and statistical methods used in evaluating

the precision of estimates of real and personal property market values. Assist seminar instructors in explaining the differences among regression estimators, ratio estimators, and combined and stratified ratios estimators and the applicability of each in the board's annual studies of property value; prepare in writing a statement of approval of the techniques and methods used by the board in the conduct of its annual studies when those techniques and methods meet or exceed the standards required by consultant as an expert within the field of statistics.

The board anticipates that this contract will extend through August 31, 1991.

Contact Person. Persons wishing to offer their services in such a capacity should contact Tim Wooten, 4301 Westbank Drive, Building B, Suite 100, Austin, Texas, 78746-6565. (800) 252-9121 or (512) 329-7857.

Closing Date for Offers. The closing date for such offers is October 4, 1990, at 5 p.m., in the office of Tim Wooten, 4301 Westbank Drive, Building B, Suite 100, Austin, Texas, 78746-6565. (800) 252-9121 or (512) 329-7857.

Selection Criteria. The State Property Tax Board will award contract(s) on the basis of expertise and experience exhibited by the applicants. Applicants must have comprehensive working knowledge of the statistical basis of property value ratio studies, the statistical basis of property value ratio performed in other states, and the Texas property tax system and not less than 10 years experience in designing and analyzing statistical studies. The State Property Tax Board will not accept bids that exceed \$9,800.

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

TRD-9008543 Sands L. Stiefer
General Counsel
State Property Tax Board

Filed: August 24, 1990

For further information, please call: (512) 329-7802

◆ ◆ ◆
**Railroad Commission of Texas
Extension of Rulemaking Comment
Period**

The Railroad Commission of Texas has proposed an amendment to 16 TAC §11.221 concerning coal mining regulations pertaining to permit revision forms, self-bonding criteria, and standards for success of revegetation.

The period for the receipt of comments on the proposed regulations is extended to Monday October 8, 1990, at 5 p.m.

Issued in Austin, Texas, on October 8, 1990.

TRD-9008489 Cril Payne
Assistant Director, Legal Division-General
Law
Railroad Commission of Texas

Filed: August 22, 1990

For further information, please call: (512) 463-6841

University of Texas M.D. Anderson Cancer Center

Consultant Contract Award

This award of consulting services is filed under the provisions of Texas Civil Statutes, Article 6252-11c.

The consultant proposal request was published in the April 27, 1990, issue of the *Texas Register* (15 TexReg 2461).

The consultant will provide the University of Texas M.D. Anderson Cancer Center (MDACC) with a survey to determine if any impact on referral patterns and physician's attitudes has occurred through new programs implemented at MDACC since the previous survey was conducted in 1987.

The consultant is The Gallup Organization, 14550 Torrey Chase Boulevard, Suite 600, Houston, Texas 77014.

The total amount of the contract shall not exceed \$43,670. This contract begins on August 13, 1990, and terminates on September 25, 1990.

Contract deliverables due by September 25, 1990, are a typed/bound report with executive board presentation. These deliverables include questionnaire creation, pilot testing, sample frame construction, interviewer orientation, field quantitative study, coding, cleaning, data processing, data processing/analysis, report preparation, typing/binding, final analysis, research presentation to MDACC senior management.

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

TRD-9008498 Arthur H. Dilly
Executive Secretary to the Board
The University of Texas System

Filed: August 22, 1990

For further information, please call: (512) 499-4402



Texas Water Commission

Notice of Application For Waste Disposal Permit

Notice is given by the Texas Water Commission of public notices of waste disposal permit applications issued during the period of August 20, 1990 to August 24, 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.

Big Chief Environmental Services, Inc.; Houston; a plant which recovers oil and grease from grease traps and wastes from septic tanks; located at the intersection of Goodyear Drive and State Highway 225 in the City of Houston, Harris County; 02724; renewal.

Northeast Texas Community College; Mount Pleasant; wastewater treatment facilities; located approximately 100 years northwest of the campus entrance; approximately three miles southwest of the intersection of FM Road 1735 and State Highway 49 in Titus County; 13070-01; renewal.

City of Breckenridge; wastewater treatment facilities; located approximately 6,000 feet north-northeast of the intersection of U.S. Highways 180 and 183; approximately 1,000 feet east of U.S. Highway 183 in Stephens County; 10040-01; renewal.

City of Cleveland; the West Plant wastewater treatment facilities; located south of State Highway 105, approximately 0.5 mile west of the intersection of State Highway 105 and U.S. Highway 59 in Liberty County; 10766-01; renewal.

City of Electra; wastewater treatment facilities; located approximately two miles southeast of the intersection of FM Road 1739 and State Highway Loop 477, in Wichita County; 10020-01; renewal.

