

Texas Register

Volume 15, Number 79, October 16, 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Withdrawn Sections-sections withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date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).



Texas Register Publications

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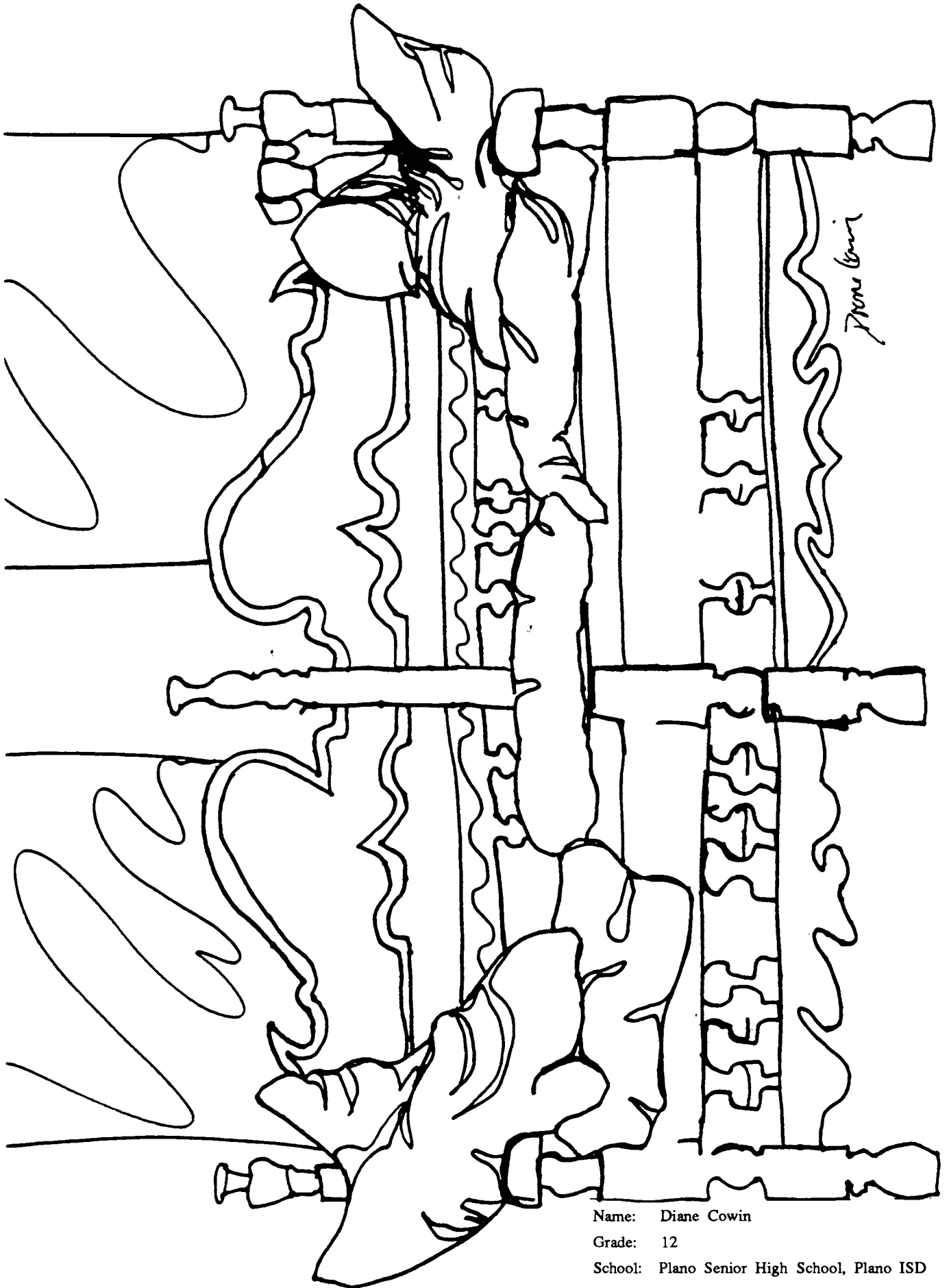
6088–Request for Proposals



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TAC Titles Affected

TAC Titles Affected—October

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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 October 2, 1990

To be a member of the **Texas Youth Commission** for a term to expire August 31, 1993: Edna L. Tamayo, Route 1, Box 253 "B", Wilson Road, Harlingen, Texas 78552. Mrs. Tamayo will be filling the unexpired term of Kenn S. George of Dallas who resigned.

To be a member of the **Executive Committee of the Office For the Prevention of Developmental Disabilities** for a term to expire February 1, 1991: James A. Baker, 539 Rancho Bauer, Houston, Texas 77079. Mr. Baker is being appointed to a new position pursuant to Senate Bill 1527, 71st Legislature, Regular Session.

To be a member of the **Texas Planning Council For Developmental Disabilities** for a term to expire February 1, 1993: Guy McCrary, 1308 Lawson, Midland, Texas 79701. Mr. McCrary will be filling the unexpired term of Priscilla Kirkwood of College Station, who resigned.

To be a member of the **Continuing Advisory Committee For Special Education** for a term to expire February 1, 1991: Walter R. Peppers, 6634 New Sulphur Springs Road, San Antonio, Texas 78263. Mr. Peppers is being reappointed.

To be a member of the **Continuing Advisory Committee For Special Education** for a term to expire February 1, 1991: Rosemary Richards, P.O. Box 610, Corsicana, Texas 75110. Mrs. Richards is being reappointed.

To be a member of the **Continuing Advisory Committee For Special Education** for a term to expire February 1, 1991: Sharon Eubank, 914 Maplecrest, Lancaster, Texas 75146. Ms. Eubank is being reappointed.

Issued in Austin, Texas, on October 9, 1990

TRD-9010661

William P. Clements, Jr.
Governor of Texas





Name: Joel Johnson

Grade: 11

School: Plano Senior High 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 28. INSURANCE

Part I. State Board of Insurance

Chapter 3. Life, Accident, and Health Insurance and Annuities

Subchapter GG. Texas Health Insurance Risk Pool Plan of Operation

• 28 TAC §§3.7001-3.7016

The State Board of Insurance is renewing the effectiveness of the emergency adoption of new §§3.7001-3.7016, for a 60-day period effective October 10, 1990. The text of new §§3.7001-3.7016 was originally published in the June 19, 1990, issue of the *Texas Register* (15 TexReg 3545).

Issued in Austin, Texas, on October 8, 1990.

TRD-9010626 Nicholas Murphy
 Chief Clerk
 State Board of Insurance

Effective date: October 10, 1990

Expiration date: December 9, 1990

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

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Chapter 9. Title Insurance

Subchapter A. Basic Manual of Rules, Rates, and Forms for the Writing of Title Insurance in the State of Texas

• 28 TAC §9.21

The State Board of Insurance is renewing the effectiveness of the emergency adoption of new §9.21, for a 60-day period effective October 18, 1990. The text of new §9.21 was originally published in the June 26, 1990, issue of the *Texas Register* (15 TexReg 3687).

Issued in Austin, Texas, on October 8, 1990.

TRD-9010627 Nicholas Murphy
 Chief Clerk
 State Board of Insurance

Effective date: October 18, 1990

Expiration date: December 17, 1990

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

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Chapter 19. Agents' Licensing

Subchapter K. Continuing Education Requirements for Insurance Agents and Adjusters

• 28 TAC §§19.1001-19.1011

The State Board of Insurance is renewing the effectiveness of the emergency adoption of amended §§19.1001-19.1011, for a 60-day period effective October 11, 1990. The text of amended §§19.1001-19.1011 was originally published in the June 19, 1990, issue of the *Texas Register* (15 TexReg 3548).

Issued in Austin, Texas, on October 8, 1990.

TRD-9010628 Nicholas Murphy
 Chief Clerk
 State Board of Insurance

Effective date: October 11, 1990

Expiration date: December 10, 1990

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

◆ ◆ ◆



Name: La Tonya Fuller

Grade: 12

School: Plano Senior High 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 28. INSURANCE

Part I. State Board of Insurance

Chapter 15. Surplus Lines Insurance

Subchapter B. Surplus Lines Stamping Office of Texas

• 28 TAC §15.101

The State Board of Insurance proposes an amendment to §15.101, concerning the plan of operation of the surplus lines stamping office of Texas. The amendment is necessary to allow the stamping office to better communicate with, and receive better supervision by, the commissioner of insurance and the State Board of Insurance. The amendment also includes some changes in the internal management of the stamping office.

Richard B. Schroeter, director, surplus and excess lines 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, and there will be no effect on local employment or local economy.

Mr. Schroeter 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 more effective regulation of surplus lines insurance. 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 Richard B. Schroeter, Director, Surplus and Excess Lines Section, Mail Code 014-5, State Board of Insurance, 1110 San Jacinto Boulevard, Austin, Texas 78701-1998.

The amendment is proposed under the Insurance Code, Article 1.04 and Article 1.14-2. Article 1.04 authorizes the State Board of Insurance to determine rules in accordance with the laws of this state. Article 1.14-2, §3(A), provides that the State Board of Insurance may promulgate rules to enforce Article 1.14-2, concerning surplus lines insurance. Article 1.14-2, §6(A)(d), provides that any amendments to the plan of operation of the surplus lines stamping office of Texas shall become effective upon approval by order of the State Board of Insurance.

§15.101. Plan of Operation of the Surplus Lines Stamping Office of Texas.

(a) Plan of operation. The plan of operation of the surplus lines stamping office of Texas (the plan) **and any amendment thereto** shall become effective upon written approval of the State Board of Insurance, and shall constitute the manner in which the surplus lines stamping office of Texas (the stamping office) shall operate and discharge its responsibilities in accordance with the Insurance Code and the rules and regulations of the State Board of Insurance.

(b) Those to whom the plan applies. All persons licensed as surplus lines agents under the Insurance Code, Article 1.14-2, shall be subject to the provisions of the plan.

(c) Directors.

(1) Board of directors. The management of all the affairs, property, and business of the stamping office shall be vested in the board of directors, and such board of directors shall consist of [no less than five nor more than] nine persons, **three of whom shall be licensed surplus lines agents, three of whom shall be representatives of the insurance industry (including one licensed risk manager), and three of whom shall be public representatives (including the public counsel for the Division of Consumer Protection appointed under the Insurance Code, Article 1.35A. No person who is a stockholder, director, officer, attorney, agent, or employee of any insurance company, an insurance agent, insurance broker, or insurance adjuster, or who is in any way directly or indirectly interested in any such business, excluding one who is insured by an insurer or a beneficiary of such business, shall be a public member.**

(2) Appointment and removal. The board of directors shall be appointed by the State Board of Insurance. **The State Board of Insurance may remove a director for willful misconduct or absence from three or more meetings of the board of directors during a calendar year. A director who is absent from six meetings of the board of directors during a calendar year automatically vacates his or her position on the board of directors.**

(3) Initial board of directors. The initial board of directors shall consist of three directors appointed for two years,

three directors appointed for three years, and three directors appointed for four years. Thereafter, directors will serve a term of three years. Directors may not serve consecutive full terms, **except for the public counsel for the Division of Consumer Protection appointed under the Insurance Code, Article 1.35A.** Directors shall serve until their successors are duly appointed **except when removed from office.** The minutes of the stamping office shall show the names of the board of directors and the term of office for each.

(4)[(2)] Vacancies. Vacancies on the board of directors may be filled for the remaining period of the vacating director's term by appointment by the State Board of Insurance. **Persons currently on the board of directors will continue to serve until their present terms expire (unless removed from office). Vacancies thereafter shall be filled by persons from each of the three groups meeting the qualifications as listed in subsection (c)(1) of this section. A person appointed to fill a vacancy must have the same qualifications as the director whose vacancy is being filled.**

(5)[(3)] Actions. A majority of the board of directors shall constitute a quorum for the transaction of business and the acts of a majority of the directors present at a meeting at which a quorum is present shall be the acts of the board of directors, except that an affirmative vote of six or more directors is required to:

(A) adopt an [approve the] annual budget after review by the State Board of Insurance;

(B) (No change.)

(C) recommend for adoption by the State Board of Insurance [adopt] a scheduled for stamping fees and other fees;

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

(F) authorize bank signatures; or

(G) adopt and amend the procedures manual, following State Board of Insurance review.

(6)[(4)] Polling by telephone. When issues listed in paragraph (5)[(3)] of this subsection are presented to the directors at any annual, regular, or special meeting, those directors absent from such meeting may be polled by the chairman of the board of directors on such issues by telephone or telegraph and any vote cast by such an absentee director on such issues by telephone or telegraph shall be as valid as though such absentee director was in fact present at the meeting for purposes of determining whether a quorum is present and voting. Votes cast in this manner shall be subsequently confirmed in writing by letter from such absentee director to the chairman.

(7)[(5)] Directors' annual meeting. The first regular meeting of the board of directors in the fiscal year is designated as the directors' annual meeting, and shall be held at such place designated by the board of directors. At each directors' annual meeting the board of directors shall:

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

(C) review of operating expenses, [and] schedule of fees, and annual report for submission to the State Board of Insurance and the commissioner;

(D) review, consider, and act on any other matters deemed by the board of directors to be necessary to the administration and purposes of the stamping office under [and of] the Insurance Code, Article 1.14-2, and rules and regulations adopted thereunder by the State Board of Insurance which are specifically applicable to the stamping office.

(8)[(6)] Board organization. The directors of the stamping office shall elect a chairman, a vice-chairman, and a secretary. They shall be elected at the board of directors' annual meeting and shall hold office until the next directors' annual meeting, or until their successors are elected and installed, unless removed pursuant to subsection (c)(3) of this section.

(A)-(C) (No change.)

(9)[(7)] Regular and special meetings. Regular meetings of the board of directors shall be held monthly on the third Tuesday of each month and the State Board of Insurance and the commissioner or his designee shall be notified. The chairman shall designate the time and place of such regular meetings and may cancel or postpone any regular meeting when in the chairman's judgment such cancellation or postponement will not interfere with the business of the stamping office. Special meetings of the board of directors may be called by the chairman and shall be called at the request of any three directors upon not less than five days' written notice to each director and to the State Board of Insurance and the commissioner or his

designee of the time and place, which shall be in the State of Texas, and purpose or purposes of any special meeting. Such notice for any special meeting may be waived by written waiver signed by all the directors before or after such meeting. At any regular or special meeting, the directors may consider and decide any matter deemed to be necessary for the administration of the stamping office.

(10)[(8)] Telephone meetings. Any meeting of the board of directors, except the annual meeting, may be held by telephone conference call when all or certain of the directors are not physically present at the place of the meeting, but participate in the conduct thereof by telephone, and, for all voting purposes, such directors shall be considered present and acting.

(11)[(9)] Consent. Any action which may be taken at regular or special meetings of the board of directors may be taken without a meeting if a consent in writing, setting forth the action so taken, shall be signed by all the directors entitled to vote at a meeting. Any such consent signed by such directors shall have the same effect as a unanimous vote.

(12)[(10)] Compensation; reimbursement. Directors shall serve without compensation, but they may be reimbursed for reasonable expenses incurred by them in carrying out their duties and responsibilities as members of the board of directors.

(d) General manager. The board of directors shall employ a general manager who will be responsible for the operation and management of the stamping office in accordance with policy established by the board of directors and shall serve at the pleasure of the board of directors.

(e) Operations.

(1) (No change.)

(2) Employees and contracts. The stamping office may employ such persons, or contract with such firms [,] or corporation, individuals, attorneys, or accountants, as are necessary for the performance of its [the] duties [imposed on the stamping office]. Contracts shall be subject to policies adopted by the board of directors.

(3) Bank accounts; borrowing. The stamping office may open one or more bank accounts. The board of directors shall recommend for approval by the State Board of Insurance an investment and cash management policy for the stamping office. Such policy may provide for reasonable [Reasonable] delegation[, by the board of directors,] of deposit and withdrawal authority to such accounts for stamping office business as may be [made] consistent with prudent fiscal policy. The stamping office may borrow as the board of directors may approve.

(4) Budget and fee schedule. Prior to November 1 of each year, the board of directors shall adopt, subject to State Board of Insurance review, a budget for the stamping office operating and capital expenses and contingent expenses for the period from January 1 to December 31 following. The budget shall take into account unknown and unanticipated expenses as may reasonably occur and make provision for such expenses in accordance with prudent business practice, but reserves, excluding funds for asset replacement, shall not exceed one year's operating expenses. Based upon the anticipated volume of surplus lines premium during the upcoming calendar year [period], the board of directors shall recommend for adoption by the State Board of Insurance [adopt] a stamping fee to be charged on all surplus lines business submitted to the stamping office. [The stamping fee shall be submitted to the State Board of Insurance for approval prior to implementation.]

(5) (No change.)

(6) Minutes. Upon approval of the minutes of each meeting of the board of directors, a copy shall be provided to the State Board of Insurance and the commissioner.

