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# Texas Register

Volume 14, Number 43, June 13, 1989

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## Texas Register

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

Governor—appointments, executive orders, and proclamations

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

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

Proposed Sections—sections proposed for adoption

Withdrawn Sections—sections withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date

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

Open Meetings—notices of open meetings

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

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

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

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

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

### Texas Administrative Code

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

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

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

TAC stands for the *Texas Administrative Code*;

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



## Texas Register Publications

a section of the  
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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.

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2956-Texas State Board of Examiners of Dietitians  
2956-Texas Education Agency  
2956-Texas Employment Commission  
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2961-Weekly Report on the 1989 Allocation of the State Ceiling on Certain Private Activity Bonds

#### ***Texas Department of Community Affairs***

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#### ***The University of Texas System***

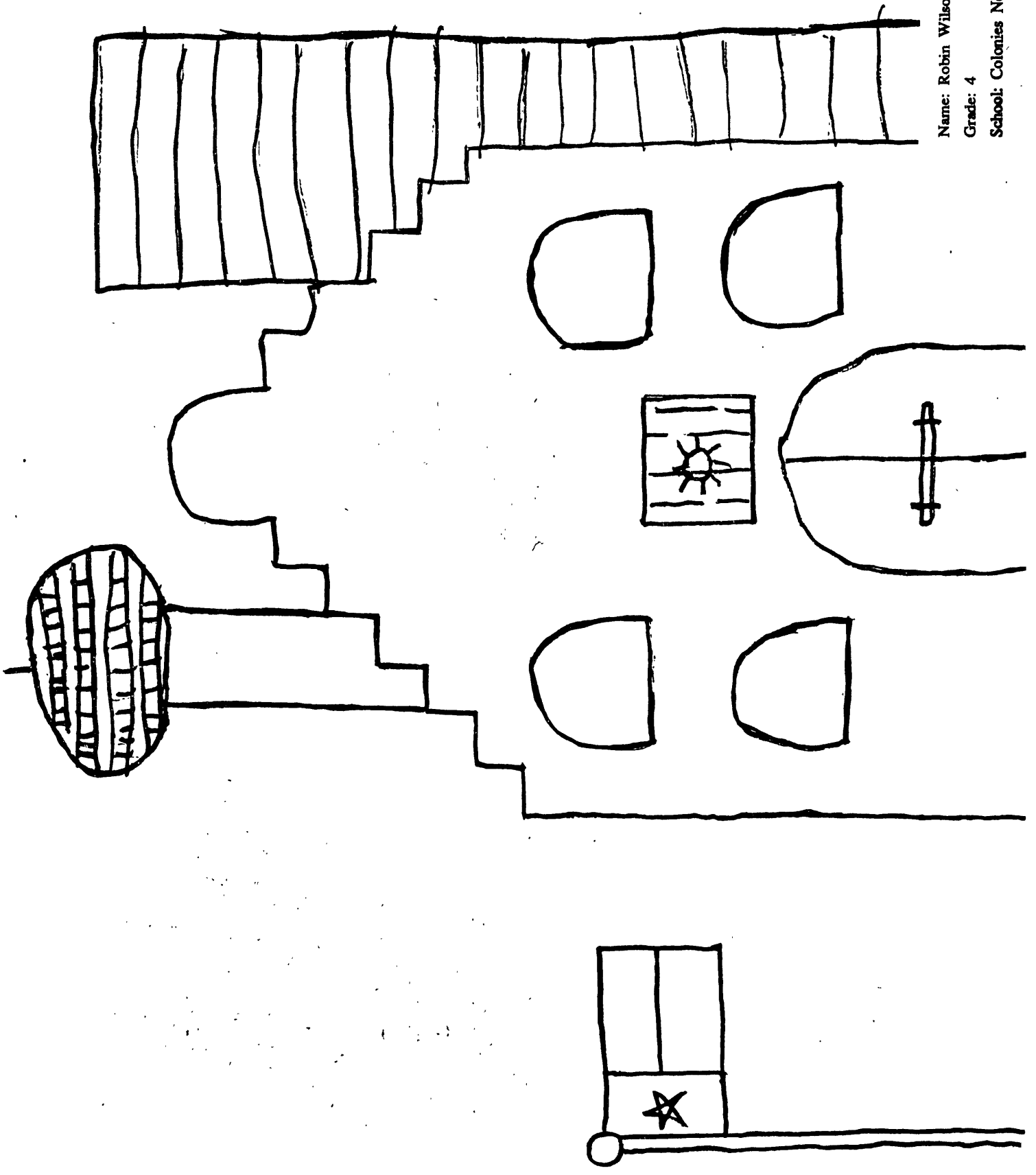
2964-Notice of Contract Award

#### ***Texas Water Commission***

2965-Notice of Application for Waste Disposal Permit

#### ***Texas Water Development Board***

2965-Applications Received



Name: Robin Wilson

Grade: 4

School: Colonies North Elementary, Northside

# TAC Titles Affected

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## TAC Titles Affected—June

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

### TITLE 1. ADMINISTRATION

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

1 TAC §§113.1, 113.2, 113.5, 113.6—2739

1 TAC §115.62—2797

