

APR 10 89

Texas Register

Volume 14, Number 27, April 11, 1989

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Texas Register

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

Governor—appointments, executive orders, and proclamations

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

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

Proposed Sections—sections proposed for adoption

Withdrawn Sections—sections withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date

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

Open Meetings—notices of open meetings

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

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

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

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

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

Texas Administrative Code

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

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

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

TAC stands for the *Texas Administrative Code*;

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



Texas Register Publications

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A Guide to Texas State Agencies

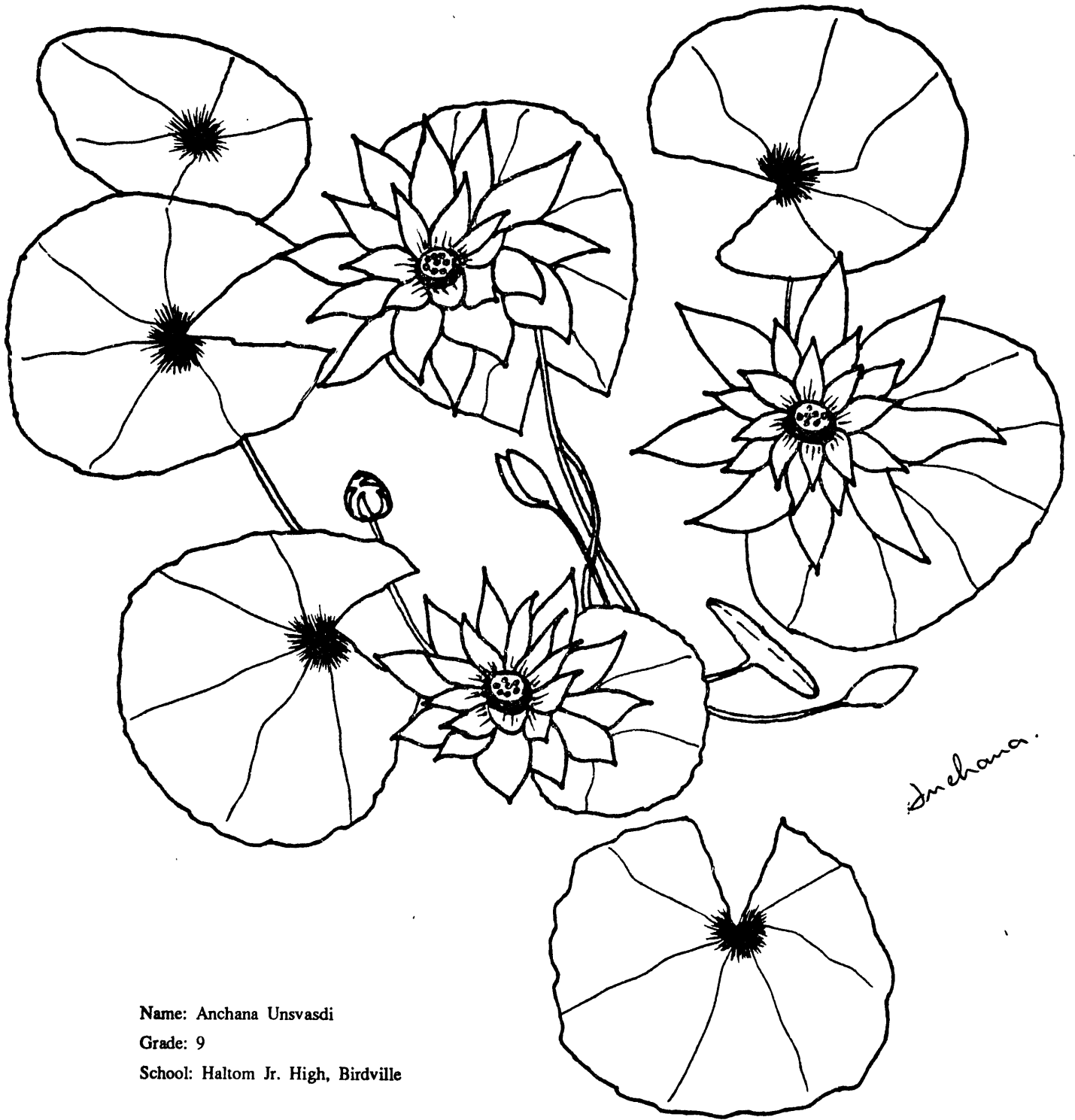
1801-Texas Department on Aging



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TAC Titles Affected

TAC Titles Affected—April

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

TITLE 4. AGRICULTURE

Part I. Texas Department of Agriculture

4 TAC §6.3, §6.4—1787

4 TAC §11.2—1789

TITLE 7. BANKING AND SECURITIES

Part V. Office of Consumer Credit Commissioner

7 TAC §81.20—1683

TITLE 16. ECONOMIC REGULATION

Part I. Railroad Commission of Texas

16 TAC §5.294—1679

16 TAC §5.249—1789

TITLE 19. EDUCATION

Part II. Texas Education Agency

19 TAC §§61.145—1707

19 TAC §109.61—1789

TITLE 22. EXAMINING BOARDS

Part XI. Board of Nurse Examiners

22 TAC §217.11—1708

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22 TAC §511.55—1743

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TITLE 28. INSURANCE

Part I. State Board of Insurance

28 TAC §1.407—1743

28 TAC §§3.1-3.5—1709

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28 TAC §15.27—1789

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28 TAC §19.703—1721

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28 TAC §21.702—1722

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28 TAC §§27.801-27.809—1679

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31 TAC §310.1-310.17—1725

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31 TAC §375.21—1751

31 TAC §§375.31-375.36, 375.38, 375.39—1751

31 TAC §375.35—1756

31 TAC §375.51—1756

31 TAC §375.62, §375.63—1756

31 TAC §375.71—1756

31 TAC §375.72—1756

31 TAC §§375.81-375.84, 375.86, 375.88—1757

31 TAC §375.102, §375.103—1758

31 TAC §375.111—1758

TITLE 34. PUBLIC FINANCE

Part I. Comptroller of Public Accounts

34 TAC §3.329—1736

34 TAC §3.356—1790

**TITLE 37. PUBLIC SAFETY AND
CORRECTIONS**

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

37 TAC §211.67—1741, 1737

37 TAC §§211.68, §211.85—1738

**TITLE 40. SOCIAL SERVICE AND
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Part I. Texas Department of Human Services

40 TAC §§48.2925-48.2927—1681

40 TAC §15.202—1790

Part II. Texas Rehabilitation Commission

40 TAC §115.5—1739

***Part III. Texas Commission on Alcohol and Drug
Abuse***

40 TAC §153.36, §153.38—1788

TITLE 43. TRANSPORTATION

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

43 TAC §§21.31, 21.32, 21.35, 21.37-21.40, 21.42-21.46,
21.48-21.51, 21.53, 21.54—1705

43 TAC §21.33—1705

43 TAC §21.33, §21.41—1706



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 March 1, 1989

To be a member of the **Texas Tech University Board of Regents**, for a term to expire January 31, 1995: James L. Johnson, 4634 O'Connor Court, Country Club Place, Irving, Texas 75062. Mr. Johnson will be replacing Gerald J. Ford of Dallas, whose term expired.

Appointments Made April 2, 1989

To be a member of the **Stephen F. Austin State University Board of Regents**, for a term to expire January 31, 1995: Roy Blake, Sr. 324 Burrows, Nacogdoches, Texas 75961. Senator Blake will be replacing A. Lavoy Moore of Conroe, whose term expired.

To be a member of the **Stephen F. Austin State University Board of Regents**, for a term to expire January 31, 1995: Mr. James M. Windham, Jr., 603 Thistlewood, Houston, Texas 77079. Mr. Windham will be replacing A. N. Rusche of Houston, whose term expired.

To be a member of the **Texas Tech University Board of Regents**, for a term to expire January 31, 1995: Alan B. White, 4613 9th Street, Lubbock, Texas 79416. Mr. White will be replacing Wesley W. Masters of Amarillo, whose term expired.

To be a member of the **Texas Tech University Board of Regents**, for a term to expire January 31, 1995: Richard E. Cavazos, P.O. Box 852, Leander, Texas 78641. General Cavazos will be replacing Larry Don Johnson of Houston, whose term expired.

To be judge of the **30th Judicial District Court, Wichita County**, until the next general election and until his successor shall be duly elected and qualified, effective May 1, 1989: Robert P. Brotherton, 3507 Marigold, Wichita Falls, Texas 76308. Mr. Brotherton will be replacing Judge J. Calvin Ashley of Wichita Falls, who resigned.

Issued in Austin, Texas on April 4, 1989.

TRD-8902991

William P. Clements, Jr.
Governor of Texas

Appointments Made April 4, 1989

To be a member of the **Produce Recovery Fund Board**, for a term to expire January 31, 1995: Steven L. Weltman, 3911 East Wisteria Circle, Sugarland, Texas 77479. Mr. Weltman is being reappointed.

To be a member of the **Angelina and Neches River Authority, Board of Directors**, for a term to expire September 5, 1991: Mr. Paul Richard Riehle, Route 5, Box 6845, Lufkin, Texas 75901. Mr. Riehle will be

filling the unexpired term of Richard Baldwin of Camden, who resigned.

To be a member of the **Brazos River Authority Board of Directors**, for a term to expire February 1, 1995: Robert Ellington Hebert, 65 Queen Mary Court, Sugarland, Texas 77479. Mr. Hebert will be replacing Walter Clifford Wiese, Jr. of Calvert, whose term expired.

To be a member of the **Texas Housing Agency Board of Directors** for a term to expire January 31, 1995: Rogers Pope, 1300 Mockingbird, Longview, Texas 75601. Mr. Pope will be replacing J. Stanley Stephens of Bryan, whose term expired.

