

Texas Register

Volume 14, Number 28, April 14, 1989

Pages 1803-1847

In This Issue...

The Governor

Appointment Made April 5, 1989

1811-State Purchasing and General Services Commission

Emergency Sections

Office of the Secretary of State

1813-Athlete Agents

Texas Department of Agriculture

1813-Seed Division

Proposed Sections

Office of the Secretary of State

1815-Athlete Agents

Texas Department of Agriculture

1815-Seed Division

Board of Veterinary Medical Examiners

1815-Licensing

State Board of Insurance

1816-Property and Casualty Insurance

Texas Water Development Board

1816-Rules Relating to Financial Programs

Texas Department of Human Services

1817-Home Energy Assistance Program

Withdrawn Sections

Texas Department of Human Services

1819-County Indigent Health Care Program

Adopted Sections

State Board of Insurance

1821-Corporate and Financial

School Land Board

1821-Land Resources

Texas Youth Commission

1822-Agreements With Other Agencies

Texas Department of Human Services

1822-County Indigent Health Care Program

1824-Medicaid Eligibility

Open Meetings

1825-Texas Department of Agriculture

1825-Automated Information and Telecommunications Council

1825-Texas Commission for the Blind

1825-Texas School for the Blind

1825-Texas Bond Review Board

1825-Texas Department of Community Affairs

1825-State Employee Incentive Commission

1825-Employees Retirement System of Texas

1826-Commission on Fire Protection Personnel Standards and Education

1826-Texas Department of Health

1827-University of Houston System

1827-Texas Department of Human Services

1827-State Board of Insurance

1828-Legislative Audit Committee

1828-Board of Pardons and Paroles

1828-Texas State Board of Registration for Professional Engineers

1828-Texas State Board of Public Accountancy

1829-Public Utility Commission of Texas

1829-Railroad Commission of Texas

1830-Texas Rehabilitation Commission

1830-School Land Board

1831-Stephen F. Austin State University

1831-Texas Water Commission

1832-Regional Meetings

81 RFA

Texas Register

The *Texas Register* (ISN 0362-4781) is published twice each week 100 times a year except March 7, 1989, June 2, 1989, July 7, 1989, November 28, 1989, and December 29, 1989. Issues will be published by the Office of the Secretary of State.

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

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

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

Governor—appointments, executive orders, and proclamations

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

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

Proposed Sections—sections proposed for adoption

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

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

Open Meetings—notices of open meetings

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

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

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

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

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

Texas Administrative Code

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

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

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

TAC stands for the *Texas Administrative Code*;

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



Texas Register Publications

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

Jack M. Rains Secretary of State

Director

Dan Procter

Assistant Director

Dee Wright

Documents Section Supervisor
Patty Parris

Documents Editors

Lisa Brull
Janiene Hagel

Open Meetings Clerk
Brenda J. Kizzee

Production Section Supervisor
W. Craig Howell

Production Editor

Jody Allen

Typographers
Ann Franklin
Sharon Menger

Circulation/Marketing

Richard Kallus
Roberta Knight

TAC Editor
Dana Blanton

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

In Addition

Texas Department of Banking

1835-Notice of Postponement of Hearing

Texas Department of Commerce

1835-Weekly Report on the 1989 Allocation of the State Ceiling on Certain Private Activity Bonds

Office of Consumer Credit Commissioner

1835-Notice of Rate Ceilings

Texas Education Agency

1836-Request for Proposals

Texas Employment Commission

1837-Correction of Error

Governor's Office of Budget and Planning

1837-Request for Proposals

Texas Department of Health

1838-Licensing Actions for Radioactive Materials

1842-Notice of Proposed Radioactive Material

1843-Rescission of Order

Texas Health and Human Services Coordinating Council

1843-Response to Public Comments Received Regarding the Draft Report of the Confidentiality Work Group

State Board of Insurance

1843-Company Licensing

1844-Correction of Error

Interagency Council on Early Childhood Intervention

1844-Request for Proposals

Railroad Commission of Texas

1844-Notice of Hearings

Red River Compact Commission

1845-Agenda for April 25, 1989, Meeting

Texas Rehabilitation Commission

1845-Request for Proposals

Office of the Secretary of State

1845-Direct Access Contract

The University of Texas M.D. Anderson Cancer Center

1845-Consultant Contract Award

Texas Water Commission

1846-Enforcement Orders

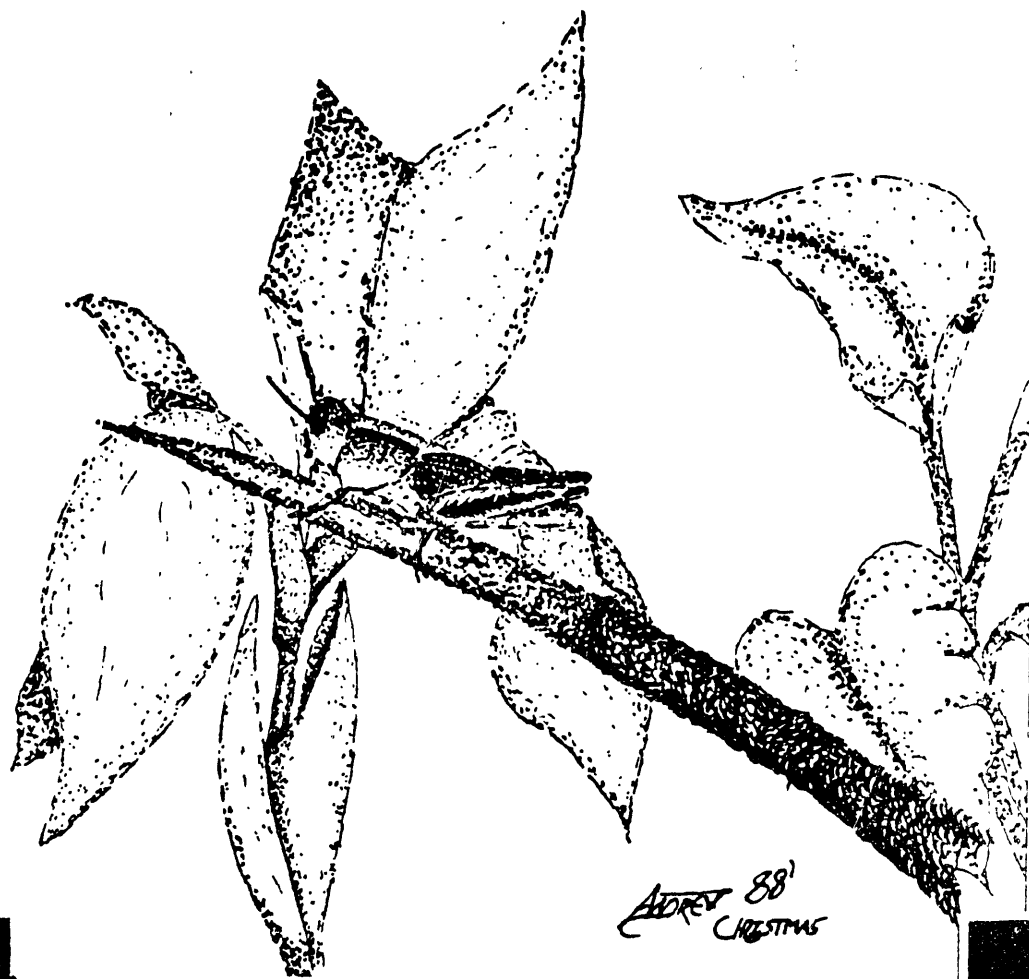
1846-Notice of Application for Waste Disposal Permit



Name: Robert Lattimore

Grade: 11

School: Haltom High School, Birdville



Name: Andrew Christmas

Grade: 12

School: Haltom High School, Birdville



Name: Robert Lattimore

Grade: 11

School: Haltom High School, Birdville

TAC Titles Affected

TAC Titles Affected—April

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

TITLE 1. ADMINISTRATION

Part IV. Office of the Secretary of State

1 TAC §78.31—1813, 1815

TITLE 4. AGRICULTURE

Part I. Texas Department of Agriculture

4 TAC §6.3, §6.4—1787

4 TAC §11.2—1789

4 TAC §19.3, §19.12—1813, 1815

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

Part XXII. Texas State Board of Public Accountability

22 TAC §511.55—1743

22 TAC §511.57—1743

22 TAC §511.58—1743

Part XXIV. Board of Veterinary Medical Examiners

22 TAC §571.10—1815

TITLE 28. INSURANCE

Part I. State Board of Insurance

28 TAC §1.407—1743

28 TAC §§3.1-3.5—1709

28 TAC §§3.1-3.9—1709

28 TAC §3.3030—1719

28 TAC §3.3312—1744

28 TAC §5.11—1719

28 TAC §5.5002—1816

28 TAC §5.9202—1748

28 TAC §5.9203—1748

28 TAC §§5.6151-5.6158—1744

28 TAC §7.57—1720

28 TAC §7.67—1821

28 TAC §7.1007—1705

28 TAC §11.1205—1749

28 TAC §15.27—1789

28 TAC §19.111—1787

28 TAC §19.703—1721

28 TAC §21.102, §21.104—1722

28 TAC §21.702—1722

28 TAC §25.713—1723

28 TAC §§27.801-27.809—1679

TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part IV. School Land Board

31 TAC §155.10—1821

Part IX. Texas Water Commission

31 TAC §297.1—1724

31 TAC §297.45—1724

31 TAC §305.48—1724

31 TAC §§310.1-310.17—1725

31 TAC §§375.2-375.4—1749

31 TAC §§375.17-375.20—1751

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

Part X. Texas Water Development Board

31 TAC §363.39—1816

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 III. Texas Youth Commission

37 TAC §119.1—1822

**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
ASSISTANCE**

Part I. Texas Department of Human Services

40 TAC §8.9—1817

40 TAC §§14.401-14.405—1822

40 TAC §14.406—1819

40 TAC §15.100—1824

40 TAC §15.202—1790

40 TAC §15.502—1824

40 TAC §§48.2925-48.2927—1681

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.

Appointment Made April 5, 1989

To be a member of the State Purchasing and General Services Commission, for a term to expire January 31, 1995: Robert E. Davis, 1010 Gloucester, Irving, Texas 75062. Mr. Davis is being reappointed.

Issued in Austin, Texas on April 5, 1989.

TRD-89003143

William P. Clements, Jr.
Governor of Texas





Name: Jana Southard

Grade: 12

School: Haltom High School, Birdville

Emergency Sections

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

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

TITLE 1.

ADMINISTRATION

Part IV. Office of the Secretary of State

Chapter 78. Athlete Agents

• 1 TAC §78.31

The Office of the Secretary of State adopts on an emergency basis new §78.31, concerning athlete agents providing the secretary of state's office with an affidavit certifying that no financial services contract has been executed nor financial services provided to any athlete as defined by Texas Civil Statutes, Article 8871. It is necessary to adopt this section on an emergency basis to protect the welfare of those members of the public who will be conducting business with an athlete agent.

The new section is adopted on an emergency basis under Texas Civil Statutes, Article 6252-13a, §4, and Texas Civil Statutes, Article 8871, §11, which provide the Office of the Secretary of State with the authority to adopt rules necessary to carry out the Athlete Agent Act

§78.31. Affidavit of Athlete Agent. Any athlete agent who does not post a \$100,000 surety bond with their initial application or renewal must execute an affidavit affirming that the agent has not entered into a financial services contract and has not provided financial services to an athlete. The affidavit shall be filed with the Office of the Secretary of State. If the initial application or renewal was filed prior to April 7, 1989, the athlete agent shall execute and file an affidavit with the secretary of state within 10 days from receiving notice of the re-

quired affidavit. Such affidavit shall be on a form prescribed by the secretary of state. A copy of the prescribed form may be obtained by contacting the Office of the Secretary of State, Statutory Documents Section, P.O. Box 12887, Austin, Texas 78711.

Issued in Austin, Texas, on April 6, 1989.

TRD-8903148 Lorna Wassdorf
Special Assistant
Office of the Secretary of State

Effective date: April 10, 1989

Expiration date: August 8, 1989

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

TITLE 4. AGRICULTURE

Part I. Texas Department of Agriculture

Chapter 19. Seed Division

• 4 TAC §19.3, §19.12

The Texas Department of Agriculture adopts on an emergency basis amendments to §19.3 and §19.12, concerning noxious weed seeds and seed testing procedures and tolerances.

In recent months, a serious weed pest native to South America and commonly known as serrated tussock seed has been introduced into the United States via shipment of tall fescue seed from Argentina. Serrated tussock seed has already been found in some lots being offered for sale in Texas and the risk of the spreading of this pest is great. Moreover, if serrated tussock is allowed to become established in Texas, the seed, animal, and turfgrass industries will be adversely affected.

The department believes that the possibility of serrated tussock establishing itself in Texas is a real and imminent threat to agricultural industries in Texas. The failure of the department to act to limit the spread of this seed could result in serious economic loss to those agricultural industries and the State of Texas. The plants developing from the serrated tussock seed have been described as the worst of noxious weeds in New Zealand, Tasmania, and Australia, with approximately five million acres of land under quarantine in New South Wales due to the weed. A serrated tussock seed head has the capability of distributing 227 million seeds per acre.

The emergency amendment to §19.3 adds serrated tussock (*Nasella Trichotoma*) to the list of prohibited noxious weed seeds. The emergency amendment to §19.12 adds serrated tussock to the list of seed for which no tolerance is allowed.

The amendments are adopted on an emergency basis under the Texas Agriculture Code, §61.002, which provides the Texas Department of Agriculture (TDA) with general rulemaking authority for Chapter 61; §61.008, which authorizes the TDA by rule to classify noxious weeds and prohibit the inclusion of a noxious weed in a container of agricultural or vegetable seed, and Texas Civil Statutes, Article 6252-13a (5), which provide for the adoption of administrative rules on an emergency basis without notice and comment.

§19.3. Noxious Weed Seeds. It shall be unlawful to sell, offer for sale, or expose for sale any agricultural or vegetable seed for planting purposes within this state containing noxious weed seed in excess of the following limitations per pound.

(1) Prohibited noxious weed seeds are:

Common Name	Scientific Name	Limitation per pound
balloonvine	<i>Cardiosperm halicacabum (L.)</i>	prohibited
field bindweed	<i>Convolvulus arvensis</i>	prohibited
hedge bindweed	<i>Convolvulus sepium</i>	prohibited
cocklebur	<i>Xanthium spp.</i>	

itchgrass	Rottboellia exaltata	prohibited
	Cyperus rotundus and cyperus	
nutgrass	esculentus	prohibited
nutgrass tubers	Cyperus spp.	prohibited
<u>serrated tussock</u>	<u>nasella trichotoma</u>	<u>prohibited</u>

(2)-(5) (No change.)

§19.12. *Seed Testing Procedures and Tolerances.* The Texas Department of Agriculture hereby adopts by reference *Rules for Testing Seeds* of the Association of Official Seed Analysts, Volume 6, Number 2 (1981) and as subsequently amended, as the procedures, methods, and tolerances for seed testing conducted under authority of the Act and this title, except that in the enforcement of this Act no tolerance will be allowed for balloonvine, **serrated tussock**, and

itchgrass, a tolerance of one will be allowed for cocklebur, and the tolerance allowed for pure live seed will be the same as for germination. Information relative to obtaining copies of the material adopted by reference may be obtained by writing the Texas Department of Agriculture, Seed Division, P.O. Box 12847, Austin, Texas 78711. A copy is also available for public inspection at the Texas Department of Agriculture, Seed Division, P.O. Box 12847, Austin, Texas 78711. A copy is also available for public inspection at the Texas Department of Agriculture, Seed Division, Stephen F.

Austin Building, Austin.

Issued in Austin, Texas, on January 1, 1989.

TRD-8903084

Dolores Alvarado Hibbs
Director of Hearings
Texas Department of
Agriculture

Effective date: April 7, 1989

Expiration date: August 5, 1989

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



Proposed Sections

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

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

TITLE 1.

ADMINISTRATION

Part IV. Office of the Secretary of State

Chapter 78. Athlete Agents

• 1 TAC §78.31

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

The Office of the Secretary of State proposes new §78.31, concerning athlete agents providing the secretary of state's office with an affidavit certifying that no financial services contract has been executed nor financial services provided to any athlete as defined by Texas Civil Statutes, Article 8871.

Jim Mathieson, attorney, 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. Mathieson also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be to provide the public with the assurance that those athlete agents who have registered with the secretary of state's office who do not post a \$100,000 surety bond have not entered into any financial services contracts with any athlete as defined by Texas Civil Statutes, Article 8871, nor has the athlete agent provided financial services to any such athlete. Furthermore, the athlete agent will certify that financial services contracts will not be entered into nor financial services provided without first posting a \$100,000 surety bond with the secretary of state. 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 Jim Mathieson, Attorney, Statutory Documents Section, P.O. Box 12887, Austin, Texas 78711.

The new section is proposed under Texas Civil Statutes, Article 6252-13a, §4, and Texas Civil Statutes, Article 8871, §11, which provide the Office of the Secretary of State with the authority to adopt rules necessary to carry out the Athlete Agent Act.

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 6, 1989.

TRD-8903147 Lorna Wassdorf
Special Assistant
Office of the Secretary of State

Earliest possible date of adoption: May 15, 1989

For further information, please call: (512) 463-5558

TITLE 4. AGRICULTURE

Part I. Texas Department of Agriculture

Chapter 19. Seed Division

• 4 TAC §19.3, §19.12

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

The Texas Department of Agriculture proposes amendments to §19.3 and §19.12, concerning noxious weed seeds and seed testing procedures and tolerances. The proposed amendments are made in order to aid in prevention of the further spreading of serrated tussock, a noxious weed seed, into Texas. The amendment to §19.3 adds serrated tussock to the list of prohibited noxious weed seeds. The amendment to §19.12 adds serrated tussock to the list of weed seeds for which no tolerance is allowed.

Kenneth Boatwright, director, Seed and Grain Warehouse Program, has determined that for the first five-year period the proposed sections are in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the sections.

Mr. Boatwright also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be the prevention of the spread of the serious weed pest serrated tussock in Texas. 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 Kenneth Boatwright, Director, Seed and Grain Warehouse Program, P.O. Box 12847, Austin, Texas 78711.

The amendments are proposed under the Texas Agriculture Code, §61.002, which provides the Texas Department of Agriculture

with the authority to promulgate rules to enforce Chapter 61; and §61.008, which authorizes the Texas Department of Agriculture by rule to classify noxious weeds and prohibit the inclusion of a noxious weed in a container of agricultural or vegetable seed.

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 6, 1989.

TRD-8903083 Dolores Alvarado Hibbs
Director of Hearings
Texas Department of Agriculture

Earliest possible date of adoption: May 15, 1989

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

TITLE 22. EXAMINING BOARDS

Part XXIV. Board of Veterinary Medical Examiners

Chapter 571. Licensing

Examinations

• 22 TAC §571.10

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

The Texas Board of Veterinary Medical Examiners proposes the repeal of §571.10, concerning furnishing grades to examination applicants. The section is in conflict with the Veterinary Licensing Act, §12(e) (Article 7465a).