### TITLE 4. AGRICULTURE

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

4 TAC §11.2—2651

### TITLE 16. ECONOMIC REGULATION

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

16 TAC §3.57—2647

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

16 TAC §21.22—2740

16 TAC §23.21—2951

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#### *Part IV. Texas Department of Labor and Standards*

16 TAC §§65.1, 65.10, 65.20, 65.30, 65.50, 65.60, 65.70, 65.80, 65.90, 65.100—2721, 2746

16 TAC §§65.12-65.18, 65.20-65.34—2736, 2747

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16 TAC §§65.61-65.70—2736, 2747

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### TITLE 19. EDUCATION

#### *Part I. Texas Higher Education Coordinating Board*

19 TAC §1.7—2748

19 TAC §§1.21-1.40—2750

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19 TAC §§69.127, 69.129—2649

19 TAC §149.43—2681

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22 TAC §1.25—2738, 2752

22 TAC §1.88—2900

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22 TAC §83.3—2752

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22 TAC §89.8—2752

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

22 TAC §115.10—2940

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22 TAC §163.2—2650

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22 TAC §501.2—2949

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25 TAC §31.4—2901

25 TAC §§229.141-229.149—2755

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25 TAC §325.731—2952

### *Part II. Texas Department of Mental Health and Mental Retardation*

25 TAC §402.44—2773

### *Part VII. Texas Medical Disclosure Panel*

25 TAC §601.1—2795, 2941

## TITLE 28. INSURANCE

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

28 TAC §§8.1-8.3—2650

28 TAC §§27.801-27.808—2681

## TITLE 31. NATURAL RESOURCES AND CONSERVATION

### *Part I. General Land Office*

31 TAC §1.91—2774

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34 TAC §3.554—2738

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34 TAC §§181.3-181.5—2901

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37 TAC §119.3—2683

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37 TAC §§321.1, 321.3, 321.5, 321.8—2683

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**TITLE 40. SOCIAL SERVICES AND ASSISTANCE**

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40 TAC §§3.2201, 3.2203, 3.2204—2684