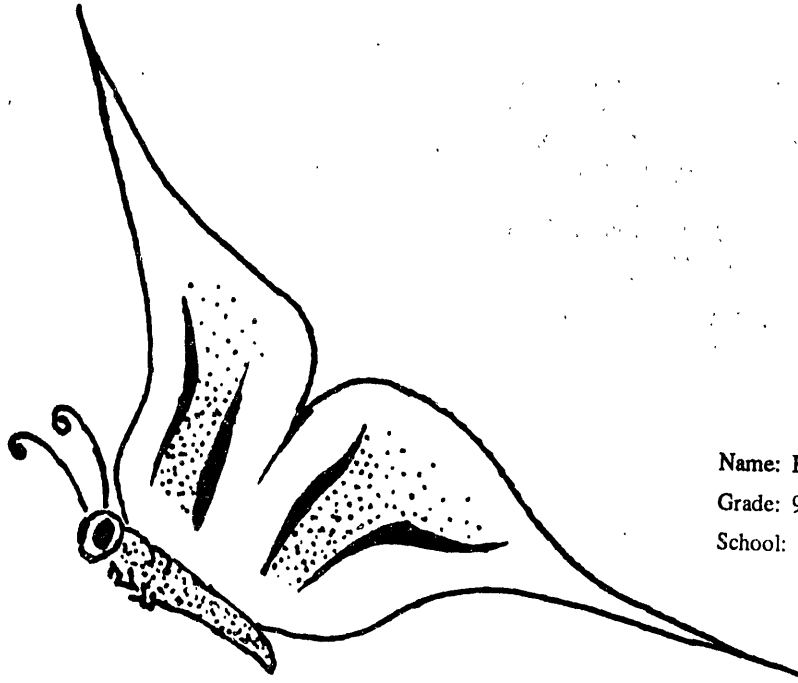
To be a member of the **Texas Real Estate Commission**, for a term to expire January 31, 1995: Marsha Spencer, 5110 San Felipe 193W, Houston, Texas 77056. Ms. Spencer will be replacing David Cook of Houston, whose term expired.

To be a member of the **Texas Real Estate Commission**, for a term to expire January 31, 1995: Henry Santamaria, 801 Somerset, El Paso, Texas 79912. Mr. Santamaria will be replacing Rachel Perelman of Brownsville, whose term expired.

Issued in Austin, Texas on April 4, 1989.

TRD-8902995

William P. Clements, Jr.
Governor of Texas



Name: Bao Nguyen

Grade: 9

School: Haltom Jr. High, Birdville



Attorney General

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

Opinions

JM-1033 (RQ-1611). Request from John Vance, District Attorney, Dallas County, Dallas, concerning whether Federal National Mortgage Association (Fannie Mae) Guaranteed Mortgage Pass-Through Certificates may be pledged as security for county deposits.

Summary of Opinion. Federal National Mortgage Association Guaranteed Mortgage Pass-Through Certificates may be pledged by the depository for Dallas County as security for the deposit of county funds placed with the depository. TRD-8902959

JM-1034 (RQ-1630). Request from H. Bate Bond, County Auditor, Comal County, New Braunfels, concerning authority to transfer hot check fund from county attorney to district attorney.

Summary of Opinion. Expenditures from a county attorney's hot check fund created pursuant to the Code of Criminal Procedure,

Article 102.007, may be made at the sole discretion of the county attorney to defray salaries and expenses of that office (except that such official may not supplement his own salary). Neither the county attorney nor the commissioners court is authorized to transfer funds from such account to the district attorney or any other official. TRD-8902998

Requests for Opinions

(RQ-1678). Request from Richard L. Morgan, Commissioner, Texas Department of Labor and Standards, Austin, concerning whether the Manufactured Homeowners' Recovery Funds is a state agency.

(RQ-1679). Request from Ray L. Goad, Executive Director, Commission on Fire Protection Personnel Standards and Education, Austin, concerning whether the commission on Fire Protection Personnel Standards and Education is empowered to develop fire marshal certifications standards.

(RQ-1680). Request from Bob Bullock, Comptroller of Public Accounts, Austin,

concerning the applicability of statute of limitations to general refund provisions regarding miscellaneous claims and improper collections.

(RQ-1681). Request from Kent A. Caperton, Chairman, State Affairs, State Senate, Austin, concerning whether the certified agenda provision of the Open Meetings Act, Texas Civil Statutes, Article 6252-17, unduly restricts freedom of speech.

(RQ-1682). Request from Bob Bullock, Comptroller, Comptroller of Public Accounts, Austin, concerning collection of tax on retail sales of otherwise taxable items by the Alabama Coushatta Indian tribe.

(RQ-1683). Request from Jack Skeen, Jr., Criminal District Attorney for Smith County, Tyler, concerning the authority to regulate bail bond companies in Smith County.

(RQ-1684). Request from Dennis Jones, Commissioner, Texas Department of Mental Health and Mental Retardation, Austin, concerning course and scope of employment for certain supervising physicians at the Department of Mental Health and Mental Retardation. TRD-8902997



Name: Litchana Douangsavanh

Grade: 9

School: Haltom Jr. High, Birdville

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 4. AGRICULTURE Part I. Texas Department of Agriculture

Chapter 6. Boll Weevil Control

• 4 TAC §6.3, §6.4

The Texas Department of Agriculture proposes amendments to §6.3 and §6.4, concerning boll weevil control. The Texas Department of Agriculture proposes new §6.3 and §6.4 for boll weevil control which establish boll weevil pest management zones, with respective cotton planting and destruction dates. The department is authorized to establish and enforce these planting and destruction dates under authority of the Texas Agriculture Code, Chapter 74, Subchapter A.

David Davis, director, pest management program, has determined that there will be fiscal implications for state government as a result of enforcing or administering the sections. The effect on state government for the first five-year period the sections will be in effect is an estimated reduction in cost of \$5,000 for fiscal year 1989; \$10,500 for fiscal year 1990; \$15,500 for fiscal year 1991; \$18,000 for fiscal year 1992 and \$21,000 for fiscal year 1993. There will be no fiscal implications for local government or small businesses as a result of enforcing or administering the sections.

The cost of compliance for small businesses is already covered under the Pink Bollworm Quarantine, Texas Administrative Code Title 4, §§5.171-5.179.

Mr. Davis 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 less detrimental environmental harm will result from compliance with these sections since use of pesticides in cotton systems will be reduced. Moreover, it will cost farmers in Texas less to produce cotton because of the decrease in the use of pesticides, yields will be increased due to reduced weevil numbers, and cotton products will be cheaper to buy for the consumer because cotton will cost less to produce. There is no anticipated economic cost to individuals who are required to comply with the sections as proposed.

Comments on the proposal may be submitted to David Davis, Director of Pest Management Program, P.O. Box 12847, Austin, Texas 78711.

The amendments are proposed under the Texas Agriculture Code, §74.004, which provides the Texas Department of Agriculture

with the authority to establish regulated areas, dates, and appropriate methods of destruction of cotton for boll weevil management.

§6.3. Regulated Areas of Boll Weevil Pest Management Zones.

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

(d) The Upper Coastal Bend boll weevil pest management zone, Area (1), includes all lands in Jackson and Matagorda Counties and that portion of Wharton County west of the Colorado River. Area (2) of this zone includes all lands in Austin, Brazoria, and Fort Bend Counties and that portion of Wharton County east of the Colorado River.

§6.4. Authorized Planting and Cotton Destruction Dates.

(a) Except as provided in subsection (c) of this section, all cotton in the regulated areas of the boll weevil pest management zones must be destroyed by the following cotton destruction deadlines:

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

(4) Upper Coast Bend pest management zone.

(A) Area (1):

(i) planting dates: March 5-May 15;

(ii) cotton destruction date: For Jackson and Matagorda Counties and that portion of Wharton County west of the Colorado River: By October 1.

(B) Area (2):

(i) planting dates: March 5-May 15;

(ii) cotton destruction date: For Austin, Brazoria and Fort Bend Counties and that portion of Wharton County east of the Colorado River: by October 15.

(b)-(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 April 5, 1989.

TRD-8903021

Dolores Alvarado Hibbs
Director of Hearings
Texas Department of
Agriculture

Earliest possible date of adoption: May 12, 1989

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

TITLE 28. INSURANCE Part I. State Board of Insurance

Chapter 19. Agent's Licensing

Subchapter B. Licensing

[Examinations] of Legal

Reserve Life Insurance

Agents [Agent Applicants]

and Health Insurance Agents

[Agent Applicants]

• 28 TAC §19.111

The State Board of Insurance proposes new §19.111, concerning licensing of agents for the annuity business of legal reserve life insurance companies. The proposal includes an amendment to the title of Subchapter B relating to licensing of legal reserve life insurance agents and health insurance agents. The new section is necessary to clarify the type of agent permitted to act on behalf of legal reserve life insurance companies in the transaction of annuity business. The proposed section would state the board's interpretation of existing law to require that a person be licensed under the Insurance Code, Article 21.07-1, in order to act as an agent for a legal reserve life insurance company.

Jack Evins, deputy insurance commissioner for licensing, has determined that for the first five-year period the proposed section is in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the section.

Mr. Evins 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 is a clearer understanding of the board's interpretation of statutory licensing requirements. There is no anticipated economic cost to individuals who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Jack Evins, Division Code 0821, Deputy

Insurance Commissioner for Licensing, State Board of Insurance 1110 San Jacinto Boulevard, Austin, Texas 78701-1998

The section is proposed under the Insurance Code, Article 21.07-1, §15, which authorizes the board to establish reasonable rules for the administration of Article 21.07-1, which concerns licensing of legal reserve life insurance agents.

§19.111. Licensing of Agents for Annuity Business of Legal Reserve Life Insurance Companies. No person, other than an agent licensed under the Insurance Code, Article 21.07-1, may perform any act of an agent on behalf of, or receive any share of commissions from, a legal reserve life insurance company subject to the Insurance Code, Chapter 3, in the transaction of such company's annuity business.

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

Issued in Austin, Texas, on April 3, 1989.