(7)[(6)] Reports. The stamping office shall record all surplus lines insurance documents submitted to it pursuant to the Insurance Code and rules and regulations of the State Board of Insurance and shall prepare reports to the commissioner of insurance, the State Board of Insurance, and to surplus lines agents as required therein. [and] Reports shall also be prepared for such other purposes as approved by the board of directors, or as the commissioner or the State Board of Insurance may reasonable request. The stamping office will furnish records and/or documents to staff of the State Board of Insurance upon request, for purposes of regulation, examination, or tax collection. The following shall be submitted to the commissioner and the State Board of Insurance:[.]

(A) the adopted budget;

(B) a copy of the annual audit; and

(C) an annual summary of operations which contain information on transactions, conditions, operations, and investments during the preceding year, such report to contain such matters and information as prescribed by and in such form as approved by the board of directors. The commissioner or the State Board of Insurance may at any time require the stamping office to furnish additional information with respect to any matter connected therewith and consid-

ered to be material in evaluating the economic, efficient, fair, and nondiscriminatory operation of the stamping office.

(8)[(7)] Procedures manual. The stamping office shall prepare, distribute, and maintain a procedures manual to each surplus lines agent setting forth the procedure for submitting surplus line insurance documents to the stamping office and other matters germane to the operation of the stamping office. **The manual shall be prepared in cooperation with the State Board of Insurance, and any changes, updates, or amendments shall be submitted to the State Board of Insurance for review prior to distribution.**

(9)[(8)] Insurance. The stamping office shall procure such bonds and insurance covering the stamping office, the directors, officers, employees, and agents of the stamping office, and its properties and activities as it deems appropriate.

(10) Status. The stamping office is a quasi-governmental entity created by statute and operated under this chapter to assist the State Board of Insurance by performing duties and functions provided by this chapter and by the Insurance Code, Article 1.14-2, by other laws specifically applicable to the stamping office, and by rules adopted by the State Board of Insurance applicable to the stamping office.

(f) Functions.

(1) (No change.)

(2) The stamping office shall assist the State Board of Insurance and facilitate compliance with the insurance laws of the state and the rules and regulations promulgated thereunder by conducting the following functions under the rules promulgated by the State Board of Insurance:

(A) Identifying technical deficiencies in policy preparation and submission, and seeking correction of such deficiencies;

(B)[(A)] identifying [nature and extent of] potential nonfraudulent violations;

(C)[(B)] notifying surplus lines agents of such potential nonfraudulent violations and seeking information related to the potential violation [voluntary compliance];

(D)[(C)] examining the eligibility of surplus lines insurance [and unauthorized insurers];

(E) immediately reporting to the State Board of Insurance all poten-

tially fraudulent and willful violations of laws or rules;

(F)[(D)] reporting to the commissioner and the Surplus Lines Section of the State Board of Insurance, within time frames specified by the surplus lines section, the following information:

(i) evaluations of eligibility under §15.7 [and §15.8] of this title (relating to Eligibility Requirements for Surplus Lines Insurance [and Eligibility Requirements for Surplus Lines Insurers]);

(ii) all apparent [unresolved alleged] violations;

(iii) summaries of the stamping office activities including actions relating to deficiencies and potential violations which were determined by obtaining additional information to be non-existent;

(iv) results of inquiries relating to complaints;

(v) result of any other actions under §15.13 of this title (relating to Surplus Lines Insurance Requests for Information, Examination, and Complaints);

(vi)[(iii)] patterns and practice of any surplus lines agent that may constitute lack of compliance with the applicable insurance laws of the state;

(vii)[(iv)] calculation of tax due on policies filed with the stamping office by [individual] surplus lines agents or agencies;

(viii)[(v)] compilations of premiums for property coverage written under a separate policy by a surplus lines insurer affiliated with a licensed insurer which information should include the total policy premium; [if available,] the portion of the premium that is actual extended coverage and other allied lines, if available; and where the risk is located;

[(vi)] tax due from agents and brokers in other states for independently procured insurance;

(ix)[(vii)] summaries of the stamping office activities including actions relating to guidelines for encouraging [voluntary] compliance; and

[(viii)] results of investigations relating to complaints;

(x)[(ix)] compilations of premium volume by surplus lines agent, insurer, and kinds and class of surplus lines insurance coverage. [; and]

[(x)] results of any other examinations under §15.13 of this title (relating to Surplus Lines Insurance Requests for Information Examination and Complaints);]

[(E)] monitoring the quality of preparation of policies, contracts or other detailed evidences of coverage, including additions and deletions thereto and cancellations thereof, including, but not limited to, readability, lack of ambiguity, and completeness;]

(F)-(H) (No change.)

(I) maintaining communication with the commissioner and State Board of Insurance including electronic or computer communication as required;

(J)-(K) (No change.)

[(3)] The stamping office is authorized by §15.13 of this title (relating to Surplus Lines Insurance Requests for Information, Examination and Complaints) to make inquiries and examine agents to effect its function under this chapter.]

(4) Any information collected under this chapter that indicates potential nonfraudulent violation of the laws of this state or the rules or regulations adopted thereunder that has not been determined [resolved] by inquiries for information to be nonexistent or corrected as a technical deficiency [voluntary compliance] shall be reported to the commissioner and the Surplus Lines Section of the State Board of Insurance. Such report shall not be released to the public by the stamping office. In any proceeding initiated under this chapter, stamping office personnel shall be available to provide evidence and testimony.

(g) Records and reports.

(1) A written record of the proceedings of each meeting of the board of directors shall be retained by the secretary with copies furnished to each director and to the commissioner and the State Board of Insurance.

(2) The board of directors shall, once each year, provide for an independent audit of all the books and records of the stamping office, and a copy of the audit report shall be provided to the commissioner and the State Board of Insurance.

(h) (No change.)

(i) Dissolution. In the event the stamping office is dissolved [and all its liabilities have been satisfied], the commissioner [the board of directors, upon a two-thirds majority vote,] shall take charge of and transfer the remaining assets, books, and records of the stamping office to the State Board of Insurance [at the time the stamping office is dissolved] or to another organization established for the same or similar purpose as the stamping office and which organization shall [must] be exempt under the Internal Revenue Code, §501(c)(3).

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 October 9, 1990.

TRD-9010679 Nicholas Murphy
Chief Clerk
State Board of Insurance

Earliest possible date of adoption: November 16, 1990

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

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Services

Chapter 12. Child Nutrition Programs

Summer Food Service Program

• 40 TAC §12.102, §12.103

The Texas Department of Human Services (DHS) proposes amendments to §12.102 and §12.103, concerning definitions of program terms, and eligibility of sponsors and facilities, in its Child Nutrition Programs chapter. The purpose of the amendment to §12.102 is to delete those parts of 7 Code of Federal Regulations, §225.2 that no longer apply to definitions of program terms. The purpose of the amendment to §12.103 is to extend eligibility and periods of participation. Private nonprofit organizations such as homeless feeding sites and year-round national youth sports programs are being added as eligible sponsors and will be able to participate in the Summer Food Service Program.

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

Mr. Raiford also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be that more children will be able to receive summer food service. There will be no effect on small businesses. There is no economic cost to persons who are required to comply with the sections as proposed.

Questions about the content of this proposal may be directed to Norma Robinson, Program Specialist in the Summer Food Services Program, (512) 450-3141. Comments on the proposal may be submitted to Cathy Rossberg, Policy and Document Support Department-506, Texas Department of Human Services E-503, P.O. Box 149030, Austin, Texas 78714-9030, within 30 days of publication in the *Texas Register*.

The amendments are proposed under the Human Resources Code, Title 2, Chapter 22, which authorizes the department to administer public assistance programs.

§12.102. Definitions of Program Terms. Terms used in the administration and operation of the Summer Food Service Program in Texas are defined in 7 Code of Federal Regulations, §225.2 [and Parts 15, 15(a), 15(b), and 3015].

§12.103. Eligibility of Sponsors and Facilities.

(a) (No change.)

(b) Sponsors that are nonprofit [private] school food authorities, [or] nonprofit private residential camps, or **private nonprofit organizations** must submit, as proof of eligibility, a letter from the IRS notifying the sponsor that it has been granted tax-exempt status under the Internal Revenue Code of 1954, as amended. Sponsors that are public school food authorities, public residential summer camps, or units of local, municipal, county, or state governments may be required to submit proof of eligibility.

(c) Colleges and university sponsors participating in the National Youth Sports Program's drug awareness activities during the academic year will be eligible to participate in the Summer Food Service Program on a year-round basis. **They can claim two meals or one meal and a snack. Meal service, however, can only be claimed for 30 days from October through April.**

(d) [(c)] Sponsors must be able to perform under the stipulations of 7 Code of Federal Regulations, §§225.6, 225.14, and 225.15.

(e) [(d)] The Texas Department of Human Services (DHS) approves applications of applicants that do not provide a year-round service to the community it proposes to serve, according to 7 Code of Federal Regulations, §225.6(b)(4), if the applicant is otherwise eligible and if:

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

(f) [(e)] When two or more sponsors propose to serve the same area or the same enrolled children, DHS selects sponsors according to 7 Code of Federal Regulations, §225.6.

(g) [(f)] Sponsors must ensure that all meal service sites meet the appropriate definitions concerning areas in which poor economic conditions exist, camps, rural areas, and sites as specified in 7 Code of Federal Regulations, §225.2.

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 October 10, 1990.

TRD-9010705 Cathy Rossberg
Agency liaison, Policy and
Document Support
Department
Texas Department of
Human Services

Proposed date of adoption: December 15, 1990

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

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

Definitions

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

The Texas Department of Human Services (DHS) proposes the repeal of §§16.1101, 16.1502, 16.1503, 16.1510, 16.1514, 16.1601, 16.1902, 16.1905, 16.1908, 16.1909, 16.3010, 16.3806, 16.3903, 16.6112, 16.7103, and 16.9801, concerning definitions, licensure, participation requirements, remedies for violations of Title XIX nursing facility provider agreements, preadmission screening and annual review requirements, Medicaid Swing Bed Program for rural hospitals, governing body, administration, staff development, transfer agreements with hospitals, responsibilities of the director of nursing, therapeutic home visits away from the facility, medical record content, discharges/relocations, utilization review plan, and reimbursement methodology for intermediate care facilities and skilled nursing facilities. The purpose of the repeals is to delete the remaining sections in old Chapter 16, Intermediate Care Facilities/Skilled Nursing Facilities (ICF-SNF). Chapter 16 has been replaced with new Chapter 19, Long Term Care Nursing Facility Requirements for Licensure and Medicaid Certification. Chapter 19 became effective October 1, 1990.

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

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

Questions about the content of this proposal may be directed to Rose Davis at (512) 450-3529 in DHS's Institutional Care Section. Comments on the proposal may be submitted to Cathy Rossberg, Agency Liaison, Policy and Document Support Department-202, Texas Department of Human Services E-503, P.O. Box 149030, Austin, Texas 78714-9030, within 30 days of publication in the *Texas Register*.

• 40 TAC §16.1101

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

§16.1101. Definitions.

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 October 10, 1990.

TRD-9010706 Cathy Rossberg
Agency liaison, Policy and
Document Support
Department
Texas Department of
Human Services

Proposed date of adoption: December 1, 1990

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

Compliance with State and Local Laws

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

• 40 TAC §§16.1502, 16.1503, 16.1510, 16.1514

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

§16.1502. Licensure.

§16.1503. Participation Requirements.

§16.1510. Remedies for Violations of Title XIX Nursing Facility Provider Agreements.

§16.1514. Preadmission Screening and Annual Resident Review (PASARR).

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 October 10, 1990.

TRD-9010707 Cathy Rossberg
Agency liaison, Policy and
Document Support
Department
Texas Department of
Human Services

Proposed date of adoption: December 1, 1990

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

Special Programs

• 40 TAC §16.1601

(Editor's note: The text of the following section proposed for repeal will not be published. The section may be examined in the offices of the

Texas Department of Human Services or in the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brazos Street, Austin.)

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

§16.1601. Medicaid Swing Bed Program for Rural Hospitals.

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 October 10, 1990.

TRD-9010708 Cathy Rossberg
Agency liaison, Policy and
Document Support
Department
Texas Department of
Human Services

Proposed date of adoption: December 1, 1990

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

Governing Body and Management

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

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

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

§16.1902. Governing Body.

§16.1905. Administration.

§16.1908. Staff Development.

§16.1909. Transfer Agreement with Hospitals.

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 October 10, 1990.

TRD-9010709 Cathy Rossberg
Agency liaison, Policy and
Document Support
Department
Texas Department of
Human Services

Proposed date of adoption: December 1, 1990

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

Nursing Services

• 40 TAC §16.3010

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

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

§16.3010. Responsibilities of the Director of Nursing.

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 October 10, 1990.

TRD-9010710 Cathy Rossberg
Agency liaison, Policy and
Document Support
Department
Texas Department of
Human Services

Proposed date of adoption: December 1, 1990

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

Services and Supplies Included in the Vendor Payment

• 40 TAC §16.3806

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

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

§16.3806. Therapeutic Home Visits Away from the Facility.

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 October 10, 1990.

TRD-9010711 Cathy Rossberg
Agency liaison, Policy and
Document Support
Department
Texas Department of
Human Services

Proposed date of adoption: December 1, 1990

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

Medical Records

• 40 TAC §16.3903

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

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

§16.3903. Content.

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 October 10, 1990.

TRD-9010712 Cathy Rossberg
Agency liaison, Policy and
Document Support
Department
Texas Department of
Human Services

Proposed date of adoption: December 1, 1990

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

Recipient Rights

• 40 TAC §16.6112

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

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

§16.6112. Discharges/Relocations.

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 October 10, 1990.

TRD-9010713 Cathy Rossberg
Agency liaison, Policy and
Document Support
Department
Texas Department of
Human Services

Proposed date of adoption: December 1, 1990

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

Medical Review and Re-evaluation

• 40 TAC §16.7103

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

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

§16.7103. Utilization Review Plan.

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 October 10, 1990.

TRD-9010714 Cathy Rossberg
Agency liaison, Policy and
Document Support
Department
Texas Department of
Human Services

Proposed date of adoption: December 1, 1990

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

Support Documents

• 40 TAC §16.9801

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

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

§16.9801. Reimbursement Methodology for Intermediate Care Facilities and Skilled Nursing Facilities.

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 October 10, 1990.

TRD-9010715 Cathy Rossberg
Agency liaison, Policy and
Document Support
Department
Texas Department of
Human Services

Proposed date of adoption: December 1, 1990

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

Chapter 19. Long-term Care Nursing Facility Requirements for Licensure and Medicaid Certification

Subchapter S. Reimbursement Methodology for Nursing Facilities

• 40 TAC §19.1807

The Texas Department of Human Services (DHS) proposes an amendment to §19.1807, concerning rate setting methodology. The purpose for the amendment is to allow retroactive changes to the Texas Index for Level of Effort (TILE) classification. If a TILE classification is changed by a DHS nurse reviewer, the change in TILE classification and in the associated per diem rate would be applicable to the entire effective period of the assessment under review. TILE classifications are changed if the DHS nurse reviewer determines that the client assessment, review, and evaluation (CARE) form (DHS Form 3652/3653) does not accurately reflect the recipient and/or the clinical record documentation.

Burton F. Raiford, chief financial officer, has determined that for the first five-year period the proposed section is in effect 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 section is in effect is an estimated reduction in cost of \$564,141 for fiscal year 1991; \$867,453 for fiscal year 1992; \$867,706 for fiscal year 1993; \$911,315 for fiscal year 1994; and 964,517 for fiscal year 1995. There will be no fiscal implications for local government.

Mr. Raiford also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be recouped by DHS of funds paid to nursing facilities based on overassessment of client needs. Also, DHS will pay nursing facilities when client needs have been underassessed. 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.

Questions about the content of this proposal may be directed to Danita Frazer at (512) 338-6914 in DHS's Utilization and Assessment Review Section. Comments on the proposal may be submitted to Cathy Rossberg, Agency Liaison, Policy and Document Support Services-511, Texas Department of Human Services E-503, P.O. Box 149030, Austin, Texas 78714-9030, within 30 days of publication in the *Texas Register*.

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

§19.1807. Rate Setting Methodology.

(a) (No change.)

(b) Rate determination. The Texas Board of Human Services determines gen-

eral reimbursement rates for medical assistance programs for Medicaid recipients under the provision Human Resources Code, Chapter 24 (relating to Reimbursement Methodology). The Texas Board of Human Services determines reimbursement rates for NFs based on consideration of DHS staff recommendations. To develop reimbursement rate recommendations for NFs, DHS staff apply the following procedures.

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

(7) Review and appeal of case-mix assessments. DHS nurse reviewers conduct desk reviews and in-depth, on-site reviews of samples of Texas Nursing Facility CARE forms completed by providers.