Donald B. Wilson, executive director, has determined that for the first five-year period the proposed repeal 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 repeal.

Mr. Wilson also has determined that for each year of the first five years the repeal is in effect the public benefit anticipated as a result of enforcing the repeal is not applicable. There is no anticipated economic cost to individuals who are required to comply with the repeal as proposed.

Comments on the proposal may be submitted to Donald B. Wilson, Texas Board of Veterinary Medical Examiners, 1946 South IH-35, Box 113, Austin, Texas 78704, (512) 447-1183.

The repeal is proposed under Texas Civil Statutes, Article 7465a, §7(a), which provides the Texas Board of Veterinary Medical Examiners with the authority to "...make, alter, or amend such rules and regulations as may be necessary or desirable to carry into effect the provisions of this Act."

§571.10. Furnishing Grades.

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 4, 1989.

TRD-8903023 Donald B. Wilson
Executive Director
Texas Board of Veterinary
Medical Examiners

Proposed date of adoption: June 15, 1989

For further information, please call: (512) 447-1183

TITLE 28. INSURANCE

Part I. State Board of Insurance

Chapter 5. Property and Casualty Insurance

Subchapter F. Inland Marine Insurance

• 28 TAC §5.5002

The State Board of Insurance proposes an amendment to §5.5002, concerning the Texas definition of inland marine insurance. The amendment is necessary to redefine the commercial fine arts class of inland marine insurance as a filed class in lieu of a non-filed class. The amendment would allow the board to approve standard and uniform rules, rates, and forms for the writing of commercial fine arts as inland marine insurance which could be attached and made a part of a Texas commercial package policy.

G. J. Jones, deputy insurance commissioner for property insurance, 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. Jones also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be the availability of a coverage for commercial fine arts that can be included as part of a packaged policy eliminating the need to have a separate stand alone policy issued to insure commercial fine arts. 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 G. J. Jones, Division 0610, Deputy Insur-

ance Commissioner for Property Insurance, 1110 San Jacinto Boulevard, Austin, Texas 78701-1998.

The amendment is proposed under the Insurance Code, Article 5.53, which provides for the approval by the State Board of Insurance of a definition of inland marine insurance which sets forth the regulatory status of the defined classes of inland marine insurance.

§5.5002. Texas Definition of Inland Marine Insurance. Inland marine insurance is defined and classified as follows.

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

(5) other inland marine risks.

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

(J) Fine arts policies covering objects of art such as pictures, bronzes, and antiques, rare manuscripts and books, articles of virtue, etc.

(i) private collections [collection] (filed);

(ii) dealers (fire and e.c.); and

(iii) all other commercial risks (filed [non-regulated]).

(K)-(OO) (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 10, 1989.

TRD-8903151 Nicholas Murphy
Chief Clerk
State Board of Insurance

Earliest possible date of adoption: May 15, 1989

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

TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part X. Texas Water Development Board

Chapter 363. Rules Relating to Financial Programs

Policy Declarations

• 31 TAC §363.39

The Texas Water Development Board (board) proposes new §363.39, concerning establishment of the board's general policy for using proceeds received from the March, 1989 sale of political subdivision bonds to the Texas Water Resources Finance Authority. The board received approximately \$41 million from this recent sale of its portfolio. Hearing expressed interest, the board is utilizing a rulemaking procedure to allow the widest

possible public input into the allocation of these funds.

The section establishes five categories of uses for the bond sale proceeds: funding for economically depressed areas; state participation program; a reserve fund for the board's revenue bond program authorized in the Texas Water Code, Chapter 17, Subchapter I; a reserve fund for the insurance program authorized in the Texas Water Code, Chapter 15, Subchapter D; and for an emergency loan program. The section specifies that the board may assign proceeds for the sale of its bonds to these categories by resolution.

The section establishes specific criteria for eligibility for assistance and for establishing priorities among projects within the categories of economically depressed areas assistance and state participation projects. The section establishes criteria for eligibility for the emergency loan program, which is anticipated to be a first-come-first-served program which maintains a revolving balance. The reserve funds for the insurance and revenue bond programs are viewed as a means to start financial assistance programs to fund a larger number of projects. The eligibility for these programs will be established by rules adopted specifically for those programs.

Susan Taylor, director of accounting, has determined that for the first five-year period the proposed section is in effect there will be fiscal implications for local government as a result of enforcing or administering the section. The fiscal implications for local government will be to provide additional financial assistance to units of local government. The exact benefit will depend on the actual use of the proceeds. There will be no fiscal implications for state government or for small businesses as a result of enforcing or administering the section.

Ms. Taylor also has determined that for each year of the first five years the section as proposed is in effect the public benefit anticipated as a result of implementing the section will be the funding of programs already approved by the legislature but that fiscally would otherwise be difficult to implement. There will be no possible economic cost to individuals who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Suzanne Schwartz, P.O. Box 13231, Austin, Texas, 78711-3231 by May 1, 1989. Public hearings on this proposal will be held on Friday, April 28, 1989, at 2:30 p.m. and 6 p.m. in Room 118 of the Steven F. Austin State Office Building, 1700 North Congress, Austin, Texas 78701.

The new section is proposed under the Texas Water Code, §6.101, which requires the board to adopt rules necessary to carry out its powers and duties.

§363.39. Use of Proceeds From Sale of Portfolio.

(a) This section establishes the board's general policy for using proceeds received from the past sale of political subdivision bonds to the Texas Water Resources Finance Authority (the Authority). The board will use the proceeds for the

purposes declared in Texas Civil Statutes, §20.001(a). The board will seek to maximize the use of the money to the state as a whole by providing assistance to water-related projects statewide.

(b) The board establishes the following list of priority items for which current sale proceeds should be used. The order of this list does not denote any particular priority among the items listed. The board may periodically, by resolution, assign proceeds from the sale of political subdivision bonds for the purposes specified herein:

(1) funding of projects located in economically depressed areas of the state;

(2) state participation program;

(3) bond insurance program authorized by the Texas Water Code, Chapter 15, Subchapter D;

(4) revenue bond program authorized by the Texas Water Code, Chapter 17, Subchapter I; and

(5) emergency circumstances that threaten the public health, safety, or welfare of the state's citizens.

(c) In considering eligibility and priority for use of the funds allocated to economically distressed areas of the state, the board shall consider:

(1) the potential for board assistance to leverage funding from other private, state, or federal sources;

(2) the direct improvement anticipated in the overall quality of life and standard of living of individuals within the affected area;

(3) the indirect contribution that providing assistance will make in improving economic attractiveness and competitiveness of the affected area;

(4) the alleviation of an existing or imminent public health or environmental quality problem;

(5) the commitment of the local population to solve the problem;

(6) the unavailability of alternative financing to provide retail and individual customer service;

(7) the ability of local users to bear the cost of operating and maintenance expenses;

(8) the probability that assistance will contribute to or support other types of state investment;

(9) the probability that committed funds will be appropriately repaid;

(10) the ability to implement the proposed project or system;

(11) the potential for these improvements to be used in a regional system; and

(12) the credit history of the users regarding payment of utility bills.

(d) In considering eligibility and priority for use of the funds allocated to state participation the board shall consider:

(1) the nature of the project as an integral component of a regional water, wastewater, or flood protection system;

(2) the potential for state participation assistance to encourage optimal project or system development;

(3) the opportunity to use state participation funds in conjunction with other financial assistance from the board or other funding sources; and

(4) the ability of state participation assistance to accelerate project implementation so that services are available at or prior to the time of actual need.

(e) The board may allocate funds to the bond insurance program authorized by the Texas Water Code, Chapter 15, Subchapter D, to establish a reserve fund. Funding for individual projects shall be awarded pursuant to the standards and restrictions delineated in the Texas Water Code, Chapter 15, Subchapter D, and rules passed by the board to implement the insurance program.

(f) The board may allocate funds to the revenue bond program authorized by the Texas Water Code, Chapter 17, Subchapter I, to establish a reserve fund. Funding for individual projects shall be awarded pursuant to the standards and restrictions delineated in the Texas Water Code, Chapter 17, Subchapter I, and rules passed by the board to implement the revenue bond program.

(g) The board may loan funds to applicants to alleviate emergency conditions where:

(1) the board determines that a catastrophic failure of an existing water or wastewater/sewer system has occurred;

(2) the failure threatens the public health, safety or welfare;

(3) the failure of the system was unforeseen and caused by an unpredictable event;

(4) the applicant demonstrates the reasonable ability to refinance or repay the loan within 12 months; and

(5) the Division of Emergency Management of the Department of Public Safety has confirmed that the emergency condition exists.

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 10, 1989.

TRD-8903152

Suzanne Schwartz
General Counsel
Texas Water Development
Board

Earliest possible date of adoption: May 15, 1989

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

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Services

Chapter 8. Home Energy Assistance Program

Program Requirements

• 40 TAC §8.9

The Texas Department of Human Services (DHS) proposes new §8.9, concerning program suspension, in its Home Energy Assistance Program (HEAP) chapter. The purpose of the new section is to specify circumstances in which the DHS board may elect to temporarily suspend HEAP.

Burton F. Raiford, deputy commissioner for support operations, has determined that for the first five-year period the proposed new section will be in effect there will be no fiscal implications for state or local governments or small businesses as a result of enforcing or administering the section.

Mr. Raiford also has determined that for each year of the first five years the new section is in effect the public benefit anticipated as a result of enforcing the section will be to promote cost-effective operation of the HEAP program with meaningful benefit levels for participating households by virtue of saving available funds for another cycle when funds or program resources are limited. There is no anticipated economic cost to individuals who are required to comply with the proposed new section.

Comments on the proposal may be submitted to Cathy Rossberg, Administrator, Policy Development Support Division-097, Texas Department of Human Services 222-E, P.O. Box 149030, Austin, Texas 78714-9030, within 30 days of publication in the *Texas Register*.

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

§8.9. Program Suspension. DHS's operation of the Home Energy Assistance Program is dependent on the availability of funds and service delivery resources. If the DHS board determines that available funds or resources are insufficient for effective operation of the program, the board may elect to suspend either the Summer Cooling Program or the Winter Heating Program, or both.

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 10, 1989.

TRD-8903149

Charles Stevenson
Acting Commissioner
Texas Department of
Human Services

Proposed date of adoption: June 5, 1989.

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



Withdrawn Sections

An agency may withdraw proposed action or the remaining effectiveness of emergency action on a section by filing a notice of withdrawal with the *Texas Register*. The notice is effective immediately upon filing or 20 days after filing. If a proposal is not adopted or withdrawn within six months after the date of publication in the *Texas Register*, it will automatically be withdrawn by the office of the Texas Register and a notice of the withdrawal will appear in the *Texas Register*.

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Services

Chapter 14. County Indigent Health Care Program

Subchapter E. SLIAG Reimbursement for County Indigent Health Care Program Services Provided to Eligible Legalized Aliens

• 40 TAC §14.406

The Texas Department of Human Services (DHS) has withdrawn from consideration for permanent adoption proposed new §14.406, concerning claiming SLIAG reimbursement for federal fiscal year 1988 (October 1, 1987, to September 30, 1988). The text of the new section appeared in the February 10, 1989, issue of the *Texas Register* (14 TexReg 778).

Issued in Austin, Texas, on April 6, 1989

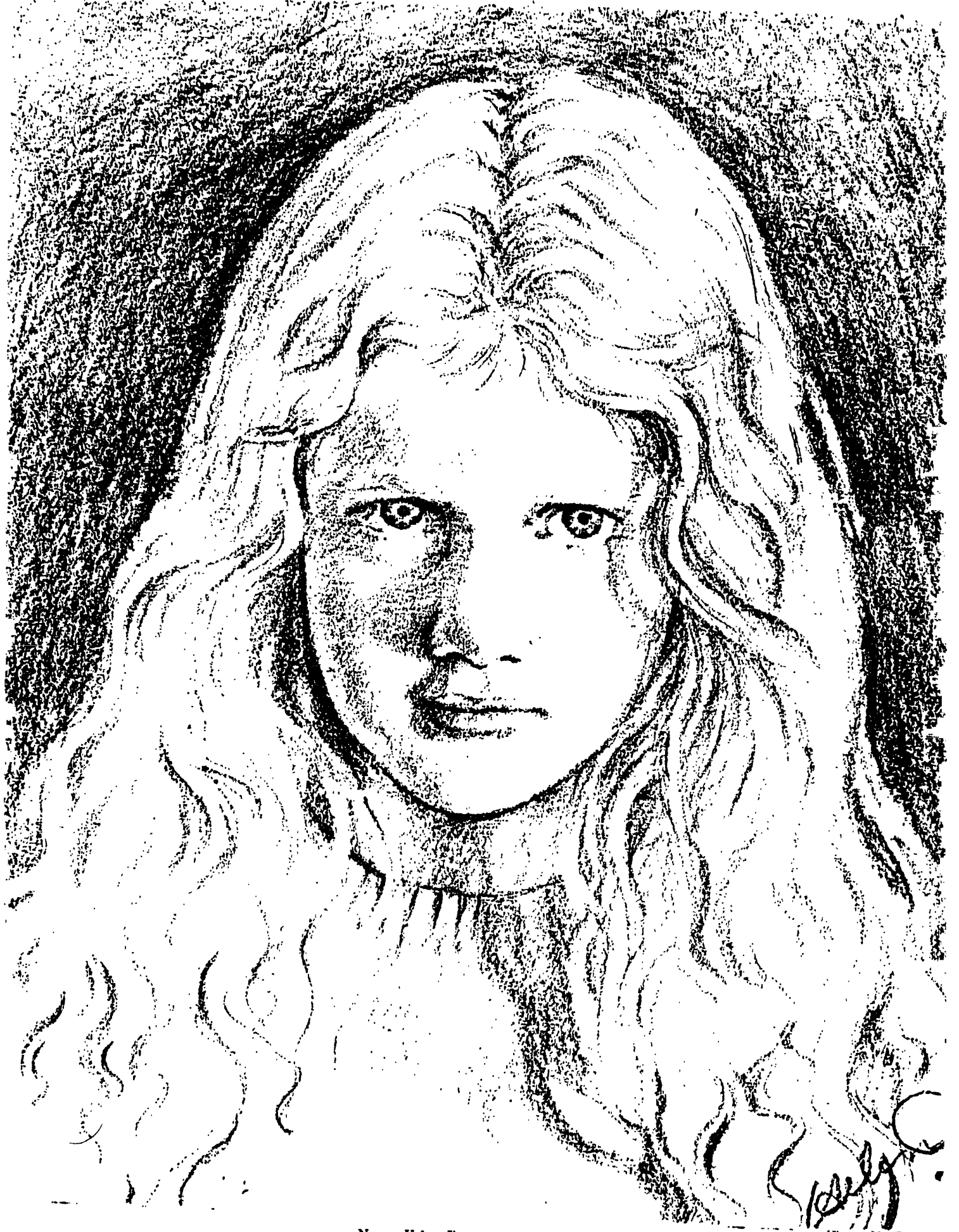
TRD-8903090

Charles Stevenson
Acting Commissioner
Texas Department of
Human Services

Effective date: April 6, 1989.

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





Name: Helen Ji

Grade: 10

School: Haltom High School, Birdville

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 28. INSURANCE

Part I. State Board of Insurance

Chapter 7. Corporate and Financial

Subchapter A. Examination and Corporate Custodian and Tax

• 28 TAC §7.67

The State Board of Insurance adopts new §7.67, without changes to the proposed text as published in the January 24, 1989, issue of the *Texas Register* (14 TexReg 491). The adoption does include changes to the forms and instructions proposed for adoption by reference under paragraph of this section.

Section 7.67 concerns annual statement blanks, instructions, and other reporting forms to be used by insurers and certain other entities regulated by the board in reporting on their operations in the 1989 calendar year. This new section is necessary to provide forms and instructions that facilitate compliance with statutory requirements for insurance carriers and other regulated entities to report annually information concerning their operations and financial condition. In response to comments this adoption includes changes to clarify the forms and instructions adopted by reference under paragraph (41) of this section. The board has filed with the Office of the Secretary of State, Texas Register Division, a copy of these changes to the forms and instructions proposed for adoption by reference. Persons desiring copies of the changes can obtain copies from the Statistical and Rate Development Division of the State Board of Insurance at 1110 San Jacinto Boulevard, Austin, Texas 78701-1998.

The section adopts by reference forms and instructions for reporting in 1989 on activities during 1988. The forms and instructions require information which relates to the financial condition and business operations of regulated entities.

Commenting for the section was the Texas Medical Association. Objecting against the section as proposed were the Alliance of American Insurers, the American Insurance Association, the Association of Fire and Casualty Companies in Texas, and the Texas Association of School Boards.

Several commenters urged the board not to adopt forms and instructions by reference under paragraph (41) of this section, on the grounds that investment income information was available through the insurance expense exhibit, which could be utilized in the comple-

tion of the annual liability insurance supplemental report under the Insurance Code, Article 1.24A. In response to these comments, the board amended and simplified the instructions by deleting the requirement that countrywide data be reported and by providing in General Instruction (6) that this form may be completed on a group basis rather than on a company by company basis. One commenter urged the board to amend the instructions to indicate that the amounts are to be reported on a pre-tax basis without any adjustment for federal income taxes. In response to this comment, the board amended the instructions to clarify in General Instruction (5) the pre-tax basis of this report.

The new section is adopted under the Insurance Code, Articles 1.04, 1.10, §9, 1.11, 3.07, 6.11, 6.12, 8.07, 8.08, 8.21, 8.24, 9.22, 9.47, 10.30, 11.06, 11.19, 14.15, 14.39, 15.15, 15.16, 16.18, 16.24, 17.22, 17.25, 18.12, 19.08, 20.02, 21.21, 21.43, 21.54, 22.06, 22.18, 23.02, and 23.26; the Texas Health Maintenance Organization Act, §10 and §22; and Texas Civil Statutes, Article 6252-13a, §4. The Insurance Code, Article 1.04, places original rulemaking jurisdiction in the State Board of Insurance. The insurance code, Article 1.10, §9, requires the board to furnish the blank forms for companies to complete necessary statements. The Insurance Code, Article 1.11, authorizes the board to change the forms of the annual statements, and requires certain entities to file also with the National Association of Insurance Commissioners. The Insurance Code, Article 21.21, requires that all statements made by persons in the business of insurance be truthful and not misleading. The Insurance Code, Article 21.43, requires foreign insurers to comply with the provisions of the Insurance Code. The Insurance Code, Articles 3.07, 6.11, 6.12, 8.07, 8.08, 8.21, 8.24, 9.22, 9.47, 10.30, 11.06, 11.19, 14.15, 14.39, 15.15, 15.16, 16.18, 16.24, 17.22, 17.25, 18.12, 19.08, 20.02, 21.54, 22.06, 22.18, 23.02, and 23.26; and the Texas Health Maintenance Organization Act, §10 and §22, require the filing of annual reports and other information by certain specific entities regulated by the board, apply particular statutory law respecting reports to those entities, and specify particular rulemaking authority relating to those specific entities. Texas Civil Statutes, Article 6252-13a, §4, authorize and require state administrative agencies to adopt rules of practice setting forth the nature and requirements of available procedures.