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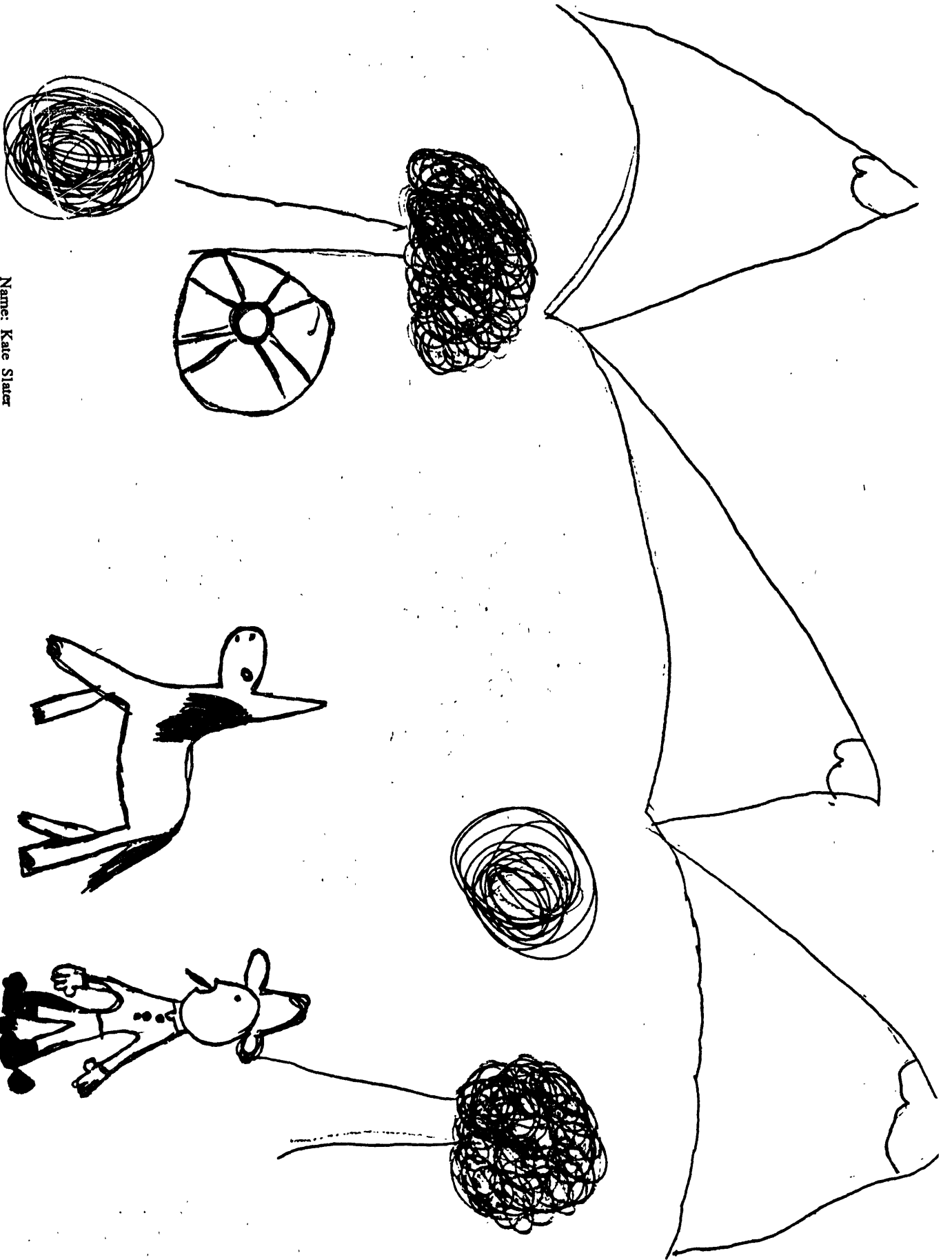
**TITLE 43. TRANSPORTATION**

**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—2679

43 TAC §§21.33, 21.41—2679





Name: Kate Slater

Grade: 4

School: Colonies North Elementary, Northside



# The Governor

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

## Appointments Made June 2, 1989

To be a member of the **Trinity River Authority of Texas Board of Directors** for a term to expire March 15, 1995: William L. Hutchison, 3617 Crescent, Dallas, Texas 75205. Mr. Hutchison will be replacing Dr. Charles A. Hunter of Dallas, whose term expired.