TRD-8902982 Nicholas Murphy
Chief Clerk
State Board of Insurance

Earliest possible date of adoption: May 11, 1989

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

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part III. Texas Commission on Alcohol and Drug Abuse

Chapter 153. DWI Education Program Standards and Procedures

DWI Education Program Procedures

• 40 TAC §153.36, §153.38

The Texas Commission on Alcohol and Drug Abuse proposes amendments to §153.36 and §153.38, concerning raising the minimum number of hours of instruction required per course and DWI education program training requirements for administrators and instructors. Section 153.36 defines operation requirement for programs designed to rehabilitate persons placed on probation for driving while intoxicated. The proposed change defines the minimum number of hours required per course to allow enough time to present all required material. Section 153.38 defined program staff educational criteria requirements and explains what they must do in order to maintain their certification.

Larry Goodman, deputy director of operations, has determined that for the first five-year period the sections are in effect there will be fiscal implications for local government

and small businesses as a result of enforcing or administering the sections. The effect on local government for fiscal years 1989-1993 are unknown. There is no known basis for calculating costs for each of the 135 DWI education programs in the state. Increased costs would possibly be incurred for instructor/assistant fees, travel, space rental, and utilities.

The cost of compliance with the sections for small businesses is also unknown. There is no known basis for calculating costs. Costs will vary with each program depending on whether they raise the fee per participant to cover any additional costs incurred for complying with the sections. The cost of compliance for small businesses compared to the cost of compliance for the largest businesses affected by the sections are also unknown. There is no known basis for calculating costs. Costs will vary with each program depending on whether they raise the fee per participant to cover any additional costs incurred for complying with the rule. Costs for compliance between small and larger businesses should be similar. There will be no fiscal implications for state government as a result of enforcing of administering the sections.

Mr. Goodman 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 enhancement of and high quality programming in state-approved DWI education programs. The possible economic cost to individuals who are required to comply with the sections as proposed will vary depending on the amount of increase each program chooses to charge each participant. Approximate costs to individuals will be \$10-40 for fiscal years 1989-1993.

Comments on the proposal may be submitted to Denise Mosel, Administrative Technician, Texas Commission on Alcohol and Drug Abuse, 1705 Guadalupe, Austin, Texas 78701.

The amendments are proposed under the Code of Criminal Procedure, Article 42. 12, §6f, as amended in Chapter 473 (1987), which provides the Texas Commission on Alcohol and Drug Abuse with the authority to publish rules and regulations for approved DWI education programs.

§153.36. Program Operation Requirements. All certified programs designed to rehabilitate persons who have been placed on probation for driving while intoxicated under the provisions of this Act shall:

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

(3) provide a minimum of 10 [eight] hours of instruction per course. Instruction shall consist of no less than two hours and no more than four [not exceed four] hours in any one day;

(4)-(6) (No change.)

(7) utilize all required films, transparencies, and other required resources in instruction. If the program uses VCR equipment, the monitor should be at least 25 inches and the video tapes must be of high quality. The monitor must be posi-

tioned in the classroom so that all participants have an unobstructed view. Any supplemental films used in the program must have prior approval from the DWI Certification Committee according to the following criteria:

(A) the program uses the required films(s) in the appropriate modules;

(B) the program exceeds the minimum of 10 [eight] hours of instruction; and

(C) (No change.)

(8)-(15) (No change.)

§153.38. Program Staff. Program staff should be selected using the following criteria:

(1) Instructors.

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

(H) Instructors shall be required to teach a minimum of four courses (40 hours) [32 hours] during the instructor's certification period and have successfully completed the Texas DWI Education In-Service Training Program approved by the DWI Certification Committee in order to retain certification.

(I)-(J) (No change.)

(2) Administrators.

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

(D) The administrator shall successfully complete the Texas DWI Education In-Service Training Program approved by the DWI Certification Committee during the program's certification period.

(E)[(D)] The administrator shall observe and critique all class instructors during the program's certification period on a form prescribed by the commission.

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

Issued in Austin, Texas, on March 23, 1989.

TRD-8903005 Bob Dickson
Executive Director
Texas Commission on
Alcohol and Drug
Abuse

Proposed date of adoption: September 1, 1989

For further information, please call: (512) 463-5510

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 11. Herbicide Regulations

• 4 TAC §11.2

The Texas Department of Agriculture adopts an amendment to §11.2, without changes to the proposed text as published in the March 3, 1989, issue of the *Texas Register* (14 TexReg 1073).

The amendment to §11.2, is made upon request from the county commissioners court for Cottle and Gaines counties and after public hearing in accordance with Texas Agriculture Code, §75.018.

The amendment changes the beginning date for prohibition of the use of hormone herbicides in Cottle County and adds special provisions for Gaines County.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Texas Agriculture Code, §75.018, which provides the Texas Department of Agriculture with the authority to promulgate rules after notice and hearing for administration of the Texas Herbicide Law.

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

Issued in Austin, Texas, on April 3, 1989.

TRD-8903000 Dolores Alvarado Hibbs
Director of Hearings
Texas Department of
Agriculture

Effective date: April 25, 1989

Proposal publication date: March 3, 1989

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



TITLE 16. ECONOMIC REGULATION

Part I. Railroad Commission of Texas

Chapter 5. Transportation Division

Subchapter M. Motor Bus Companies

• 16 TAC §5.249

The Railroad Commission of Texas adopts an amendment to §5.249, without changes to the proposed text as published in the February 21, 1989, issue of the *Texas Register* (14 TexReg 939).

The amendment extends the area which is defined as suburbs of San Antonio. The amendment defines all of Bexar County as suburbs of San Antonio.

No comments were received regarding adoption of the amendment.

The amendment is proposed under the Texas Motor Bus Act, Texas Civil Statutes, Article 911a, which excludes from the commission's jurisdiction operations of buses wholly within a city and its suburbs.

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 April 3, 1989

TRD-8903002 Kent Hance
Chairman
Railroad Commission of
Texas

Effective date: April 25, 1989

Proposal publication date: February 21, 1989

For further information, please call (512) 463-7152



TITLE 19. EDUCATION Part II. Texas Education Agency

Chapter 109. Budgeting, Accounting, and Auditing

• 19 TAC §109.61

The Texas Education Agency adopts an amendment to §109.61, without changes to the proposed text as published in the February 7, 1988, issue of the *Texas Register* (14 TexReg 873). The amended bulletin includes

a change in procedures to allow school districts to budget and report general fund expenditures for certain debt service and capital outlay by major program areas, and a new audit requirements section that complies with general standards for government audits adopted in 1988. The bulletin also includes the addition of fund and revenue codes for federally assisted programs initiated since the last change to the bulletin, a new procedure to give guidance to school districts to account for long-term financing from dedicated tax revenues of certain non-real property, and editorial changes for clarification.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Texas Education Code, §11.72(a)(1) and (3), which directs the State Board of Education to adopt budgets for operation of the Foundation School Program and other programs, and to establish procedures for budgetary control, expending, auditing, and reporting on expenditures within budgets adopted.

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 April 4, 1989

TRD-8903001 W. N. Kirby
Commissioner of Education

Effective date: April 25, 1989

Proposal publication date: February 7, 1989

For further information, please call: (512) 463-9212



TITLE 28. INSURANCE Part I. State Board of Insurance

Chapter 15. Surplus Lines Insurance

Subchapter A. General Regulation of Surplus Lines Insurance

• 28 TAC §15.27

The State Board of Insurance adopts new §15.27, without changes to the proposed text as published in the February 10, 1989, issue of the *Texas Register* (14 TexReg 742).

Section 15.27, concerns the standards and criteria required to warrant exemption of an unauthorized insurer from the minimum capital and surplus requirements of the Insurance Code, Article 1.14.2, §8. The new section is necessary to provide for consistency, efficient

cy, and clarity in the administration of exempting unauthorized insurers from the requirement that they maintain minimum capital and surplus in the amounts specified in the Insurance Code, Article 1.14-2, §8.

The new section provides that the commissioner of insurance may exempt an unauthorized insurer from the minimum capital and surplus requirements if it is determined, after public hearing, that the exemption is warranted on the bases of quality of management, capital and surplus of any parent company, underwriting profit and investment income trends, reinsurance contracts, company record and reputation within the industry, capital and surplus, security review, specific lines of insurance, and kind and class of business.

No comments were received regarding adoption of the new section.

The new section is adopted under the Insurance Code, Article 1.04 and Article 1.14-2, §3A, and Texas Civil Statutes, Article 6252-13a, §4 and §5. The Insurance Code, Article 1.04, authorizes the State Board of Insurance to determine policy and rules. Article 1.14-2, §3A, authorizes the board to promulgate rules as may be essential for the implementation of statutory provisions concerning surplus lines insurance. Texas Civil Statutes, Article 6252-13a, §4, authorize and require each state administrative agency to adopt rules of practice setting forth the nature and requirements of available procedures. Texas Civil Statutes, Article 6252-13a, §5, prescribe the procedure for adoption of rules by any state administrative agency.

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 March 31, 1989.

TRD-8902983 Nicholas Murphy
 Chief Clerk
 State Board of Insurance

Effective date April 24, 1989

Proposal publication date February 10, 1989

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



TITLE 34. PUBLIC FINANCE

Part I. Comptroller of Public Accounts

Chapter 3. Tax Administration

Subchapter O. State Sales and Use Tax

• 34 TAC §3.356

The Comptroller of Public Accounts adopts an amendment to §3.356, without changes to the proposed text as published in the November 4, 1988, issue of the *Texas Register* (13 TexReg 5537).

The amendment added industrial solid waste to those exclusions from the definition of garbage found in the section, gives guidance to those persons providing both taxable and nontaxable garbage and other solid waste collection services on when to collect sales tax, deleted cemetery upkeep from the examples of taxable services, and clarified the tax responsibilities of property managers.

No comments were received regarding adoption of the amendment.

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

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 April 3, 1989.

TRD-8902985 Bob Bullock
 Comptroller of Public
 Accounts

Effective date: April 24, 1989

Proposal publication date: November 4, 1988

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



TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Services

Chapter 15. Medicaid Eligibility

Subchapter B. Medicare and Third-party Resources

• 40 TAC §15.202

The Texas Department of Human Services adopts new §15.202, concerning Medicaid qualified Medicare beneficiaries, in its Medicaid Eligibility chapter. The new section is adopted by federal mandate so that provisions for qualified Medicare beneficiary (QMB) benefits are extended to the clients who are Medicaid-eligible.