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 7, 1989.

TRD-8903144

Nicholas Murphy
Chief Clerk
State Board of Insurance

Effective date: April 28, 1989

Proposal publication date: January 24, 1989

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

TITLE 31. NATURAL RESOURCE AND CONSERVATION

Part IV. School Land Board

Chapter 155. Land Resources

Coastal Public Lands

• 31 TAC §155.10

The School Land Board adopts an amendment to §155.10, without changes to the proposed text as published in the March 3, 1989, issue of the *Texas Register* (14 TexReg 1074).

The amendment will equitably apply fees to the large volume of new and renewal structure permit contracts that will be issued to the cycle of contract issuance.

The amendment increases the late penalty fee and aligns the fee schedule to reflect the elimination of assignments of structure permits.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Natural Resources Code, §33.064, which authorizes the School Land Board to adopt rules considered necessary to administer, implement, and enforce the management of coastal public lands.

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-8903095

Garry Mauro
Chairman
School Land Board

Effective date: April 28, 1989

Proposal publication date: March 3, 1989

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

**TITLE 37. PUBLIC
SAFETY AND
CORRECTIONS**

**Part III. Texas Youth
Commission**

**Chapter 119. Agreements With
Other Agencies**

**Memorandums of
Understanding**

• 37 TAC §119.1

The Texas Youth Commission (TYC) adopts new §119.1, without changes to the proposed text as published in the March 3, 1989, issue of the *Texas Register* and the text as published by Texas Department of Human Services in the November 15, 1988, issue of the *Texas Register*.

The new section is justified to eliminate duplication of effort and improve services to multiproblem children and youth.

The new section will function by establishing a memorandum of understanding among the Texas Youth Commission, Texas Department of Human Services, Texas Commission for the Blind, Texas Department of Health, Texas Department of Mental Health and Mental Retardation, Texas Education Agency, Texas Juvenile Probation Commission, and Texas Rehabilitation Commission to coordinate services for multiproblem children and youth, as required by legislation passed by the 70th Texas Legislature, 1987. To coordinate services, the memorandum of understanding provides for the implementation of a system of community resource coordination groups.

No comments were received regarding adoption of the new section.

The new section is adopted under the Human Resources Code, §81.034, which provides TYC with the authority to make rules and policies necessary to accomplish its function.

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 7, 1989.

TRD-8903045

Ron Jackson
Executive Director
Texas Youth Commission

Effective date: April 26, 1989

Proposal publication date: March 3, 1989

For further information, please call: (512) 452-8111, ext. 107



**TITLE 40. SOCIAL
SERVICES AND
ASSISTANCE**

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

**Chapter 14. County Indigent
Health Care Program**

Subchapter E. SLIAG

**Reimbursement for County
Indigent Health Care
Program Services Provided
to Eligible Legalized Aliens**

• 40 TAC §§14.401-14.405

The Texas Department of Human Services (DHS) adopts new §§14.401- 14.405. Sections 14.401, 14.402, and 14.403 are adopted with changes to the proposed text as published in the February 10, 1989, issue of the *Texas Register* (14 TexReg 778). Section 14.404 and §14.405 are adopted without changes to the proposed text and will not be republished. Section 14.406 is being withdrawn in this issue of the *Texas Register*.

A 14-member committee, consisting of county judges, commissioners, auditors, and program administrators associated with County Indigent Health Care Programs (CIHCPs) in each DHS region, and a representative of the Texas Association of Counties, was appointed in the fall of 1988 to recommend proposed rules and handbook policies for claiming CIHCP/state legalization impact assistance grant (SLIAG) funds. The CIHCP Ad Hoc Committee on SLIAG met in November, December, and January to recommend rules in compliance with federal SLIAG regulations for counties applying for SLIAG funds for federal fiscal years (FFY) 1988-1991. New Subchapter E was unanimously recommended by the committee at its meeting January 11, 1989, and was proposed in the *Texas Register* on February 10, 1989. The committee met on March 13, 1989, and unanimously recommended adoption of the new subchapter.

Sections 14.401-14.405 will function by providing procedures for counties to claim SLIAG funds for FFY 1989-1991.

Comments on the proposal were received from the Tom Green County Office of Indigent Health and the Texas Health and Human Services Coordinating Council. Both commenters supported the proposal; however, the coordinating council added a clarification of the definition of an eligible SLIAG expenditure. This clarification resulted in revisions to §14.402 and §14.403.

The coordinating council clarified that persons involved in the legalization process fall into two distinct groups: those who are applicants for eligible legalized alien (ELA) status, and those who have received ELA status. Applicants for ELA status may possess either a valid I-689, INS receipt, or a valid I-688-A, employment authorization card. CIHCP expenditures for ELA applicants possessing either of these two forms of documentation, valid during the period health care services were received, are reimbursable SLIAG ex-

penditures only if the ELA applicant later receives an I-688, temporary resident card. If a county claims and receives SLIAG funds for an ELA applicant, and the applicant is later denied temporary residence status (an I-688), the SLIAG funds received by the county are subject to recovery. The recovery procedure has not been finalized. However, statewide denial rates might be applied to claims for ELA applicants, or claims might be disallowed by the United States Department of Health and Human Services (HHS) in any HHS audit of county SLIAG claims. Section 14.402(b) and §14.403(h) are amended to provide this clarifying information. Section 14.403(i) is amended accordingly to allow a county to credit these disallowed SLIAG claims toward the county's CIHCP 10% limit and eligibility for state assistance, in the fiscal year of disallowance.

The best information currently available indicates that the denial rate for ELA applicants is relatively low. The vast majority of persons possessing an I-689 or I-688-A will eventually receive an I-688.

DHS also received notification from the United States Department of Health and Human Services disapproving the methodology proposed in §14.406 for allocating FFY 1988 SLIAG funds to CIHCP counties. An alternate methodology for claiming FFY 1988 SLIAG funds must be developed. For this reason, DHS has deleted proposed §14.406 from Subchapter E and amended §14.401(b) to delete reference to §14.406.

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

§14.401. SLIAG Program Administration.

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

(1) **Eligible Legalized Alien (ELA)**—An individual granted lawful temporary resident status under the Immigration and Nationality Act, §§245A, 210, 210A, ELA status begins on the effective date of adjustment as established by the INS, and continues for five years from that date if during that time the alien retains his lawful temporary or permanent resident status.

(2) **Federal fiscal year (FFY)**—The 12-month period beginning October 1 of each calendar year and ending September 30 of the following calendar year. SLIAG funds are available for these FFYs: FFY 1988 (October 1, 1987, to September 30, 1988); FFY 1989 (October 1, 1988, to September 30, 1989); FFY 1990 (October 1, 1989, to September 30, 1990); and FFY 1991 (October 1, 1990, to September 30, 1991).

(3) **Immigration and Naturalization Service (INS)**—An agency of the United States Department of Justice that administers the legalization process.

(4) **State legalization impact as-**

assistance grant (SLIAG)—Federal grant to reimburse state and local governments for the cost of providing public assistance, public health, and educational services to ELAs. Federal regulations categorize the County Indigent Health Care Program (CIHCP) as a public assistance program.

(b) Sections 14.401-14.405 of this title (relating to SLIAG Program Administration; SLIAG Documentation Requirements; Determining Allowed SLIAG Costs; Procedures for Claiming SLIAG Funds; and Audits) apply to county claims for SLIAG funds for allowed CIHCP expenditures for ELAs during FFY 1989, 1990, and 1991.

(1) The Texas Health and Human Services Coordinating Council is the single state agency serving as the federal/state conduit for Texas SLIAG funds.

(2) DHS is the state agency responsible for distributing SLIAG funds from the coordinating council to counties claiming SLIAG funds through a CIHCP operating in a county not fully served by a public hospital or hospital district. DHS monitors SLIAG expenditures, completes required federal reports and grant applications, and processes county claims for funds.

(3) SLIAG reimburses allowed CIHCP expenditures dollar-for-dollar if sufficient federal funds are available. If sufficient federal funds are unavailable, the actual percentage of available funds is distributed.

(4) Counties should report the total amount expended for all ELAs during a month on DHS's monthly financial/activity report form contained in the CIHCP Handbook. Counties should submit the form to DHS within 10 days after the end of each month in which eligible SLIAG expenditures were paid or SLIAG eligibility was determined. Allowed ELA expenditures made between October 1, 1988, and September 30, 1991, may be claimed up to December 29, 1994.

(5) Counties must retain all SLIAG-related records for three FFYs plus one additional quarter following the FFY for which funds were claimed, or until any audit exceptions are resolved.

§14.402. SLIAG Documentation Requirements.

(a) A county must document the A9/90 number of each ELA receiving health care services. The A9/90 number is an INS identification number issued to an ELA. This number appears on the face of the INS identifying document. An ELA identification number always begins with "A9" followed by seven other numerical digits.

(b) For purposes of claiming SLIAG funds, ELA status is verified if an individual possesses one of the following

INS documents, the document is valid during the period in which CIHCP services are provided, and the individual possessing the I-689 or I-688-A later receives an I-688.

(1) INS Receipt I-689—Issued upon receipt of the application for legalization and before the INS interview, this receipt is proof of ELA status until the expiration date stamped on the receipt.

(2) Temporary Resident Card I-688—Issued by INS to aliens granted temporary residence, this card is proof of ELA status until the expiration date on the face of the card.

(3) Employment Authorization Card I-688-A—Issued by INS to applicants for temporary resident status after INS completes the interview for legalization, this card is proof of ELA status until the expiration date on the face of the card. It is valid for a six-month period, and can be renewed by INS.

(4) Alien Registration Card I-551—Issued by INS to a lawful permanent resident, this card, which has an A9/90 number, is proof of ELA status through 1991.

(c) Counties must comply with the following case documentation requirements:

(1) photocopy the identification document, if possible, and file the copy in the case record.

(2) document the following on the worksheet form contained in the CIHCP Handbook:

(A) ELA identification number (A9/90 number);

(B) INS document type;

(C) period of validity; and

(D) expiration date, if applicable;

(3) document the following on the medical services record form contained in the CIHCP Handbook, or on a similar form developed by the county:

(A) type of service provided to the ELA;

(B) date the service was provided; and

(C) date and amount the county paid for the service.

§14.403. Determining Allowed SLIAG Costs.

(a) Counties may claim reimbursement for allowed SLIAG program costs.

Allowed program costs are auditable county expenditures made to reimburse health care providers for CIHCP mandatory services for ELAs, and paid under DHS payment standards.

(1) The date that the county makes an expenditure for an ELA is the date the county writes a check paying a bill for services provided; that is, expenditures are determined using cash-basis accounting.

(2) Mandatory services are:

(A) inpatient and outpatient hospital services;

(B) physician services;

(C) up to three prescriptions for drugs per recipient per month;

(D) skilled nursing facility services;

(E) family planning services; and

(F) laboratory and x-ray services.

(3) The DHS payment standards are specified in Subchapter C of this chapter (relating to Providing Services) and CIHCP Handbook Appendices II-IV.

(4) The ELA must meet either:

(A) the minimum eligibility standards specified in Subchapter B of this chapter (relating to Determining Eligibility); or

(B) less restrictive indigent health care eligibility standards established and consistently applied by the county.

(b) Counties may claim reimbursement for allowed administrative costs associated with SLIAG planning, consultation with state agencies, claims preparation, audits, recordkeeping, reports, and administration of mandatory services to ELAs.

(1) Both direct and indirect administrative costs may be claimed.

(2) Counties must use a documented, auditable methodology to determine administrative costs.

(c) Counties may claim the portion of direct and indirect administrative costs related to providing services to ELAs.

(1) Direct costs include salaries, travel, and certain overhead expenses.

(2) Indirect costs include expenditures for heat, electricity, and other items not easily identified as a specific cost item.

(d) Counties may claim only those

program costs they have paid. The county must deduct voluntary copayments received from or on behalf of ELAs before claiming a cost.

(e) Counties may not claim expenditures which are or could be claimed under SLIAG toward:

(1) the county's 10% general revenue tax levy (GRTL) limitation, as described in Section 1 of the CIHCP Handbook; or

(2) eligibility for DHS state assistance matching funds.

(f) If a county receives state assistance funds for an individual subsequently identified as an ELA, the county must claim SLIAG funds for ELA expenditures and return to DHS the state matching funds received.

(g) Counties may not claim the following:

(1) indirect costs, such as bad debts, contingency reserves, contributions, fines and penalties, interest on borrowed money, and bond discounts;

(2) direct costs, except for the portion attributable to serving ELAs; and

(3) costs reimbursed by other state or federal programs.

(h) Counties overclaiming SLIAG expenditures must return the overpayment to DHS. A disallowed claim may occur if an alien with a valid I-689 or I-688-A is never issued an I-688. A disallowed claim is subject to recovery.

(i) Counties may credit an ELA expenditure disallowed in a federal audit, as an eligible CIHCP expenditure in the year the claim is disallowed.

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 6, 1989.

TRD-8903089

Charles Stevenson
Acting Commissioner
Texas Department of
Human Services

Effective date: May 1, 1989.

Proposal publication date: February 10, 1989.

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



Chapter 15. Medicaid Eligibility

Subchapter A. General Information

The Texas Department of Human Services adopts an amendment to §15.100 and new §15.502, without changes to the proposed text as published in the March 3, 1989, issue of the *Texas Register* (14 TexReg 1075). These sections are adopted to comply with public law that requires the department to deduct medical expenses when determining the client's applied income.

The amendment and new section are justified because the institutionalized clients will pay less applied income toward the cost of their care.

The amendment and new section will function by requiring the department, when determining the amount an institutionalized client must pay toward his care, to deduct certain incurred medical expenses that are not covered by a third party.

No comments were received regarding adoption of the amendment and new section.

• 40 TAC §15.100

The amendment 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.

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 7, 1989.

TRD-8903161

Charles Stevenson
Acting Commissioner
Texas Department of
Human Services

Effective date: May 1, 1989.

Proposal publication date: March 3, 1989.

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



• 40 TAC §15.502

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.

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 7, 1989.

TRD-8903162

Charles Stevenson
Acting Commissioner
Texas Department of
Human Services

Effective date: May 1, 1989.

Proposal publication date: March 3, 1989.

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



Open Meetings

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

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

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

Texas Department of Agriculture

Monday, April 17, 1989, 10 a.m. The Texas Department of Agriculture will meet in the Meeting Room, Wharton Electric Co-op, 1701 East Jackson, El Campo. According to the agenda, the department will receive public comment regarding proposed regulations for boll weevil control for the Upper Coastal Bend Pest Management Zone.

Contact: Annette Cardenas, P.O. Box 12847, Austin, Texas 78711, (512) 463-7617.

Filed: April 7, 1989, 2:46 p.m.

TRD-8903123

Automated Information and Telecommunications Council

Friday, April 21, 1989, 9 a.m. The Automated Information and Telecommunications Council will meet in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the council will approve minutes of the previous meeting; consider executive director; hear Executive Director Search Committee report; consider plan certifications and procurements; hear staff reports; and consider certificate presentations and new business.

Contact: Lynn Polson, 510 South Congress Avenue, Austin, Texas 78701, (512) 463-5530.

Filed: April 7, 1989, 11:52 a.m.

TRD-8903117

Texas Commission for the Blind

Tuesday, April 25, 1989, 4 p.m. The Lubbock District Office of the Texas Commission for the Blind will meet in the AmeriSuites Hotel, 6800 IH-40 West, Ama-

riilo. According to the agenda, the office will give local consumers an opportunity of speaking to agency staff about services to blind and visually disabled Texans and commenting on the agency's state plan. Consumers will also have the opportunity of participating in a question and answer period about local agency services.

Contact: Cecilia Berrios, P.O. Box 12866, Austin, Texas 78711, (512) 459-2611.

Filed: April 10, 1989, 2:07 p.m.

TRD-8903164

Texas School for the Blind

Friday, May 19, 1989, 8 a.m. The Board of Trustees of the Texas School for the Blind will meet at 1100 West 45, Austin. According to the agenda, the board will meet in executive session to discuss superintendent evaluation.

Contact: Cyral Miller, 1100 West 45, Austin, Texas 78756, (512) 454-8631 ext. 233.

Filed: April 10, 1989, 2:12 p.m.

TRD-8903163

Texas Bond Review Board

Friday, April 21, 1989, 11 a.m. The Texas Bond Review Board will meet in the Sergeant's Committee Room, State Capitol, Austin. According to the agenda, the board will approve minutes of the previous meeting; consider proposed issues concerning 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 series 1989A, Texas Higher Education Coordinating Board-college student loan bonds series 1989A, and Texas Public Finance Authority-general obligation bonds series 1989A; and consider other business.

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

Filed: April 10, 1989, 2:48 p.m.

TRD-8903167

Texas Department of Community Affairs

Wednesday, April 26, 1989, 8:30 a.m. The National Community Volunteer Fire Prevention Program of the Texas Department of Community Affairs will meet in the Holiday Inn, 5002 Seawall Boulevard, Galveston. According to the agenda, the department will approve minutes of the previous meeting; and consider the Mansfield Program, annual meeting in June, and evaluation of NCVFP programs.

Contact: Rudy Davila, 8317 Cross Park Drive, Austin, Texas 78754, (512) 834-6027.

Filed: April 10, 1989, 3:35 p.m.

TRD-8903180

State Employee Incentive Commission

Thursday, April 20, 1989, 10 a.m. The State Employee Incentive Commission will meet in Room 1-104, William B. Travis Building, 1701 North Congress Avenue, Austin. According to the agenda, the commission will approve minutes of the March 16, 1989, meeting; consider employee suggestions and appeals; hear reports on legislative matters and administrative activities; and consider new business.

Contact: Lora Williams, P.O. Box 12482, Austin, Texas 78711, (512) 475-2393.

Filed: April 7, 1989, 9:31 a.m.

TRD-8903088

Employees Retirement System of Texas

Monday, April 10, 1989, 1:30 p.m. The Board of Trustees of the Employees Retirement System of Texas met in emergency

session in Room 401, ERS Building, 18th and Brazos, Austin. According to the agenda, the board met with the executive director to discuss the statutory duties of the executive director pursuant to Texas Civil Statutes, Article 6252-17, §2; discussed and acted on present contract between ERS and Maxicare North Texas; considered and acted on emergency and proposed rules concerning the transfer of state employees, retirees, and their beneficiaries enrolled in Maxicare North Texas to Blue Cross/Blue Shield of Texas or other HMO's. The board also met in executive session to consult with its attorney concerning the pending litigation involving Maxicare North Texas, as well as to obtain its attorney's opinion concerning legislation, case law, regulations, and other legal matters affecting the system pursuant to Texas Civil Statutes, Article 6252-17, §2(e). The emergency status was necessary to address issues and adopt emergency rules as a result of the bankruptcy petition of Maxicare North Texas.