(A) When a DHS nurse reviewer identifies an error or an inconsistency on an assessment form, the reviewer will discuss the error with facility staff, and make appropriate corrections. TILE classification changes will be verbally presented at the time the changes are made. The facility staff will be notified of TILE changes by certified mail. If there is a reduction in the amount of Medicaid funds due the nursing facility, as a result of a change in the TILE classification, DHS shall recoup said funds previously paid to the provider under incorrect and/or erroneous TILE classification. Similarly, any changes in the TILE classification that increases the amount of Medicaid funds due the nursing facility, DHS shall pay the nursing facility the increase. The change in TILE classification and in the associated per diem rate becomes effective with the effective date of the assessment under review. This change in TILE classification is made when the nurse reviewer determines that the TILE classification is not substantiated and/or does not accurately reflect the recipient's status. Changes can be made no further back than January, 1991, and remain in effect until a new assessment is submitted as specified in subsection (b)(6) of this section. [When a DHS nurse reviewer discovers a problem or an inconsistency on an assessment form, the reviewer contacts the facility nurse assessor for clarification and makes appropriate corrections. If necessary, the reviewer changes the TILE classification and notifies the facility of the change in writing. The change in TILE classification and in the associated per diem rate is effective on the date of the review and remains in effect until a new assessment is submitted as specified in subsection (b)(6) of this section.]

(B) (No change.)

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

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

Issued in Austin, Texas, on October 10, 1990.

TRD-9010716

Cathy Rossberg
Agency liaison, Policy and
Document Support
Department
Texas Department of
Human Services

Proposed date of adoption: January 1, 1991

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

Chapter 72. Memoranda of Understanding With Other State Agencies

Memorandum of Understanding for the Office on Services to Persons With Disabilities

• 40 TAC §72.1001

The Texas Department of Human Services (DHS) proposes new §72.1001, concerning a memorandum of understanding on transition planning for students enrolled in special education, in its Memoranda of Understanding with Other State Agencies chapter. This new section will adopt by reference the memorandum of understanding (MOU) among the Texas Education Agency, the Texas Rehabilitation Commission, the Texas Commission for the Blind, the Texas Employment Commission, the Texas Department of Mental Health and Mental Retardation, and DHS published as adopted new 19 TAC §89.246 in the August 14, 1990, issue of the *Texas Register* (15 TexReg 4634). This MOU is developed for the purpose of establishing the respective responsibility of each agency for the provision of the services necessary to prepare students enrolled in special education for successful transition to life outside the public school system. The MOU provides for the collaborative and individual responsibilities of the agencies for the development and annual review of an individual transition plan for each student enrolled in special education who is at least 16 years old.

Burton F. Raiford, chief financial officer, has determined that for the first five-year period the proposed section is in effect 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 section is in effect is an estimated additional cost of \$-0- for fiscal year (FY) 1991; \$373,319 for FY 1992; \$378,678 for FY 1993; \$378,678 for FY 1994;

and \$378,678 for FY 1995. There will be no fiscal implications for local government as a result of enforcing or administering the section.

Mr. Raiford also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be a coordinated, planned movement from the educational system of public school into the adult community with appropriate adult service support for students enrolled in special education. There will be no effect on small businesses. There is no economic cost to persons who are required to comply with the section as proposed.

Questions about the content of this proposal may be directed to Alan Meyer, at (512) 450-3440, Contracted Client Services. Comments on the proposal may be submitted to Cathy Rossberg, Policy and Document Support Department-512, Texas Department of Human Services E-503, P.O. Box 149030, Austin, Texas 78714-9030, within 30 days of publication in the *Texas Register*.

The new section is proposed under the Human Resources Code, Title 2, Chapter 22, which authorizes the department to administer public assistance programs.

§72.1001. Memorandum of Understanding on Transition Planning for Students Enrolled in Special Education. Effective September 1, 1990, the Texas Department of Human Services (DHS) adopts by reference 19 TAC §89.246 (relating to Memorandum of Understanding on Transition Planning for Students Enrolled in Special Education). This memorandum of understanding between the Texas Education Agency, Texas Rehabilitation Commission, Texas Employment Commission, Texas Commission for the Blind, Texas Department of Mental Health and Mental Retardation, and DHS will provide coordination of services necessary to prepare students enrolled in special education for a successful transition to life outside the public school system.

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

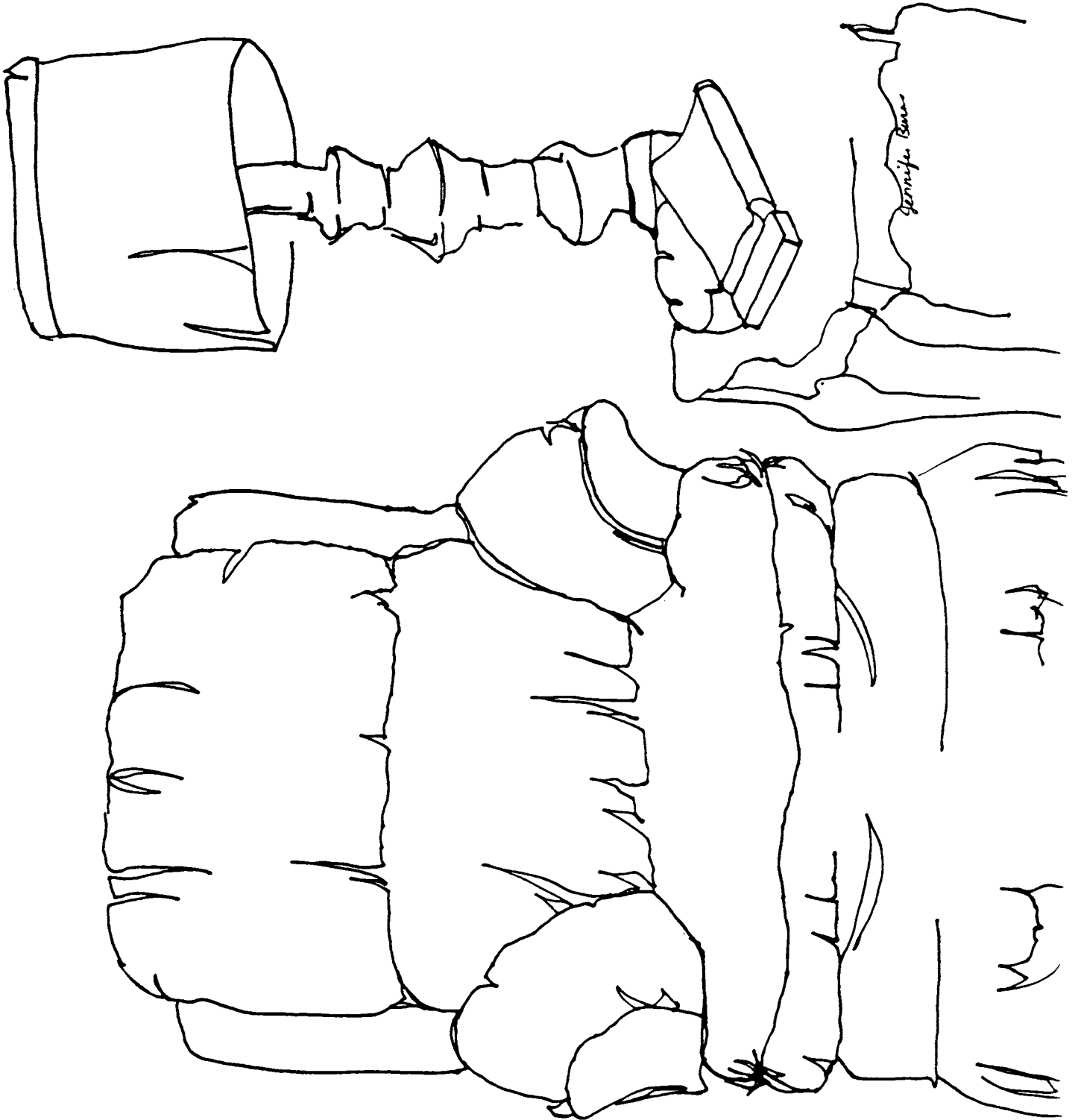
Issued in Austin, Texas, on October 10, 1990.

TRD-9010717

Cathy Rossberg
Agency liaison, Policy and
Document Support
Department
Texas Department of
Human Services

Proposed date of adoption: December 15, 1990

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



Name: Jennifer Burns

Grade: 12

School: Plano Senior High School, Plano 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 4. AGRICULTURE

Part I. Texas Department of Agriculture

Chapter 27. Fish Farm Regulations

• 4 TAC §§27.23-27.25, 27.50

The Texas Department of Agriculture (the department) adopts new section §§27.23-27.25 and 27.50, without changes to the proposed text as published in the September 7, 1990, issue of the *Texas Register* (15 TexReg 5091).

The new sections are adopted to allow the continued identification of redfish and speckled sea trout placed on the market and to make the department's regulations consistent with existing Texas Department of Parks and Wildlife regulations.

The new sections provide specific invoicing and packaging requirements for shipment of dead redfish and dead speckled sea trout.

No comments were received regarding adoption of the new sections.

The new sections are adopted under the Texas Agriculture Code, §134.005, which provides the Texas Department of Agriculture with the authority to adopt rules to carry out the fish farm program established under Chapter 134 and §134.019, which provides the department with the authority to adopt rules for the sale, transportation, possession, and identification of redfish and speckled sea trout raised by a fish farmer licensed under Chapter 134.

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 October 8, 1990.

TRD-9010660 Dolores Alvarado Hibbs
Director Of Hearings
Texas Department of
Agriculture

Effective date: October 30, 1990

Proposal publication date: September 7, 1990

For further information, please call: (512) 463-7583



TITLE 19. EDUCATION

Part I. Texas Higher Education Coordinating Board

Chapter 25. Administrative Council

Subchapter A. General Provisions

• 19 TAC §25.18

The Texas Higher Education Coordinating Board adopts new §25.18, without changes to the proposed text as published in the August 7, 1990, issue of the *Texas Register* (15 TexReg 4485).

The purpose of the new section is to provide a formal procedure for constituents to petition the council for adoption of amendments to Chapter 25 concerning rules and regulations of the administrative council.

The new section will provide a consistent and uniform procedure for constituents to use in petitioning the council for a change in Chapter 25 concerning rules and regulations of the administrative council.

No comments were received regarding adoption of the new section.

The new section is adopted under the Texas Insurance Code, Article 3.50-3, which provides the Administrative Council of the Texas Higher Education Coordinating Board with the authority to adopt rules and regulations consistent with the provision of the Act to carry out its statutory responsibilities.

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 October 2, 1990.

TRD-9010666 James McWhorter
Assistant Commissioner for
Administration
Texas Higher Education
Coordinating Board

Effective date: October 30, 1990

Proposal publication date: August 7, 1990

For further information, please call: (512) 483-6192



TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part I. General Land Office

Chapter 4. General Rules of Practice and Procedure

Subchapter A. Definitions and General Provisions

• 31 TAC §4.11

The General Land Office adopts an amendment to §4.11, without changes to the proposed text as published in the August 17, 1990, issue of the *Texas Register* (15 TexReg 4681).

The adoption will update cite references to conform to current statutes.

The adoption of this section will bring the section into conformity with the most recent statutory changes.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Natural Resources Code, §31.051, which provides the commissioner with the authority to make and enforce suitable rules consistent with the law, under the Natural Resources Code, §52.135(c), which provides the commissioner with the authority to establish hearings rules and procedures, and under the Administrative Procedure and Texas Register Act (Texas Civil Statutes, Article 6252-13a, §4(a) (Vernon 1970)), which sets guidelines for agency hearings.

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 October 8, 1990.

TRD-9010643 Garry Mauro
Commissioner
General Land Office

Effective date: October 30, 1990

Proposal publication date: August 17, 1990

For further information, please call: (512) 463-5009



Subchapter B. Initiation of General Land Office Action

• 31 TAC §4.22

The General Land Office adopts an amendment to §4.22, without changes to the proposed text as published in the August 17, 1990, issue of the *Texas Register* (15 TexReg 4681).

The adoption corrects as referencing error appearing in the current section.

The adoption of this section will bring the section into conformity with the most recent statutory changes.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Natural Resources Code, §31.051, which provides the commissioner with the authority to make and enforce suitable rules consistent with the law, under the Natural Resources Code, §52.135(c), which provides the commissioner with the authority to establish hearings rules and procedures, and under the Administrative Procedure and Texas Register Act (Texas Civil Statutes, Article 6252-13a, §4(a) (Vernon 1970)), which sets guidelines for agency hearings.

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 October 8, 1990.

TRD-9010644 Garry Mauro
Commissioner
General Land Office

Effective date: October 30, 1990

Proposal publication date: August 17, 1990

For further information, please call: (512) 463-5009

• 31 TAC §4.93

The General Land Office adopts an amendment to §4.93, without changes to the proposed text as published in the August 17, 1990, issue of the *Texas Register* (15 TexReg 4681).

The adoption corrects a referencing error appearing in the current section.

The adoption of this section will bring the section into conformity with the most recent statutory changes.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Natural Resources Code, §31.051, which provides the commissioner with the authority to make and enforce suitable rules consistent with the law, under the Natural Resources Code, §52.135(c), which provides the commissioner with the authority to establish hearings rules and procedures, and under the Administrative Procedure and Texas Register Act (Texas Civil Statutes, Article 6252-13a §4(a) (Vernon 1970)), which sets guidelines for the agency hearings.

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 October 8, 1990.

TRD-9010645 Garry Mauro
Commissioner
General Land Office

Effective date: October 30, 1990

Proposal publication date: August 17, 1990

For further information, please call: (512) 463-5009

Subchapter G. Pre-Hearing Proceedings

• 31 TAC §4.99

The General Land Office adopts new §4.99, without changes to the proposed text as published in the August 17, 1990, issue of the *Texas Register* (15 TexReg 4682).

The adoption of the new section will identify the discovery principles which are used by the agency in its administrative hearings process.

The section will set forth to the public the required agency discovery procedures.

No comments were received regarding adoption of the new section.

The new section is adopted under the Natural Resources Code, §31.051, which provides the commissioner with the authority to make and enforce suitable rules consistent with the law, under the Natural Resources Code, §52.135(c) which provides the commissioner with the authority to establish hearings rules and procedures, and under the Administrative Procedure and Texas Register Act (Texas Civil Statutes, Article 6252-13a, §4(a) (Vernon 1970)), which sets guidelines for agency hearings.

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 October 8, 1990.

TRD-9010646 Gary Mauro
Commissioner
General Land Office

Effective date: October 30, 1990

Proposal publication date: August 17, 1990

For further information, please call: (512) 463-5009

• 31 TAC §§4.161-4.163

The General Land Office adopts amendments to §§4.161-4.163, without changes to the proposed text as published in the August 17, 1990, issue of the *Texas Register* (15 TexReg 4682).

The amendments bring these sections into conformity with the most recent statutory changes.

The sections will assure that parties of record who desire to seek a review of an order of the commissioner by motion for rehearing, which is a prerequisite for any appeal, will deal with a simplified method for determining all deadlines.

No comments were received regarding adoption of the amendments.

The amendments are adopted under the Natural Resources Code, §31.051, which provides the commissioner with the authority to make and enforce suitable rules consistent with the law, under the Natural Resources Code, §52.135(c), which provides the commissioner with the authority to establish hearings rules and procedures, and under the Administrative Procedure and Texas Register Act (Texas Civil Statutes, Article 6252-13a, §4(a) (Vernon 1970)), which sets guidelines for agency hearings.

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 October 8, 1990.

TRD-9010642 Garry Mauro
Commissioner
General Land Office

Effective date: October 30, 1990

Proposal publication date: August 17, 1990

For further information, please call: (512) 463-5009

Part IX. Texas Water Commission

Chapter 335. Industrial Solid Waste and Municipal Hazardous Waste

Subchapter P. Warning Signs for Contaminated Areas

• 31 TAC §§335.441-335.448

The Texas Water Commission (TWC) adopts new §§335.441-335.448. Sections 335.441-335.444 and 335.448 are adopted with changes to the proposed text as published in the April 24, 1990, issue of the *Texas Register* (15 TexReg 2332). Sections 335.445-335.447 are adopted without changes and will not be republished.

The placement of warning signs on contaminated property is necessary to protect human health, safety, and welfare as required by the Texas Solid Waste Disposal Act, §1, Texas Health and Safety Code Annotated, Chapter 361 (Vernon's Supplement 1990). Rules regarding the placement of warning signs are necessary to give owners of contaminated property notice that signs may be placed on their property by the Texas Water Commission and to establish the circumstances under which this may happen. These sections require that no warning signs may be placed on contaminated property until a determination is made that there exists a potential threat to human health, safety, or welfare which will be alleviated by the placement of warning signs. The proposed sections include a list of factors to be considered in making this determination and establish the right to an evidentiary hearing if such a determination is contested. In addition, these sections specify the steps to be taken to have warning signs removed.