The adoption is justified to comply with federal requirements.

The adoption will function by extending QMB benefits to Medicaid clients.

The new section is adopted under the Human Resources Code, Title 2, Chapters 22 and 32, which provides the department with the authority to administer public and medical assistance programs. The new section is adopted by federal mandate, effective March 1, 1989.

§15.202. Medicaid Qualified Medicare Beneficiaries. Medicaid clients may also be eligible for qualified Medicare beneficiary benefits under provision of Public Law 100-647. In addition to meeting regular Medicaid eligibility criteria, clients must also meet criteria in §15.201 of this title (relating to Qualified Medicare Beneficiaries).

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 April 4, 1989.

TRD-8902986 Charles Stevenson
 Acting Commissioner
 Texas Department of
 Human Services

Effective date: March 1, 1989.

For further information, please call: (512) 460-3785



Open Meetings

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

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

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

State Bar of Texas

Thursday, April 13, 1989, 9 a.m. The Executive Committee of the State Bar of Texas will meet in Rooms 206-207, Texas Law Center, 1414 Colorado Street, Austin. According to the agenda summary, the committee will hear reports of chairman, president, executive director, general counsel, president elect, TYLA president, immediate past president, and immediate past chairman, and report on proposed law school at Texas A&I University. Consider public information/education campaign, request of MCLE committee, report from committee on continuing legal education, and report from board committee on minority representation. Reports of status of legislative program and of liaison from Supreme Court.

Contact: Paula Welch, 1414 Colorado Street, Austin, Texas 78701, (512) 463-1451.

Filed: April 5, 1989, 3:48 p.m.

TRD-8903041

Texas Bond Review Board

Friday, April 7, 1989, 10 a.m. The Staff Planning Session of the Texas Bond Review Board met in emergency session in the Sergeant's Committee Room, State Capitol, Austin. According to the agenda, the session approved minutes of the previous meeting; considered West Texas State University lease/purchase of computer upgrade, State Board of Private Investigators and Security Agencies lease/purchase of computer system, Texas A&M University System master acquisition program revenue notes computer system 1989A, Texas Higher Education Coordinating Board-college student loan bonds series 1989A, Texas Public Finance Authority general obligation bonds series 1989A; and considered other business. The emergency status was necessary to allow timely consideration of applications by board staff members prior to regular monthly meeting of the board.

Contact: Tom K. Pollard, Sam Houston Building, Room 506, Austin, Texas, (512) 463-1741.

Filed: April 5, 1989, 1:59 p.m.

TRD-8903036

Court Reporters Certification Board

Friday and Saturday, April 14 and 15, 1989, 8 p.m. and 8:30 a.m., respectively. The Court Reporters Certification Board will meet in the Basement Conference Room, 510 South Congress, Austin. According to the agenda, the board will review minutes from previous meeting; consider statistical information from previous exam; hold preliminary review; consider an application for certification; review request from TSRA president; discuss examination procedures and grading procedures; report from chairman of Review Committee; consider fiscal year 1989 expenditures; consider renewal refund request; act upon any unfinished business; conduct disciplinary hearings in Cause 89101204 and 88132108; and grade the licensing exams in executive session.

Contact: Peg Liedtke, 510 South Congress, Suite 312, Austin, Texas 78704, (512) 463-1630.

Filed: April 5, 1989, 3:41 p.m.

TRD-8903046

Credit Union Department

Thursday, April 13, 1989, 3:30 p.m. The Credit Union Commission for the Credit Union Department will meet at the Tarrant County Convention Center, West Hall, Bay 5, Fort Worth. According to the agenda, the commission will invite public input for future consider; receive minutes of the February 17, 1989, meeting; communications reported by the commissioner; reports from the Field of Membership Guidelines Committee and the Commissioner Evaluation Committee; report on legislation; and consider final revisions of Rule 91.802 (other investments) and Rule 91.701 (loans) and resolutions.

Contact: Harry L. Elliott, 914 East Ander

son Lane, Austin, Texas 78752-1699, (512) 837-9236.

Filed: April 4, 1989, 3:55 p.m.

TRD-8903010

Texas Education Agency

Tuesday, April 18, 1989, 10:30 a.m. The Teachers' Professional Practices Commission of Texas of the Texas Education Agency will meet in Room 1-110, William B. Travis Building, 1701 North Congress Avenue, Austin. According to the agenda summary, the commission will consider appeal of jurisdiction, Richardson v. Karr, by commission en banc; report on Sunset Commission recommendations concerning TPPC; discuss hearing panels for Nelson v. Armstrong (May 9) and Sigler v. Gibson (May 10); director's report; report on revised code of ethics implementation; and setting of next meeting date.

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

Filed: April 5, 1989, 3:37 p.m.

TRD-8903049

Texas Employment Commission

Wednesday, April 12, 1989, 8:30 a.m. The Employment Commission will meet in Room 644, TEC Building, 101 East 15th Street, Austin. According to the agenda, the commission will consider prior meeting notes; meet in executive session on Texas Chapter of the National Staff Leasing Association, et al. vs. Mary Scott Nabers, et al.; actions, if any, resulting from executive session; internal procedures of commission appeals; consider and act on tax liability cases and higher level appeals in unemployment compensation cases listed on Commission Docket 15; and set date of next meeting.

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

Filed: April 4, 1989, 2:12 p.m.

TRD 8902994

Health and Human Services Coordinating Council

Thursday, April 13, 1989, 8:45 a.m. The Immigration Committees for the Health and Human Services Coordinating Council will meet in the William B. Travis Building, Texas Education Agency, 1701 North Congress Avenue, Austin. According to the agenda summary, the committee will call order; adopt minutes; SLIAG legislation issues concerning federal legislation and state legislation and appropriations riders; SLIAG Handbook of Texas; actual cost claiming procedures for state's federal fiscal year 1988 end-of-year report, and social security tape match process; grant applications process for federal fiscal year 1989 application and grant allocation and federal fiscal year 1990 application; Department of Health and Human Services site visit; and discuss old and new business.

Contact: Marguerite Rivera, 311-A East 14th Street, Austin, Texas 78711, (512) 463-2195.

Filed: April 4, 1989, 4:50 p.m.

TRD-8903013

Thursday, April 13, 1989, 10 a.m. The Client Services Work Group for the Health and Human Services Coordinating Council will meet in the William B. Travis Building, Texas Education Agency, 1701 North Congress Avenue, Austin. According to the agenda summary, the committee will call order; introductions; objectives; legislative initiatives; perspectives of other states; and future directions.

Contact: Carol Price, 311-A East 14th Street, Austin, Texas 78711, (512) 463-2195.

Filed: April 4, 1989, 4:50 p.m.

TRD-8903016

Thursday, April 13, 1989, 1:30 p.m. The THHSCC Member Orientation for the Health and Human Services Coordinating Council will meet in the William B. Travis Building, Texas Education Agency, 1701 North Congress Avenue, Austin. According to the agenda summary, the committee will hold introductions; history and by-laws; organizational map; budget; current projects; current committees; advisory committees; legislation; and discussion.

Contact: Patrice Thomas, 311-A East 14th Street, Austin, Texas 78711, (512) 463-2195.

Filed: April 4, 1989, 4:50 p.m.

TRD-8903015

Thursday, April 13, 1989, 4 p.m. The Council Meeting for the Health and Human Services Coordinating Council will meet in the William B. Travis Building, Texas Education Agency, 1701 North Congress Avenue, Austin. According to the agenda summary, the committee will call order; review

minutes of the December 14, 1989, meeting; hear Youth Committee report on children and youth in Texas: a proposal for coordinated services, and legislation; immigration report on SLIAG implementation, federal guidelines, and legislation; restructuring report on client services work group, client omnibus registry and exchange, and legislation; statewide needs assessment project (SNAP update); MIHIA membership; THHSCC appropriations; and discuss old and new business.

Contact: Patrice Thomas, 311-A East 14th Street, Austin, Texas 78711, (512) 463-2195.

Filed: April 4, 1989, 4:50 p.m.

TRD-8903014

Texas Heroes Monument Commission

Friday, April 7, 1989, 1 p.m. The Texas Heroes Monument Commission submitted an emergency revised agenda for a meeting held in the Caduceus Room, UTMB Administration Building, 301 University, Galveston. According to the agenda summary, the commission heard secretary's and treasurer's reports; discussed action items; and set date and site of next meeting. The commission also met in executive session. The emergency status was necessary because the workshop was held on this date and agenda items here set for regular meeting.

Contact: Cindy Sullivan, 51 Colony Park, Galveston, Texas 77551, (409) 744-5632.

Filed: April 6, 1989, 8:20 a.m.

TRD-8903053

Board for Lease of State- Owned Lands

Thursday, April 13, 1989, 2 p.m. The Board for Lease of Texas Parks and Wildlife Lands of the Board for Lease of State-Owned Lands will meet in Room 833, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the board will approve minutes of the previous meeting; consider and approve bids received at the April 4, 1989, oil, gas, and other minerals lease sale; drainage channel easement applications, and telephone line easement applications.

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

Filed: April 5, 1989, 2:40 p.m.

TRD-8903038

Texas Department of Mental Health and Mental Retardation

Saturday, April 8, 1989, 9 a.m. The Board of Mental Health and Mental Retardation for the Texas Department of Mental Health and Mental Retardation met in the Auditorium, Central Office, 909 West 45th Street, Austin. According to the agenda summary, the board called order and considered litigation. The emergency status was necessary as current issues in pending and potential litigation make an immediate discussion of litigation strategy necessary.

Contact: Dennis R. Jones, 909 West 45th Street, Austin, Texas 78756.

Filed: April 4, 1989, 4:29 p.m.

TRD-8903012

Thursday, April 13, 1989, 3 p.m. The Board Business and Asset Management Committee of the Texas Department of Mental Health and Mental Retardation will meet in the Conference Room, Administration Building, Brenham State School, Highway 36 South, Brenham. According to the agenda, the committee will review information services; proposed construction of belfry at Lufkin State School; community-based capital construction projects for difficult-to-place mentally retarded persons; fiscal year 1989 operated budget adjustments; update on legislative appropriations request; and proposed construction of a hippodrome on campus of Richmond State School. If deaf interpreters are required, notify TDMHMR, Ernest Fuentes, (512) 465-4585, 72 hours prior to meeting.