Contact: William S. Nail, 18th and Brazos, Austin, Texas (512) 476-6431, ext. 213.

Filed: April 10, 1989, 9:10 a.m.

TRD-8903150

Commission on Fire Protection Personnel Standards and Education

The Commission on Fire Protection Personnel Standards and Education will meet in the Topaz Room, Embassy Suites Hotel, Congress and Barton Springs Road, Austin. Dates, times, and agendas follow.

Thursday, April 20, 1989, 9 a.m. The Fire Suppression Committee will consider several items relating to training, certification tests, and national qualifications.

Contact: Ray L. Goad, 510 South Congress Avenue, Suite 406, Austin, Texas 78704, (512) 474-8066.

Filed: April 10, 1989, 9:35 a.m.

TRD-8903154

Thursday, April 20, 1989, 11 a.m. The Aircraft Rescue and Fire Fighting Committee will hear Houston Fire Department's question regarding certification for fire fighters that are assigned near the airport and respond to emergency situations with the regular aircraft rescue fire fighting personnel.

Contact: Ray L. Goad, 510 South Congress Avenue, Suite 406, Austin, Texas 78704, (512) 474-8066.

Filed: April 10, 1989, 9:35 a.m.

TRD-8903156

Thursday, April 20, 1989, 1:30 p.m. The board will conduct a special workshop session on agency goals and objectives. This

session will encompass commission mandates and responsibilities. The session will include goals and objectives from the commission and staff's viewpoint. Public comment will be solicited on agency goals and objectives.

Contact: Ray L. Goad, 510 South Congress Avenue, Suite 406, Austin, Texas 78704, (512) 474-8066.

Filed: April 10, 1989, 9:35 a.m.

TRD-8903153

Friday, April 21, 1989, 9 a.m. The board will hear committee reports; hear report on training from Houston Port Authority; and hear an agency status report.

Contact: Ray L. Goad, 510 South Congress Avenue, Suite 406, Austin, Texas 78704, (512) 474-8066.

Filed: April 10, 1989, 9:35 a.m.

TRD-8903155

Texas Department of Health

Friday, April 14, 1989. The Texas Board of Health of the Texas Department of Health will meet in the Austin Suite, Guest Quarters Suite Hotel, 303 West 15th Street, Austin. Times and agendas follow.

4 p.m. The Personnel Committee will discuss appointments to the following: Personal Care Home Advisory Committee; Hospital Data Advisory Committee; Respiratory Care Practitioner Advisory Board; Chronically Ill and Disabled Children's Services General Advisory Committee; and Chronically Ill and Disabled Children's Services Cardiovascular Advisory Committee.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484.

Filed: April 6, 1989, 2:54 p.m.

TRD-8903067

5 p.m. The Public Health Promotion Committee will discuss status of health promotion projects and new three-year public information plan.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484.

Filed: April 6, 1989, 2:54 p.m.

TRD-8903065

5:30 p.m. The Environmental Health Committee, will consider the following: proposed amendments to the rules concerning construction standards for on-site sewerage facilities; proposed new rules concerning administrative requirements for on-site sewerage facilities; proposed repeal of existing rules and adoption of new rules concerning molluscan shellfish; and discuss revisions to "Drinking Water Standards Governing Drinking Water Quality and Reporting Re-

quirements for Public Water Systems"; and proposed rules concerning the issuing of synthetic narcotic drug permits to sponsors of narcotic drug treatment clinics and regulations of the clinics holding permits.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484.

Filed: April 6, 1989, 2:54 p.m.

TRD-8903066

Saturday, April 15, 1989. The Texas Board of Health will meet at 1100 West 49th Street, Austin. Times, rooms, and agendas follow.

7:30 a.m. The Executive Committee will meet in Room M-749 to discuss items of procedure for the upcoming board meeting.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484.

Filed: April 7, 1989, 4:09 p.m.

TRD-8903141

8 a.m. The Chronically Ill and Disabled Children's Services and Maternal and Child Health Committee will meet in Room M-721 to discuss the following: approval of Cardiovascular Advisory Committee recommendations on the University of Texas Medical Branch in Galveston; approval of Cardiovascular Advisory Committee recommendations on the University Children's Hospital at Hermann; final adoption of the chronically ill and disabled children's services program rule concerning freestanding ambulatory surgical centers; proposed new rule concerning the delivery of services to persons who are deaf; and approval to establish and maintain an Interagency Family Planning Advisory Council.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484.

Filed: April 7, 1989, 4:09 p.m.

TRD-8903139

9 a.m. The Alternate Care Committee will meet in Room M-741, to discuss the following: proposed repeal and adoption of new rules concerning the regulation and licensure of athletic trainers; petition for the revision of the rules concerning home health agencies; petition for the revision of the rule concerning providers under the state hearing aid loan program.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484.

Filed: April 7, 1989, 4:09 p.m.

TRD-8903137

9:20 a.m. The Nursing Home Committee will meet in Room M-741, to discuss the following: proposed amendment to the rules concerning certification and decertification of long term care facilities which participate

in the title XIX medical assistance program; and appointments to the Personal Care Home Advisory Committee.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484.

Filed: April 7, 1989, 4:09 p.m.

TRD-8903140

9:30 a.m. The Legislative Committee will meet in Room M-652, to discuss finalization of concept and draft legislation for the department's legislative package, 71st legislative session.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484.

Filed: April 7, 1989, 4:09 p.m.

TRD-8903138

10:30 a.m. The board will meet in Room M-739, to approve minutes of prior meeting and consider: commissioner's report; AIDS update; rural health care and AIDS legislation; rules (athletic trainers, home health agencies, hearing aid loan program, free-standing ambulatory surgical centers, delivery of services to persons who are deaf, certification and decertification of long term care facilities, on-site sewerage facilities, molluscan shellfish); Cardiovascular Advisory Committee recommendations on University of Texas Medical Branch in Galveston and the University Children's Hospital at Hermann; establishment and maintenance of Interagency Family Planning Advisory Council; concept and draft legislation; committee reports and appointments; and announcements and comments.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484.

Filed: April 7, 1989, 4:09 p.m.

TRD-8903142

Thursday, April 20, 1989, 10 a.m. The Advisory Committee on Nursing Home Affairs of the Texas Department of Health will meet in Room T-607, 1100 West 49th Street, Austin. According to the agenda summary, the committee will introduce new members; elect vice-chairman; approve minutes of prior meeting; hear subcommittee reports (universal precautions, social services, termination of certification procedures); consider and take possible action on OBRA requirements (nurse aide registry/training, MI/MR screening, certification issues); controlled substances in emergency drug kits; new federal nursing home requirements; proposed state legislation; rehabilitation process using physical therapy; information hotline for older Texans; and residents with Alzheimer's disease meeting Title XIX level-of-care admission criteria.

Contact: Richard Butler, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7706.

Filed: April 6, 1989, 10:26 a.m.

TRD-8903059

University of Houston System

Friday, April 7, 1989, 12:30 p.m. The Board of Regents of University of Houston System met in emergency session in the South Ballroom Section A, (S 202A), Conrad N. Hilton College Building, University of Houston. According to the agenda summary, the board discussed and/or acted upon minutes. The board also met in executive session to consider personnel-University of Houston System/four campuses chancellor/presidents. The emergency status was necessary to discuss and take such action as is necessary, if any, based on concerns of UH system employees and faculty concerning structure and governance of the system.

Contact: Peggy Cervenka, 4600 Gulf Freeway, Suite 500, Houston, Texas 77023, (713) 749-7545.

Filed: April 7, 1989, 8:27 a.m.

TRD-8903085

Texas Department of Human Services

Friday, April 14, 1989, 8 a.m. The Child Protective Services Advisory Committee of the Texas Department of Human Services will meet in Room 2.122, Joe C. Thompson Center, 26th and Red River, Austin. According to the agenda, the committee will consider housekeeping, minutes/treasurer's report; Terry Charlton memorial; report on meeting with Rob Mosbacher; children who wait conference; executive, education, and telephone committee reports; public information committee report; task force report; legal committee report; issues committee report; legislative update; report on fundraising recording; video-handle with care; regional sharing; family violence update; program update on operational audit, management study, risk assessment and budget; and close.

Contact: Pat Devin, P.O. Box 149030, Austin, Texas 78714-9030, (512) 450-3313.

Filed: April 6, 1989, 3:58 p.m.

TRD-8903072

Friday, April 14, 1989, 9 a.m. The Medical Care Advisory Committee of the Texas Department of Human Services will meet in the Public Hearing Room, First Floor, East Tower, 701 West 51st Street, Austin. According to the agenda, the committee will approve minutes; hear acting commissioner's comments; state legislative update; state legislative budget update; federal legislation update; Medicaid qualified Medicare beneficiaries; provisions regarding inpatient hospital payments under Medicare

Catastrophic Coverage Act of 1968; inpatient hospital utilization review amendments; in-home services for total parenteral hyperalimentation; adult health assessment project; sub-committee reports; and open discussion by members.

Contact: Carolyn Howell, P.O. Box 149030, Austin, Texas 78714-9030, (512) 450-3053.

Filed: April 6, 1989, 3:58 p.m.

TRD-8903073

Monday-Wednesday, April 17-19, 1989, 3 p.m. The Texas Board of Human Services of the Texas Department of Human Services will meet at 701 West 51st Street, Austin. According to the agenda, the board will select a commissioner of human services or consider further steps in the hiring process; orientation on the office of strategic management, research and development, health care services programs, office for information systems, and office of inspector general.

Contact: Bill Woods, P.O. Box 149030, Austin, Texas 78714-9030, (512) 450-3047.

Filed: April 7, 1989, 2:30 p.m.

TRD-8903122

Wednesday, April 19, 1989, 10 a.m. The Aged and Disabled Services Advisory Committee of the Texas Department of Human Services will meet in Conference Room 6W, Sixth Floor, West Tower, 701 West 51st Street, Austin. According to the agenda, the committee will approve minutes; hear legislative report; deputy's report; ADAC tracking report; ICF/SNF standards to reflect federal Medicare and Medicaid requirements; ICF/SNF standards reimbursement rules to include nurse aide training costs; changes to primary home care and family care programs; recommend rate for primary home care; recommended rate for special services to the handicapped-24 hour shared attendant care; adjustments to the community-based ICF-MR rates; adult protective emergency client services; collaborative elder abuse prevention project; new qualified Medicare beneficiary benefits available to Medicaid eligibles; executive committee report-proposed objectives for ADAC; other business; and next meeting.

Contact: Mary Ann Harvey, P.O. Box 149030, Austin, Texas 78714-9030, (512) 450-3194.

Filed: April 11, 1989, 9:52 a.m.

TRD-8903187

State Board of Insurance

The State Board of Insurance will meet at 1110 San Jacinto Street, Austin. Dates, times, rooms, and agendas follow.

Tuesday, April 18, 1989, 9 a.m. The Commissioner's Hearing Section will meet in

Room 353, to consider Docket 10318-Whether disciplinary action should be taken against Gramercy Insurance Company, Houston, which holds a certificate of authority.

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

Filed: April 10, 1989, 3:41 p.m.

TRD-8903179

Tuesday, April 18, 1989, 10 a.m. The board will meet in Room 414, to consider motion for rehearing in the appeal of Southern Stevedoring Company, Inc. from action of the Texas workers' compensation assigned risk pool. Motion for rehearing in the appeal of Savers Annuity Insurance Company from commissioner's order 88-0240. Consideration of repealing board orders 53460 and 53461 granting authority for Atlantic Lloyds Insurance Company to pay dividends. Final action on 28 TAC §§7.1401-7.1415. Board orders on several different matters as itemized on the complete agenda. Personnel matters. Pending and contemplated litigation. Solvency matters.

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

Filed: April 10, 1989, 3:23 p.m.

TRD-8903172

Tuesday, April 18, 1989, 1:30 p.m. The Commissioner's Hearing Section will meet in Room 353, to consider Docket 10316-Whether disciplinary action should be taken against June Anne Beckham doing business as June Beckham Insurance Agency, Longview, who holds a local recording agent's license issued by the board.

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

Filed: April 10, 1989, 3:41 p.m.

TRD-8903178

Tuesday, April 18, 1989, 2 p.m. The board will meet in Room 414, to hold meeting with attorney general's office concerning pending and contemplated litigation.

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

Filed: April 10, 1989, 3:24 p.m.

TRD-8903171

Wednesday, April 19, 1989, 1:30 p.m. The Commissioner's Hearing Section will meet in Room 353, to consider Docket 10321-Application of Scott Aldredge Sealy, Andrews, for an escrow officer's license.

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

Filed: April 10, 1989, 3:42 p.m.

TRD-8903177

Wednesday, April 19, 1989, 4:30 p.m. The Commissioner's Hearing Section will meet in Room 353, to consider Docket 10154-Whether disciplinary action should be taken against Armando Martinez doing business as Armando Martinez Insurance Agency, Laredo, who holds a group I, legal reserve life insurance agent's license, a local recording agent's license, and a variable contract agent's license.

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

Filed: April 10, 1989, 3:42 p.m.

TRD-8903176

Monday, April 24, 1989, 9 a.m. The Commissioner's Hearing Section will meet in Room 353, to consider Docket 10325-Whether disciplinary action should be taken against Richard Howard Upham, Dallas, who holds a group I, legal reserve life insurance agent's license and a local recording agent's license.

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

Filed: April 10, 1989, 3:42 p.m.

TRD-8903175

Legislative Audit Committee

Tuesday, April 18, 1989, 3 p.m. The Legislative Audit Committee will meet in the Old Supreme Court Room, State Capitol, Austin. According to the agenda, the committee will consider briefing on status of prior audit findings and current legislation; discuss selected audit procedures and requirements; and consider update on administrative items.

Contact: Lawrence F. Alwin, P.O. Box 12067, Austin, Texas 78711, (512) 479-4900.

Filed: April 6, 1989, 3:06 p.m.

TRD-8903070

Board of Pardons and Paroles

Monday-Friday, April 17-21, 1989, 1:30 p.m. daily, except 11 a.m. on Friday. The Board of Pardons and Paroles will meet at 8610 Shoal Creek Boulevard, Austin. According to the agenda summary, the board will receive, review, and consider information and reports concerning prisoners/inmates and administrative releasees subject to the board's jurisdiction and initiate and carry through with appropriate action.

Contact: Karin Armstrong, 8610 Shoal Creek Boulevard, Austin, Texas 78758, (512) 459-2713.

Filed: April 7, 1989, 10:36 a.m.

TRD-8903101

Tuesday, April 18, 1989, 1:30 p.m. The Board of Pardons and Paroles will consider executive clemency recommendations and related actions (other than out of country conditional pardons), including: full pardons/restoration of civil rights of citizenship; emergency medical reprieves; commutations of sentences; and other reprieves, remissions, and executive clemency actions.

Contact: Juanita Llamas, 8610 Shoal Creek Boulevard, Austin, Texas 78758, (512) 459-2749.

Filed: April 7, 1989, 10:37 a.m.

TRD-8903100

Texas State Board of Registration for Professional Engineers

The Texas State Board of Registration for Professional Engineers will meet in the Marriott Hotel, 707 North Shoreline Drive, Corpus Christi. Dates, times, and agendas follow.

Wednesday and Thursday, April 19 and 20, 1989, 8 a.m., daily. The board will receive reports from board members and staff; interview applicants; take action on applications for registration; reading of communications; and any other business which comes before the board.

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

Filed: April 10, 1989, 11:36 a.m.

TRD-8903160

Wednesday, April 19, 1989, 4:30 p.m. The Ad Hoc Committee will review interpretation and application of Texas Engineering Practice Act, §20(h); review the intent and possible change of language in board rule 131.138, subsection (2); and discuss any other interpretations of the Act and board rules as might evolve from agenda.

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

Filed: April 10, 1989, 11:36 a.m.

TRD-8903159

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.

Tuesday, April 11, 1989, 9:30 a.m. The Hearings Officer met in emergency session

to hear complaint 87-01-161. The emergency status was necessary because it was the only time hearings officer could hear complaint.

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

Filed: April 10, 1989, 3:14 p.m.

TRD-8903168

Wednesday, April 19, 1989, 9 a.m. The board will review complaints 86-02-02L, 89-01-07L, and 87-07-10L.

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

Filed: April 7, 1989, 3:43 p.m.

TRD-8903131

Wednesday, April 19, 1989, 3:30 p.m. The board 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 7, 1989, 3:43 p.m.

TRD-8903132

Tuesday, April 25, 1989, 9:30 a.m. The board will review complaint 89-03-01R.

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

Filed: April 7, 1989, 3:43 p.m.

TRD-8903136

Tuesday, April 25, 1989, 1 p.m. The board will review complaint 86-03-02R.

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

Filed: April 7, 1989, 3:43 p.m.

TRD-8903135

Thursday, April 27, 1989, 9 a.m. The Hearings Officer will consider individuals failing to pay the annual license fee for a period of three years.

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

Filed: April 7, 1989, 3:43 p.m.

TRD-8903134

Thursday, April 27, 1989, 1 p.m. The Hearings Officer will consider individuals failing to comply with the board's mandatory continuing education requirement.

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

Filed: April 7, 1989, 3:43 p.m.

TRD-8903133

Public Utility Commission of Texas

The Public Utility Commission of Texas will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin. Dates, times, and agendas follow.

Monday, April 17, 1989, 10 a.m. The Hearings Division will consider Docket 8709-Application of Lamb County Electric Coop., Inc. for authority to change rates.

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

Filed: April 6, 1989, 3:22 p.m.

TRD-8903075

Wednesday, April 19, 1989, 1:30 p.m. The Hearings Division will consider Docket 6184-Inquiry into the economic viability of South Texas Project Unit 2.

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

Filed: April 6, 1989, 3:23 p.m.

TRD-8903074

Thursday, April 20, 1989, 1:30 p.m. The Hearings Division will consider Docket 8717-Application of Lamar County Electric Cooperative Association for authority to change rates.

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

Filed: April 10, 1989, 2:28 p.m.

TRD-8903166

Friday, April 21, 1989, 10 a.m. The Hearings Division will consider Docket 8710-Application of Lipan Telephone Company to offer special calling features as a new optional service and to waive certain charges for promotional period.

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

Filed: April 10, 1989, 2:28 p.m.

TRD-8903165

Tuesday, June 13, 1989, 10 a.m. The Hearings Division will consider Docket 8640-Complaint of Compaq Computer Corporation against Southwestern Bell Telephone Company.

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

Filed: April 6, 1989, 3:22 p.m.

TRD-8903076

Monday, July 10, 1989, 10 a.m. The Hearings Division will consider Docket 8677-Complaint of U.S. Sprint Communications Company against Southwestern Bell Telephone Company regarding billing for access services.