Comments were received from the Texas Chemical Council and StarEnterprise. Com-

ments on the proposed subchapter were received within the prescribed deadline for submission. One commenter noted that §335.441 of the proposed subchapter should be modified to reflect contamination on property not only from hazardous wastes, but also from hazardous substances, and to focus more clearly on the goal of protecting public health and safety. Another commenter noted that §335.441 of the proposed subchapter states that the proposed subchapter applies to property contaminated with hazardous waste while another section of the proposed subchapter, §335.442, refers to property contaminated with hazardous substances. The commission agrees that these two proposed provisions are inconsistent and therefore will modify §335.441 to state that the subchapter applies to property contaminated with hazardous substances. In addition, in response to both commenters, the commission will add a definition in §335.442 for hazardous substance which conforms to the current definition used in amendments which were made to the Texas Solid Waste Disposal Act pursuant to Senate Bill 1502, Acts of the 71st Legislature, 1989.

One commenter also proposed certain changes in the definitions of emergency and warning sign set forth in proposed §335.442 to focus more specifically on the goal of protecting public health and safety. The commission agrees with these proposed changes and has modified these definitions accordingly.

Comments were also received on proposed §335.443, concerning determination of potential hazard to public health, to clarify the procedures which would be used by the commission in determining whether warning signs should be placed on contaminated property. One of the comments on this section noted that since the Texas Department of Health has primary jurisdiction over the protection of human health, it should have a role in the determination of whether or not a threat to the public health and safety exists, perhaps through the Toxic Substances Coordinating Committee. Because timeliness in the placement of these warning signs is an essential goal of this proposed section, particularly in an emergency situation, the commission is reluctant to place a requirement in this section which could significantly delay a determination on the need to place warning signs on contaminated property. Therefore, although the Texas Department of Health is charged with protecting public health and safety in the state, the commission does not see the need to require that the Texas Department of Health be consulted in every instance prior to placement of warning signs on property contaminated with hazardous substances when such contamination creates a potential health hazard. However, in some cases such consultation may be appropriate; therefore, §335.443 has been modified to state that, when appropriate, the Texas Department of Health may be consulted prior to the commission's making a determination that a warning sign should be placed on contaminated property.

One commenter also noted with respect to §335.443 of the proposed subchapter that one of the factors that should be considered in making a determination on whether a warning sign should be placed on contaminated property is the known or suspected health

effects of any contaminants of concern. The commission agrees that this is a factor which should be considered in making this determination and the proposed section has been revised accordingly.

This commenter also stated that subsection (b) of §335.443 would no longer be needed if health effects are considered in determining whether a potential hazard to human health exists as a result of exposure to contaminated property and the term "hazardous substance" is defined in §335.441 of the proposed subchapter. Another commenter noted that hazardous substances or materials could be detected on contaminated property which are naturally occurring and ubiquitous; therefore, the presumption stated in the proposed section should be replaced by a presumption that a human health hazard exists only when hazardous substances are present in concentrations sufficient to cause a significant risk to human health.

The commission must respectfully disagree with the first referenced comment. Although subsection (b) of §335.443 does address potential health effects, the purpose of this provision is not to specify that health effects should be considered in making a determination on whether a health hazard exists sufficient to warrant the placement of warning signs on contaminated property, but rather to place a presumption that such placement is warranted when certain health effects have been documented or certain hazardous substances or materials have been discovered at the site. However, the second comment relating to the need to document that these hazardous substances exist in concentrations which could cause a significant likelihood of human exposure sufficient to cause a significant risk to human health is well-founded. Therefore, proposed §335.443(b) has been modified to contain this qualification.

Finally, a commenter noted that §335.448(1), concerning removal of warning signs, should be modified to require executive director or commission approval for the removal of warning signs. The commission agrees with this comment as well and has modified the proposed section accordingly.

The new sections are adopted under the Texas Water Code, §5.103 and §5.105, which provides the Texas Water Commission with the authority to adopt any rules necessary to carry out its power and duties under the Texas Water Code and other laws of this state and to establish and approve all general policies of the commission. The new sections are also proposed under the Texas Solid Waste Disposal Act, the Texas Health and Safety Code Annotated, Chapter 361, §361.024 (Vernon's Supplement 1990), which provides the Texas Water Commission with the authority to adopt and promulgate rules consistent with the general intent and purposes of the Act and to establish minimum standards of operation for all aspects of the management and control of municipal hazardous waste and industrial solid waste. Under the Act, §361.017, the Texas Water Commission is designated the state solid waste agency with respect to the management of all industrial solid waste and municipal hazardous waste and is required to implement the purposes of the Act through the control of all aspects of industrial solid waste and municipal hazardous waste management by all

practical and economically feasible methods consistent with the powers and duties prescribed under the Act and other existing legislation. The Act, §361.017, also grants to the commission the powers and duties specifically prescribed in the Act and all other powers necessary or convenient to carry out its responsibilities.

§335.441. Purpose, Scope, and Applicability. The purpose of this subchapter is to provide standards and procedures for the placement of warning signs on property contaminated with hazardous substances when such contamination presents a danger to public health and safety.

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

Contaminated property—Property on which hazardous substances in known or potentially harmful quantities have been released, spilled, leaked, pumped, poured, emitted, entered, or dumped.

Emergency—Any situation in which an immediate threat to public health and safety exists from releases or threatened releases of hazardous substances on contaminated property.

Hazardous substances—

(A) A substance designated pursuant to the Federal Water Pollution Control Act, §311(b)(2)(A), as amended (33 United States Code 1321).

(B) An element, compound, mixture, solution, or substance designated pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, §102, as amended (42 United States Code 9602).

(C) A hazardous waste having the characteristics identified under or listed pursuant to the federal Solid Waste Disposal Act, §3001, as amended (42 United States Code 6921), excluding waste, the regulation of which under the federal Solid Waste Disposal Act (42 United States Code 6901 et seq.) has been suspended by Act of Congress.

(D) A toxic pollutant listed under the Federal Water Pollution Control Act, §307(a), as amended (33 United States Code 1317);

(E) A hazardous air pollutant listed under the federal Clean Air Act, §112, as amended (42 United States Code 7412)

(F) Any imminently hazardous chemical substance or mixture with re-

spect to which the administrator of the Environmental Protection Agency has taken action pursuant to the Toxic Substances Control Act, §7 (15 United States Code 2606).

(G) Does not include petroleum, which means crude oil or any fraction thereof that is not otherwise specifically listed or designated as a hazardous substance under subparagraphs (A)-(F) of this definition; nor does it include natural gas, natural gas liquids, liquefied natural gas, or synthetic gas useable for fuel mixtures of natural gas and synthetic gas; nor does it include waste materials which result from activities associated with the exploration, development, or production of oil or gas or geothermal resources or any other substance or material regulated by the Railroad Commission of Texas pursuant to the Natural Resources Code, §91.101.

Property owner—The person or persons who own contaminated property.

Remedial action—This term shall have the same meaning as in 31 Texas Administrative Code Chapter 335, Subchapter K of this title (relating to Hazardous Waste Facilities Assessment and Remediation).

Warning sign—A sign which provides public notice that a particular property is contaminated with hazardous substances and that entry on the property presents a potential hazard to public health and safety. The sign may either be placed by the commission or made and placed in accordance with commission specifications.

Written consent form—A document signed by the property owner which states that the property owner agrees to the placement of warning signs on his property. The document shall be signed as follows.

(A) If the property owner is an individual, the written consent form shall be signed by the property owner or the property owner's approved agent. An agent shall provide written evidence of his or her authority to represent the property owner. If the property owner is an individual doing business under an assumed name, an assumed name certificate must be obtained from the county clerk of the county in which the principal place of business or the contaminated property is located.

(B) If the property is jointly owned, the written consent form shall be signed by each property owner or each property owner's duly authorized agent, with written evidence of such agency relationship to be submitted with the written consent form. If land is owned by both husband and wife, each shall sign the written consent form. If the joint owners are doing business under an assumed name, an assumed name certificate must be obtained from the county clerk of the county in which the principal place of business or the contaminated property is located.

(C) If the property is owned by a partnership, the written consent form shall be signed by one of the general partners. If the partnership is doing business under an assumed name, an assumed name certificate must be obtained from the county clerk of the county in which the principal place of business or the contaminated property is located.

(D) If the property is part of an estate or guardianship, the written consent form shall be signed by the duly appointed guardian or representative of the estate and a current copy of any and all document(s) issued by the court appointing the guardian or the representative of the estate shall be attached to the written consent form.

(E) If the property owner is a corporation, public district, county, municipality, or other corporate entity or political subdivision, the written consent form shall be signed by a duly authorized official. Written evidence in the form of bylaws, charters, or resolutions which specify the authority of the official to take such action shall be submitted. A corporation may file a corporate affidavit as evidence of the official's authority to sign.

(F) If the signatory is acting as trustee for another person, the signatory shall sign as trustee, and in the written consent form shall disclose the nature of the trust agreement and give the name and current address of each trust beneficiary. Each signatory shall subscribe to and swear to the written consent form before a person entitled to administer oaths, who shall also sign his or her name and affix his or her seal of office to the written consent form.

§335.443. Determination of Potential Hazard to Public Health.

(a) Prior to placing warning signs on contaminated property, a determination must be made by the executive director of the Texas Water Commission that there exists a potential hazard to public health and safety which will be eliminated or reduced by placing a warning sign on the contaminated property. The executive director of the Texas Water Commission may consult with the Texas Department of Health in making this determination where appropriate. During the initial site investigation, if there is sufficient information the following factors should be considered in determining whether a potential hazard to public health and safety exists:

(1) character of the contaminant(s), based on labeling, type of container, if any, the presence of any marking or labeling indicating the contents of any container present, laboratory analyses of the

contaminant(s) or media containing the contaminant(s) or other relevant factors;

(2) amount and/or suspected concentration of the contaminant(s);

(3) the known or suspected health effects of the contaminant(s);

(4) accessibility of the contaminated area to the public;

(5) route(s) of exposure;

(6) proximity of schools, hospitals, and residential areas; and

(7) potential for wind dispersal or other potential pathway(s) for migration of the contaminant(s).

(b) It is presumed by the Texas Water Commission that a hazard to the public health and safety exists if, at any point during the site investigation, the following conditions are found:

(1) illnesses are observed or alleged to be related to the contaminants present at the site;

(2) known or suspected toxic or carcinogenic materials are detected at concentrations which could potentially affect public health and safety;

(3) mutagenic, teratogenic, or other materials which may be detrimental to reproduction are discovered; or

(4) hazardous substances are found in an area accessible to the public.

§335.444. Property Owner Consents to the Placement of Warning Signs. Whenever possible, written consent should be obtained from the property owner of the contaminated property on which the warning signs are to be placed. The commission may place warning signs on contaminated property if prior written consent is obtained from the property owner for such placement.

§335.448. Removal of Warning Signs. Warning signs shall be removed from the contaminated property upon approval of the executive director or the commission after either:

(1) the property owner has provided the commission with documentation that remedial action on the contaminated property is complete and no further hazard to the public health and safety exists and the commission has independently verified the information provided; or

(2) the commission has independently determined that remedial action on the contaminated property is complete and no further hazard to the public health and safety exists.

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 October 10, 1990.

TRD-9010718 James Haley
 Director, Legal Division
 Texas Water Commission

Effective date: October 31, 1990

Proposal publication date: April 24, 1990

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





Name: Glen Killian

Grade: 12

School: Plano Senior High School, Plano ISD

Open Meetings

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

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

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

Texas Department of Aviation

Friday, October 19, 1990, 10 a.m. The Texas Board of Aviation of the Texas Department of Aviation will meet at the Anson Jones State Building, Room 221, 410 East Fifth Street, Austin. According to the agenda summary, the board will approve minutes of August 21, 1990 meeting; facilities development program; consideration of addition of proposed projects to FY 1991 state funded program with proposed financial assistance for Crystal City and Smithville; consideration of additions to FY 1992 federal/state funded program with proposed financial assistance to Galveston, Pecos, and Weslaco; consideration of changes to FY 1992 federal/state funded program with proposed modifications to improvement project at Nacogdoches; consideration of proposed resolution 91-10-1 reference financial assistance from FAA to accomplish state airport system planning; hear director's report; and election of officers.

Contact: Lydia Scarborough, 410 East Fifth Street, Austin, Texas 78711, (512) 476-9262.

Filed: October 9, 1990, 11 a.m.

TRD-9010669

Friday, October 19, 1990, noon. The Texas Board of Aviation of the Texas Department of Aviation will meet at the Headliners Club, Bank One Building, 221 West 6th Street, Suite 2100, Austin. According to the complete agenda, the board will have lunch at noon October 19, 1990. Although this function is primarily a social event and no formal action is planned, the board members may discuss items which occurred during the board meeting scheduled for 10 a.m., October 19, 1990.

Contact: Lydia Scarborough, 410 East Fifth Street, Austin, Texas 78711, (512) 476-9262.

Filed: October 11, 1990, 8:37 a.m.

TRD-9010776

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Texas Committee on Purchases of Products and Services of Blind and Severely Disabled Persons

Thursday, October 18, 1990, 10 a.m. The Texas Committee on Purchases of Products and Services of Blind and Severely Disabled Persons will meet at the Texas Commission for the Blind, Executive Conference Room, Third Floor, Administrative Building, 4800 North Lamar Boulevard, Austin. According to the agenda summary, the committee approved minutes of July 6, 1990 meeting; discussion and action on new services; renewal services; new products; and product changes and revisions; discussion and action on San Antonio State Hospital's business card contract; regarding enclaves; rules for pricing subcommittee; workshop's right of review; conflict of interest policy; nepotism policy; written agreement between Texas committee and TIBH; discussion and review of TIBH's programs and budget for FY 1991; discussion and action on FY 1991 commission rates; and discussion regarding commission fee setting for future years.

Contact: Michael T. Phillips, P.O. Box 12866, Austin, Texas 78711, (512) 459-2603.

Filed: October 10, 1990, 1:35 p.m.

TRD-9010743

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Bond Review Board

Friday, October 12, 1990, 10 a.m. The Bond Review Board held an emergency meeting at the State Capitol, Sergeant's Committee Room, Austin. According to the complete agenda, the board considered proposed issue: reconsideration of application of Texas Public Finance Authority-series 1990C General Obligation bonds for Texas Department of Criminal Justice, Texas Department of Mental Health and Mental Retardation, Texas Youth Commission and Texas Department of Public Safety; and discussed other business. The emergency status was necessary to allow timely reconsideration of issue previously considered

and tabled by BRB pending action of the board of TPFA.

Contact: Tom K. Pollard, 506 Sam Houston Building, 201 East 14th Street, Austin, Texas 78701, (512) 463-1741.

Filed: October 9, 1:21 p.m.

TRD-9010674

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Texas Cancer Council

Wednesday, October 24, 1990, 9 a.m. The Board of Directors of the Texas Cancer Council will meet at the Senate Room of the Austin Centre Building, 701 Brazos Street, Austin. According to the agenda summary, the board will adopt minutes of July 18, 1990 meeting; make announcements; hear executive director's report; consideration of policy regarding logo usage; presentation of Texas-specific cancer cost data; presentation of UTMB South Texas survey results and findings; FY 1990 expenditures and FY 1991 operating budget; adoption of FY 1992-1993 budget request; second submission; consideration of FY 1991 funding proposals and contract amendments; and other business items.

Contact: Emily Untermeyer, M.P.H., 211 East Seventh Street, Suite 710, Austin, Texas 78701, (512) 463-3190.

Filed: October 10, 1990, 8:49 a.m.

TRD-9010696

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Texas Commission for the Deaf

Thursday, October 11, 1990, 3:15 p.m. The Fiscal Affairs, Subcommittee of the Texas Commission for the Deaf held an emergency meeting at 1524 South IH-35, #200, Austin. According to the complete agenda, the subcommittee discussed fiscal matters pertaining to the commission.

Contact: Larry D. Evans, 1524 South IH-35, #200, Austin, Texas 78704, (512) 444-3323.

Filed: October 10, 1990, 1:58 p.m.

TRD-9010753

Friday, October 12, 1990, 10 a.m. The Board of Commissioners of the Texas Commission for the Deaf, Board Room, 1102 South Congress Avenue, Austin. According to the complete agenda, the commissioners hear public comment; approved minutes; subcommittee reports: fiscal affairs, BEL, rules and regulations, direct services; executive director's report; chairperson's report; discussed old business; new business; and made announcements. The emergency status was necessary as this was the only time available for all parties involved to meet.

Contact: Larry D. Evans, 1524 South IH-35, #200, Austin, Texas 78704, (512) 444-3323.

Filed: October 10, 1990, 1:58 p.m.

TRD-9010754

East Texas State University

Thursday, October 18, 1990, 1 p.m. The Board of Regents, Student and University Advancement of East Texas State University will meet at East Texas State University, McDowell Administration Building, Commerce. According to the complete agenda, the board will report on division activities.

Contact: Charles Turner, East Texas State University, Commerce, Texas 75429, (214) 886-5030.

Filed: October 10, 1990, 9:24 a.m.

TRD-9010700

Thursday, October 18, 1990, 1:30 p.m. The Board of Regents, Executive Committee of East Texas State University will meet at East Texas State University, McDowell Administration Building, Commerce. According to the complete agenda, the board will hear resolutions honoring former regents; policy on naming buildings; and meet in executive session to discuss pending litigation with university attorney.