Contact: Dennis R. Jones, 909 West 45th Street, Austin, Texas 78756.

Filed: April 5, 1989, 3:58 p.m.

TRD-8903048

Friday, April 14, 1989, 9 a.m. The Board of MHMR of the Texas Department of Mental Health and Mental Retardation will meet in the Conference Room, Administration Building, Brenham State School, Highway 36 South, Brenham. According to the agenda, the board will hear citizens' comments (limited to three minutes), approve minutes of February 3, 1989; consider issues and proposed construction of hippodrome at Richmond State School. If deaf interpreters are required, notify TDMHMR, Ernest Fuentes, (512) 465-4585, 72 hours prior to meeting.

Contact: Dennis R. Jones, 909 West 45th Street, Austin, Texas 78756.

Filed: April 5, 1989, 3:58 p.m.

TRD-8903047

Texas Optometry Board

Wednesday, April 12, 1989, 1:30 p.m. The Texas Optometry Board will meet at the Guest Quarters Hotel, 303 West 15th Street, Austin. According to the agenda, the board will follow committee meetings which begin at 9 a.m. until noon, and at 1:15 p.m., a special meeting of the board will be held to consider reports of secretary-treasurer, legal counsel, executive director, and chair persons of committees, unfinished business to consider attorney general opinion request 1667, if received, and licensee continuing education requirements; new business to consider national board examination in lieu of state board written examination, duplicate license requests, FTC Eyeglass II rule and general business matters; and meet in executive session in compliance with Texas Civil Statutes, Open Meetings Act, Article 6252-17, §2(e), to discuss contemplated and pending litigation with board attorney, contractual matters, matters referred and to be referred to the attorney general.

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

Filed: April 4, 1989, 10:23 a.m.

TRD-8902989

Pan American University

Monday, April 10, 1989. The Board of Regents of Pan American University met in the Boardroom, Administration Building, Pan American University, Edinburg. Times and agendas follow.

10 a.m. The Buildings and Grounds Committee considered approval of Facilities Planning Committee (P.P.M. §6.1.4), approval for higher education assistance fund request, and informational items.

Contact: Miguel A. Nevarez, 1201 West University Drive, Edinburg, Texas 78539, (512) 381-2100.

Filed: April 5, 1989, 10:29 a.m.

TRD-8903030

10:10 a.m. The Finance Committee considered budget changes; considered approval for fee increases concerning building use fee, computer fee, and drop/add fee; and considered informational items.

Contact: Miguel A. Nevarez, 1201 West University Drive, Edinburg, Texas 78539, (512) 381-2100.

Filed: April 5, 1989, 10:29 a.m.

TRD 8903029

10:20 a.m. The Development Committee considered acceptance of Ford Motor Company gift of \$100,000 and informational items.

Contact: Miguel A. Nevarez, 1201 West

University Drive, Edinburg, Texas 78539, (512) 381-2100.

Filed: April 5, 1989, 10:29 a.m.

TRD-8903028

10:30 a.m. The Student Affairs Committee considered approval for change in visitation hours for residence halls and informational items.

Contact: Miguel A. Nevarez, 1201 West University Drive, Edinburg, Texas 78539, (512) 381-2100.

Filed: April 5, 1989, 10:29 a.m.

TRD-8903027

10:40 a.m. The Brownsville Committee considered informational items.

Contact: Miguel A. Nevarez, 1201 West University Drive, Edinburg, Texas 78539, (512) 381-2100.

Filed: April 5, 1989, 10:29 a.m.

TRD-8903026

10:50 a.m. The Academic Affairs Committee considered approval of amendment to the faculty senate constitution, approval of academic programs concerning master of arts in school psychology and master of education in gifted education, and informational items. The committee also met in executive session to consider leave of absence-William Fleming and Manuel Lopez and consultant contracts (status of settlement negotiations/litigation).

Contact: Miguel A. Nevarez, 1201 West University Drive, Edinburg, Texas 78539, (512) 381-2100.

Filed: April 5, 1989, 10:29 a.m.

TRD-8903025

11 a.m. The board approved minutes of the March 2, 1989, meeting, March 10, 1989, meeting, executive session agenda of March 2, 1989, and executive session agenda of March 10, 1989; discussed, considered, and acted on board committee reports and recommendations, executive session items, election of officers, drug free workplace policy, resolution for Coach Al Ogletree, president's informational items, and set date for next meeting.

Contact: Miguel A. Nevarez, 1201 West University Drive, Edinburg, Texas 78539, (512) 381-2100.

Filed: April 5, 1989, 10:29 a.m.

TRD-8903024

Board of Pardons and Paroles

Thursday, April 13, 1989, 9 a.m. The Board of Pardons and Paroles will meet at 8610 Shoal Creek Boulevard, Austin. According to the agenda, the board will approve minutes for meeting of March 16,

1989; consider budget; funding for Bexar County facility; revision of board rules; internal investigation procedures; hazardous duty pay; PPT facilities contracts; parole file documents committee report; tentative parole; TDC disciplinary cases; and executive director report-legislative update.

Contact: Juanita Llamas, 8610 Shoal Creek Boulevard, Austin, Texas 78758, (512) 459-7249.

Filed: April 5, 1989, 4 p.m.

TRD-8903043

Texas Parks and Wildlife Department

Wednesday, April 12, 1989, 7 p.m. The Texas Parks and Wildlife Commission for the Texas Parks and Wildlife Department will meet at 801 Rio Grand, Austin. According to the agenda summary, the commission will plan to have dinner at 7 p.m., and although this function is primarily a social event and no formal action is planned, the commission may discuss items on the public hearing agenda scheduled for April 13, 1989, at 9 a.m.

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

Filed: April 4, 1989, 4:13 p.m.

TRD-8903007

Thursday, April 13, 1989, 9 a.m. The Texas Parks and Wildlife Commission for the Texas Parks and Wildlife Department will meet in Complex Building B, Parks and Wildlife Headquarters, 4200 Smith School Road, Austin. According to the agenda summary, the commission will consider history of wildlife stockings and fish stockings; proposed statewide hunting and fishing regulations 1989-1990; revise statewide alligator regulations.

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

Filed: April 4, 1989, 4:13 p.m.

TRD-8903006

Thursday, April 13, 1989, 9 a.m. The Texas Parks and Wildlife Commission for the Texas Parks and Wildlife Department will meet in Complex Building B, Parks and Wildlife Headquarters, 4200 Smith School Road, Austin. According to the agenda, the commission will approve court reporter minutes, presentation of certificates and awards, presentation by Chevron Corporation, elect vice chairman; land donation Hartley County, request for easement for existing telephone line Fort Parker SRA, South Llano River SP new facilities development funding, request for drainage channel easement Matagorda Peninsula Park Site; interpretive exhibits Caprock Canyons SP; Village Creek State Park-

master plan; development of the Penn Farm/Cedar Hill SP; selected park fees; license program; and land acquisition-Liberty County.

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

Filed: April 4, 1989, 4:13 p.m.

TRD-8903008

Thursday, April 13, 1989, noon. The Texas Parks and Wildlife Commission for the Texas Parks and Wildlife Department will meet in Complex Building B, Parks and Wildlife Headquarters, 4200 Smith School Road, Austin. According to the agenda, the commission will approve February 9, 1989, executive session court reporter minutes; ratify informative remarks by the chairman on February 9, 1989, at a luncheon where a quorum of commission members were present concerning initiation of an investigation of the antelope trapping incident by the executive director of February 7, 1989, and the reporting of this incident to the U.S. Fish and Wildlife Service by the executive director; attorney advice regarding antelope trapping incident and its ramifications; land acquisition-Liberty County; and status of Waterfowl Habitat Acquisition and Development Program.

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

Filed: April 4, 1989, 4:13 p.m.

TRD-8903009

Texas State Board of Public Accountancy

The Texas State Board of Public Accountancy will meet in Suite 340, 1033 La Posada, Austin. Dates, times, and agendas follow.

Wednesday and Thursday, April 12 and 13, 1989, 9 a.m., daily. The Officer Hearings will be held in emergency session to review complaints 89-04-01-X; 89-04-02-X; 89-04-03-X; 89-04-04-X; 89-04-05-X; 89-04-06-X; 89-04-07-X; 89-04-08-X; 89-04-09-X; and 89-04-10-X. The emergency status was necessary because it was only time hearing officers could be present.

Contact: Bob E. Bradley, 1033 La Posada, Suite 340, Austin, Texas 78752-3892, (512) 451-0241.

Filed: April 5, 1989, 10:28 a.m.

TRD-8903022

Wednesday, April 19, 1989, 9 a.m. The Officer Hearing will review complaint 89-04-11-X.

Contact: Bob E. Bradley, 1033 La Posada, Suite 340, Austin, Texas 78752-3892, (512) 451-0241.

Filed: April 5, 1989, 10:28 a.m.

TRD-8903031

Texas Public Finance Authority

Tuesday, April 11, 1989, 9 a.m. The Texas Public Finance Authority will meet in emergency session in Room 402, Central Services Building, 1711 San Jacinto Boulevard, Austin. According to the agenda summary, the authority will call order; approve minutes; budget items; status of legislation; consider requests for issuance of bonds from TDC and TYC; consider selection of printer, bond counsel, and financial advisory; utilize professional services; and meet in executive session for personnel matters. The emergency status is necessary due to a TDC requirement to have bond proceeds by late May, 1989.

Contact: Catherine L. Nall, 201 East 14th Street, Suite 907, Sam Houston Building, Austin, Texas 78701, (512) 463-5544.

Filed: April 5, 1989, 2:50 p.m.

TRD-8903039

Public Utility Commission of Texas

Thursday, April 6, 1989, 9 a.m. The Hearings Division for the Public Utility Commission of Texas met for an emergency agenda revision in Suite 450N, 7800 Shoal Creek Boulevard, Austin. According to the agenda summary, the division considered Dockets 8425 and 8431-Houston Lighting and Power Company for authority to change rates and petition of Houston Lighting and Power Company for a final reconciliation of fuel costs through September 30, 1988-cities for fair utility rates appeal of examiners order 24. The emergency status was necessary for the ruling time not to expire.