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

Filed: April 7, 1989, 2:56 p.m.

TRD-8903124

Monday, August 21, 1989, 10 a.m. The Hearings Division will consider Docket 8555-Proceedings concerning Houston Lighting and Power Company on remand from cause C-5705 and cause 352,044.

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

Filed: April 7, 1989, 2:56 p.m.

TRD-8903125

Monday, August 28, 1989, 10 a.m. The Hearings Division will consider Docket 8640-Complaint of Compaq Computer Corporation against Southwestern Bell Telephone Company.

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

Filed: April 7, 1989, 2:56 p.m.

TRD-8903077

Railroad Commission of Texas

Monday, April 17, 1988, 9 a.m. The Railroad Commission of Texas will meet in the 12th Floor Conference Room, William B. Travis Building, 1701 North Congress Avenue, Austin. Agendas follow.

The commission will consider and act on the Administrative Services Division director's report on division administration, budget, procedure, and personnel matters.

Contact: Roger Dillon, P.O. Drawer 12970, Austin, Texas 78711, (512) 463-7257.

Filed: April 7, 1989, 10:19 a.m.

TRD-08903111

The commission will consider and act on the Automatic Data Processing Division director's report on division administration, budget, procedures, equipment acquisitions, and personnel matters.

Contact: Bob Kmetz, P.O. Drawer 12970, Austin, Texas 78711, (512) 463-7251.

Filed: April 7, 1989, 10:19 a.m.

TRD-08903113

The commission will consider and act on the executive director's report on commission budget and fiscal matters, administrative and procedural matters, personnel and staffing, state and federal legislation, and contracts and grants. Consider reorganization of various commission divisions; consolidation of positions; and appointment, reassignment and/or termination of various positions, including division directors. The

commission will meet in executive session to consider the appointment, employment, evaluation, re-assignment, duties, discipline and/or dismissal of personnel.

Contact: Cril Payne, P.O. Drawer 12970, Austin, Texas 78711, (512) 463-7274.

Filed: April 7, 1989, 10:19 a.m.

TRD-08903107

The commission will consider and act on the Flight Division director's report on division administration, budget, procedures and personnel matters.

Contact: Ken Fossler, P.O. Drawer 12970, Austin, Texas 78711, (512) 463-6787.

Filed: April 7, 1989, 10:19 a.m.

TRD-08903112

The commission will consider and act on the Office of Information Services/Office of Research and Statistical Analysis Director's report on division administration, budget, procedures, and personnel matters.

Contact: Brian W. Schaible, P.O. Drawer 12970, Austin, Texas 78753, (512) 463-6710.

Filed: April 7, 1989, 10:19 a.m.

TRD-08903110

The commission will consider and act on the Investigation Division director's report on division administration, investigations, budget, and personnel matters.

Contact: Mary Anne Wiley, P.O. Drawer 12970, Austin, Texas 78711, (512) 463-6828.

Filed: April 7, 1989, 10:19 a.m.

TRD-08903109

The commission will consider and act on the Legal Division report on division administration, budget, procedures, and personnel matters. The commission will meet in executive session to receive legal advice regarding pending and/or contemplated litigation.

Contact: Cue Boykin, P.O. Drawer 12970, Austin, Texas 78711, (512) 463-6921.

Filed: April 7, 1989, 10:19 a.m.

TRD-08903099

The commission will consider various matters falling within the regulatory jurisdiction of the commission. In addition, the commission will consider items previously posted for open meetings and 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 its entirety or for particular action at a future time or date.

Contact: Meredith Kawaguchi, P.O. Drawer 12970, Austin, Texas 78711, (512) 463-7009.

Filed: April 7, 1989, 10:19 a.m.

TRD-08903106

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 its entirety or for particular action at a future time of date.

Contact: Andy Taylor, P.O. Drawer 12970, Austin, Texas 78711, (512) 463-6924.

Filed: April 7, 1989, 10:19 a.m.

TRD-08903098

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

Contact: Margie L. Osborn, P.O. Drawer 12970, Austin, Texas 78711, (512) 463-6755.

Filed: April 7, 1989, 10:19 a.m.

TRD-08903108

The commission will consider the report of the 1988 Gas Rules Blue Ribbon Advisory Committee, specifically recommendation IV, "Adjusting for Overproduction/Underproduction".

Contact: Andy Taylor, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-6924.

Filed: April 7, 1989, 10:17 a.m.

TRD-8903116

The commission will consider entering into an agreement with the East Texas Engineering Association, to facilitate development of digitized maps of the East Texas field by the commission.

Contact: Andy Taylor, 1701 North Congress Avenue, Austin, Texas 78711, (512) 463-6924.

Filed: April 7, 1989, 10:17 a.m.

TRD-8903115

The commission will consider and act on the Personnel Division director's report on division administration, budget, procedures, and personnel matters. The commission will meet in executive session to consider the appointment, employment, evaluation, re-assignment, duties, discipline, and/or dismissal of personnel. The commission will consider guidelines for registered professional engineers.

Contact: Mark Bogan, P.O. Drawer 12970, Austin, Texas 78711, (512) 463-6981.

Filed: April 7, 1989, 10:19 a.m.

TRD-08903114

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 its entirety or for particular action at a future time of date.

Contact: Jerry Hill, P.O. Drawer 12970, Austin, Texas 78711, (512) 463-6900.

Filed: April 7, 1989, 10:19 a.m.

TRD-08903097

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 its entirety or for particular action at a future time or date.

Contact: Raymond Bennett, P.O. Drawer 12970, Austin, Texas 78711, (512) 463-7122.

Filed: April 7, 1989, 10:19 a.m.

TRD-08903096

The commission will consider a reply to the National Association of Regulatory Commission Subcommittee inquiry.

Contact: Raymond Bennett, P.O. Drawer 12967, Austin, Texas 78701, (512) 463-7122.

Filed: April 7, 1989, 3:39 p.m.

TRD-8903128

Texas Rehabilitation Commission

Wednesday, April 26, 1989, 9:30 a.m. The 1990 Task Force Committee of the Texas Planning Council for Developmental Disabilities will meet in Room 101-B, TRC-153 East Riverside Drive, Austin. According to the agenda, the task force will approve summary report; review 1990 report workplan; discuss consumer survey results (handout) and policy analysis recommendations; consider update of the public forum project-results of focus groups-planning for public forums and draft 1990 report recommendations; and hear executive director's report.

Contact: Roger A. Webb, 118 East Riverside Drive, Suite 163, Austin, Texas 78704-9982, (512) 445-8867.

Filed: April 6, 1989, 3:32 p.m.

TRD-8903071

School Land Board

Tuesday, April 18, 1989, 10 a.m. The School Land Board will meet in Room 831, Stephen F. Austin Building, 1700 North

Congress Avenue, Austin. According to the agenda, the board will approve minutes of the previous board meeting; present awards to outstanding school professionals for excellent leadership during 25 years or more in school administration; consider schedule, procedures, terms, and conditions for October 3, 1989, oil, gas, and other minerals lease sale; coastal public lands-lease applications; easement applications; commercial lease applications; commercial lease renewals; consider adoption of rules, 31 TAC, Chapter 9; and final approval of settlement, Bakersport, Inc. v. National Steel. The board will also meet in executive session to consider land acquisitions/trades concerning permanent school fund lands.

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

Filed: April 10, 1989, 4:27 p.m.

TRD-8903181

Stephen F. Austin State University

The Board of Regents of Stephen F. Austin State University will meet in Room 307, Austin Building, Stephen F. Austin State University, Nacogdoches. Dates, times, and agendas follow.

Monday, April 17, 1989, 1:30 p.m. The board committees will consider election of board officers; approval of minutes; policy and procedure manual; authorization for litigation; faculty/staff appointments for fiscal year 1988-1989; faculty/staff appointments for fiscal year 1989-1990; change of status 1988-1989; leaves of absence; tenure; promotions; retirements; regents professorships for 1989-1990; faculty workload report; general bulletin; approval of summer budget; financial certification; replacement of computer/software for energy management system; purchase of 1520 Baker Street property; re-roofing Steen Library; repair of coliseum parking lot; chiller replacement, hall 17; budget for hall 17 chiller replacement; Wisely Hall renovation; budget for Wisely Hall project; replacement of boilers in university center; installation of equipment for university center for heating/cooling project; asbestos removal for university center; contract for engineering services; agreement with City of Nacogdoches; east college storm sewer project; and agreement establishing temple chair in forestry. The committees will also meet in executive session.

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

Filed: April 10, 1989, 9:02 a.m.

TRD-8903157

Tuesday, April 18, 1989, 9 a.m. The board will consider election of board officers; ap-

proval of minutes; policy and procedure manual; authorization for litigation; faculty/staff appointments for fiscal year 1988-1989; faculty/staff appointments for fiscal year 1989-1990; change of status 1988-1989; leaves of absence; tenure; promotions; retirements; regents professorships for 1989-1990; faculty workload report; general bulletin; approval of summer budget; financial certification; replacement of computer/software for energy management system; purchase of 1520 Baker Street property; re-roofing Steen Library; repair of coliseum parking lot; chiller replacement, hall 17; budget for hall 17 chiller replacement; Wisely Hall renovation; budget for Wisely Hall project; replacement of boilers in university center; installation of equipment for university center for heating/cooling project; asbestos removal for university center; contract for engineering services; agreement with City of Nacogdoches; east college storm sewer project; and agreement establishing temple chair in forestry. The committees will also meet in executive session.

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

Filed: April 10, 1989, 9:02 a.m.

TRD-8903158

Texas Water Commission

The Texas Water Commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin, unless otherwise noted. Dates, times, and agendas follow.

Thursday, May 4, 1989, 10 a.m. The Office of Hearings Examiner will meet in Room 1-100, William B. Travis Building, 1701 North Congress Avenue, Austin. According to the agenda summary, the office will consider Docket 7768-G-Application of Jack W. Munson doing business as Willow Springs Water Supply Corporation.

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

Filed: April 7, 1989, 4 p.m.

TRD-8903130

Thursday, May 4, 1989, 10 a.m. The commission will determine whether a temporary order should be issued to Unocal Corporation. The temporary order, if issued would authorize Unocal to discharge approximately 6,000 gallons of treated stormwater per month, varying with rainfall, from its bulk chemical distribution center located at 7010 Mykawa Road in the City of Houston, Harris County. The temporary order would expire 180 days after issuance or whenever a permit is issued, whichever occurs first. The effluent would be discharged under a culvert; thence to an unnamed drainage ditch; thence to Sims Bayou; thence to the

Houston Ship Channel in Segment 1007 of the San Jacinto River Basin.

Contact: Sharon J. Smith, P.O. Box 13087, Austin, Texas 78711, (512) 463-8069.

Filed: April 7, 1989, 1:27 p.m.

TRD-8903121

Monday, May 8, 1989, 2 p.m. The commission will consider creation of Point Venture II Municipal Utility District of Travis County, containing 598.471 acres of land.

Contact: Brenda W. Foster, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: April 6, 1989, 4:14 p.m.

TRD-8903080

Monday, May 8, 1989, 2 p.m. The commission will consider creation of Galveston County MUD 29 containing 56.2633 acres of land in Galveston County.

Contact: Brenda W. Foster, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: April 6, 1989, 4:13 p.m.

TRD-89031081

Monday, May 15, 1989, 2 p.m. The commission will consider creation of Clear Lake Pines Municipal Utility District containing 40.1 acres more or less, located in Fayette County.

Contact: Brenda W. Foster, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: April 6, 1989, 4:15 p.m.

TRD-8903079

Monday, June 5, 1989, 10 a.m. The commission will consider application by Texas Utilities Mining Company, applicant 5219, for an 11.121 permit to build and maintain a dam and reservoir; divert 129 acre-feet of water per annum from pond B-81 on Hogan Creek, tributary of Martin Creek, tributary of the Sabine River for sediment and dust control purposes (industrial use) in the mining area located approximately 12.4 miles northwest of Carthage, Panola County; and redirect the flows of a section of an unnamed tributary of Martin Creek. The redirected water will subsequently be released into pond B-81 on Hogan Creek, tributary of Martin Creek.

Contact: Brenda W. Foster, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: April 6, 1989, 4:13 p.m.

TRD-8903082

Monday, June 5, 1989, 10 a.m. The commission will consider application by Coy Johnson and Patsy Johnson and Harold W. Knight and Claire C. Knight, application 5217 for an 11.121 permit to construct and maintain a dam on an unnamed tributary of Reddig Creek, tributary of Lake Fork

Creek, tributary of the Sabine River, Sabine River Basin, creating a reservoir impounding 318.49 acre-feet of water at an elevation of 465 feet above mean sea level for domestic and livestock use, approximately 11.6 miles southwest of Sulphur Springs, Hopkins County.

Contact: Brenda W. Foster, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: April 6, 1989, 1:28 p.m.

TRD-8903060

Monday, June 5, 1989, 10 a.m. The commission will consider application by Raleigh R. Ross, application 4216, for an 11.121 permit to maintain an existing dam and plug a pipe in the dam thereby creating a reservoir impounding 467 acre-feet of water at an elevation of 1,080 feet above mean sea level on Sycamore Creek, tributary of the Colorado River, Colorado River Basin for domestic and livestock purposes, approximately nine miles southeast of Burnet, Burnet County. The applicant has indicated that the normal capacity of the reservoir is currently less than 200 acre-feet.

Contact: Brenda W. Foster, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: April 6, 1989, 1:28 p.m.

TRD-8903061

Monday, June 5, 1989, 10 a.m. The commission will consider application by William P. Riddick, application 5218, for an 11.121 permit to divert and use not to exceed 360 acre-feet of water per annum from Cibolo Creek a tributary of San Antonio River, San Antonio River Basin approximately three miles southwest of Stockdale, Wilson County. The water will be used for irrigation of a maximum of 360 acres of land per year out of four tracts totalling 850.496 acres. Water is to be diverted at a maximum combined diversion rate of 6.68 cfs (3000 gpm).

Contact: Brenda W. Foster, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: April 6, 1989, 1:27 p.m.

TRD-8903064

Monday, June 5, 1989, 10 a.m. The commission will consider application by Travis Paul Enmon, application 5215, for an 11.121 permit to divert and use not to exceed 44 acre-feet of water per annum from Porter Creek, tributary of Tenaha Creek, tributary of the Sabine River, Sabine River Basin. The water will be used to irrigate 52 acres (coastal grass) within six tracts of land totally 444.45 acres, approximately 5.5 miles southeast of Center, Shelby County. Water will be diverted from either bank of Porter Creek at a point north 39 Fahrenheit west, 1800 feet from the east corner of the aforesaid Bristow survey at a maximum rate of 3.6 cfs (1600 gpm).

Contact: Brenda W. Foster, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: April 6, 1989, 1:28 p.m.

TRD-8903063

Wednesday, June 7, 1989, 9 a.m. The Office of Hearings Examiner will meet in the Shamrock City Annex, 114 West Second, Shamrock. According to the agenda summary, the examiner will consider application by City of Shamrock, 116 West Second, Shamrock, Texas 79079 for an amendment to Permit 10279-01 in order to change from a discharge permit to a permit authorizes disposal by irrigation and to increase the volume of treated domestic wastewater effluent. The permit currently authorizes a discharge at a volume not to exceed 40,000 gallons per day average with effluent limitations of 30 mg/l biochemical oxygen demand and 90 mg/l total suspended solids, which will remain as an interim I phase in the amended permit. The final phase would authorize disposal by irrigation at a volume not to exceed 80,000 gallons per day average with limitation of 100 mg/l biochemical oxygen demand concentration grab sample. The final phase effluent will be used to irrigate 40 acres of native grass.

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

Filed: April 6, 1989, 4:12 p.m.

TRD-8903078

Monday, June 12, 1989, 2 p.m. The commission will consider application by El Paso County Water Authority for conversion into a municipal utility district.

Contact: Brenda W. Foster, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: April 7, 1989, 3:59 p.m.

TRD-8903087

Tuesday, June 13, 1989, 9 a.m. The Office of Hearings Examiner will meet in the Conference Room, 4301 Center Street, Deer Park. According to the agenda summary, the examiner will consider application of Fermenta Plant Protection Company, Greens Bayou Plant for a permit to authorize the continued operation of a class I hazardous industrial solid waste storage facility during the manufacture of pesticides. Wastes are to be stored prior to disposal at an authorized off-site location. The facility is on 129 acres of land in an industrial area, off Haden Road in eastern Harris County, in the watershed area of Segment 1006 of the San Jacinto River Basin.

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

Filed: April 6, 1989, 1:28 p.m.

TRD-8903062

Regional Meetings

Meetings Filed April 6, 1989

The Concho Valley Council of Governments, Executive Committee, met at 5002 Knickerbocker Road, San Angelo, on April 12, 1989, at 7 p.m. Information may be obtained from Robert R. Weaver, P.O. Box 60050, San Angelo, Texas 76906, (915) 944-9666.

The Dallas Central Appraisal District, met in Suite 500, 1420 West Mockingbird Lane, Dallas, on April 12, 1989, at 7 a.m. The Board of Directors met at the same location and date at 7:30 a.m. The Advisory Board will meet at the same location on April 19, 1989, at 7 p.m. Information may be obtained from Rick L. Kuehler, 1420 West Mockingbird Lane, Suite 500, Dallas, Texas 75247, (214) 631-0520.

The Heart of Texas Council of Governments, Executive Committee, met in the HOTCOG Conference Room, 320 Franklin Avenue, Waco, on April 11, 1989, at 9 a.m. Information may be obtained from Mary McDow, 320 Franklin Avenue, Waco, Texas 76701-2297, (817) 756-6631.

The Hockley County Appraisal District, Board of Directors, met at 1103-C Houston Street, Levelland, on April 10, 1989, at 7 p.m. Information may be obtained from Nick Williams, P.O. Box 1090, Levelland, Texas 79336, (806) 894-9654.

The North Texas Municipal Water District, Board of Directors, will meet at 505 East Brown Street, Wylie, on April 27, 1989, at 4 p.m. Information may be obtained from Carl W. Riehn, 505 East Brown Street, Wylie, Texas, (214) 442-5405.

TRD-8903056

Meetings Filed April 7, 1989

The Bexar Appraisal District, Appraisal Review Board, will meet at 535 South Main, San Antonio, on April 17, 1989, at 9 a.m. Information may be obtained from Walter Stoneham, 535 South Main, San Antonio, Texas 78204, (512) 224-8511.

The Brazos River Authority, Board of Directors, will meet at 4400 Cobbs Drive, Waco, on April 17, 1989, at 9 a.m. Information may be obtained from Mike Bukala, P.O. Box 7555, Waco, Texas 76714-7555, (817) 776-1441.

The Dallas Area Rapid Transit, Minority Affairs Committee and Board of Directors, met on the boardroom, 601 Pacific Avenue, Dallas, on April 11, 1989, at 2 p.m. and 3 p.m., respectively. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237.