Contact: Charles Turner, East Texas State University, Commerce, Texas 75429, (214) 886-5030.

Filed: October 10, 1990, 9:25 a.m.

TRD-9010701

Thursday, October 18, 1990, 1:30 p.m. The Board of Regents, Academic Affairs Committee of East Texas State University will meet at East Texas State University, McDowell Administration Building, Commerce. According to the complete agenda, the committee will review and discuss East Texas State University-Commerce: faculty workload reports; undersized class reports; curriculum changes; East Texas State University-Clarksville: faculty workload reports; undersized class report; and curriculum changes.

Contact: Charles Turner, East Texas State University, Commerce, Texas 75429, (214) 886-5030.

Filed: October 10, 1990, 9:25 a.m.

TRD-9010702

Thursday, October 18, 1990, 2:30 p.m. The Board of Regents, Campus Planning, Finance and Auditing Committee of East Texas State University will meet at East Texas State University, McDowell Administration Building, Commerce. According to the complete agenda, the committee will discuss re-appropriations for ETSU-Commerce; re-appropriations for ETSU-Clarksville; adjustments in ETSU-Clarksville operating budgets; memorial student center renovation; deletions from inventory records; student union fee limit; band summer camps; student to construct coliseum; and report on annual audit plan.

Contact: Charles Turner, East Texas State University, Commerce, Texas 75429, (214) 886-5030.

Filed: October 10, 1990, 9:25 a.m.

TRD-9010703

Friday, October 19, 1990, 9 a.m. The Board of Regents of East Texas State University will meet at East Texas State University, McDowell Administration Building, Commerce. According to the agenda summary, the board will act and receive reports from the following committees: student and university advancement; academic affairs; campus planning; finance and auditing; and meet in executive session.

Contact: Charles Turner, East Texas State University, Commerce, Texas 75429, (214) 886-5030.

Filed: October 10, 1990, 9:26 a.m.

TRD-9010704

Texas Education Agency

Thursday, October 18, 1990, 1:30 p.m. The State Board of Education Committee of the Whole of the Texas Education Agency will meet at the William B. Travis Building, Room 1-104, 1701 North Congress Avenue, Austin. According to the agenda summary, the committee will hear public testimony; hold a public hearing on rules in 19 TAC Chapters 53, 61, 65, 81, 85, and 93; public testimony on the characteristics and qualifications for the position of commissioner of education; waivers and exemptions: proposed repeal of rules in 19 TAC Chapters 29, 33, 41, 45, and 49; proposed new 19 TAC Chapter 49, internal operations, and amendments to Chapter 61, school districts; process for selection of nominee for the position of commissioner of education; report of Price Waterhouse on performance audit of the Texas Education Agency; academic excellence indicator system; restructuring the science curriculum, grades 7-10; discussion of current status of Edgewood versus Kirby; and discussion of pending litigation. The discussion of pending litigation will be held in executive session in

accordance with Article 6252-17, §2(e), Texas Civil Statutes.

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

Filed: October 10, 1990, 4:08 p.m.

TRD-9010766

Thursday, October 18, 1990, 2 p.m. The Interagency Coordinating Council on Dropout Prevention and Recovery of the Texas Education Agency will meet at the Texas Higher Education Coordinating Board, 7745 Chevy Chase (I-35 at 183), Room 200, Austin. According to the agenda summary, the council will hear a report on the status of the Public Education Information Management System (PEIMS) tracking program; report on the task force on middle school education; compendium update; subcommittee report on relocation of staff; subcommittee report on early identification of dropouts; and council business.

Contact: Federico Miller, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9512.

Filed: October 10, 1990, 4:07 p.m.

TRD-9010765

Friday, October 19, 1990, 8:30 a.m. The State Board of Education Committee on Long-Range Planning of the Texas Education Agency will meet at the William B. Travis Building, Room 1-104, 1701 North Congress Avenue, Austin. According to the agenda summary, the committee will hear public testimony; preliminary adoption of the Long-Range Plan for public education, 1990-1994; proposed legislative recommendations for the 72nd legislature.

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

Filed: October 10, 1990, 4:08 p.m.

TRD-9010767

Friday, October 19, 1990, 8:30 a.m. The State Board of Education Committee on the Permanent School Fund (PSF) of the Texas Education Agency will meet at the William B. Travis Building, Room 1-109, 1701 North Congress Avenue, Austin. According to the agenda summary, the committee will hear public testimony; review of PSF securities transactions and the investment portfolio; recommended PSF investment program for October and the funds available for the program; proposed new 19 TAC Chapter 33, investment program of the permanent school fund; report on the Texas Growth Fund; report of the chief investment officer; and proposed legislative recommendations for the 72nd legislature.

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

Filed: October 10, 1990, 4:08 p.m.

TRD-9010768

Friday, October 19, 1990, 11 a.m. The State Board of Education Committee on Personnel of the Texas Education Agency will meet at the William B. Travis Building, Room 1-111, 1701 North Congress Avenue, Austin. According to the agenda summary, the committee will hear public testimony; review academic excellence indicator system; planning and accreditation; master teacher program/examination; paperwork reduction; advanced academic training; certificate issuance procedures; types of accreditation status; teacher appraisal; administrator appraisal; assignment of school personnel; trustees for Lackland and Randolph Field Independent School Districts; proposed legislative recommendations for 72nd Legislature; ethnic/gender distribution of TEA personnel and education service center employees and boards; discussion of personnel issues specific to speech-language pathologists; and status report on the accreditation of school districts.

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

Filed: October 10, 1990, 4:09 p.m.

TRD-9010769

Friday, October 19, 1990, 11 a.m. The State Board of Education Committee on Students of the Texas Education Agency will meet at the William B. Travis Building, Room 1-104, 1701 North Congress Avenue, Austin. According to the agenda summary, the committee will hear public testimony; local district achievement testing and state norm-referenced test; age-ranges for student eligibility; curriculum; definition of remedial and compensatory instruction; equivalency examination pilot program; approval of plan for continuation of the Texas Assessment of Academic Skills Criterion-Referenced (TAAS-CRT) program and the adoption of a Norm-Referenced Test (TAAS-NRT); alternatives for appointments to the proclamation advisory committees; proposed legislative recommendations for the 72nd Texas Legislature; discussion of retention in prekindergarten and kindergarten; and report from 1990 curriculum review subject and program area reports.

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

Filed: October 10, 1990, 4:09 p.m.

TRD-9010770

Friday, October 19, 1990, 11 a.m. The State Board of Education Committee on School Finance of the Texas Education Agency will meet at the William B. Travis Building, Room 1-110, 1701 North Congress Avenue, Austin. According to the agenda summary, the committee will hear public testimony; proprietary schools and veterans education; proprietary school fees; year-round schools; state textbook program; depository status; regulation of proprietary

schools; student attendance accounting; years of service for salary purposes; Carl D. Perkins vocational applied technology act and appointments to Committee of Practitioners; current status of Edgewood versus Kirby; facilities funding recommendations; proposed legislative recommendations for 72nd legislature; annual report of internal audit function; and discussion of proposed system for evaluation of price increases for textbooks.

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

Filed: October 10, 1990, 4:09 p.m.

TRD-9010771

Saturday, October 20, 1990, 8:30 a.m. The State Board of Education (SBOE) of the Texas Education will meet at the William B. Travis Building, Room 1-104, 1701 North Congress Avenue, Austin. According to the agenda summary, the board will hear public testimony; SBOE resolutions; waivers/exemptions; 19 TAC Chapters 29, 33, 41, 45, and 49; internal operations; school districts; position of commissioner; science curriculum; long-range plan; legislative recommendations; permanent school fund; academic excellence; master teacher; paperwork reduction; advanced academic training; certificate procedures; accreditation status; teacher/administrator appraisal; assignment of school personnel; trustees for Lackland and Randolph Field ISDs; local district testing and norm-referenced test; age-ranges for student eligibility; curriculum; remedial/compensatory instruction; equivalency examination; assessment of academic skills; proclamation advisory committees; proprietary schools/veterans education and fees; year-round schools; state textbook program; depository status; student attendance; years of service; vocational/technology act; facilities funding; and information on agency administration.

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

Filed: October 10, 1990, 4:10 p.m.

TRD-90109772

The Finance Commission of Texas

Friday, October 19, 1990, 9:30 a.m. The Finance Commission of Texas will meet at the Finance Commission Building, 2601 North Lamar Boulevard, Third Floor Hearing Room, Austin. According to the agenda summary, the commission will consider committee and staff reports; individual departmental status and operational reports from the banking, savings and loan, and consumer credit departments; and meet in executive session in regard to supervisory, litigation and personnel matters.

Contact: James L. Pledger, 2601 North Lamar Boulevard, Suite 201, Austin, Texas 78705, (512) 479-1250.

Filed: October 11, 1990, 9:15 a.m.

TRD-9010780

Office of the Governor

Thursday, October 25, 1990, 2 p.m. The Foundation School Fund Budget Committee of the Office of the Governor will meet at the State Capitol, Room 301, Austin. According to the complete agenda, the committee will approve October 21, 1988 minutes; adoption of operating rules on an emergency basis; designation of a committee clerk; and certification of the amount to be placed in the Foundation School Fund for fiscal years 1990, 1991, 1992 and 1993.

Contact: Brian Wilson, P.O. Box 12428, Austin, Texas 78711, (512) 463-1778.

Filed: October 10, 1990, 10:43 a.m.

TRD-9010729

Office of the Governor, Criminal Justice Division

Friday, October 26, 1990, 9 a.m. The Juvenile Justice and Delinquency Prevention Advisory Board of the Office of the Governor, Criminal Justice Division will meet at the Giddings State School, Highway 290, Giddings. According to the agenda summary, the board will have a panel discussion of institutional programs; hear a report from subcommittee on minorities in confinement; report from subcommittee on purchase of juvenile services; recommendation for youth member training and input to state plan; results of board survey; board recommendations regarding juvenile justice programs to be eligible for funding in 1992 Criminal Justice Plan for Texas.

Contact: Jim Kester, Criminal Justice Division, Governor's Office, 201 East 14th Street, Austin, Texas 78701, (512) 463-1919.

Filed: October 11, 1990, 8:20 a.m.

TRD-9010774

Texas Health and Human Services Coordinating Council

Wednesday, October 17, 1990, 1 p.m. The Commission on Children, Youth and Family Services Community Resources Workgroup of the Texas Health and Human Services Coordinating Council will hold an emergency meeting at the Texas Juvenile Probation Commission, Board Room, 2015 South IH-35, Austin. According to the complete agenda, the commission will approve

minutes of October 1, 1990 meeting; finalize year one CRCG sites; discuss training funding; new business; and old business. The emergency status is necessary to finalize agenda.

Contact: Louis Worley, 311-A East 14th Street, Austin, Texas 78701, (512) 463-2195.

Filed: October 10, 1990, 7:50 a.m.

TRD-9010693

Thursday, October 18, 1990, 9:30 a.m. The Commission on Children, Youth, and Family Services Treatment and Care Workgroup of the Texas Health and Human Services Coordinating Council will meet at the Texas Department of Health, Room T-709, 1100 West 49th Street, Austin. According to the complete agenda, the commission will approve minutes of September 20, 1990 meeting; establish centralized funding subcommittee; subcommittee report: monitoring subcommittee; review comments on TDHS reimbursement methodology; discuss old business; and new business.

Contact: Rick Reynolds, 311-A East 14th Street, Austin, Texas 78701, (512) 463-2195.

Filed: October 10, 1990, 7:50 a.m.

TRD-9010694

Friday, October 19, 1990, 8:30 a.m. The Commission on Children, Youth, and Family Services of the Texas Health and Human Services Coordinating Council will meet at the Texas Department of Health, Room M652, 1100 West 49th Street, Austin. According to the complete agenda, the commission will review and approve minutes; workgroup reports: child abuse program evaluation workgroup, community resources workgroup, policy coordination workgroup, project child save workgroup, treatment and care workgroup; by laws amendment; new workgroup development; discuss old business; and new business.

Contact: Louis Worley, 311-A East 14th Street, Austin, Texas 78701, (512) 463-2195.

Thursday, November 1, 1990, 10 a.m. The Commission on Children, Youth, and Family Services Project Save Steering Committee of the Texas Health and Human Services Coordinating Council will meet at the Four Seasons Hotel, San Jacinto Ballroom East, 98 San Jacinto Boulevard, Austin. According to the complete agenda, the committee will review and discuss project child save orientation; charge to the committee; organizational structure; workplan development; and new business.

Contact: Louis Worley, 311-A East 14th Street, Austin, Texas 78701, (512) 463-2195.

Filed: October 10, 1990, 7:49 a.m.

TRD-9010692

Texas Higher Education Coordinating Board

Thursday, October 25, 1990, 9:30 a.m. The Health Affairs Committee of the Texas Higher Education Coordinating Board will meet at the Chevy Chase Office Complex, Building One, Room 1.100, 7700 Chevy Chase Drive, Austin. According to the agenda summary, the committee will consider matters relating to health affairs.

Contact: Kenneth H. Ashworth, P.O. Box 12788, Austin, Texas 78711, (512) 483-6101.

Filed: October 10, 1990, 10:46 a.m.

TRD-9010731

Thursday, October 25, 1990, 10 a.m. The Research Committee of the Texas Higher Education Coordinating Board will meet at the Chevy Chase Office Complex, Building One, Room 1.100, 7700 Chevy Chase Drive, Austin. According to the agenda summary, the committee will consider matters relating to research.

Contact: Kenneth H. Ashworth, P.O. Box 12788, Austin, Texas 78711, (512) 483-6101.

Filed: October 10, 1990, 10:48 a.m.

TRD-9010732

Thursday, October 25, 1990, 10:15 a.m. The Administration and Financial Planning Committee of the Texas Higher Education Coordinating Board will meet at the Chevy Chase Office Complex, Building One, Room 1.100, 7700 Chevy Chase Drive, Austin. According to the agenda summary, the committee will meet to consider matters relating to administration and financial planning.

Contact: Kenneth H. Ashworth, P.O. Box 12788, Austin, Texas 78711, (512) 483-6101.

Filed: October 10, 1990, 10:48 a.m.

TRD-9010733

Thursday, October 25, 1990, 10:45 a.m. The Universities Committee of the Texas Higher Education Coordinating Board will meet at the Chevy Chase Office Complex, Building One, Room 1.100, 7700 Chevy Chase Drive, Austin. According to the agenda summary, the committee will consider matters relating to universities.

Contact: Kenneth H. Ashworth, P.O. Box 12788, Austin, Texas 78711, (512) 483-6101.

Filed: October 10, 1990, 10:49 a.m.

TRD-9010734

Thursday, October 25, 1990, noon. The Committee of the Whole of the Texas Higher Education Coordinating Board will meet at the Chevy Chase Office Complex, Building One, Room 1.102, 7700 Chevy Chase Drive, Austin. According to the com-

plete agenda, the committee will meet in executive session to hear a report on the status of the South Texas lawsuit.

Contact: Kenneth H. Ashworth, P.O. Box 12788, Austin, Texas 78711, (512) 483-6101.

Filed: October 10, 1990, 10:56 a.m.

TRD-9010739

Thursday, October 25, 1990, 1 p.m. The Campus Planning Committee of the Texas Higher Education Coordinating Board will meet at the Chevy Chase Office Complex, Building One, Room 1.100, 7700 Chevy Chase Drive, Austin. According to the agenda summary, the committee will consider matters relating to campus planning.

Contact: Kenneth H. Ashworth, P.O. Box 12788, Austin, Texas 78711, (512) 483-6101.

Filed: October 10, 1990, 10:49 a.m.

TRD-9010735

Thursday, October 25, 1990, 2 p.m. The Long Range Planning Committee of the Texas Higher Education Coordinating Board will meet at the Chevy Chase Office Complex, Building One, Room 1.100, 7700 Chevy Chase Drive, Austin. According to the complete agenda, the committee will consider approval of the master plan for Texas Higher Education and the Executive Summary and Board work plan.

Contact: Kenneth H. Ashworth, P.O. Box 12788, Austin, Texas 78711, (512) 483-6101.

Filed: October 10, 1990, 10:54 a.m.

TRD-9010736

Thursday, October 25, 1990, 2:30 p.m. The Community Colleges and Technical Institutes Committees of the Texas Higher Education Coordinating Board will meet at the Chevy Chase Office Complex, Building One, Room 1.100, 7700 Chevy Chase Drive, Austin. According to the agenda summary, the committees will consider matters relating to community colleges and technical institutes.

Contact: Kenneth H. Ashworth, P.O. Box 12788, Austin, Texas 78711, (512) 483-6101.

Filed: October 10, 1990, 10:55 a.m.

TRD-9010737

Thursday, October 25, 1990, 3 p.m. The Student Services Committee of the Texas Higher Education Coordinating Board will meet at the Chevy Chase Office Complex, Building One, Room 1.100, 7700 Chevy Chase Drive, Austin. According to the agenda summary, the committee will consider matters relating to student services.

Contact: Kenneth H. Ashworth, P.O. Box 12788, Austin, Texas 78711, (512) 483-6101.