To be a member of the **Trinity River Authority of Texas Board of Directors** for a term to expire March 15, 1995: Jack A. Coleman, Jr., 1101 North Queen, Palestine, Texas 75801. Mr. Coleman will be replacing Helen Marie Hooper of Palestine whose

term expired.

To be a member of the **Texas National Guard Armory Board** for a term to expire April 30, 1995: Victor C. Eissler, 110 North Cherry Street, Fredericksburg, Texas 78624. Mr. Eissler is being reappointed.

To be a member of the **Nueces River Authority Board of Directors** for a term to expire February 1, 1993: Wayne J. Baldwin, HCR-1, Box 342, Sandia, Texas 78383. Mr. Baldwin will be filling the unexpired term of Asa Beach, Jr. of Alice, who is now ineligible to serve.

To be a member of the **Texas Board of Mental Health and Mental Retardation**

for a term to expire January 31, 1991: Jack Taylor Dulworth, 3009 Avalon, Houston, Texas 77019. Mr. Dulworth will be filling the unexpired term of Drayton McLane, Jr. of Temple, who resigned.

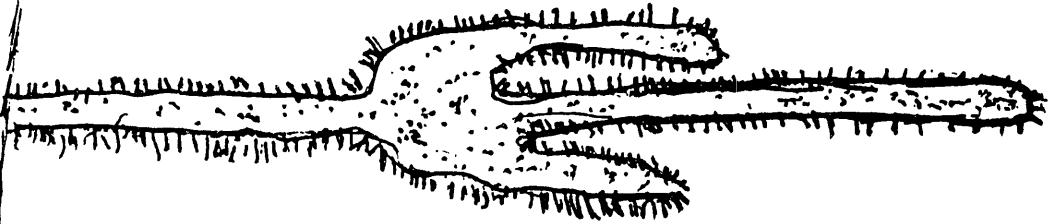
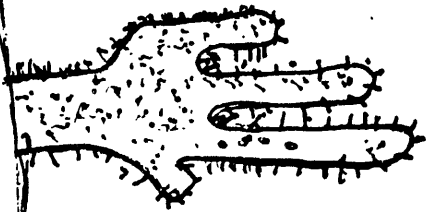
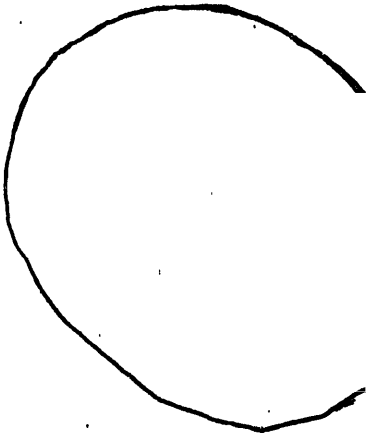
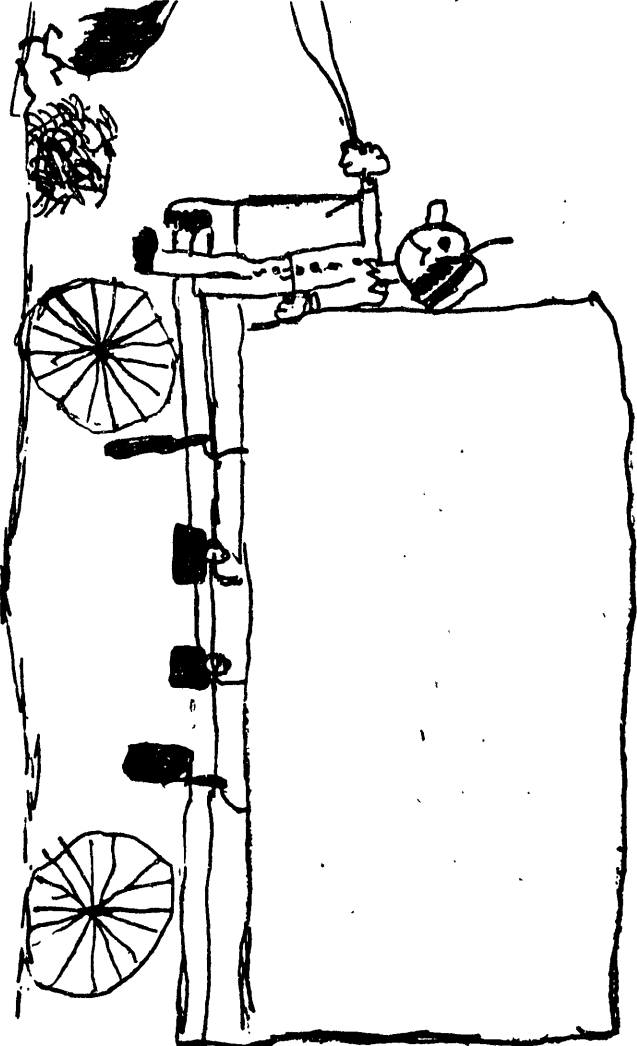
To be a member of the **Advisory Board of Athletic Trainers** for a term to expire January 31, 1995: Michael Daniel Saly, 4 Artesian Forest Drive, Conroe, Texas 77304. Mr. Saly will be replacing Cynthia L. Raines of El Paso, whose term expired.