The Dewitt County Appraisal District, Board of Directors, will meet at 103 Bailey Street, Cuero, on April 18, 1989, at 7:30

p.m. Information may be obtained from John Haliburton, P.O. Box 4, Cuero, Texas 77954, (512) 275-5753.

The Eastland County Appraisal District, Board of Directors, will meet in the Commissioner's Courtroom, Eastland County Courthouse, Eastland, on April 19, 1989, at 1 p.m. Information may be obtained from Steve Thomas, P.O. Box 914, Eastland, Texas 76448.

The Education Service Center, Region XIV, Board of Directors, will meet in Ballrooms-River Oaks I and II, Kriva Hotel, 5403 South First, Abilene, on April 20, 1989, at 5:30 p.m. Information may be obtained from Taressa Huey, P. O. Box 70-A, Abilene, Texas 79601.

The Edwards Underground Water District, Board of Directors, met at 1615 North St. Mary's, San Antonio, on April 11, 1989, at 10 a.m. Information may be obtained from Gordon M. Clarke, 1615 North St. Mary's, San Antonio, Texas 78215, (512) 222-2204.

The Grand Parkway Association, met at 140 East Wing, 5757 Woodway, Houston, on April 12, 1989, at 8:15 a.m. Information may be obtained from Larry W. Nettles, 2823 First City Tower, 1001 Farnin, Houston, Texas 77002-6760, (713) 654-4586.

The Gonzales County Appraisal District, Board of Directors, met at 928 St. Paul Street, Gonzales, on April 13, 1989, at 5 p.m. Information may be obtained from Glenda Strackbein, P.O. Box 867, Gonzales, Texas 78629, (512) 672-2879.

The Hays County Appraisal District, Board of Directors, met at the Municipal Building, 632 A East Hopkins, San Marcos, on April 13, 1989, at 3:30 p. m. Information may be obtained from Lynnell Sedlar, 632 A East Hopkins, San Marcos, Texas 78666, (512) 754-7400.

The Middle Rio Grande Development Council, Private Industry Council, will meet at the Country Store, I-35 at 463, Cotulla, on April 19, 1989, at 1 p.m. Information may be obtained from Juan Pablo Velez, P.O. Box 1199, Carrizo Springs, Texas 78834, (512) 876-3533.

The South Plains Association of Governments, Executive Committee and Board of Directors, met at 1323 58th Street, Lubbock, on April 11, 1989, at 9 a.m. and 10 a.m., respectively. Information may be obtained from Jerry D. Casstevens, P.O. Box 3730, Freedom Station, Lubbock, Texas 79452.

The Sulphur-Cypress Soil and Water Conservation District, 149, met at 1603 North Jefferson, Mount Pleasant, on April 12, 1989, at 8:30 a.m. Information may be obtained from Beverly Amerson, 1603 North Jefferson, Mount Pleasant, Texas 75455, (214) 572-5411.

The Tarrant Appraisal District, Appraisal Review Board, met at 2309 Gravel Road,

Fort Worth, on April 11, 1989, at 8:30 a.m. Information may be obtained from Linda R. Freeman, 2309 Gravel Road, Fort Worth, Texas 76118, (817) 284-8884.

The Texas Municipal League (Risk and Insurance Management Services), Board of Trustees, will meet at Harvey Suites Hotel, Irving, on April 14 and 15, 1989, at 1 p.m., daily. Information may be obtained from Rhonda Ruckel, 211 East Seventh Street, Suite 1020, Austin, Texas 78701, (512) 478-6601.

The Trinity River Authority of Texas, Denton Creek Regional Wastewater System Right-of-Way Committee, met at 5300 South Collins, Arlington, on April 13, 1989, at 10:30 a.m. Information may be obtained from Jack C. Worsham, P.O. Box 60, Arlington, Texas 76010, (817) 467-4343.

TRD-8903087

◆ ◆ ◆
Meetings Filed April 10, 1989

The Bexar Appraisal District, Board of Directors, will meet at 535 South Main, San Antonio, on April 17, 1989, at 5 p.m. Information may be obtained from Walter Stoneham, 535 South Main, San Antonio, Texas 78204, (512) 224-8511.

The Bosque Central Appraisal District, Board of Directors, will meet at 104 West Morgan Street, Meridian, on April 14, 1989, at 1:30 p.m. Information may be obtained from Don Whitney, P.O. Box 393, Meridian, Texas 76665.

The Deep East Texas Private Industry Council, Inc., Planning Committee, will meet at 118 South First Street, Lufkin, on April 18, 1989, at 1 p.m. The Council will meet at the Holiday Inn, Highway 59 South, Lufkin, on April 19, 1989, at 10 a.m. Information may be obtained from Charlene Meadows, P. O. Box 1463, Lufkin, Texas 75901.

The Education Service Center, Region I, Board of Directors, met at 1900 West Schunior, Edinburg, on April 11, 1989, at 6 p.m. Information may be obtained from Lauro R. Guerra, 1900 West Schunior, Edinburg, Texas, (512) 383-5611.

The Education Service Center, Region III, Board of Directors, will meet at 1905 Leary Lane, Victoria, on April 17, 1989, at 1:30 p.m. Information may be obtained from Julius Cano, 1905 Leary Lane, Victoria, Texas 77901.

The Education Service Center, Region VI, Board of Directors/Executive Committee, will meet in Auditorium, Huntsville, on April 20, 1989, at 4:45 p.m. Information may be obtained from Bobby Roberts, 3332 Montgomery Road, Huntsville, Texas 77340, (409) 295-9161.

The Education Service Center, Region XI, Board of Directors, will meet at 3001 North Freeway, Fort Worth, on April 25,

1989, at noon. Information may be obtained from R.P. Campbell, 3001 North Freeway, Fort Worth, Texas 76106, (817) 625-5311, ext. 102.

The Ellis County Appraisal District, met at 406 Sycamore Street, Waxahachie, on April 13, 1989, at 7 p.m. Information may be obtained from Russell A. Garrison, P.O. Box 878, Waxahachie, Texas 75165, (214) 937-3552.

The Gray County Appraisal District, Board of Directors, met at 815 North Sumner, Pampa, on April 13, 1989, at 5 p.m. Information may be obtained from W. Pat Bagley, P.O. Box 836, Pampa, Texas 79066-0836, (806) 665-0791.

The Hood County Appraisal District, Board of Directors, will meet at 1902 West Pearl, Granbury, on April 18, 1989, at 7:30 p.m. Information may be obtained from Harold Chesnut, P.O. Box 819, Granbury, Texas 76048, (817) 573-2471.

The Hunt County Appraisal District, Board of Directors, met in the Boardroom, 4801 King Street, Greenville, on April 13, 1989, at 6:30 p.m. Information may be obtained from Joe Pat Davis or Shirley Smith, P.O. Box 1339, Greenville, Texas 75401, (214) 454-3510.

The Jones County Appraisal District, Board of Directors, will meet at 1137 East Court Plaza, Anson, on April 20, 1989, at 8 a.m. Information may be obtained from John Steele, 1137 East Court Plaza, Anson, Texas, (915) 832-2242.

The Liberty County Central Appraisal District, Board of Directors and Appraisal Review Board, will meet at 1820 Sam Houston, Liberty, on April 26 and 27, 1989, at 9:30 a.m., daily. Information may be obtained from Sherry Greak, P.O. Box 10016, Liberty, Texas 77575.

The Lower Neches Valley Authority, Board of Directors, will meet at 7850 Eastex Freeway, Beaumont, on April 18, 1989, at 10:30 a.m. Information may be obtained from A.T. Hebert, Jr., P.O. Drawer 3464, Beaumont, Texas 77704, (409) 892-4011.

The MHMR Region Center of East Texas, Executive Committee of Board of Trustees, met in the Boardroom, 2323 West Front Street, Tyler, on April 13, 1989, at 3:30 p.m. Information may be obtained from Richard J. DeSanto, P.O. Box 4730, Tyler, Texas 75712, (214) 597-1351.

The Nortex Regional Planning Commission, Executive Committee, will meet in the Wichita II Room, Hilton Hotel, 401 Broad Street, Wichita Falls, on April 20, 1989, at noon. Information may be obtained from Edwin B. Daniel, 2101 Kemp Boulevard, Wichita Falls, Texas, (817) 322-5281.

The Palo Pinto Appraisal District, Board of Directors, will meet at Palo Pinto County Courthouse, Palo Pinto, on April 19, 1989, at 3 p.m. and 3: 15 p.m. Information may

be obtained from Jack F. Sanford, P.O. Box 250, Palo Pinto, Texas 76072, (817) 659-1234.

The San Antonio River Authority, Board of Directors and Salary Review Committee, will meet at 100 East Guenther Street, San Antonio, on April 19, 1989, at 2 p.m. and 3:45 p.m., respectively. Information may be obtained from Fred N. Pfeiffer, P.O. Box 830027, San Antonio, Texas 78283-0028, (512) 227-1373.

The San Antonio River Authority, Employees Retirement Trust, Board of Trustees, will meet at 100 East Guenther Street, San Antonio, on April 19, 1989, at 1:45 p.m. Information may be obtained from Fred N. Pfeiffer, P.O. Box 830027, San Antonio, Texas 78283-0028, (512) 227-1373.

TRD-8903145



Meetings Filed April 11, 1989

The Capital Area Planning Council, Executive Committee, will meet in Suite 100, 2520 IH-35 South, Austin, on April 18, 1989, at 2 p.m. Information may be obtained from Richard G. Bezn, 2520 IH-35 South, Suite 100, Austin, Texas 78704, (512) 443-7653.

The Trinity River Authority of Texas, Utility Services Committee and Resources Development Committee will meet at 5300 South Collins, Arlington, on April 17 and 18, 1989, at 10 a.m., daily, respectively. Information may be obtained from Jack C. Worsham, P.O. Box 60, Arlington, Texas 76010, (817) 467-4343.

TRD-8903182



In Addition

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

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

Texas Department of Banking Notice of Postponement of Hearing

The May 10, 1989 hearing for application for license under the Sale of Checks Act by Fil-Remit, Houston, has been postponed and will be rescheduled for May 23, 1989, at 9 a.m. at the Texas Department of Banking, 2601 North Lamar Boulevard, Austin.

Any interested person wishing to appear must file a written notice of intent to appear including a brief statement of position with the Texas Department of Banking at least 10 days prior to the hearing. A copy of this notice, and all other pleadings must be sent to each party to the hearing. All parties appearing at the hearing are requested to provide the department with two copies of all exhibits received as evidence, excepting poster size exhibits and photographs.

Additional information may be obtained from: Ann Graham, General Counsel Texas Department of Banking, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 479-1200.

Issued in Austin, Texas on April 5, 1989.

TRD-8903034 Ann Graham
 General Counsel
 Texas Department of Banking

Filed: April 5, 1989

For further information, please call (512) 479-1200

Texas Department of Commerce Weekly Report on the 1989 Allocation of the State Ceiling on Certain Private Activity Bonds

The Tax Reform Act of 1986 (the Tax Act) imposes a volume ceiling on the aggregate principal amount of private activity bonds that may be issued within the State of Texas during any calendar year. The state ceiling for Texas, imposed by the Tax Act for calendar year 1988 is \$839,250,000.

State legislation, Texas Civil Statutes, Article 5190.9(a), (the Act), established the allocation process for the State of Texas. The Act specifies that one-third of the state ceiling is to be made available to qualified mortgage bonds and of that one-third, one-third is available to the Texas Housing Agency. One-fourth of the state ceiling is available to state-voted issues, and the balance of the state ceiling is available for all other issuers of bonds requiring an allocation.

Pursuant to the Act, the aggregate amount for qualified mortgage bond subceiling is \$279,750,000, with \$186,500,000 available to the local housing authorities and \$93,250,000 available to the Texas Housing Agency. The aggregate amount for state-voted issues is \$209,812,500

and the amount for all other bonds requiring an allocation is \$349,687,500.

Generally, the state ceiling is allocated on a first-come, first-served basis, with the Texas Department of Commerce (the department) administering the allocation system.

The information that follows is a weekly report of the allocation activity for the period, March 27, 1989-March 31, 1989.

Weekly report on the 1989 allocation of the state ceiling on certain private activity bonds as pursuant to Texas Civil Statutes, Article 5190.9(a).

Total amount of state ceiling remaining unreserved for the \$279,750,000 subceiling for qualified mortgage bonds under the Act as of March 31, 1989: \$93,251,166.

Total amount of state ceiling remaining unreserved for the \$209,812,500 subceiling for state-voted issues under the Act as of March 31, 1989: \$209,812,500.

Total amount of state ceiling remaining unreserved for the \$349,687,500 subceiling for all other bonds under the Act as of March 31, 1989: \$2,500.

Total amount of the \$839,250,000 state ceiling remaining unreserved as of March 31, 1989: \$303,066,166.

Comprehensive listing of bond issues which have received a reservation date pursuant to the Act from March 27, 1989-March 31, 1989: none.

Comprehensive listing of bonds issued and delivered as pursuant to the Act from March 27, 1989-March 31, 1989: Bexar County Housing Finance Corporation, Eligible Borrowers, Qualified Mortgage Bonds, \$50 million; Central Texas Housing Finance Corporation, Eligible Borrowers, Qualified Mortgage Bonds, \$14,505,000; Denton County Housing Finance Corporation, Eligible Borrowers, Qualified Mortgage Bonds, \$16,866,293; Travis County Housing Finance Corporation, Eligible Borrowers, Qualified Mortgage Bonds, \$27,610,000; Corpus Christi Housing Finance Corporation, Eligible Borrowers, Mortgage Credit Certificates, \$4,973,000.

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

TRD-8903033 J. William Lauderback
 Executive Director
 Texas Department of Commerce

Filed: April 5, 1989

For further information, please call (512) 472-5069

Office of Consumer Credit Commissioner

Notice of Rate Ceilings

The consumer credit commissioner of Texas has ascertained the following rate ceilings by use of the formulas and methods described in Texas Civil Statutes, Title

79, Articles 1.04, 1.05, 1.11, and 15.02, as amended
(Texas Civil Statutes, Articles 5069-1.04, 1.05, 1.11, and
15.02).

Type of Rate Ceilings	Effective Period (Dates are Inclusive)	Consumer ⁽³⁾ /Agri- cultural/Commercial ⁽⁴⁾ thru \$250,000	Commercial ⁽⁴⁾ over \$250,000
Indicated (Weekly) Rate - Art. 1.04(a)(1)	04/10/89-04/16/89	18.00%	18.00%
Monthly Rate Art. 1.04(c) ⁽¹⁾	04/01/89-04/30/89	18.00%	18.00%
Standard Quarterly Rate - Art. 1.04(a)(2)	04/01/89-06/30/89	18.00%	18.00%
Retail Credit Card Quarterly Rate - Art. 1.11 ⁽³⁾	04/01/89-06/30/89	18.00%	N.A.
Lender Credit Card Quar- terly Rate - Art. 15.02(d) ⁽³⁾	04/01/89-06/30/89	16.81%	N.A.
Standard Annual Rate - Art. 1.04(a)(2) ⁽²⁾	04/01/89-06/30/89	18.00%	18.00%
Retail Credit Card Annual Rate - Art. 1.11 ⁽³⁾	04/01/89-06/30/89	18.00%	N.A.
Annual Rate Applicable to Pre-July 1, 1983 Retail Credit Card and Lender Credit Card Balances with Annual Implementation Dates from:	04/01/89-06/30/89	18.00%	N.A.
Judgment Rate - Art. 1.05, Section 2	04/01/89-04/30/89	10.00%	10.00%

(1) For variable rate commercial transactions only.

(2) Only for open-end credit as defined in Art. 5069-1.01(f) V.T.C.S.

(3) Credit for personal, family or household use.

(4) Credit for business, commercial, investment or other similar purpose.

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

TRD-8903044 Al Endsley
Consumer Credit Commissioner

Filed: April 5, 1989

For further information, please call: (512) 479-1280

Texas Education Agency Request for Proposals

Description. The Texas Education Agency invites proposals for development of training materials and workshops for selected Texas school improvement initiative (TSII) participants. In order to successfully complete the objectives of this proposal, the contractor will be expected to:

(1) develop and field test training materials for the elementary and secondary principals and superintendents selected

to participate in the TSII project for the 1989-1990 school year. The content of the training materials covers:

(a) effective schools research; (b) elementary and secondary school planning and implementation strategies to improve school climate and student achievement; (c) basic management skills; and (d) observation and intervention techniques related to school improvement in elementary and secondary schools;

(2) conduct workshops for these identified participants, using the developed training materials; and

(3) develop an interview guide based on the effective schools correlates to be used by accreditation teams when visiting secondary school campuses and principals.

Project Amount. The maximum total funding for this contract is \$94,903. This amount is based on the cost of developing and testing the training materials and the cost of conducting 11 three-day workshops for TSII participants during the summer of 1989. Funding of the request

for proposals to the successful bidder is contingent upon approval by the State Board of Education of the Chapter 2 proposal submitted by the agency entitled "Involving Principals and Superintendents in the School Accreditation Process" in the May 1989 State Board of Education agenda. The funding amount is subject to adjustment based upon the total number of persons identified and selected for participation in the TSII project for the 1989-1990 school year.

Date of Project. The project starting date will be July 1, 1989. The project ending date will be October 31, 1989.

Eligible Proposers. Proposals will be accepted from private entities, nonprofit organizations, colleges and universities, education service centers, local education agencies, and non-governmental agencies.

Selection Criteria. A contract will be awarded based on direct experience with the development of instructional or training materials for educational organizations and the successful completion of workshops and/or training seminars.

Further Information. A copy of the complete request for proposals may be obtained by writing or calling the Document Control Center, Room 6-108, Texas Education Agency, William B. Travis Building, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9304.

For information about the request for proposals, please contact Dr. Ruben Olivarez, Assistant Commissioner, Division of Accreditation, Texas Education Agency, (512) 463-9495.

Deadline for Receipt of Proposals. The deadline for submitting a proposal is 5 p.m., May 10, 1989.

Issued in Austin, Texas on April 4, 1989.

TRD-8903042 W. N. Kirby
Commissioner of Education

Filed: April 5, 1989

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

◆ ◆ ◆

Texas Employment Commission

Correction of Error

The Texas Employment Commission submitted a proposed section which contained an error as published in the March 21, 1989 issue of the *Texas Register* (14 TexReg 1454).

In §301.32, paragraph (c)(2) should read: "(2) For an employer, the proper address is the address of the physical location where the claimant last worked, or the official tax address on record with the commission; or a mailing address change specifically requested in a protest, appeal, or other correspondence, or at a hearing."

Paragraph (d)(3) should read: "(3) If an appeal is received at a local (or agent state) office, but not dated then but only upon later receipt by appeals (or interstate) processing unit, appeal date will be set at three business days earlier than receipt in appeals (or interstate)."

Paragraph (e)(2) should read: "(2) The date a document is delivered to a common carrier (such as Federal Express, Purolator, etc.) controls as the date the appeal is perfected. (Delivery to carrier is equivalent to delivery to United States Postal Service; date of delivery to carrier is equivalent to postmark date.)"