Filed: October 10, 1990, 10:55 a.m.

TRD-9010738

Friday, October 26, 1990, 9 a.m. The Coordinating Board of the Texas Higher Education Coordinating Board will meet at the Chevy Chase Office Complex, Building One, Room 1.100, 7700 Chevy Chase Drive, Austin. According to the agenda summary, the board will consider matters relating to the committees on: health affairs; research; administration and financial planning; long range planning; campus planning; universities; community colleges and technical institutes; student services; and reports to the coordinating board.

Contact: Kenneth H. Ashworth, P.O. Box 12788, Austin, Texas 78711, (512) 483-6101.

Filed: October 10, 1990, 10:57 a.m.

TRD-9010740

University of Houston

Monday, October 15, 1990, 2 p.m. The Animal Care Committee of the University of Houston met at the University of Houston, 4800 Calhoun Boulevard, Room 201, S&R II, Houston. According to the agenda summary, the committee approved September minutes; reviewed tabled protocol; renewals; election of committee chair; discussion of per diem rates; room rental discussion; update on selection of D.V.M.; and new protocols.

Contact: Julie T. Norris, 4800 Calhoun Boulevard, Houston, Texas 77204, (713) 749-3412.

Filed: October 9, 1990, 10:22 a.m.

TRD-9010663

Texas Board of Irrigators

Friday, October 19, 1990, 12:30 p.m. The Texas Board of Irrigators will meet at the Marriott Hotel-Houston, Harris Room, Galleria, 5150 Westheimer, Houston. According to the agenda summary, the board will recognize the licensed irrigator examination committee; consider approval of minutes; hear and consider six outstanding complaints; consider one outstanding complaint; discuss possible revisions to Article 8751; hear a report on actions to enforce act and rules; hear and consider report from Attorney General's office; and chairman to report on matters of interest to the board.

Contact: Joyce Watson, P.O. Box 12337, Austin, Texas 78711, (512) 463-7990.

Filed: October 10, 1990, 1:31 p.m.

TRD-9010742

Texas Optometry Board

Thursday, October 18, 1990, 8:30 a.m. The Texas Optometry Board will meet at

the Guest Quarters Hotel, 303 West 15th Street, Austin. According to the agenda summary, the board will consider reports of the secretary-treasurer; legal counsel; executive director; committee chairpersons; unfinished and new business to consider correspondence from the Department of Health regarding AIDS, Federal Trade Commission Eyeglass Rule II, CLEAR meeting (report) and forthcoming FARB meeting; executive session to be held in compliance with §2(e), Article 6252-17, VACS; and discuss contemplated/pending litigation, matters referred or to be referred to the Attorney General. On the previous day, October 17, 1990, the Continuing Education Committee will meet at 3 p.m., Committee on AIDS to meet at 4:30 p.m., and all remaining committees to meet at 8 p.m., at the same location.

Contact: Lois Ewald, 9101 Burnet Road, Suite 214, Austin, Texas 78758, (512) 835-1938.

Filed: October 9, 1990, 10:54 a.m.

TRD-9010668

Public Utility Commission of Texas

Monday, October 29, 1990, 10 a.m., rescheduled from Wednesday, October 10, 1990, at 10 a.m. The Hearings Division of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450N, Austin. According to the complete agenda, the division will conduct a prehearing conference in Docket Number 9714-application of GTE Southwest, Inc. to revise tariff to provide "Enhanced Services" at Dallas-Fort Worth Airport.

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

Filed: October 9, 1990, 3:25 p.m.

TRD-9010681

Monday, October 29, 1990, 10 a.m., rescheduled from Wednesday, October 10, 1990, at 10 a.m. The Hearings Division of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450N, Austin. According to the complete agenda, the division will conduct a prehearing conference in Docket Number 9713-application of GTE Southwest, Inc. to revise tariff to establish "Enhanced Services" networks offerings.

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

Filed: October 9, 1990, 3:26 p.m.

TRD-9010682

Tuesday, November 13, 1990, 9 a.m., rescheduled from Wednesday, October 10, 1990, at 10 a.m. The Hearings Division of the Public Utility Commission of Texas will

meet at 7800 Shoal Creek Boulevard, Suite 450N, Austin. According to the complete agenda, the division will conduct a prehearing conference in Consolidated Docket Numbers 9251, 9088, 9249 and 9298-application of GTE Southwest, Inc. for approval of revisions to the Centranet Service tariff; application of GTE Southwest, Inc. to establish Centranet rates for Exxon Chemical Company; application of GTE Southwest, Inc. to establish Centranet rates for Texas Instruments; application of GTE Southwest, Inc. for approval of Centranet Service for Williamson County and San Felipe Del Rio Consolidated Independent School District.

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

Filed: October 9, 1990, 3:24 p.m.

TRD-9010680

Texas National Research Laboratory Commission

Thursday, October 18, 1990, 2 p.m. The Texas National Research Laboratory Commission will meet at the InfoMart Exhibition Hall, Sixth Floor, Room 6044, Stemmons Freeway and Oak Lawn, Dallas. According to the agenda, the commission will approve minutes of September 27, 1990; hear chairman's report-M. Meyerson; Executive Director's report-E. Bingler; counselor's report-J. F. Bucy; committee reports: budget and finance-P. O'Donnell; approve FY 1991 general revenue budget; approve FY 1991 bond proceeds budget; land acquisition-C. Perry; hear commissioner reports; commission old business: authorize \$3.2 million for construction of magnet development lab; new business; public comment; and meet in executive session-land acquisition P/P C. M. hiring.

Contact: Karen L. Chrestay, 1801 North Hampton, #400, DeSoto, Texas 75115, (214) 709-3800.

Filed: October 10, 1990, 5:03 p.m.

TRD-9010773

Stephen F. Austin State University

Monday, October 15, 1990, 1:30 p.m. The Board of Regents Committees of the Stephen F. Austin State University met at the Stephen F. Austin State University Campus, Room 307, Austin Building, Nacogdoches. According to the revised agenda summary, the committees reviewed amendment of rules and regulations of the Board of Regents; approved minutes of July 10, 1990 meeting; called meeting of August 3, 1990; personnel-faculty and staff appointments for summer 1990; change of status for summer 1990; faculty and staff appoint-

ments for 1990-1991; change of status 1990-1991; leaves of absence; faculty development leave change; academic and student affairs-underenrolled class report for summer II, 1990; underenrolled class report for fall semester, 1990; faculty workload report; curriculum; policy on AIDS/HIV; drug/alcohol abuse prevention program; financial affairs-approval of final budget positions for FY 1990; renewal of food service contract; defeasance of 1962 bond issue; approval of underwriters for long-term disability; resolution with NCNB Bank of Houston for self-funded insurance account; building and grounds-property acquisition at the Temple Eastex Forestry Laboratory; review of bids on Stone Fort Museum renovation; budget for the Stone Fort renovation project; ratification of bids for Shelton Gym roof replacement; budget for Shelton Gym roof repair; authorization for budget increase for grounds storage facility; acceptance of artificial turf installation at Homer Bryce Stadium; executive session-personnel matters, Office of University Advance; and NCAA investigation report.

Contact: Dr. Donald E. Bowen, P.O. Box 6078 SFA Station, Nacogdoches, Texas 75962, (409) 568-2201.

Filed: October 9, 1990, 4:09 p.m.

TRD-9010688

Tuesday, October 16, 1990, 9 a.m. The Board of Regents of Stephen F. Austin University will meet at the Stephen F. Austin State University Campus, Room 307, Austin Building, Nacogdoches. According to the revised agenda summary, the board will review amendment of rules and regulations of the Board of Regents; approve minutes of July 10, 1990 meeting; called meeting of August 3, 1990; personnel-faculty and staff appointments for summer 1990; change of status for summer 1990; faculty and staff appointments for 1990-1991; change of status 1990-1991; leaves of absence; faculty development leave change; academic and student affairs-underenrolled class report for summer II, 1990; underenrolled class report for fall semester, 1990; faculty workload report; curriculum; policy on AIDS/HIV; drug/alcohol abuse prevention program; financial affairs-approval of final budget positions for FY 1990; renewal of food service contract; defeasance of 1962 bond issue; approval of underwriters for long-term disability; resolution with NCNB Bank of Houston for self-funded insurance account; building and grounds-property acquisition at the Temple Eastex Forestry Laboratory; review of bids on Stone Fort Museum renovation; budget for the Stone Fort renovation project; ratification of bids for Shelton Gym roof replacement; budget for Shelton Gym roof repair; authorization for budget increase for grounds storage facility; acceptance of artificial turf installation at Homer Bryce Stadium; executive session-personnel matters, Office of University Advance; and NCAA investigation report.

Contact: Dr. Donald E. Bowen, P.O. Box 6078 SFA Station, Nacogdoches, Texas 75962, (409) 568-2201.

Filed: October 9, 1990, 4:10 p.m.

TRD-9010689

Board of Tax Professional Examiners

Friday, October 19, 1990, 1:30 p.m. The Board of Professional Tax Examiners will meet at the State Property Tax Board, Conference Room, 4301 Westbank Drive, Austin. According to the agenda summary, the board will announce meeting notice and quorum; approval of minutes of the August 13, 1990 meeting; action on request for re-registration with the board by canceled official; and discuss preliminary draft of proposed rules on ethical conduct.

Contact: Sam H. Smith, 4301 Westbank Drive, Austin, Texas 78746-6565, (512) 329-7981.

Filed: October 9, 1990, 10:41 a.m.

TRD-9010667

University of Texas Health Science Center at San Antonio

Wednesday, October 17, 1990, at 3 p.m. The Institutional Animal Care and Use Committee of the University of Texas Health Science Center at San Antonio will meet at the History of Medicine Conference Room 5.070 Lib., 7703 Floyd Curl Drive, San Antonio. According to the agenda summary, the committee will approve minutes; protocols for review; subcommittee reports; and discuss other business.

Contact: Molly Greene, 7703 Floyd Curl Drive, San Antonio, Texas 78284-7822, (512) 567-3717.

Filed: October 9, 1990, 4:35 p.m.

TRD-9010691

Texas Water Commission

Wednesday, October 24, 1990, 9 a.m. The Texas Water Commission will meet at 1700 North Congress Avenue, Stephen F. Austin Building, Room 118, Austin. According to the agenda summary, the commission will consider various matters within the regulatory jurisdiction of the commission. In addition, the commission will consider items previously posted for open meeting and at such meeting verbally postponed or continued to this date. With regard to any item, the commission may take various actions, including but not limited to scheduling an item in the entirety or for particular action at a future date or time.

Contact: Gloria Barrera, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: October 9, 1990, 3:55 p.m.

TRD-9010683

Wednesday, October 24, 1990, 3 p.m. The Texas Water Commission will meet at 1700 North Congress Avenue, Stephen F. Austin Building, Room 118, Austin. According to the agenda summary, the commission will consider various matters within the regulatory jurisdiction of the commission. In addition, the commission will consider items previously posted for open meeting and at such meeting verbally postponed or continued to this date. With regard to any item, the commission may take various actions, including but not limited to scheduling an item in the entirety or for particular action at a future date or time.

Contact: Gloria Barrera, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: October 9, 1990, 3:56 p.m.

TRD-9010684

Thursday, November 15, 1990, 9 a.m. The Office of Hearings Examiner of the Texas Water Commission will meet at the Orange County Courthouse, Room 203, 801 Division, Orange. According to the agenda summary, the examiner will consider an application by Orange County Water Control and Improvement District Number One for proposed Permit Number 10875-05 authorizing discharge of treated domestic wastewater effluent to Schoolhouse ditch; thence to Meyers Bayou; thence into the Neches River in Segment Number 0601 of the Neches River Basin.

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

Filed: October 9, 1990, 3:56 p.m.

TRD-9010685

Friday, December 14, 1990, 9 a.m. The Texas Water Commission will meet at the Stephen F. Austin Building, Room 119, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will consider an application for Hazardous Waste Permit HW-50313 and Waste Disposal Well Permits WDW-275 and WDW-276 for Loving County Disposal, Inc. The facility would be constructed approximately 3.8 miles east of the City of Mentone, Loving County. Both wells would be located within the facility in Section 77 of Bloc One of the W. and N.W. Railroad Company survey (approximate latitude 31 degrees 42' 34" north, longitude 103 degrees 27' 40" west). The purpose of the hearing will be to receive evidence on the conditions, if any, under which the permits may be issued.

Contact: Bill Zukauckas, P.O. Box 13087, Austin, Texas 78711-3087, (512) 463-7875.

Filed: October 10, 1990, 3:49 p.m.

TRD-9010763

Texas Water Development Board

Wednesday, October 17, 1990, 3 p.m. The Audit Committee of the Texas Water Development Board will meet at 1700 North Congress Avenue, Stephen F. Austin Building, Room 513-F, Austin. According to the complete agenda, the committee will consider approval of the minutes of the February 15, 1990 meeting of the audit committee; briefing on the performance audit report prepared by the state auditor; and consider for adoption the charter for the internal audit function.

Contact: G. E. Kretschmar, P.O. Box 13231, Austin, Texas 78711, (512) 463-7847.

Filed: October 9, 1990, 3:57 p.m.

TRD-9010686

Wednesday, October 17, 1990, 4 p.m. The Finance Committee of the Texas Water Development Board will meet at 1700 North Congress Avenue, Stephen F. Austin Building, Room 513-F, Austin. According to the complete agenda, the committee will consider approval of the minutes of the September 19, 1990 meeting; briefing on future funding alternatives for the state revolving fund; briefing on the status of the federal appropriation of \$15 million for a loan program to colonia residents for indoor plumbing; and committee may discuss items on the agenda of the October 18th board meeting.

Contact: G. E. Kretschmar, P.O. Box 13231, Austin, Texas 78711, (512) 463-7847.

Filed: October 9, 1990, 3:57 p.m.

TRD-9010687

Thursday, October 18, 1990, 9 a.m. The Texas Water Development Board will meet at the Stephen F. Austin Building, 1700 North Congress Avenue, Room 118, Austin. According to the agenda summary, the board will consider minutes; development fund manager's report; commitment extension for City of Tolar; requests for financial assistance from Travis County WCID Number 17, Chalk Hill WSC; Victoria County WCID Number 1; Bland Lake WSC; Greater Texoma Utility Authority (Gunter); and cities of Fort Worth, Robstown, and Cottonwood Shores; facility engineering phase I application from the Brownsville Public Service Board; unsolicited regional water supply planning application from Barton Springs-Edwards Aquifer Conservation District; \$25,000 cooperative contract with USGS; status of revised state water plan and possible revisions; and appointment of member to the Lower Neches Valley Authority.

Contact: G. E. Kretschmar, P.O. Box 13231, Austin, Texas 78711, (512) 463-7847.

Filed: October 10, 1990, 10:16 a.m.

TRD-9010727

Regional Meetings

Meetings Filed October 9, 1990

The Austin-Travis County Mental Health and Mental Retardation Board of Trustees held an emergency meeting at 1430 Collier Street, Board Room, Austin. The emergency status was necessary as action needed to be taken immediately, and notified today that members could meet Thursday, October 11, 1990. Information may be obtained from Sharon Taylor, P.O. Box 3548, Austin, Texas 78764-3548, (512) 447-4141. TRD-9010690.

The Palo Pinto Appraisal District Agricultural Appraisal Advisory Board will meet at the Palo Pinto County Courthouse, Palo Pinto, October 16, 1990, at 7 p.m. Information may be obtained from Jack F. Samford, P.O. Box 250, Palo Pinto, Texas 76067, (817) 659-1234. TRD-9010677.

The Region 14 Education Service Center Board of Directors will meet at 1850 State Highway 351, Abilene, October 18, 1990, at 5:30 p.m. Information may be obtained from Taressa Huey, Route 1, Box 70-A, Abilene, Texas 79601, (915) 675-8608. TRD-9010678.

The Trinity River Authority of Texas Resources Development Committee met at 5300 South Collins Street, Arlington, October 15, 1990, at 10:30 a.m. Information may be obtained from Jack C. Worsham, P.O. Box 60, Arlington, Texas 76004, (817) 467-4343. TRD-9010662.

Meetings Filed October 10, 1990

The Brazos River Authority Board of Directors, Committee for Consideration of Contractors' Qualifications met at 4400 Cobbs Drive, Waco, October 14, 1990, at 2 p.m. Information may be obtained from Mike Bukala, P.O. Box 7555, Waco, Texas 76714-7555, (817) 776-1441. TRD-9010699.

The Central Appraisal District of Taylor County Board of Directors will meet at 1534 South Treadaway, Abilene, October 17, 1990, at 3:30 p.m. Information may be obtained from Richard Petree, P.O. Box 1800, Abilene, Texas 79604, (915) 676-9381. TRD-9010741.

The Colorado River Municipal Water District Board of Directors will meet at 400 East 24th Street, Big Spring, October 18, 1990, at 10 a.m. Information may be obtained from O. H. Ivie, P.O. Box 869, Big Spring, Texas 79721, (915) 267-6341. TRD-901760.