Keith Blair doing business as Lake Fork Marina; Alba; wastewater treatment facilities; located approximately one mile south of the intersection of FM Road 515 and 17; approximately five miles north of the intersection of FM Road 17 and State Highway 182 in Wood County; 12960-01; renewal.

City of Groves; North Wastewater Treatment Plant; located at the western corner of Georgia Avenue and Mockingbird Lane, approximately 1/2 mile northeast of the intersection of State Highway 347 and State Highway Spur 136 in Jefferson County; 10094-02; renewal.

City of Nacogdoches; wastewater treatment facilities; located on the east side of Bayou LaNana between FM 1275 and FM 2863 in Nacogdoches County; 10342-04; amendment.

City of Seabrook; the Wastewater Treatment Plant Number 1; located adjacent to the intersection of Second Street and Todville Street in Seabrook in Harris County; 10671-01; renewal.

West Road Water Supply Corporation; Houston; wastewater treatment plant; located along the east side of Interstate Highway 45, approximately 1/4 mile south of Aldine Road, Harris County; 02761; renewal.

Heat Transfer Research, Inc., Texas A&M University System; College Station; research facility; located approximately 0.25 mile southwest of the intersection of FM Road 2818 and FM Road 2347, adjacent to Fish Tank Road in the City of College Station, Brazos County; 03242; new.

Jim Oosterhof; Hamilton; dairy; located adjacent to and north of FM Road 2905, approximately one mile east of the intersection of FM Road 2905 and U.S. Highway 281 in Hamilton County; 03246; new.

City of Texarkana; Wagner Creek Wastewater Treatment Facilities; located approximately 2,300 feet west of Spur 151 and 3,300 feet south of State Highway 82 in Bowie County; 10374-07; renewal.

First American Land, Inc.; Corsicana; wastewater treatment facility; located on a county road, approximately

1.3 miles south of the intersection of the county road and a point on U.S. Highway 287, approximately 0.9 mile east of the eastern abutment of the U.S. Highway 287 bridge over Richland-Chambers Reservoir in Navarro County; 13528-01; new.

H/N Steel Company, Houston; wide flange beam manufacturing plant utilizing a hot forming carbon steel section mill; located at 1755 Federal Road in the City of Houston, Harris County; 03272; new.

Oxid, Inc./Southcoast Terminals; Houston; bulk storage terminal; located at 101 Concrete Street in the City of Houston, Harris County; 03243; new.

Cobb Dairy, Inc.; Rio Vista; dairy; located on the west side of a county road, approximately one mile west of State Highway 174 approximately 2 1/2 miles southwest of the intersection of State Highway 174 and FM Road 916 in Johnson County; 03239; new.

K. W. Mcpherson; Blum; dairy; located approximately 0.5 mile south of the intersection of FM Roads 67 and 3094 and approximately two miles southeast of Blum in Hill County; 03249; new.

Waterwood Municipal Utility District Number 1; Point Blank; wastewater treatment facilities; located approximately one mile east of FM Road 980, at a point six miles northwest of the intersection of FM Road 980 and State Highway 190 near Point Blank in Liberty County; 11447-01; amendment.

Amoco Oil Company, Texas City Refinery; petroleum refinery and organic chemical plant; located at 2401 Fifth Avenue South in the City of Texas City, Galveston County; 00443; renewal.

City of Conroe; wastewater treatment facilities; located immediately north of the confluence of Lake Creek with the San Jacinto River, at the end of Old Magnolia Road, approximately 2 1/2 miles west of Interstate Highway 45 and approximately 2 1/2 miles south of FM Road 2854 in Montgomery County; 10008-02; amendment.

The Town of Woodloch; wastewater treatment facilities; located approximately 3.25 miles southeast of the intersection of Interstate Highway 45 and FM Road 1488 and approximately 2.75 miles east-northeast of the intersection of Interstate Highway 45 and Needham Road in Montgomery County; 11580-01; renewal.

Gilroy Foods, Inc.; Fabens; vegetable dehydration plant; located approximately 300 feet southeast of State Highway 20, one mile northwest of the City of Fabens, El Paso County; 02387; amendment.

Folger Coffee Company; Sherman; coffee and fruit juice processing plant; located at 300 West FM Road 1417, which is located at the southwest corner of the intersection of FM Road 1417 and Howe Drive, in the City of Sherman, Grayson County; 02486; renewal.

Wonder Chemical Company doing business as Wonder Company; Livingston; bark processing facility; located adjacent to the Southern Pacific Railroad, approximately 0.5 mile southwest of New Willard in Polk County; 02901; renewal.