◆ ◆ ◆

Governor's Office of Budget and Planning

Request for Proposals

The Energy Management Center (EMC) in the Governor's Office of Budget and Planning invites proposals from private firms, public agencies, institutions of higher education, and individuals to conduct energy efficiency and/or renewable energy technology transfer and demonstration projects through the Innovative Energy Grant Program.

Projects may target the general public or specific target audiences, such as small businesses, industrial energy users, senior citizens, homeowners, or apartment dwellers. Eligible projects include, but are not limited to, energy audits, demonstrations of commercially available technologies, public information campaigns, workshops, energy management consultation, and recycling.

Notice of Invitation. The Texas Energy Extension Service (EES) and the Texas state energy conservation plan (SECP) provide technical assistance and training in energy efficiency to residential and commercial energy users. Commercially available technologies exist that can help cut energy use in homes, offices, small businesses, and factories. There are also non-technical solutions, such as load scheduling and energy management policies, that can reduce energy consumption. Yet many Texans remain either uninformed or unconvinced of these opportunities to control their energy costs.

The 70th Texas Legislature supplemented the EES and SECP allocations from the United States Department of Energy (DOE) with oil overcharge funds returned to the state pursuant to the Exxon Court Order. Proposals now are solicited for projects that will demonstrate or transfer information about energy efficient or renewable energy technologies and practices to residential and commercial energy users. All proposed projects must be within the state of Texas, and the prime contractor must be Texas-based.

Technology transfer or demonstration projects should illustrate, in an exemplary way, the applicability of a particular energy saving technique or technology to a specific segment of the population.

Restrictions on the Use of Funds. Projects funded are subject to the federal EES and SECP guidelines and certain other restrictions established by the U.S. v. Exxon court decision. Both the Exxon Court Order and EES/SECP rules and regulations have limitations of which proposers should be aware. The 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; nor (5) for administrative costs.

Proposed demonstration projects must also meet DOE demonstration review elements. A list of these elements will be included in the application package available from the EMC.

Projects selected 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. No advance payments are allowable.

Contact Person. For copies of the application package or further information concerning the Innovative Energy

Grant Program, contact Douglas Key, Energy Management Center, Governor's Office of Budget and Planning, P.O. Box 12428, Austin, Texas 78711, (512) 463-1870.

Proposal Format and Due Date. Proposals must be submitted using the application form provided by the Energy Management Center for this program. Seven copies of each proposal should be mailed to Sherril Rains, Energy Management Center, Governor's Office of Budget and Planning, P.O. Box 12428 Austin, Texas 78711.

If the proposals are to be sent by overnight mail or hand delivered, the street address is Sam Houston Building, Suite 620, 201 East 14th Street, Austin, Texas 78701. Proposals should be received by 3 p.m. on June 16, 1989. Any proposal arriving after 3 p.m. will not be accepted.

Selection Criteria. Proposals must adhere to the format provided by the Energy Management Center. Proposals will be evaluated using the following criteria.

I. Transferability (40%)

A. The proposed project must accelerate acceptance of the technology or technique, or otherwise promote the efficient use of energy, by a particular user group.

B. The project team must include a credible representative of the identified user group or have demonstrated experience in transferring information to the target audience.

C. The proposal must contain components for:

1. information dissemination to the target audience; and
2. project monitoring, evaluation, and reporting for two years after the installation date.

II. Technical Feasibility and Practicality (30%)

A. For demonstration projects, the technique or technology to be demonstrated must be economically competitive now or within four years. For both demonstration and technology transfer projects, the proposed approach to energy efficiency must be logical, practical, and feasible for adoption by the target audience at the present time.

B. The project team must be qualified and experienced.

III. Energy Impact (15%) The proposed project must save or displace the use of fossil fuels. Calculations for fuel displacement or energy savings should be included and must be clearly explained.

IV. Soundness of Proposed Budget (15%)

A. The proposal should contain a detailed cost breakdown, and all project costs must be reasonable.

B. Participants will be required to share project costs at a minimum of 25%.

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

Issued in Austin, Texas on April 6, 1989.

TRD-8903086

Ron Lindsey
Director

Governor's Office of Budget and Planning

Filed: April 7, 1989

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

◆ ◆ ◆

Texas Department of Health

Licensing Actions for Radioactive Materials

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

NEW LICENSES ISSUED:

<u>Location</u>	<u>Name</u>	<u>License#</u>	<u>City</u>	<u>Amend- ment #</u>	<u>Date of Action</u>
Dallas	Aviall	L04271	Dallas	0	03/08/89
Dallas	Woodhill Medical Imaging Center	L04256	Dallas	0	03/22/89
Denton	Robotic Guard Systems, Inc.	L04246	Denton	0	03/10/89
Diboll	Temple-Inland Forest Products Corp.	L04250	Diboll	0	03/21/89
Houston	Shepherd Imaging Center	L04260	Houston	0	03/24/89
Houston	Cytology Technology, Inc.	L04269	Houston	0	03/16/89
Odessa	DynaGen, Inc.	L04267	Odessa	0	03/10/89
Seguin	American Biological Technologies, Inc.	L04265	Seguin	0	03/13/89
Throughout Texas	Smith Brothers Pipe Inc.	L04275	Midland	0	03/10/89
Throughout Texas	Enprotec, Inc.	L04266	Abilene	0	03/10/89

AMENDMENTS TO EXISTING LICENSES ISSUED:

<u>Location</u>	<u>Name</u>	<u>License#</u>	<u>City</u>	<u>Amend- ment #</u>	<u>Date of Action</u>
Alvin	NOTAMI Hospitals of Texas, Inc.	L02474	Alvin	10	03/16/89
Amarillo	High Plains Baptist Hospital	L01259	Amarillo	36	03/23/89
Austin	Texas Department of Health	L01594	Austin	14	03/09/89
Austin	Austin Radiological Association	L00545	Austin	53	03/16/89
Austin	St. David's Community Hospital	L00740	Austin	42	03/15/89
Austin	Seton Medical Center	L02896	Austin	18	03/16/89
Beaumont	Syncor International Corporation	L02987	Beaumont	18	03/27/89
Beaumont	Baptist Hospital of Southeast Texas	L00358	Beaumont	52	03/22/89
Brenham	HDL Research Lab, Inc.	L03776	Brenham	1	03/10/89
Buna	Buna Medical Center	L03536	Buna	2	03/27/89
Conroe	Medical Center Hospital	L01769	Conroe	21	03/24/89
Corpus Christi	Spohn Hospital	L02495	Corpus Christi	21	03/16/89
Dallas	Medical Arts Hospital	L03051	Dallas	5	03/16/89
Dallas	R. H. D. Memorial Medical Center	L02314	Dallas	18	03/24/89
Dallas	Eye Associates	L00988	Dallas	9	03/22/89
Denison	Texoma Medical Center	L01624	Denison	27	03/24/89
Denton	Numed Diagnostic Imaging	L02129	Denton	40	03/24/89
Edinburg	Pan American University	L00656	Edinburg	11	03/24/89

AMENDMENTS TO EXISTING LICENSES ISSUED CONTINUED:

El Paso	Seatt Corporation	L03815	Downers Grove, IL	5	03/13/89
El Paso	Providence Memorial Hospital	L02353	El Paso	31	03/22/89
Fort Worth	William C. Conner Research Center	L01281	Fort Worth	23	03/01/89

Fort Worth	Harris Methodist Hospital	L01837	Fort Worth	35	03/10/89
Fort Worth	Radiology Associates	L03953	Fort Worth	4	03/24/89
Fort Worth	Twin Oaks Medical Center	L03364	Fort Worth	10	03/24/89
Houston	Cypress Fairbanks Medical Center, Inc.	L03424	Houston	12	03/16/89
Houston	Texas Southern University	L03121	Houston	4	03/16/89
Houston	The Methodist Hospital	L00457	Houston	59	03/08/89
Houston	Exxon Production Research Company	L00205	Houston	27	03/16/89
Houston	Rosewood General Hospital	L01204	Houston	16	03/24/89
Houston	Hermann Hospital	L00650	Houston	35	03/22/89
Houston	Syncor International Corporation	L01911	Houston	69	03/20/89
Irving	Irving Healthcare System	L02444	Irving	13	03/27/89
McAllen	Rio Grande Cancer Treatment Center, Inc.	L02205	McAllen	25	03/24/89
Palestine	Memorial Hospital Foundation - Palestine, Inc.	L02728	Palestine	11	03/22/89
Pasadena	Phillips Petroleum Company	L00230	Pasadena	47	03/08/89
Port Arthur	Park Place Hospital	L01300	Port Arthur	14	03/16/89
San Antonio	City Public Service Board	L02876	San Antonio	6	03/14/89
San Antonio	The University of Texas at San Antonio	L01962	San Antonio	21	03/16/89
San Antonio	Southwest Foundation for Biomedical Research	L00468	San Antonio	32	03/16/89
San Antonio	St. Luke's Lutheran Hospital	L03309	San Antonio	10	03/22/89
Texarkana	Medical Arts Hospital	L02881	Texarkana	13	03/22/89
The Woodlands	BETZ Laboratories	L03377	The Woodlands	4	03/14/89
Throughout Texas	A. D. Surratt Pipe Inspection, Inc.	L04033	Linden	1	03/08/89
Throughout Texas	NL Sperry-Sun, Inc.	L02603	Houston	26	03/08/89
Throughout Texas	S. H. Tolliver Company	L02394	San Antonio	8	03/08/89
Throughout Texas	Schlumberger Well Services	L01833	Houston	68	03/08/89
Throughout Texas	Pickett Jacobs Consultants, Inc.	L03690	Tyler	6	02/28/89
Throughout Texas	Geo-Log, Inc.	L01944	Granbury	34	03/01/89
Throughout Texas	McClelland Consultants (Southwest), Inc.	L03461	Dallas	6	03/07/89
Throughout Texas	Dick Heine, Inc.	L04235	Tyler	3	03/06/89
Throughout Texas	Schlumberger Well Services	L01833	Houston	67	02/24/89
Throughout Texas	Southwestern Public Service Company	L01981	Amarillo	23	02/28/89
Throughout Texas	R/A Services, Inc.	L03010	Odessa	25	03/07/89
Throughout Texas	E. I. du Pont de Nemours & Co., Inc.	L00517	Beaumont	48	03/08/89
Throughout Texas	BLX Testing Laboratories	L02143	Baytown	37	03/17/89
Throughout Texas	Dowell Schlumberger Incorporated	L00764	Tulsa, Oklahoma	51	03/15/89
Throughout Texas	Welex	L00387	Houston	77	03/15/89
Throughout Texas	The Dow Chemical Texas Operations	L00451	Freeport	45	03/13/89
Throughout Texas	McMorries and Glovier, Inc.	L02839	Dumas	8	03/16/89
Throughout Texas	Raba-Kistner Consultants, Inc.	L01571	San Antonio	25	03/13/89
Throughout Texas	Baker Hughes Tubular Services, Inc.	L00916	Houston	43	03/22/89
Throughout Texas	H & G Inspection Company, Inc.	L02181	Houston	39	03/23/89
Throughout Texas	Big State X-Ray	L02693	Odessa	8	03/24/89
Throughout Texas	Bayou Testers, Inc.	L03846	Aransas Pass	5	03/22/89
Throughout Texas	Cotton Houston, Inc.	L03920	Houston	13	03/23/89
Throughout Texas	Independent Testing Laboratories, Inc.	L03795	Houston	11	03/22/89
Throughout Texas	Midwest Inspection Service	L03120	Perryton	23	03/24/89
Throughout Texas	Houston Inspection, Inc.	L04255	Houston	2	03/27/89
Throughout Texas	Goolsby Testing Laboratories, Inc.	L03115	Humble	21	03/27/89
Throughout Texas	Non-Destructive Testing Company	L01008	Grand Prairie	37	03/27/89
AMENDMENTS TO EXISTING LICENSES ISSUED CONTINUED:					
Throughout Texas	Southern Services, Inc.	L02683	Lake Jackson	21	03/27/89
Throughout Texas	General Inspection Services	L02319	Houston	13	03/22/89
Throughout Texas	Ultrasonic Specialists, Inc.	L01774	Houston	41	03/22/89

Throughout Texas	ICI Tracerco	L03096	Pasadena	28	03/23/89
Throughout Texas	Baker Sand Control	L03272	Liverpool	7	03/17/89
Throughout Texas	Royal Wireline, Inc.	L03110	Riviera	12	03/17/89
Throughout Texas	Bexar County Department of Public Works	L02109	San Antonio	9	03/23/89
Throughout Texas	Gulf Nuclear Inc.	L02995	Webster	24	03/23/89
Throughout Texas	Pro Wireline Services, Inc.	L03708	Pearland	1	03/20/89
Tyler	Mother Frances Hospital	L01670	Tyler	32	03/16/89
Tyler	The University of Texas Health Center at Tyler	L01796	Tyler	34	03/24/89
Tyler	Women's Diagnostic Center	L03883	Tyler	4	03/23/89
Waco	Texas State Technical Institute	L01926	Waco	24	03/23/89
Whitney	Lake Whitney Memorial Hospital	L03348	Whitney	5	03/16/89
Wichita Falls	Wichita General Hospital	L00350	Wichita Falls	36	03/24/89

RENEWALS OF EXISTING LICENSES ISSUED:

<u>Location</u>	<u>Name</u>	<u>License#</u>	<u>City</u>	<u>Amend- ment #</u>	<u>Date of Action</u>
Corpus Christi	Cain Chemical Inc.	L02447	Corpus Christi	9	03/13/89
Houston	Park Plaza Hospital	L03612	Houston	3	03/24/89
Irving	Irving Healthcare System	L02444	Irving	12	03/16/89
San Antonio	Kaiser Cement Corporation	L02654	San Antonio	5	03/23/89
Texarkana	Medical Arts Hospital	L02881	Texarkana	12	03/10/89
Waco	Lehigh Portland Cement Company	L01087	Waco	13	03/22/89

TERMINATIONS OF LICENSES ISSUED:

<u>Location</u>	<u>Name</u>	<u>License#</u>	<u>City</u>	<u>Amend- ment #</u>	<u>Date of Action</u>
Throughout Texas	Ford, Bacon and Davis, Inc.	L02547	Monroe, Louisiana	8	03/14/89

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

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

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

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

Issued in Austin, Texas, on April 6, 1989.

TRD-803088 Robert A. MacLean
Deputy Commissioner
Texas Department of Health

Filed: April 6, 1989

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

◆ ◆ ◆ Notice of Proposed Radioactive Material

Notice is hereby given by the Texas Department of Health that it proposes to renew the following Radioactive Material License: L02537 issued to Westinghouse Electric Corporation (mailing address: Westinghouse Electric Corporation, Uranium Resources Division, P.O. Box 187, Bruni, Texas 78344) for the Bruni project located in Webb County, about eight miles north of Bruni. This renewal would authorize only activities related to final closure of the project, which is an in situ uranium mining and recovery facility. The renewal would not authorize active leaching of uranium. A document titled Agency Determination for License Renewal dated March 23, 1989, has been prepared and is available through this agency. This notice affords the opportunity for public comments within 30 days of the date of publication of this notice.

The Division of Licensing, Registration, and Standards has determined that the applicant is qualified by reason of training and experience to use the material in question for the purpose requested in accordance with *Texas Regulations for Control of Radiation* (TRCR), in such a manner as to minimize danger to public health and safety and the environment; the applicant's proposed equipment, facilities, and procedures are adequate to minimize danger to public health and safety and the environment; the applicant has demonstrated financial capability to conduct the proposed activity, including all costs associated with decommissioning, decontamination, disposal, reclamation, and long-term care and maintenance, if any; the applicant satisfies any applicable special requirements in TRCR, Part 43; and, therefore, the renewal of the license should not be inimical to public health and safety nor have a long-term detrimental impact on the environment.

This notice affords the opportunity for a public hearing on the proposed renewal of the license. The public hearing on the renewal of the license will be held if the agency has received written request from a person affected for hearing no later than 5 p.m., 30 days from the date of publication of this notice in the *Texas Register*. A person affected is defined as a person who is a resident of a county, or a county adjacent to a county, in which the radioactive materials are or will be located, including any person who is doing business or who has a legal interest in the county or adjacent county, and any local government in the county; and who can demonstrate that he has suffered or will suffer actual injury or economic damage. A hearing may be requested by writing David K. Lacker, Chief, Bureau of Radiation Control (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756-3189. Any request for a hearing must contain the name and address of the person who considers himself affected by agency action, identify the subject license, specify the reasons why the person considers himself affected, and state the relief sought. If the person is to be represented by an attorney, the name and address of the attorney also must be stated. Should no request for a public hearing be timely filed, the license will be renewed.

Should a timely request be made, a hearing shall be conducted pursuant to the provisions of the Texas Radiation Control Act, Texas Civil Statutes, Article 450f, §§6, 6A, 11, 11A, 12A, and 14 the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a; the Formal Health Procedures of the Texas Department of Health, 25 TAC §1.21 et seq.; the TRCR, Parts 11, 12, 13, 21, 22, 41, and 43; and the conditions of the proposed Radioactive Material License L02537.

The purposes of the hearing, if requested, are to establish jurisdiction; to designate parties and to take evidence, if requested, on whether a person qualifies as a person affected—a person must be present in person or by representative at this hearing in order to be designated a party; to delineate issues; to set the discovery schedule, if discovery is requested by an affected person; to hold the contested case hearing; to take evidence from interested persons subject to cross-examination; and, if necessary, to recess to a time and date certain to continue the hearing on the merits.

All persons affected and interested persons shall have the right to appear at the hearing, if held, present evidence, and be represented by counsel. The cost of a written hearing transcript may be assessed against one or more of the designated parties. Failure to appear without prior notice in writing to the hearing examiner may be construed as a withdrawal of the request for hearing.

Copies of all relevant material are available for public inspection and copying at the Bureau of Radiation Control, 1212 East Anderson Lane, Austin. Information relative to the renewal of this specific radioactive material license may be obtained by contacting David K. Lacker, Chief, Bureau of Radiation Control (Director, Radiation Control Program), Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756-3189, (512) 835-7000, or by visiting 1212 East Anderson Lane, Austin.

Issued in Austin, Texas on April 6, 1989.

TRD-8903089 Robert A. MacLean, M.D.
Deputy Commissioner for Professional
Services
Texas Department of Health

Filed: April 6, 1989

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

◆ ◆ ◆
Rescission of Order

Notice is hereby given that the Bureau of Radiation Control, Texas Department of Health, rescinded the following order.

Order of revocation issued November 10, 1987, to Thomas H. Lindsey, D.D.S., 2500 Wilbarger, Vernon, Texas 76384, holder of Certificate of Registration Number R09850.

A copy of all relevant material is available for public inspection at the Bureau of Radiation Control, 1212 East Anderson Lane, Austin, Monday-Friday, 8 a. m. to 5 p.m. (except holidays).