The Denton Central Appraisal District Board of Directors will meet at 3911 Morse Street, Denton, October 18, 1990, at 4 p.m. Information may be obtained from John D. Brown, 3911 Morse Street, Denton, Texas 76205, (817) 566-0904. TRD-9010749.

The Denton Central Appraisal District Appraisal Review Board will meet at 3911 Morse Street, Denton, October 22, 1990, at 9 a.m. Information may be obtained from John D. Brown, 3911 Morse Street, Denton, Texas 76205, (817) 566-0904. TRD-9010750.

The Education Service Center, Region XIII Board of Directors met at the Education Service Center, Region XIII, Room 205, 5701 Springdale Road, Austin, October 15, 1990, at 12:45 p.m. Information may be obtained from Dr. Joe Parks, 5701 Springdale Road, Austin, Texas 78723, (512) 929-1300. TRD-9010752.

The Golden Crescent Service Delivery Area Private Industry Council, Inc. will meet at 2401 Houston Highway, Victoria, October 17, 1990, at 7 p.m. Information may be obtained from Sandy Heiermann, 2401 Houston Highway, Victoria, Texas 77901, (512) 576-5559. TRD-9010757.

The Golden Crescent Service Delivery Area Private Industry Council, Inc. will meet at 2401 Houston Highway, Victoria, October 15, 1990, at 6:30 p.m. Information may be obtained from Sandy Heiermann, 2401 Houston Highway, Victoria, Texas 77901, (512) 576-5559. TRD-9010758.

The Guadalupe-Blanco River Authority Board of Directors will meet at the Authority's Offices, 933 East Court Street, Seguin, October 18, 1990, at 10 a.m. Information may be obtained from John H. Specht, P.O. Box 271, Seguin, Texas 78155, (512) 379-5822. TRD-9010759.

The Jack County Appraisal District Board of Directors will meet at 216-D South Main Street, Los Creek Office Building, Jacksboro, October 16, 1990, at 7 p.m. Information may be obtained from J. D. Garcia or Donna E. Hartzell, 216-D South Main Street, Jacksboro, Texas 76056, (817) 567-6301. TRD-9010751.

The Jasper County Appraisal District Board of Directors will meet at the Buna CISD Board Room, Highway 62, Buna, October 16, 1990, at 7 p.m. Information may be obtained from David W. Luther, Jasper County Appraisal District, County Courthouse Annex, Jasper, Texas, 75951, (409) 384-2544. TRD-9010762.

The Jones County Appraisal District Board of Directors will meet at the District's Office, 1137 East Court Plaza, Anson, October 18, 1990, at 8:30 a.m. Information may be obtained from John Steele, 1137 East Court Plaza, Anson, Texas 79501, (915) 823-2422. TRD-9010697.

The Lamar County Appraisal District Board will meet at the Lamar County District Office, 521 Bonham Street, Paris, October 16, 1990, at 5 p.m. Information may be obtained from Joe Welch, 521 Bonham Street, Paris, Texas 75460, (214) 785-7822. TRD-9010756.

The Limestone County Appraisal District Board of Directors will meet in the Meeting Room in the Limestone County Courthouse Basement, Groesbeck, October 17, 1990, at 5 p.m. Information may be obtained from Clydene Hyden, P.O. Drawer 831, Groesbeck, Texas 76642, (817) 729-3009. TRD-9010698.

The Trinity River Authority of Texas Utility Services Committee will meet at 5300 South Collins Street, Arlington, October 16, 1990, at 10 a.m. Information may be obtained from Jack C. Worsham, P.O. Box 60, Arlington, Texas 76004, (817) 467-4343. TRD-9010725.

The Trinity River Authority of Texas Legal Committee will meet at 5300 South Collins Street, Arlington, October 17, 1990, at 10:30 a.m. Information may be obtained from Jack C. Worsham, P.O. Box 60, Arlington, Texas 76004, (817) 467-4343. TRD-9010726.

Meetings Filed October 11,
1990

The North Central Texas Council of Governments Executive Board will meet at Centerpoint Two, 616 Six Flags Drive, Second Floor, Arlington, October 18, 1990, at 12:45 p.m. Information may be obtained from Edwina J. Shires, P.O. Drawer COG, Arlington, Texas 76005-5888, (817) 640-3300. TRD-9010777.

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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

Request for Proposals

The Texas Commission on Alcohol and Drug Abuse (Commission), under the authority of the Health and Safety Code, Title 6, Subtitle B, Chapter 464, gives notice of the purchase of service system request for proposals (RFP). The RFP is soliciting applications from licensed providers for alcohol and drug treatment services which can be purchased through a fee-for-service mechanism.

To request a copy of the RFP, call the Funding Processes Section at (512) 867-8700, or write to: Texas Commission on Alcohol and Drug Abuse, Funding Processes Section, 720 Brazos Street, Suite 403, Austin, Texas 78701.

The closing date for receipt of applications by the commission is 5 p.m. on March 15, 1991. Contracts with funded providers will be executed for the period of September 1, 1991-August 31, 1992.

The amount of funds that will be available for the contract period is not known at the time the RFP is released. When funds become available, an announcement will be mailed to those organizations that have submitted applications during this cycle.

The announcement will specify the amount of funds available and any special restrictions on the use of the funds.

Eligible applicants are private nonprofit or for-profit organizations that provide treatment services and meet the following requirements: provider shall be licensed by the commission to provide the type of treatment service to be provided through this application; the license shall have been issued at least one year prior to the application submission deadline; and a provider is licensed for the specified service category at a specified site; therefore, services purchased by the commission shall be provided only at a site licensed for the service category; provider shall have been providing, for at least one year prior to the application submission deadline, the type of service to be offered, i.e., detoxification, residential, or outpatient; provider shall be approved through the commission's licensure process to accept court commitments, as appropriate for the provider and proposed service; provider shall have alternate funding sources and be able to operate under the fee-for-service mechanism that is used in the purchase of service system; provider shall show evidence of community support and commitment; provider shall be in good standing with any state or federal agency that has a contracting relationship with the provider; provider who has not repaid funds owed to the commission or who has defaulted on an agreed repayment schedule is not eligible to apply for new funds until the refund is paid in full; if provider has a current commission award, the award must be in good standing at the time of application submission and throughout the application cycle; provider whose previous award has been terminated by the commission is required to demonstrate that the cause for termination has been corrected prior to submitting an application for new

funds; and private nonprofit organizations that apply shall be incorporated and maintain good standing as a nonprofit corporation

Technical assistance will be offered by the Funding Processes Section of the commission at (512) 867-8700.

Issued in Austin, Texas on October 9, 1990.

TRD-9010675

Bob Dickson
Executive Director
Texas Commission on Alcohol and Drug Abuse

Filed: October 9, 1990

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

Texas Department of Aviation

Professional Engineering Services Contract Award

The following consultant proposal request for providing professional engineering services is filed under the provisions of Texas Civil Statutes, Article 6252-11c.

The consultants request for professional engineering services was published in the *Texas Register* on May 18, 1990, (15 TexReg 2822).

The consultant proposals will be for professional engineering services for the design and construction administration phases for the following TDA Projects: 91/09-8-1 Perry Lefors Field (Gray County) Airport.

The engineering firm for these services is: Merriman and Barber Consulting Engineers, Inc., 117 North Frost Street, Pampa, Texas 79069.

The contract value is \$58,760 and the contract period starts on October 3, 1990, until the completion of the project.

Issued in Austin, Texas on October 9, 1990.

TRD-9010670

Lydia Scarborough
Director, Support and Services
Texas Department of Aviation

Filed: October 9, 1990

For further information, please call: (512) 476-9262

The following consultant proposal request for providing professional engineering services is filed under the provisions of Texas Civil Statutes, Article 6252-11c.

The consultants request for professional engineering services was published in the *Texas Register* on May 18, 1990, (15 TexReg 2820).

The consultant proposals will be for professional engineering services for the design and construction administration phases for the following TDA Projects: 91/06-4-1 Dimmit Municipal Airport.

The engineering firm for these services is: Bill R. McMorries and Associates, Inc., 6300 Canyon Drive, Amarillo, Texas 79109.

The contract value is \$41,310 and the contract period starts on October 2, 1990, until the completion of the project.

Issued in Austin, Texas on October 9, 1990.

TRD-9010671 Lydia Scarborough
Director, Support and Services
Texas Department of Aviation

Filed: October 9, 1990

For further information, please call: (512) 476-9262



The following consultant proposal request for providing professional engineering services is filed under the provisions of Texas Civil Statutes, Article 6252-11c.

The consultants request for professional engineering services was published in the *Texas Register* on May 22, 1990, (15 TexReg 2858).

The consultant proposals will be for professional engineering services for the design and construction administration phases for the following TDA Projects: 91/11-4-1 Kerrville/Louis Schreiner Field.

The engineering firm for these services is: Boyle Engineering Corporation, 6606 LBJ Freeway, Suite 100, Dallas, Texas 75240.

The contract value is \$104,200 and the contract period starts on October 3, 1990, until the completion of the project.

Issued in Austin, Texas on October 9, 1990.

TRD-9010672 Lydia Scarborough
Director, Support and Services
Texas Department of Aviation

Filed: October 9, 1990

For further information, please call: (512) 476-9262



The following consultant proposal request for providing professional engineering services is filed under the provisions of Texas Civil Statutes, Article 6252-11c.

The consultants request for professional engineering services was published in the *Texas Register* on May 18, 1990, (15 TexReg 2824).

The consultant proposals will be for professional engineering services for the design and construction administration phases for the following TDA Projects: 90/06-3-3 Gonzales Municipal Airport.

The engineering firm for these services is: Aviation Alliance Inc., 101 Timberline North, Colleyville, Texas 76034.

The total value of the contract is \$8,400 and the contract period starts on September 7, 1990, until the completion of the project.

Issued in Austin, Texas on October 9, 1990.

TRD-9010673 Lydia Scarborough
Director, Support and Services
Texas Department of Aviation

Filed: October 9, 1990

For further information, please call: (512) 476-9262



Capital Area Planning Council CAPCO Request for Consultant Proposals

This request for consultant proposals is filed under Texas Civil Statutes, Article 6252-11c.

The Capital Area Planning Council (CAPCO) is pursuing the development of a Regional Solid Waste Management Plan. The study is to be conducted in the context of State Planning Region 12, including Bastrop, Blanco, Burnet, Caldwell, Fayette, Hays, Llano, Lee, Travis, and Williamson Counties. The project is to be funded in part by the Texas Department of Health, Bureau of Solid Waste Management. Consultants will be required to meet the minimum requirements set out by TDH regulations and guidelines.

Contact Donald L. Stence, AICP, Director of Comprehensive Planning, at the CAPCO offices for a copy of the Request for Proposals packet. Telephone (512) 443-7653.

Consultant funds available for the plan will not exceed \$125,000. Consultant proposals for development of the plan will be received until 2 p.m., November 2, 1990, at the CAPCO offices, 2520 IH-35, Suite 100, Austin, Texas 78704-5798.

The CAPCO staff, with assistance from a sub-committee of the CAPCO Regional Solid Waste Management Task Force, will screen consultant proposals submitted and select three to five firms to make verbal presentations to the sub-committee. The staff and sub-committee will prioritize the proposals and recommend a consultant to the Task Force and CAPCO Executive Committee. As presently scheduled a contract is to be awarded in November, 1990.

Issued in Austin, Texas, on October 9, 1990.

TRD-9010658 Richard G. Bean
Executive Director
Capital Area Planning Council

Filed: October 9, 1990

For further information, please call: (512) 443-7653



Texas Department of Commerce Consultant Contract Award

Under the provisions of Texas Civil Statutes, Article 6252-11c, the Texas Department of Commerce, through the Texas Literacy Council, has engaged a consultant to provide several capacity building services to and on behalf of existing and potential local providers of literacy training within the State of Texas. This consultant was engaged as a result of a proposal submitted in response to the Texas Department of Commerce's Request for Proposal which was published in the *Texas Register* on August 3, 1990, (15 TexReg 4463). The consultant will provide technical and organizational assistance to existing and potential local literacy councils; instructional and methodological assistance to local literacy tutors, teachers, and trainers; and public awareness assistance to support and strengthen local literacy efforts. The consultant to be engaged is: Literacy Volunteers of America-Texas, 4029 Capital of Texas Highway, South, Suite 217, Austin, Texas 78704-7919.

The contract will commence on October 1, 1990, and terminate June 30, 1991. The total value of the contract will not exceed \$123,000.

Issued in Austin, Texas, on October 8, 1990.

TRD-9010624

William D. Taylor
Executive Director
Texas Department of Commerce

Filed: October 8, 1990

For further information, please call: (512) 472-5059

Texas Department of Community Affairs

Notice of Public Hearing

On Tuesday, October 23, 1990, the Texas Interagency Council for Services for the Homeless (council) will hold hearings in Fort Worth, San Antonio, Houston, and Lubbock. These hearings will serve as public forum for discussion of services currently provided by the state and federal governments for homeless person and evaluate current and future needs for these services.

Testimony at these hearings will be reflected in the report to be presented by the council to the 72nd Legislature recommending improvements to the present system of providing services for homeless persons. Council members will be at each hearing.

Two hearings will be at each location, the first beginning at 1:30 p.m. and beginning again at 6:30 p.m. The hearing locations are as follows: Fort Worth: Tarrant County Commissioners Court Chambers, County Administration Building, 100 East Weatherford, Fort Worth; San Antonio: San Antonio City Hall, 100 Military Plaza (corner of Commerce and Flores), San Antonio; (1:30 p.m. hearing in Room B, First Floor, 6:30 p.m. hearing in Room B, Basement); Houston: Palmer Memorial Episcopal Church, Parish Hall 6221 Main, Houston; Lubbock: Mahon Library, Community Room, 1306 Ninth Street, Lubbock.

The purpose of these hearings is to gather information about: the problems in the various cities and regions facing homeless person; the problems in the various cities and regions in providing adequate service to homeless person. This includes availability of needed services, adequacy of needed services, affordability of needed services, and access to needed services.

Persons invited to speak at the hearings are homeless person, advocates of homeless persons, representative from organizations which provide services to homeless person, and other interested citizens.

Persons who testify at the hearings are asked to speak to any one or all of the following topics: statements, stories, anecdotes, and/or specific examples that illustrate the problems facing homeless persons in obtaining needed services, or of service providers providing those services; descriptions, data, examples, strengths and/or weakness of the availability, adequacy, accessibility, and affordability of current resources for serving homeless person, affecting either homeless persons or a service agency; descriptions, data, and/or examples that indicate future needs of services to homeless person; descriptions, data, and/or examples

that state how well or how poorly resources are coordinated at the local, state, or federal levels to meet the needs of homeless person; description, data, and/or examples that indicate how well or how poorly necessary and appropriate information is provided to homeless persons and service providers; suggestions for what is needed to improve the capability to provide needed services, and to better meet the needs of homeless persons currently or in the future.

Written testimony will be accepted in lieu of participation at the hearing. Submit all written testimony by October 28, 1990 to: Texas Department of Community Affairs, P.O. Box 13166, Austin, Texas 78711-3166, Attn: Eddie Fariss.

The council consists of representatives from the following state agencies: Texas Department of Health; Texas Department of Human Services; Texas Housing Agency; Texas Department of Mental Health and Mental Retardation; Texas Department of Community Affairs; Texas Department on Aging; Texas Rehabilitation Commission; Texas Education Agency; and Texas Commission on Alcohol and Drug Abuse.

Four other members are appointed by the governor, lieutenant governor, and speaker of the house, and three advisory members have been selected by the council to assist in meeting the goals of the council.

Issued in Austin, Texas, on October 9, 1990.

TRD-9010724

Roger A. Coffield
General Counsel
Texas Department of Community Affairs

Filed: October 10, 1990

For further information, please call: (512) 834-6010

Comptroller of Public Accounts

Correction of Error

The comptroller of Public Accounts submitted a proposed section which contained a publication error in the October 5, 1990, issue of the *Texas Register* (15 TexReg 5849).

In §3.314, the second sentence of the preamble was not printed in its entirety. The sentence should read as follows. "The proposed amendment sets out that wrapping, packing, and packaging supplies, when used in connection with the furnishing of a nontaxable service, are taxable."

Texas Department of Health

Licensing Actions for Radioactive Materials

The Texas Department of Health has taken actions regarding licenses for the possession and use of radioactive materials as listed in the table below. The subheading labeled "Location" indicates the city in which the radioactive material may be possessed and/or used. The location listing "Throughout Texas" indicates that the radioactive material may be used on a temporary basis at job sites throughout the state.