Contact: Phillip A. Holder, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: April 4, 1989, 3:25 p.m.

TRD-8903003

Thursday, April 6, 1989, 9 a.m. The Hearings Division for the Public Utility of Commission met for an emergency agenda revision in Suite 450N, 7800 Shoal Creek Boulevard, Austin. According to the agenda summary, the division considered Gulf States Utilities Company's appeal of examiner's order 5 in Docket 8595 Application of Sam Rayburn G&T Electric Cooperative, Inc. for authority to change rates. The emergency status was necessary as prompt commission action was needed to preserve jurisdiction over the subject matter of the appeal.

Contact: Phillip A. Holder, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: April 4, 1989, 3:25 p.m.

TRD-8903035

Texas Water Commission

Monday, April 17, 1989, 10 a.m. The Texas Water Commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, 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 of time.

Contact: Beverly De La Zerda, P.O. Box 13087, Austin, Texas 78711, (512) 475-2161.

Filed: April 4, 1989, 1:35 p.m.

TRD-8902993

Texas Water Development Board

Wednesday, April 12, 1989, 10 a.m. The Texas Water Development Board will meet in Room 513F, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the board will consider opening and sealed bids as advertised, authorizing the issuance and sale of \$22,500,000 Texas Water Development bonds, taxable series 1989-A and 1989-B (\$21,160,000 water supply and \$1,340,000 water quality bonds); approve official notice of sale, official statement, bidding instructions and bid forms; select official statement printer, paying agent registrar and bond printer for the Texas Water Development bonds, taxable series 1989-A and 1989-B; any other action necessary with respect to the authorization, issuance, sale, and delivery of \$22,500,000 Texas Water Development bonds; and extend loan commitment for the Village of Surfside Beach.

Contact: M. Reginald Arnold, II, P.O. Box 13231, Austin, Texas 78711, (512) 463-7847.

Filed: April 4, 1989, 3:13 p.m.

TRD-8903004

Weather Modification Advisory Committee

Tuesday, April 4, 1989, 2 p.m. The Texas Water Commission, Weather Modification Advisory Committee met in emergency session in Room 1149A, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the committee considered and made recommendations to the commission, as applicable, on the following: approval of minutes of the January 12, 1989, meeting, considered status reports; commercial cloud-seeding projects of active, whether modification research in Texas: Southwest Cooperative Program, new research now being pursued; made recommendations on weather modification license applications: Atmospherics Inc. of Fresno, California, recommendations on weather modification permit applications: Atmospherics Inc. of Fresno, California (San Angelo Project) and Irving P. Kirck, Inc. of Texas (Panhandle Project); and considered other business/date and place of next meeting. The emergency status was necessary as the recommendation to the commission on whether a weather modification project scheduled to begin April 15, 1989, needed to go forward, and thus in response to this urgent public necessity, to address a potential imminent threat to public health and safety.

Contact: George Bomar, P.O. Box 13087, Austin, Texas 78711-3087, (512) 463-7935.

Filed: April 4, 1989, 12 p.m.

TRD-8902992

Regional Meetings

Meetings Filed April 4, 1989

The Bexar-Medina-Atascosa Counties Water Control 7, Improvement District 1, Board of Directors, met in the District Office, Highway 81, Natalia, on April 10, 1989, at 8 a.m. Information may be obtained from C.A. Mueller, P.O. Box 170, Natalia, Texas 78059, (512) 663-2132.

The Brazos Valley Development Council, Personnel Committee, will meet in the Executive Director's Office, 3006 East 29th Street, Bryan, on April 13, 1989, at 11 a.m. Information may be obtained from Glenn J.

Cook, 3006 East 29th Street, Bryan, Texas 77803, (409) 776-2277.

The Grayson Appraisal District, Board of Directors, will meet at 205 North Travis, Sherman, on April 12, 1989, at noon. Information may be obtained from Deborah Reneau, 205 North Travis, Sherman, Texas 75090, (214) 893-9673.

The San Patricio County Appraisal District, Board of Directors, will meet in the Appraisal District Office, 1146 East Market, Sinton, on April 13, 1989, at 9:30 a.m. Information may be obtained from Kathryn Vermillion, P.O. Box 938, Sinton, Texas 78387, (512) 364-5402.

TRD-8902990

Meetings Filed April 5, 1989

The Golden Crescent Service Delivery Area, Private Industry Council, Inc., will meet at 1301 East Rio Grande, Victoria, on April 12, 1989, at 6:30 p.m. Information may be obtained from Jane A. Abell, P.O. Box 2149, Victoria, Texas 77902.

The Henderson County Appraisal District, Board of Directors, met at 1751 Enterprise, Athens, on April 10, 1989, at 7:30 p.m. Information may be obtained from Helen Marchbanks, 1751 Enterprise, Athens, Texas (214) 675-9296.

The Lee County Appraisal District, Appraisal Review Board, will meet at 218 East Richmond Street, Giddings, on April 13, 1989, at 9 a.m. Information may be obtained from Delores Shaw, 218 East Richmond Street, Giddings, Texas 78942, (409) 542-9618.

The Nolan County Central Appraisal District, Board of Directors, will meet in Suite 317A, Nolan County Courthouse, Sweetwater, on April 11, 1989, at 7 a.m. Information may be obtained from Patricia Davis, P.O. Box 1256, Sweetwater, Texas 79556, (915) 235-8421.

The Nueces-Jim Wells-Kleberg-Kenedy Soil and Water Conservation District, Board of Directors, will meet at Cotten's BBQ, South Highway 77, Robstown, on April 18, 1989, at 7 p.m. Information may be obtained from Joan D. Rumfield, 710 East Main Street, Robstown, Texas 78380.

The Permian Basin Regional Planning Commission, Board of Directors, will meet in the Conference Room, Midland, on April 12, 1989, at 1:30 p.m. Information may be obtained from Terri Moore, P.O. Box 6391, Midland, Texas 79711.

TRD-8903017

Meetings Filed April 6, 1989

The Blanco County Appraisal District, Board of Directors, will meet at the Blanco County Courthouse Annex, Johnson City, on April 11, 1989, at 6 p.m. Information may be obtained from Hollis Petri, P.O. Box 338, Johnson City, Texas 78636, (512) 868-4624.

The Education Service Center, Region X, Board of Directors, will meet in the Boardroom, 400 East Spring Valley, Richardson, on April 12, 1989, at 12:30 p.m. Information may be obtained from Joe Farmer, 400 East Spring Valley, Richardson, Texas (214) 231-6301.

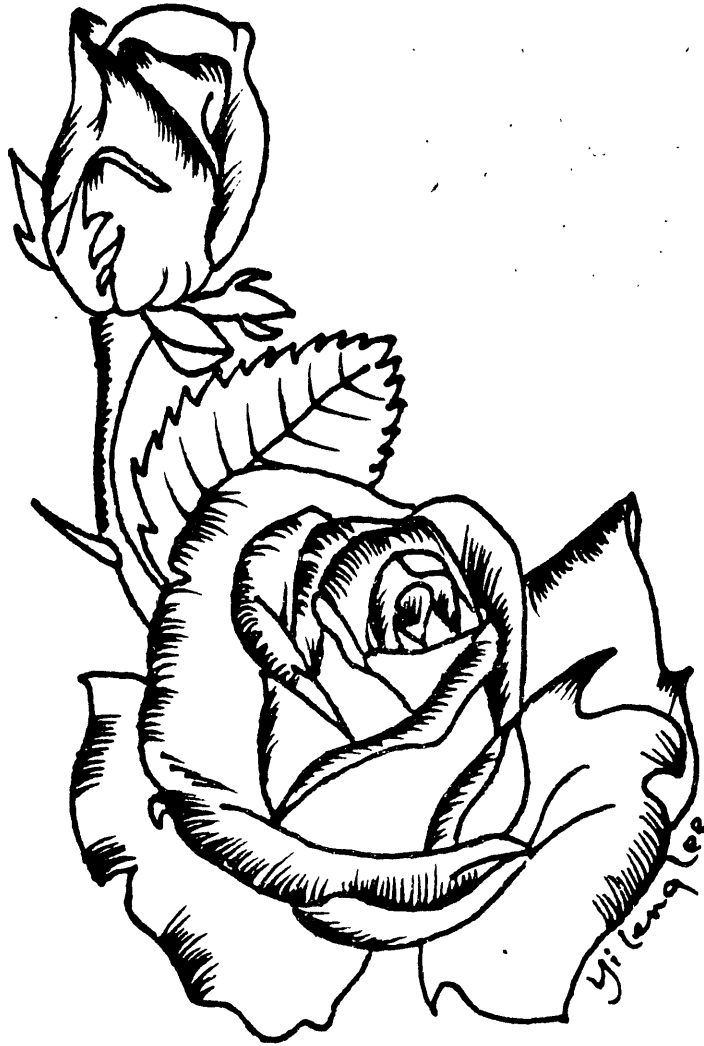
The Edwards Underground Water District, Ad-Hoc Committee for Bylaws, will meet at 1615 North St. Mary's Street, San Antonio, on April 11, 1989, at 9 a.m. Information may be obtained from Gordon M. Clarke, 1615 North St. Mary's Street, San Antonio, Texas 78215, (512) 222-2204.

The Lampasas County Appraisal District, Board of Directors, will meet at 109 East Fifth Street, Lampasas, on April 12, 1989, at 9:30 a.m. Information may be obtained from Dana Ripley, P.O. Box 175, Lampasas, Texas 76550, (512) 556-8058.

The Permian Basin Regional Planning Commission, Board of Directors, will meet in Midland, on April 12, 1989, at 1:30 p.m. Information may be obtained from Terri Moore, P.O. Box 6391, Midland, Texas 79711.

The Rockwall County Appraisal District, Board of Directors, will meet at 106 North San Jacinto, Rockwall, on April 11, 1989, at 7:30 p.m. Information may be obtained from Ray Helm, 106 North San Jacinto, Rockwall, Texas 75087, (214) 771-2034.