Issued in Austin, Texas on April 4, 1989.

TRD-8903058 Robert A. MacLean, M.D.
Deputy Commissioner
Professional Services Texas Department of
Health

Filed: April 6, 1989

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

◆ ◆ ◆
**Texas Health and Human Services
Coordinating Council**

**Response to Public Comments Received
Regarding the Draft Report of the
Confidentiality Work Group**

The Texas Health and Human Services Coordinating Council received comments on the draft report of the Confidentiality Work Group from state health and human service agencies, from the Association of Retarded Citizens, and from the general public pursuant to a request for public comments published in the *Texas Register* on March 3, 1989, (14 TexReg 1121). A public hearing was held on March 17, 1989. The Confidentiality Work Group made the following changes to the March 21, 1989, draft report based upon those comments.

Appendix A was changed substantially in accordance with agency requests.

Several agencies indicated that the role of the Confidentiality Work Group needed clarification; the introduction of the report was changed to clarify the purpose of the Confidentiality Work Group.

Many of the comments received were directed at the purpose and general concept of the client registry and

computer node; these comments will be forwarded to the Texas Health and Human Services Coordinating Council. Other comments indicated that the terms "client" and "services" need to be defined by the council.

This comment was noted in a separate paragraph on page eight. The Texas Department of Human Services expressed concern about the council's access to the node/registry data. A sentence on page eight was expanded to read: "The legislative authorization should also specify the conditions under which the Council may access information, the conditions under which other agencies may access data, and allow agencies to provide additional information."

The Texas Employment Commission, Texas Department of Health, Texas Rehabilitation Commission, Texas Department of Human Services, and the individuals who provided comments at the public hearing highlighted their concerns about safeguards and security of information. Section E. on pages 15 and 16 was changed to read "Interagency Agreements and Security of Information." The following paragraph was added to this section: "The comments received from the public and private sector on the draft report reflected considerable concerns about security. As a result, the Confidentiality Work Group recommends that the Council and the agencies should develop affirmative programs for safeguarding the client registry and computer node. This may include the employment of a professional security officer and the installation of security devices to prevent unauthorized usage and security breaches. The Work Group also recommends that the responsibilities of the Health and Human Services Coordinating Council and the health and human service agencies be clearly delineated in any legislative authorization to address the issue of unauthorized release of information."

The Texas Department of Health and the Texas Department of Human Services expressed concern that certain client information, such as that from the AIDS and sexually transmitted diseases programs, should be exempted from the node/registry. Paragraph one on page eight was changed to reflect this concern.

As suggested by the Texas Department of Health, the last paragraph on page 10, relating to the agencies notifying the council of their requests for waivers from the federal government and the federal responses to those requests, was reworded.

The Texas Juvenile Probation Commission requested that their portion of Appendix A read: "This Commission does not provide direct services and does not maintain client files." This change was made.

Paragraph one on page eight was changed to clarify the reason changes are needed in legislation.

Issued in Austin, Texas on April 5, 1989.

TRD-8903040 Patricia O. Thomas
Executive Director
Texas Health and Human Services
Coordinating Council

Filed: April 5, 1989

For further information, please call (512) 463-2195

◆ ◆ ◆
**State Board of Insurance
Company Licensing**

The following applications have been filed with the State Board of Insurance and are under consideration:

1. Application for name change by North American

Company for Property and Casualty Insurance Company, a foreign casualty insurance company. The home office is in Greenwich, Connecticut. The proposed new name is NAC Reinsurance Corporation.

2. Application for admission to do business in Texas of Medical Insurance Administrators, Inc., a foreign third party administrator. The home office is in Fort Lauderdale, Florida.

3. Application for admission to do business in Texas of Dental Health Administrative and Consulting Services, Inc., a foreign third party administrator. The home office is in River Forest, Illinois.

Issued in Austin, Texas, on April 4, 1989.

TRD-8903032 Nicholas Murphy
Chief Clerk
State Board of Insurance

Filed: April 5, 1989

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



The following applications have been filed with the State Board of Insurance and are under consideration:

1. Application for name change by National Capital Life Insurance Company, a domestic life insurance company. The home office is in Houston. The proposed new name is Earthman National Capital Life Insurance Company.

2. Application for admission to do business in Texas of Benefit Consultants, Inc., a foreign third party administrator. The home office is in San Carlos, California.

Issued in Austin, Texas, on April 6, 1989.

TRD-8903148 Nicholas Murphy
Chief Clerk
State Board of Insurance

Filed: April 7, 1989

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



Correction of Error

The State Board of Insurance submitted an adopted section which contained an error as published in the March 31, 1989, issue of the *Texas Register* (14 TexReg 1639).

In §27.221, the effective date should read: "Effective date: April 14, 1989. "

The board also submitted an adopted section which contained an error as submitted by the board in the April 7, 1989 issue of the *Texas Register* (14 TexReg 1748).

In §5.9202, the first sentence should read: "Effective April 21, 1989, the State Board of Insurance adopts by reference annual closed claim report forms for liability insurers together with instructions."



Interagency Council On Early Childhood Intervention Request For Proposals

The Interagency Council on Early Childhood Intervention announces a request for proposals (RFP) for funding comprehensive services for children with developmental delays or who are at risk of developmental delay, ages birth to six. The services will be provided in the following coun-

ties: Calhoun, DeWitt, Goliad, Jackson, Karnes, Lavaca, Refugio, Victoria, Wharton, and Colorado. The grant awards will be determined on a competitive basis and the decision of the council is final. The RFP is available upon request from the Early Childhood Intervention Program, 1100 West 49th Street, Austin, Texas 78756, or call (512) 458-7236. All applications to be considered for funding must be received by the program by 5 p.m. on May 22, 1989, or postmarked by May 21, 1989. Questions should be directed to the Early Childhood Intervention Administrative Office at (512)458-7673. For more information, contact Mary Elder, ECI Administrator, (512) 458-7673.

Issued in Austin, Texas on April 7, 1989.

TRD-8903128 David Rollins
Chairperson
Interagency Council on Early Childhood
Intervention

Filed: April 7, 1989

For further information, please call (512) 458-7673.



Railroad Commission of Texas Notice of Hearings

The Railroad Commission of Texas will conduct a public hearing on §5.294, concerning the proposed addition of the Cities of Waxahachie, Ovilla, and Sanger and unincorporated areas in the vicinity to the new existing Dallas and Fort Worth commercial zones. The issues to be considered in the hearing include but are not limited to, whether these proposed amendments are consistent with the Texas Motor Carrier Act, Article 911b; and whether the cities of Waxahachie, Ovilla, and Sanger and certain unincorporated areas in the vicinity of the three communities are adjacent to and commercially a part of the cities of Dallas and Fort Worth.

The public hearing will commence at 9 a.m. on May 2, and continue thru May 3, 1989. The hearing will be held in the William B. Travis Building, 1701 North Congress Avenue, Austin. Room assignment will be posted in the building lobby.

This hearing will be conducted in compliance with the Texas Administrative Procedure and Texas Register Act and the General and Special Rules of Practice and Procedure before the Transportation Division. Any interested member of the public may appear and offer comments. Cross-examination of witnesses will not be allowed, although the presiding examiner may ask questions of any person testifying.

Issued in Austin, Texas on April 7, 1989.

TRD-8903064 Cril Payne
Assistant Director, Legal Division-General
Law
Railroad Commission of Texas

Filed: April 7, 1989

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



The Railroad Commission of Texas will conduct a public hearing on a proposed amendment to 16 TAC §5.535, concerning the addition of cottonseed meal, cottonseed hulls, and sugar beet pulp to the list of eligible agricultural commodities. The issues to be considered in the hearing include, but are not limited to, whether the listed commodities should be added to the list of commodities which may be transported by holders of agricultural permits; and

whether the commodities should be allowed to be transported for persons other than the original producer or grower of the cotton or sugar beets.

The public hearing will begin at 9 a.m., on May 9, 1989. The hearing will be held in the William B. Travis State Office Building, 1701 North Congress Avenue, Austin. Refer to the bulletin board in the first floor lobby for the room assignment.

The hearing will be conducted in compliance with the General and Special Rules of Practice and Procedure before the Transportation Division. Any interested member of the public may appear and offer comments. Cross-examination of witnesses will not be allowed, although the presiding examiner may ask questions of any person testifying.

Issued in Austin, Texas on April 7, 1989.

TRD-8603083 Cril Payne
Assistant Director, Legal Division
Railroad Commission of Texas

Filed: April 7, 1989

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

◆ ◆ ◆

Red River Compact Commission Agenda for April 25, 1989, Meeting

The interstate (Texas, Oklahoma, Arkansas, and Louisiana) Red River Compact Commission will hold its Ninth Annual Meeting at the Holiday Inn, 2716 North MacArthur Drive United States Highways 71, 165, and 167) in Alexandria, Louisiana, on April 25, 1989, at 8:30 a.m.

The annual meeting will be called to order; minutes of the 1988 annual meeting will be approved; reports of the Chairman, Secretary, and Treasurer will be presented; reports of the Engineering, Legal, and Budget Committees will be presented; Federal Agency reports will be given; unfinished business and new business will be considered; and the meeting will be adjourned.

Issued in Austin, Texas on April 4, 1989.

TRD-8703067 Allen P. Beinke
Certifying Official
Red River Compact Commissioner for
Texas

Filed: April 6, 1989

For further information, please call (512) 463-7791

◆ ◆ ◆

Texas Rehabilitation Commission Request for Proposals

The Texas Rehabilitation Commission announces the availability of funds for a Texas (UAP) challenge grant of up to \$200,000 annually to be awarded on behalf of the Texas Planning Council for Developmental Disabilities to the Texas university or college that is successful in obtaining federal financial assistance for a university affiliated program (UAP) from the Administration on Developmental Disabilities (ADD). Interested persons should contact the Texas DD Program at the address following for complete application materials.

These funds are available only to entities eligible to receive funding from ADD for a UAP. ADD published an "Announcement of Availability of Financial Assistance" for new UAPs in the *Federal Register* March 30, 1989.

The contact person for ADD application kits is: Judy Moore, ADD, Program Development Division, 330 Independence Avenue SW, Wilbur J. Cohen Building, Room 5319, Washington, DC. 20201, (202) 245-7719.

The Texas Planning Council and the ADD-Dallas Regional Office are jointly sponsoring a UAP bidders meeting on May 5, 1989, at the Hyatt Regency Hotel, 208 Barton Springs Road, Austin from 9:30 a.m. to 4 p.m. Participants will be briefed on the application procedures required for submitting both the application for federal financial assistance for a UAP and the Texas UAP challenge grant proposal.

Proposals for the Texas UAP challenge grant must be submitted to the DD Program concurrent with submittal of the application for financial assistance for a UAP to ADD on May 30, 1989. Applicants interested in review comments from the Texas Planning Council for that application must submit a draft application by 5 p.m. on May 15, 1989, and must attend the bidders meeting on May 5, 1989.

For further information and proposal kit contact: David Henderson, Texas Planning Council for Developmental Disabilities, 118 East Riverside Drive, Room 163, Austin, Texas 78704, (512) 445-8871.

Issued in Austin, Texas on April 6, 1989.

TRD-8903055 Charles W. Schlessner
Assistant Commissioner
Texas Rehabilitation Commission

Filed: April 6, 1989

For further information, please call (512) 445-8124

◆ ◆ ◆

Office of the Secretary of State Direct Access Contract

The Office of the Secretary of State has recently signed a contract with CompuServe, a telecommunications network, providing an alternate to long distance dialing for direct access to the office's mainframe. Secretary of State Direct Access provides subscribers up-to-date, on-line computer access to corporate, limited partnership, assumed name, and uniform commercial code records. For further information regarding this service, contact: Tina Whiteley, Direct Access Coordinator, P.O. Box 13697, Austin, Texas 78711, (512) 475-2755.

Issued in Austin, Texas on April 7, 1989.

TRD-8903082 Tina Whiteley
Direct Access Coordinator
Secretary of State

Filed: April 7, 1989

For further information, please call (512) 475-2755

◆ ◆ ◆

The University of Texas M.D. Anderson Cancer Center Consultant Contract Award

The University of Texas M.D. Anderson Cancer Center (UTMDACC) announces the award of a contract for consulting services under the provisions of Texas Civil Statutes, Article 6252-11c. The proposal was published under the University of Texas M.D. Anderson Cancer Center in the February 7, 1989, issue of the *Texas Register* (14 TexReg 719).

The consultant will develop a strategic plan for the Division of Nursing in conjunction with the existing UTMDACC long range plan. Action plans are to be developed to provide specific and detailed directions within each area and will include criteria to measure progress. Where required, the action or operating plans will include suggestion forms, job descriptions, sources of information, or trade leads in comparable or competitive areas. The reports will also include suggestions for development or improvement in areas which are vital to the continued growth of this division. Lastly, the scope of work will include a schedule during implementation where the consultant(s) will assist with on-site consultation, seminars, and debriefing sessions.

Coopers and Lybrand, 1100 Louisiana, Suite 4700, Houston, Texas 77002, was awarded the contract for an amount not exceed \$19,500. The contract shall commence on April 15, 1989, and will be completed on or before October 15, 1989.

Issued in Austin, Texas on April 4, 1989.

TRD-8903054 G. J. (Gli) Robertson
Manager, Purchasing
The University of Texas M.D. Anderson
Cancer Center

Filed: April 6, 1989

For further information, please call (713) 792-3085

Texas Water Commission Enforcement Orders

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 Order Nunc Pro Tunc was issued on April 7, 1989, to substitute the agreed order issued previously to International Paper Company, SWR 31894, on March 6, 1989. The Order Nunc Pro Tunc is assessing \$7,600 in administrative penalties; the full amount deferred.

Information concerning any aspect of this order may be obtained by contacting Stephen C. Dickman, Staff Attorney, Texas Water Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 463-8069.

Issued in Austin, Texas, on April 7, 1989.

TRD-8903120 Gloria A. Vasquez
Notices Coordinator
Texas Water Commission

Filed: April 7, 1989

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

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 Hayes Feed and Supply Company (No SWR #), on April 4, 1989, assessing \$6,760 in administrative penalties-half deferred.

Information concerning any aspect of this order may be obtained by contacting Lisa Montgomery, Staff Attorney,

Texas Water Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 463-8069.

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

TRD-8903037 Gloria A. Vasquez
Notices Coordinator
Texas Water Commission

Filed: April 5, 1989

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

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 April 3-April 7, 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.

Parkans International, Inc., Houston; hazardous industrial solid waste facility associated with a plant that processes spent metallic catalysts and precious metal residues; located on a 0.82 acre tract of land at 5521 Armour Drive in Houston, Harris County; HW50210-01; new-45 day notice.

City of Walnut Springs; municipal wastewater treatment facility; approximately 1,500 feet due east of the crossing of State Highway 144 over Steele Creek in the City of Walnut Springs, Bosque County; 13436-01; new.

Aldine Independent School District; Houston; wastewater treatment facility; located on school property at 14910 Aldine Westfield Road in the city of Houston, Harris County; 12070-01; renewal.

City of Amarillo; municipal wastewater treatment facility located approximately four miles east-southeast of the intersection of State Highway Spur 335 (Hollywood Road) and FM Road 1541 (Washington Street), Randall County; 10392-03; amendment.

E. I. Dupont De Nemours and Company, Inc., Laporte; plant manufacturing polyvinyl alcohol and vinyl acetate; located on company property, approximately two miles north-northwest of LaPorte, in the Enoch Brinson League, Abstract Number 5, Harris County; WDW-82, WDW-83 and WDW-149; amendments.

United States Department of the Navy, Kingsville Naval Air Station; Kingsville; wastewater treatment facility; located west of San Fernando Creek, on the east side of the Kingsville Naval Air Station, Kleberg County; 12035-01; renewal.

Issued in Austin, Texas, on April 6, 1989.

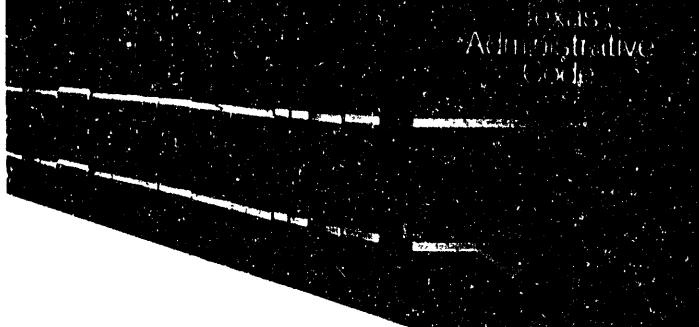
TRD-8903119 Brenda W. Foster
 Chief Clerk
 Texas Water Commission

Filed: April 7, 1989

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

◆ ◆ ◆

The only **COMPLETE, OFFICIAL** and
UP-TO-DATE
source of administrative rules for Texas!



★ SAVE 40%

WEST'S® TEXAS ADMINISTRATIVE CODE

West Publishing Company, official publisher of the *Texas Administrative Code* for 1989, is proud to announce that the complete TAC is now ready—and is being offered to you right now at a full set savings of 40%! Or, choose only those volumes essential to your daily practice.

COMPLETE, FOR RESEARCH CONVENIENCE!

The TAC is your convenient access to the rules and regulations of Texas state agencies. Each title is divided into parts, and each part corresponds to a state agency. The chapters and sections within each part thus contain all permanent rules and regulations for that particular agency in one convenient publication.

DEPENDABLE SUPPLEMENTATION TO KEEP YOU UP-TO-DATE!

West's TAC includes rules and regulations soon after their adoption into

Texas law. You'll find the exact currency dates of the provisions contained within the preface of each volume.

Timely Supplementation! Semi-annual supplements bring subscribers current within 120 days of the adoption of new rules and changes in existing rules. The supplementation will be softbound, cumulative, companion volumes to the 16-volume TAC set. This eliminates the time-consuming need for complicated collation and substitution of pages that was required by the looseleaf format of the previous publisher.

OFFICIAL, FOR YOUR ASSURANCE OF CONFIDENCE!

Only with West's *Texas Administrative Code* do you get absolute assurance that all code provisions appear as finally reviewed and corrected by the Secretary of State's Office.

TITLES INCLUDED IN THIS COMPLETE AND OFFICIAL SET:

1. Administration
 4. Agriculture
 7. Banking and Securities
 10. Community Development
 13. Cultural Resources
 16. Economic Regulation
 19. Education
 22. Examining Boards
 25. Health Services
 28. Insurance
 31. Natural Resources and Conservation
 34. Public Finance
 37. Public Safety and Corrections
 40. Social Services and Assistance
 43. Transportation
- All New General Index

SAVE 40% ON YOUR FULL SET PURCHASE!
Get complete details from your West representative, or call
toll free **1-800-328-9352**. (In MN call collect 0-612-688-3600.)



**WEST
PUBLISHING
COMPANY**
50 W. Kellogg Blvd.
P.O. Box 64526
St. Paul, MN 55164-0526