Betz Laboratories, Inc.; Beaumont; organic chemical manufacturing plant; located on U.S. Highway 90, north of the Southern Pacific Railroad main line and west of Willow Marsh Bayou, Jefferson County; 02640; renewal.

Hi-Port Industries, Division of Peterson/Puritan; Highlands; packaging facility for a variety of organic compounds including automotive and industrial antifreeze; blended engine oils, hydraulic oils, and transmission

fluids, and agricultural chemicals; located at 409 Wallisville Road, in the Community of Highlands, Harris County; 01062; renewal.

Conroe Independent School District; Conroe; wastewater treatment facilities; located approximately 2,000 feet northwest of the intersection of FM Road 1314 and Bennette Estates Road in Montgomery County; 12205-01; renewal.

John Devries; Sulphur Bluff; dairy; located on the east side of FM Road 69, approximately one mile north of the intersection of FM Road 69 and FM Road 71 in Hopkins County; 03257; new.

Ken J. Wallace; Sulphur Springs; dairy; located on the north side of FM Road 1567, approximately 1.4 miles east of the intersection of FM Road 1567 and FM Road 2560 in Hopkins County; 03258; new.

Roden Dairy, Inc.; Godley; dairy; located adjacent to and just east of County Road Number 1006, approximately two miles northeast of the intersection of State Highway 171 and FM Road 917 in Johnson County; 03258; new.

Henry Whitefield; Stephenville; dairy; located west-southwest of Stephenville, approximately 1/2 mile west of the intersection of U.S. Highway 377 and FM Road 988, and 1/4 mile north of U.S. Highway 377 in Erath County; 03241; new.

Town of Oak Ridge; wastewater treatment plant; located approximately 1,700 feet south of U.S. Highway 82 and approximately 9,800 feet west of FM Road 678 in Cooke County; 13514-01; new.

City of Terrell; wastewater treatment facilities; located approximately one mile south of the intersection of Interstate Highway 20 and State Highway 34, south of the City of Terrell, in Kaufman County; 10747-01; amendment.

E. I. Dupont De Nemours and Company, Inc; La Porte; hazardous and non-hazardous waste storage and processing facility; 10,000 feet due east of the intersection of State Highway 225 and Miller Cut-off Road in Harris County; HW50213; amendment; 45-day notice.

Amoco Oil Company; Refinery; Texas City; located at 2401 Fifth Avenue South, in the City of Texas City, Galveston County; HW50255; new; 45-day notice.

Issued in Austin, Texas, on August 24, 1990

TRD-9008562 Brenda W. Foster
Chief Clerk
Texas Water Commission

Filed: August 24, 1990

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

◆ ◆ ◆ Notice of Cancellation

The Texas Water Commission Waste Reduction Advisory Committee has scheduled on August 30, 1990, a meeting to continue discussion of model legislation and issues previously identified as published in the *Texas Register*. This meeting has been canceled. For more information please contact Priscilla Seymour, Ph.D., Head, Waste Minimization Unit, Hazardous and Solid Waste Division at (512) 463-7761.

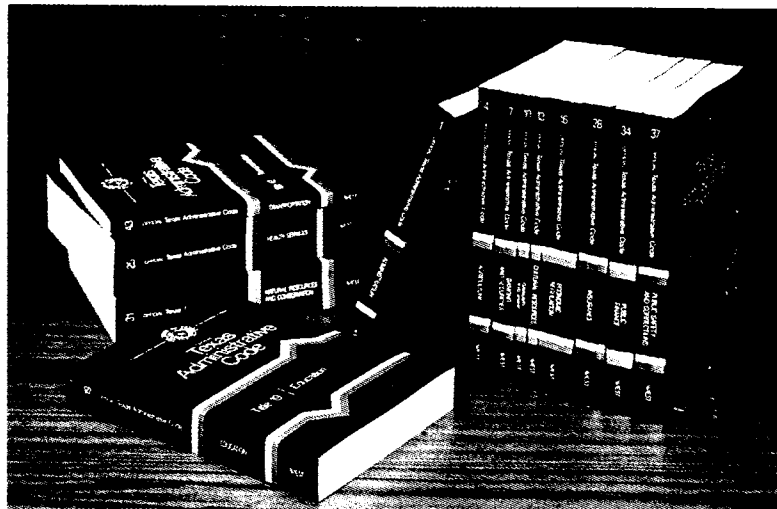
Issued in Austin, Texas, on August 27, 1990.

TRD-9008592 Jim Haley
Director, Legal Division
Texas Water Commission

Filed: August 27, 1990

For further information, please call: (512) 463-7761

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