TRD-8903050



Name: Yi Leng Lee

Grade: 9

School: Haltom Jr. High, Birdville

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.

Governor's Office of Budget and Planning Request for Proposals

Notice of Invitation. The Energy Management Center (EMC) in the Governor's Office of Budget and Planning invites proposals from private firms, public agencies, and individuals to develop and implement projects designed to demonstrate the technical feasibility and energy efficiency of alternative fuels for transportation.

Texas motorists and the transportation industry depend almost exclusively on gasoline and diesel as the primary sources of vehicle fuel. This dependence makes the transportation industry and motorists vulnerable to oil supply disruptions. Increased use of alternative fuels can reduce this vulnerability, and can improve vehicle performance as well as air quality.

The purpose of this program is to further the use of vehicle fuels which may serve as alternatives to gasoline and diesel. Alternative fuels may include, but are not limited to, compressed natural gas, propane, ethanol, methanol, electricity, and alternatives to aviation fuel.

Services to be Performed. Program funds may be used to collect and analyze data, develop and distribute educational materials, and demonstrate the cost effectiveness, benefits, and energy efficiency of alternative fuels for use in various vehicles. Projects that demonstrate expanded applications of alternative fuels, identify alternative fuel markets, and/or create better consumer awareness of alternative fuels also will be considered for funding. Program funds shall not be used to supplant or replace existing funding sources.

All proposed projects must be within the state of Texas, and the prime contractor must be Texas-based.

Restrictions on the Use of Funds. Projects funded through the Alternative Fuels Program are subject to federal guidelines and other restrictions established by the U.S. v. Exxon court decision. Funds may not be used for any of the following purposes: (1) to purchase land, buildings, structures, or interest therein; (2) to conduct research or to purchase equipment to conduct research or product development; (3) capital expenditures for any purpose other than demonstration; (4) to demonstrate techniques or technologies that are not commercially available; or (5) for administrative costs.

Proposed demonstration projects also must meet the United States Department of Energy's demonstration review elements. A list of these elements will be included in the application package available from the EMC.

Projects selected for funding under the Alternative Fuels Program will be funded on a cost-reimbursement basis. All expenses must be properly documented and permissible under the contract and federal guidelines, and all are subject to approval by the governor's office.

Contact Person. To obtain the proposal application form

or for more information concerning this program, contact James P. McIntyre, Energy Management Center, Governor's Office of Budget and Planning, P.O. Box 12428, Austin, Texas 78711, (512) 463-1931.

Submission Procedures and Due Date. Proposals must be submitted on the application forms available for this purpose from the EMC. Seven copies of each proposal should be mailed to: Sherri Rains, Energy Management Center, Governor's Office of Budget and Planning, P.O. Box 12428, Austin, Texas 78711.

For proposals which will be sent by overnight mail or hand delivered, the street address is Sam Houston State Office Building, Room 620, 201 East 14th Street, Austin, Texas 78701.

Proposals must be received by 3 p.m. on June 1, 1989. Proposals received after that time will not be considered.

Selection Criteria. Proposals must follow the proposal format provided by the EMC. They will be evaluated according to the following criteria.

I. Technical Feasibility and Practicality. The proposed project should demonstrate the practical applicability of alternative fuel technology, and its potential as a solution to future fuel problems.

The proposal should show how the technology demonstrated will be economically competitive within four years.

The proposal should show how the demonstrated technology can be integrated into the existing market structure.

II. Transferability. The proposal must identify a specific target audience, and show how the results obtained from the project may be utilized by the target audience.

The proposal should show how information gained from the project will be made available to the target audience.

The proposal should describe how the level of acceptance or implementation by the target audience will be determined and reported to the governor's office.

III. Respondent's Qualifications. The proposal should describe the experience and qualifications, in alternative fuels technology, of the respondent and of personnel who will be assigned to the project.

IV. Energy Benefits. The proposed project must provide an estimate of fossil fuel savings attributable to the project, with a description of the method used to calculate savings.

V. Proposed Budget. The proposal will be judged on the reasonableness of the budget and on the level of match proposed by the responding organization.

Final selection of projects for funding will be based on the recommendations of a review committee. If two or more proposals are ranked so closely that a decision cannot be made, the review committee may request finalists to provide additional information or to meet with EMC staff in Austin prior to final selection. No respondent, however, will be reimbursed for any costs incurred in the preparation, submission, or clarification of a proposal.

Issued in Austin, Texas on April 3, 1989.

TRD-8902988

Ron Lindsey
Director
Governor's Office of Budget and Planning

Filed: April 4, 1989

For further information, please call (512) 463-1931.

Texas Department of Health Correction of Error

The Texas Department of Health submitted proposed amendment which contained errors as published in the March 14, 1989, issue of the *Texas Register* (14 TexReg 1349).

In §151.3: Subparagraph (e)(5)(B) should read: "(B) On or after July 1, 1989, it is the responsibility of a facility-based training program to schedule examinations with the department or its designee(s) and to provide the facility where the skills examination will be given to trainees."

In §151.6: Subparagraph (c)(6)(K) is new language and should therefore appear in bold-face print.

In §151.8: The first sentence or subsection (b) should read: "Following the review described in subsection (a) of this section, a program shall be reviewed on-site every two years."

Subsection (c) should read: "(c) For each year in which a program is not reviewed on-site, the program shall file a self-assessment report on a form provided by the department by the end of the calendar year."

The department also submitted adopted sections which contained errors as submitted by the department in the March 21, 1989, issue of the *Texas Register* (14 TexReg 1457).

In §1.132: The definition for "chemical disinfection" should read: "Chemical disinfection-The use of a chemical agent to reduce significantly microbial activity."

In §1.136: Clause (a)(5)(E)(ii) should read: "(ii) steam sterilization, and if the item can cause puncture wounds, placement in a puncture-resistant container, and deposition in a sanitary landfill; or"

Subsection (c) should read: "(c) Facility responsibility. The facility treating the wastes shall be responsible for establishing the conditions necessary for treatment by each method used at the facility to insure the significant reduction of microbial activity of any waste treated."

The department also submitted an "Intent to Revoke a Certificate of Registration" document (TRD-8902434) which contained errors as published in the March 24, 1989, issue of the *Texas Register* (14 TexReg 1548).

In the third paragraph of the second column on (14 TexReg 1548). The first sentence should read: "On April 15, 1988, the registrant was billed \$102 for fees due on Certificate of Registration Number 6-12346 covering the period from May 1988-April 1989."

In the third paragraph of the first column on (14 TexReg 1549). The third sentence should read: "On May 31, 1988, Certificate of Registration Number 5-06421 expired."

The second paragraph of the second column (14 TexReg 1549) should read: "Comes now the Division of Compliance and Inspection, Bureau of Radiation Control, Texas Department of Health (the agency), through its division director, and makes the following complaint against William H. Mitchell, D.P.M., 5454 Alameda, Suite 103 Hous-

ton, Texas 77004, holder of Certificate of Registration Number 11-08066."

Texas Department of Human Services Notice of Award

In accordance with Texas Civil Statutes, Article 6252-11c, the Texas Department of Human Services furnishes this notice of consultant contract award. The consultant proposal was published in the February 14, 1989, *Texas Register* (14 TexReg 876).

Description of Services: The contractor will conduct an evaluation of the Child Protective Services (CPS) Preparation for Adult Living Program. The evaluation will include a minimum of six projects (three urban, three nonurban). A three-tiered evaluation model will be developed to examine three major components of project performance. The first component, the process evaluation, will examine the project's implementation. The second component will evaluate the project's impact and outcomes. The third component will consist of a review and analysis of CPS policies regarding independent services.

Name of Consultant: The contract was awarded to Children's Action Alliance, 4001 North Third Street, Suite 160, Phoenix, Arizona 85012, (602) 266-0707.

Total Value and Term of the Contract: The contract period is April 1, 1989, through September 30, 1989. Payments under this contract will not exceed \$30,000.

Study Completion Date: The consultant's final report will be due September 30, 1989.

Issued in Austin, Texas, on April 5, 1989.

TRD-8903019

Charles Stevenson
Acting Commissioner
Texas Department of Human Services

Filed: April 5, 1989.

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

Texas Department of Mental Health and Mental Retardation Consultant Contract Award

This award of consulting services is being filed pursuant to the provisions of Texas Civil Statutes, Article 6252-11c.

On January 26, 1989, the central office of the Texas Department of Mental Health and Mental Retardation filed a request for proposals in the February 7, 1989, issue of the *Texas Register* (14 TexReg 718). The department has contracted with the Human Services Research Institute (HSRI) whose business address is 2336 Massachusetts Avenue, Cambridge, Massachusetts 02140.

The contract requires HSRI to facilitate a large participatory meeting of persons experienced with the needs of the population the department serves. Participants will include MH and MR program staff from state facilities and community MHMR centers as well as consumers, families of consumers, and advocates. These meetings are being conducted as part of a larger planning project which utilizes the HSRI strategic planning models. The goal of these consensus meetings is to develop services package options to meet the varying needs of clients depending on functional level and the type of region in which the services are delivered, i.e. metropolitan, urban/rural, and very rural. These service packages will be input into HSRI's strategic

planning models for mental health and mental retardation services through continuing work with the TDMHMR.

The contract was entered into on March 7, 1989. Services were completed under the contract on March 9, 1989.

Issued in Austin, Texas on April 4, 1989.

TRD-8903011 Dennis R. Jones
 Commissioner
 Texas Department of Mental Health and
 Mental Retardation

Filed: April 4, 1989

For further information, please call (512) 465-4591

◆ ◆ ◆
**State Purchasing and General Services
Commission**

Correction of Error

The State Purchasing and General Services Commission submitted proposed sections which contained errors as published in the March 24, 1989, issue of the *Texas Register* (14 TexReg 1499).

In §125.41: The last sentence of paragraph (e)(1) should read: "The RPM provides, for each phase of system implementation, the following:"

In §125.45: Subparagraph (b)(3)(A) should read: "(A) acquisition date, vehicle make, model, year, G.V.W., license number, whether a SPV, and whether a pool or assigned vehicle."