NEW LICENSES ISSUED:

<u>Location</u>	<u>Name</u>	<u>License#</u>	<u>City</u>	<u>Amend- ment #</u>	<u>Date of Action</u>
Throughout Texas	G/T Asphalt, Inc.	L04437	El Paso	0	09/11/90
Throughout Texas	Sundance Wireline Services, Inc.	L04433	Liberty	0	09/12/90

AMENDMENTS TO EXISTING LICENSES ISSUED:

<u>Location</u>	<u>Name</u>	<u>License#</u>	<u>City</u>	<u>Amend- ment #</u>	<u>Date of Action</u>
Alvin	Monsanto Company	L00219	Alvin	49	09/14/90
Arlington	Arlington Memorial Hospital	L02217	Arlington	27	09/20/90
Austin	Austin Diagnostic Clinic	L00868	Austin	38	09/21/90
Dallas	Baylor College of Dentistry	L00323	Dallas	21	09/14/90
Dallas	Humana Hospital Medical City Dallas	L01976	Dallas	61	09/13/90
Dallas	Kenneth Driggs, M.D.	L04104	Dallas	2	09/13/90
Dallas	Woodhill Medical Imaging Center	L04256	Dallas	4	09/21/90
Dallas	Wadley Institutes of Molecular Medicine	L00630	Dallas	28	09/
Dallas	Optic - Electronic Corporation	L02155	Dallas	19	09/24, 90
Denton	Denton Community Hospital	L04003	Denton	4	09/21/90
El Paso	Providence Memorial Hospital	L02353	El Paso	38	09/10/90
Fort Worth	Rosedale Radiology	L04131	Fort Worth	2	09/13/90
Fort Worth	All Saints Episcopal Hospital	L02212	Fort Worth	21	09/11/90
Graham	Graham General Hospital	L03271	Graham	9	09/13/90
Houston	U.T. M.D. Anderson Cancer Center	L02972	Houston	9	09/18/90
Houston	Plaza Imaging Center	L04378	Houston	1	09/17/90
Houston	Exxon Production Research Company	L00205	Houston	36	09/14/90
Houston	West Houston Medical Center	L02224	Houston	18	09/14/90
Houston	St. Luke's Episcopal - Texas Children's Hospitals	L00581	Houston	40	09/14/90
Houston	SmithKline Bio-Science Laboratories	L02787	Houston	6	09/12/90
Houston	Mallinckrodt, Inc.	L03008	Houston	22	09/07/90
Houston	Kelsey-Seybold Clinic, P.A.	L00391	Houston	35	09/10/90
Houston	Syncor International Corporation	L01911	Houston	76	09/10/90
Houston	Camco Incorporated	L03303	Houston	3	09/13/90
Houston	Methodist Hospital	L00972	Houston	19	09/24/90
Huntsville	Sam Houston State University	L00873	Huntsville	11	09/20/90

AMENDMENTS TO EXISTING LICENSES ISSUED CONTINUED:

Kingsville	URI, Inc.	L03653	Dallas	9	09/18/90
Lubbock	Methodist Hospital	L00483	Lubbock	61	09/18/90
McAllen	Vannie E. Cook, Jr., Cancer Center	L02205	McAllen	29	09/14/90
McKinney	McKinney Hospital Venture	L00540	McKinney	27	09/19/90
Midland	Midland Memorial Hospital	L00728	Midland	38	09/18/90

Odessa	Shell Oil Company	L01882	Odessa	9	09/10/90
Odessa	Medical Center Hospital	L01223	Odessa	40	09/12/90
Orange	Occidental Chemical Corporation	L04090	Orange	3	09/10/90
Pasadena	Lonza, Inc.	L02282	La Porte	7	09/14/90
Pasadena	N D S Products and Microtec Services	L00991	Pasadena	25	09/24/90
Port Arthur	St. Mary Hospital of Port Arthur	L01212	Port Arthur	40	09/13/90
Port Arthur	Bone Scanner Associates	L03863	Port Arthur	4	09/19/90
Port Arthur	Park Place Hospital	L01707	Port Arthur	20	09/20/90
San Antonio	Southwest Texas Methodist Hospital	L00594	San Antonio	83	09/13/90
San Antonio	Syncor International Corp.	L02033	San Antonio	49	09/12/90
San Antonio	The U.T. Health Science Center at San Antonio	L01279	San Antonio	48	09/20/90
San Marcos	Central Texas Medical Center	L03133	San Marcos	10	09/12/90
Sunray	Diamond Shamrock, Inc.	L04398	Sunray	1	09/24/90
Throughout Texas	International Digital Modeling Corp.	L04113	Austin	10	09/12/90
Throughout Texas	Bryant-McClelland Consultants	L03875	Austin	4	09/10/90
Throughout Texas	Koch Engineering Company Inc.	L03913	La Porte	28	09/10/90
Throughout Texas	Texaco, Inc.	L00247	Bellaire	57	09/10/90
Throughout Texas	DynaGen, Inc.	L04267	Odessa	2	09/12/90
Throughout Texas	McClelland Consultants (Southwest), Inc.	L00058	Houston	34	09/14/90
Throughout Texas	ENSR Consulting and Engineering	L03195	Houston	9	09/14/90
Throughout Texas	ACCO Perforators Inc.	L04121	Corpus Christi	3	09/14/90
Throughout Texas	IHS Geotech & CMT	L04153	San Antonio	3	09/10/90
Throughout Texas	Terra-Mar, Inc.	L03157	Dallas	13	09/10/90
Throughout Texas	Reed Engineering Group	L04343	Dallas	1	09/10/90
Throughout Texas	Exploration Logging of U.S.A., Inc.	L03258	Houston	13	09/10/90
Throughout Texas	Sivalls, Inc.	L02298	Odessa	19	09/19/90
Throughout Texas	Professional Service Industries, Inc.	L03055	Longview	12	09/17/90
Throughout Texas	Reinhart and Associates, Inc.	L03189	Austin	13	09/17/90
Throughout Texas	Mississippi X-Ray Services of Texas, Inc.	L03246	Mont Belvieu	27	09/18/90
Throughout Texas	H & G Inspection Company, Inc.	L02181	Houston	48	09/18/90
Throughout Texas	Southern Services, Inc.	L02683	Lake Jackson	25	09/18/90
Throughout Texas	Basin Industrial X-Ray, Inc.	L02280	Corpus Christi	29	09/14/90
Throughout Texas	X-Cel NDE, Inc.	L03548	Odessa	15	09/14/90
Throughout Texas	Continental Airlines, Inc.	L02718	Houston	13	09/14/90
Throughout Texas	Conam Inspection, Inc.	L00478	Houston	59	09/13/90
Throughout Texas	CBI NA-CON, Inc.	L01902	Houston	21	09/12/90
Throughout Texas	Radiographic Specialists, Inc.	L02742	Houston	16	09/12/90
Throughout Texas	Corpus Christi Inspection & Engineering, Inc.	L04379	Corpus Christi	2	09/12/90
Throughout Texas	C. A. Turner Construction Company	L04293	Port Arthur	3	09/13/90
Throughout Texas	USX Corporation	L02449	George West	22	09/18/90
Throughout Texas	Midland Inspection and Engineering Incorporated	L03724	Midland	21	09/24/90
Throughout Texas	H & G Inspection Company, Inc.	L02181	Houston	49	09/25/90
Throughout Texas	Real Inspection Services, Inc.	L04416	Houston	2	09/24/90
Throughout Texas	Goolsby Testing Laboratories, Inc.	L03115	Humble	28	09/26/90
Throughout Texas	Western Atlas International, Inc.	L00446	Houston	98	09/24/90
Tyler	The University of Texas Health Center at Tyler	L01796	Tyler	38	09/19/90
Uvalde	Uvalde Memorial Hospital	L03327	Uvalde	4	09/21/90

RENEWALS OF EXISTING LICENSES ISSUED:

Location	Name	License#	City	Amend- ment #	Date of Action
Austin	Texas Instruments Inc.	L03838	Austin	5	09/14/90
Houston	Positron Corporation	L03806	Houston	11	09/14/90

Throughout Texas Heritage Wireline Services, Inc.

L03732 Tyler 1 09/14/90

TERMINATIONS OF LICENSES ISSUED:

<u>Location</u>	<u>Name</u>	<u>License#</u>	<u>City</u>	<u>Amend- ment #</u>	<u>Date of Action</u>
Atlanta	Atlanta Memorial Hospital	L02815	Atlanta	5	09/12/90
Brownsville	Lee Works, M.D.	L00176	Brownsville	11	09/14/90
Port Arthur	Cancer Center of Port Arthur	L04035	Port Arthur	6	09/14/90
San Antonio	Warm Springs Rehabilitation Hospital San Antonio	L04311	San Antonio	1	09/10/90
Throughout Texas	Tri-State Labs, Inc.	L03802	Freeport	8	09/14/90
Throughout Texas	Associated Piping and Engineering Co.	L04298	Houston	2	09/14/90
Wichita Falls	Midwestern State University	L00526	Wichita Falls	17	09/12/90

AMENDMENTS TO EXISTING LICENSES DENIED:

<u>Location</u>	<u>Name</u>	<u>License#</u>	<u>City</u>	<u>Amend- ment #</u>	<u>Date of Action</u>
Houston	Herbert C. Allen, Jr., M.D.	L00498	Houston	0	09/21/90
Houston	Herbert C. Allen, Jr., M.D.	L00498	Houston	0	09/26/90

In issuing new licenses and amending and renewing existing licenses, the Texas Department of Health, Bureau of Radiation Control, has determined that the applicants are qualified by reason of training and experience to use the material in question for the purposes requested in accordance with *Texas Regulations for Control of Radiation* in such a manner as to minimize danger to public health and safety or property and the environment; the applicants proposed equipment, facilities, and procedures are adequate to minimize danger to public health and safety or property and the environment; the issuance of the license(s) will not be inimical to the health and safety of the public or the environment; and the applicants satisfy any applicable special requirements in the *Texas Regulations for Control of Radiation*.

This notice affords the opportunity for a hearing on written request of a licensee, applicant, or "person affected" within 30 days of the date of publication of this notice. A "person affected" is defined as a person who is resident of a county, or a county adjacent to the county, in which the radioactive materials are or will be located, including any person who is doing business or who has a legal interest in land in the county or adjacent county, and any local government in the county; and who can demonstrate that he has suffered or will suffer actual injury or economic damage due to emissions of radiation. A licensee, applicant, or "person affected" may request a hearing by writing David K. Lacker, Chief, Bureau of Radiation Control (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756-3189.

Any request for a hearing must contain the name and address of the person who considers himself affected by Agency action, identify the subject license, specify the reasons why the person considers himself affected, and state the relief sought. If the person is represented by an agent, the name and address of the agent must be stated.

Copies of these documents and supporting materials are available for inspection and copying at the office of the Bureau of Radiation Control, Texas Department of Health, 1212 East Anderson Lane, Austin, from 8 a.m. to 5 p.m. Monday-Friday (except holidays).

Issued in Austin, Texas, on October 5, 1990.

TRD-9010636 Robert A. MacLean, M.D.
Deputy Commissioner
Texas Department of Health

Filed: October 8, 1990

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

Texas Racing Commission

Correction of Error

The Texas Racing Commission submitted adopted sections which contained errors as published in the September 28, 1990, issue of the *Texas Register* (15 TexReg 5695).

Page 5695, §311.10(b): "A license may not..." should read "A licensee may not..."

Page 5695, §311.106(a): "...registered with the commission by ownership entity..." should read "...registered with the commission by an ownership entity. ..."

Page 5702, §313.302(f):

"After the deadline for filling claims for a race..." should read "After the deadline for filing claims for a race..."

"...in accordance with this section of and to debit..." should read "in accordance with this section and to debit..."

Page 5705, §313.411(a): "...at that meeting which a jockey..." should read "...at that meeting in which a jockey..."

Page 5707, §315.33(f): "the paddock judge shall assign..." should read "The paddock judge shall assign..."

Page 5708, §315.37(c): "...may demand and inspect; owners'..." should read "... may demand and inspect owners'..."

Page 5708, §315.38: "...shall perform duty..." should read "...shall perform any duty..."

Page 5709, §315.102:

(f) "...comply with demand under this subsection..." should read "...comply with a demand under this subsection..."

(k) "...until all single interest eligible..." should read "until all single interests eligible..."

Page 5709, §315.105:

(b) "...sent by facsimile before midnight..." should read "...sent by telecopy before midnight..."

(d) "...sent by mail or facsimile is not timely..." should read "...sent by mail or telecopy is not timely..."

Page 5710, §315.110(b): "...If a greyhound is scratched, because the owner..." should read "If a greyhound is scratched because the owner..."

Page 5711, §315.111(a): "...in the presence of the racing judge and must..." should read "...in the presence of the racing judges and must..."

Page 5711, §315.201:

(c) "...weighed-in in accordance..." should read "...weighed in in accordance. ..."

(f) "...a greyhound at weight-out has lost..." should read "...a greyhound at weigh-out has lost..."

(f) "...lock-out kennel..." should read "...lockout kennel..."

Page 5711, §315.202(a): "...request the change..." should read "... request for the change..." "...the racing judges, consent..." should read "...the racing judges consent..."

Page 5711, §315.203: "...lock-out kennel..." should read "...lockout kennel. ..." (twice)

Page 5711, §315.206: "...operator strict accountable..." should read "... operator strictly accountable..."

Page 5711, §315.209(b), (c), and (d): "no race" should appear in quotation marks each time it appears, because it is a term of art.

Page 5714, §319.204 preamble: the section is adopted with changes.

Page 5717, §321.107:

(i) "If wither race..." should read "If either race..."

(j) "...be distribute in accordance..." should read "...be distributed in accordance..."

Page 5718, §321.114:

(b) "...These shall not be..." should read "...There shall not be..."

(d)(3) "...interests leaves that gate..." should read "...interests leave the gate..."

Railroad Commission of Texas

Correction of Error

The Railroad Commission of Texas submitted on emergency section which contained a publication error in the September 11, 1990, issue of the *Texas Register* (15 TexReg 5167).

In §3.87(b) text was omitted from the subsection as printed. The subsection should read as follows. "(b) Capacity allowable assigned. All oil wells shall be assigned a maximum allowable, provided that no well shall be assigned in excess of a commission established maximum efficient rate."



Texas Rehabilitation Commission

Request for Proposals

The Texas Planning Council for Developmental Disabilities (council) announces the availability of funds for agencies or organizations to provide people with developmental disabilities opportunities to become involved in the milieu of community life. The project(s) will provide coordination of efforts to recruit and develop individuals as volunteer "connectors" who will establish relationships with people with developmental disabilities and connect them with community activities of their choice.

The council also announces the availability of funds for four activities related to personal care attendant services (PCAS). These activities are: a PCAS planning project to prepare a report on national methods, future demands, and standards for training, certification, and liability (12-month project); a PCAS college program model project to develop an operational plan and demonstrate the feasibility of using college students to provide part-time temporary

service; a PCAS employment/supported employment model project to develop an operational plan and demonstrate the feasibility of employing people with disabilities to provide personal care attendant services; and a PCAS innovative approaches project to develop an operational plan and demonstrate new methodologies for recruiting, training, and retaining personal care attendants.

Developmental disabilities funds may not be used to pay wages of personal care attendants in any of these projects. An exception may be granted for innovative approaches project after the operational plan is completed and approved.

The funds for these projects will be awarded by the Texas Rehabilitation Commission as the administrative state agency designee of the council.

Agencies, except state agencies, that have a council member as a member of their board of directors or an employee are not eligible applicants. An application packet containing the RFPs, application forms, and instructions may be obtained by written request to: David P. Henderson, Texas Planning Council for Developmental Disabilities, 4900 North Lamar Boulevard, Austin, Texas 78751-2316, (512) 483-4084.

Proposals will be accepted at Station #4141, Fourth Floor, 4900 North Lamar Boulevard, Austin, until 5 p.m. on December 12, 1990.

Issued in Austin, Texas on October 8, 1990.

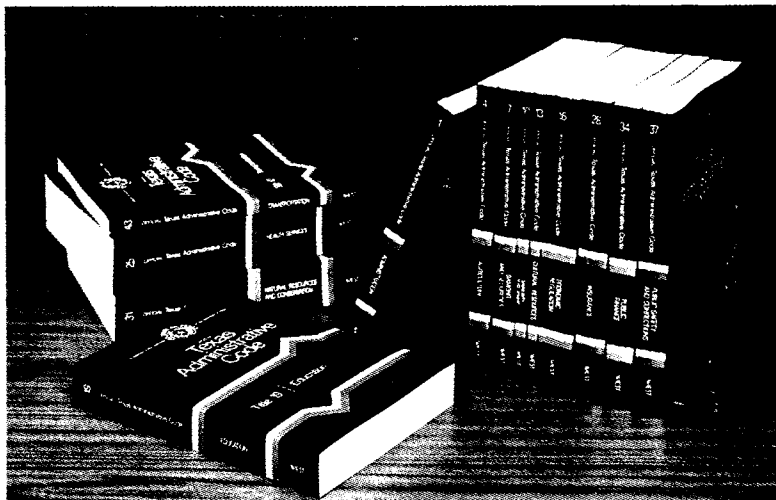
TRD-9010676 Charles W. Schiesser
Assistant Commissioner
Texas Rehabilitation Commission

Filed: October 9, 1990

For further information, please call: (512) 483-4051



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