◆ ◆ ◆
Request for Proposals

Notice is hereby given to all interested parties that pursuant to Texas Civil Statutes, Article 601b, the State Purchasing and General Services Commission is soliciting proposals for the potential purchase of an existing building in Austin, containing a minimum of 120,000 usable square feet of initially available office space, with associated land and parking facilities and additional space or developable land to meet an ultimate need of 375,000 usable square feet of office space and associated parking. Request for proposals containing all requirements necessary for an appropriate response may be obtained on or after 9 a.m., April 7, 1989, from: the State Purchasing and General Services Commission, Space Management Section, 1711 San Jacinto, Central Services Building, Room 204, Austin, Texas 78701, Attention: Mr. Steve Huber (475-2379).

All proposals must be submitted in a sealed envelope and must be received by the commission no later than 3 p.m. on May 5, 1989. The commission will evaluate the proposals received in accordance with the criteria outlined in the request for proposals and may negotiate with any or all offerors in an effort to purchase space as an alternative to construction of new space to meet the state's needs.

Issued in Austin, Texas on April 3, 1989.

TRD-8902958 John R. Neel
 General Counsel
 State Purchasing and General Services
 Commission

Filed: April 3, 1989

For further information, please call (512) 463-3446

**Texas State Technical Institute
Request for Proposals**

The Texas State Technical Institute requests proposals from qualified firms or individuals to be the third party administrator and program managers of its health, dental, and life insurance programs.

The bidders must be prepared to satisfy such contractual arrangements that comply with the rules and regulations of the Administrative Council of the Texas College and University Employees Uniform Benefits Act (the Texas Insurance Code, Article 3.50-3).

To obtain more detailed information, interested parties will need to request a bid proposal package with the outlines of service requirements and with the specific forms necessary to submit a bid.

Contact: Theodore A. Talbot, Vice Chancellor, Office of Human Resources, Texas State Technical Institute, 3801 Campus Drive, Building 32-1, Waco, Texas 76705.

The deadline for submitting proposals is Friday, April 28, 1989.

Issued in Waco, Texas on March 14, 1989.

TRD-8903018 Theodore A. Talbot
 Vice Chancellor
 Texas State Technical Institute

Filed: April 4, 1989

For further information, please call (817) 799-3611, Ext. 3909

◆ ◆ ◆
**Texas Water Commission
Enforcement Order**

Pursuant to the Texas Water Code which states that if the commission finds that a violation has occurred and a civil penalty is assessed, the commission shall file notice of its decision in the *Texas Register* not later than the 10th day after the date on which the decision is adopted, the following information is submitted.

An enforcement order was issued to Technical Coatings, Inc., (SWR 33276) on March 29, 1989, assessing \$11,517 in administrative penalties-\$7,517 deferred.

Information concerning any aspect of this order may be obtained by contacting Andrew N. Barrett, staff attorney, Texas Water Commission, P.O. Box 13087, Austin, Texas 78711-3087, telephone (512) 463-8069.

Issued in Austin, Texas on March 31, 1989.

TRD-8902966 Gloria A. Vasquez
 Notices Coordinator
 Texas Water Commission

Filed: April 3, 1989

For further information, please call (512) 463-7906

◆ ◆ ◆
**Notice of Application For Waste
Disposal Permit**

Notice is given by the Texas Water Commission of public notices of waste disposal permit applications issued during the period of March 27-March 31, 1989.

No public hearing will be held on these applications unless an affected person has requested a public hearing. Any such request for a public hearing shall be in writing and

contain the name, mailing address, and phone number of the person making the request; and a brief description of how the requester, or persons represented by the requester, would be adversely affected by the granting of the application. If the commission determines that the request sets out an issue which is relevant to the waste discharge permit decision, or that a public hearing would serve the public interest, the commission shall conduct a public hearing, after the issuance of proper and timely notice of the hearing. If no sufficient request for hearing is received within 30 days of the date of publication of notice concerning the applications, the permit will be submitted to the commission for final decision on the application.

Information concerning any aspect of these applications may be obtained by contacting the Texas Water Commission, P.O. Box 13087, Capitol Station, Austin, Texas 78711, (512) 463-7905.

Listed are the name of the applicant and the city in which the facility is located, type of facility, location of the facility, permit number, and type of application—new permit, amendment, or renewal.

Georgia Gulf Corporation, Pasadena Plant, Pasadena; chemical manufacturing facility; located on the south bank of the Houston Ship Channel, approximately 5, 250 feet east of Ethyl Road and approximately 7,500 feet north of State Highway 225, Harris County; 02067; renewal.

El Campo Aluminum Company, El Campo; aluminum plant; located on Gladys Street, between Lilly Street and Route 59, in the City of El Campo, Wharton County; renewal; 01208.

Dal-Tile Corporation, Conroe; ceramic floor tile manufacturing facility; located approximately three miles south of the City of Willis and one mile east of United States Highway 75 on Silver Springs Road, Montgomery County; 03058; new.

Gulf Coast Waste Disposal Authority, Bayport Central, Pasadena; centralized wastewater treatment plant; located at 10800 Bay Area Boulevard in the City of Pasadena, Harris County; 01054; renewal.

Rolling Creek Utility District, Harris County; wastewater treatment facility; located approximately 4,000 feet northeast of the intersection of Barker-Cypress Road and Clay Road and approximately 8,000 feet northwest of Lakeside Airport, Harris County; 12841-01; renewal.

Unocal Corporation, Unocal Chemicals Division, Houston; bulk chemical distribution center; located at 7010 Mykawa Road in the City of Houston, Harris County; 03080; new.

Impala Woods Development Company, Houston; wastewater treatment facility; approximately 8/10 mile southwest of the intersection of United States Highway 190 and FM Road 3186, Polk County; 12120-01; renewal.

Issued in Austin, Texas, on March 31, 1989

TRD-8902965
Brenda W. Foster
Chief Clerk
Texas Water Commission

Filed: April 3, 1989

For further information, please call (512) 463-7906

Notice of Public Hearing

To facilitate public comment on the proposed new sections of 31 Texas Administrative Code, Chapter 334, concerning underground storage tanks, the Texas Water Commission has extended the comment period until May 1, 1989. A notice of the original hearing was published in the March 10, 1989, issue of the *Texas Register* (14 TexReg 1321).

To further facilitate public comment on the proposed new sections, the Texas Water Commission staff has scheduled three additional public hearings to receive such comments. The three hearings will be held as follows: Friday, April 14, 1989 at 1 p.m., City Hall, Counsel Chambers, 300 North Loraine, Midland; Tuesday April 18, 1989 at 1 p.m., City Hall, Counsel Chambers, 901 Bagby, Houston; Wednesday, April 19, 1989 at 10 a.m., J. Erik Jonsson Auditorium, Central Library (Plaza 1), 1515 Young Street, Dallas.

Persons desiring to provide written comments on the proposal may do so by sending them to William W. Thompson, III, Legal Division, Texas Water Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 463-8069. Written comments will be accepted until 5 p.m., May 1, 1989. Persons participating in the public hearings are encouraged to summarize their testimony in written presentations.

Issued in Austin, Texas on April 5, 1989.

TRD-8903020
Jim Haley
Director, Legal Division
Texas Water Commission

Filed: April 5, 1989

For further information, please call (512) 463-8087

profiles

A Guide to Texas State Agencies

Texas Department on Aging

The Older Americans Act of 1965 establishes national guidelines for programs for the elderly and provides federal grants for related state services. In Texas, these funds are administered by the Department on Aging.

The department offers transportation, nutrition, and in-home services to Texans over the age of 60 through a network of 28 regional agencies. To address the particular needs of senior citizens in different locales, the offices conduct public hearings every two years.

Since its inception in 1965 as the Governor's Committee on Aging, the department's responsibilities have expanded considerably. In 1973, the Legislature authorized development of the Community Senior Citizens Employment Program, now known as the Senior Texans Employment Program (STEP). Control of the Texas Retired Senior Volunteer Program (RSVP), previously directed by the federal volunteer agency, ACTION, was transferred to the department four years later.

In 1979, the department initiated a home-delivered nutrition program and was awarded money to expand community services and the Foster Grandparents Programs. Legislation in 1981 established the Department on Aging as a full state agency, mandating studies of training, retirement, and promotion of independent living for the elderly.

In 1983, it was named the lead agency for the newly created Long Term Care Coordinating Council for the Elderly. Another bill that year called for a long term care ombudsman to serve on a panel of state nursing home inspectors. The department passed Sunset review in 1985 and is authorized to operate until 1997.

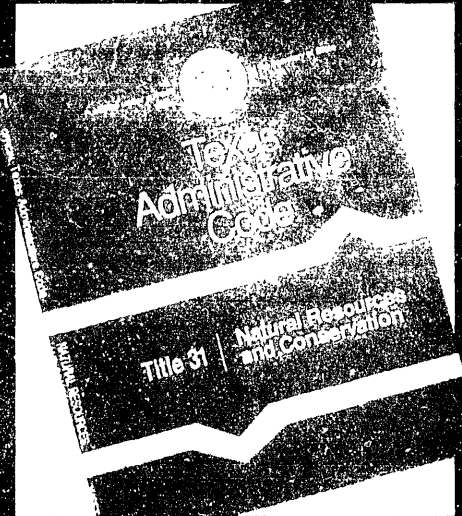
In its regulatory capacity, the Department on Aging insures that regional agencies and their subcontractors comply with rules outlined in the Older Americans Act. The department registers board and lodging homes for elderly citizens and certifies ombudsmen to investigate complaints from nursing home residents and their families.

According to O.P. Bobbitt, director of the agency, the number of elderly Texans has risen sharply in recent years, especially those 85 and older. "The department has had to shift its focus to meet the needs of a more frail, mobility-impaired population. The services needed by this particular group are more expensive to deliver." Federal and state funding, he says, has not kept up with rising costs. "The department has therefore been forced to reduce or ration the number of services it provides."

The Texas Department on Aging is headquartered in Austin. The toll free number for information and referral is 1-800-252-9240.

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