Issued in Austin, Texas on June 6, 1989.

TRD-8905005

William P. Clements, Jr.  
Governor of Texas





Louis Millyng

Name: Louis Millyng  
Grade: 4  
School: Colonies North Elementary, Northside

# 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 34. PUBLIC FINANCE Part IV. Employees Retirement System Chapter 81. Insurance

### • 34 TAC §81.7

The Employees Retirement System of Texas adopts on an emergency basis an amendment to §81.7. This emergency was made necessary by recent revisions to the section which added two additional paragraphs, but failed to correct two references within a renumbered paragraph. As a result of the emergency amendment, the necessary corrections within the section will be made.

The amendment is adopted on an emergency basis under the Texas Insurance Code, Article 3.50-2, §4, as amended, which provides the board of trustees of the Employees Retirement System of Texas with the authority to

adopt rules as it shall deem necessary to insure the proper administration of the Texas Employees Uniform Group Insurance Benefits Act.

#### §81.7. Enrollment and Participation.

(a)-(h) (No change.)

(i) Continued coverage in special circumstances.

(1)-(10) (No change.)

(11) Continuation coverage defined. Continuation coverage as provided for in paragraphs (5)-(10) of this subsection means the continuation of only health coverage benefits which meet the following requirements.

(A)-(D) (No change.)

(E) Conversion option. An option to enroll under the conversion plan available to employee/retirees is also available to a participant who continues health coverage for the maximum period as provided in subsection (i) (11)(B) (I) [(9)(B)(i)] of this section and subsection (i) (11)(B)(II) [(9) (B)(ii)] of this section. The conversion notice will be provided to a participant during the 180-day period immediately preceding the ending of the continuation period.

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

TRD-8904978

Clayton T. Garrison  
Executive Director  
Employees Retirement  
System of Texas

Effective date: June 5, 1989

Expiration date: August 10, 1989

For further information, please call: (512)  
476-6431, ext. 213





Name: Ashley Henderson

Grade: 4

School: Colonies North Elementary, Northside

Ashley  
Henderson

# 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 16. ECONOMIC REGULATION

### Part II. Public Utility Commission of Texas

#### Chapter 23. Substantive Rules

##### Customer Service and Protection

###### • 16 TAC §23.45

The Public Utility Commission of Texas proposes an amendment to §23.45(f) (1)(A), (2) and a new proposed paragraph (3), concerning the transfer of past due billings to current accounts. The amendments establish that the bill a customer receives from a utility must reflect all charges due on that account for which service may be disconnected, including all past due balances. Current utility service may not be disconnected for a delinquency incurred at a different time and location until that past due balance is transferred to the current account and fully explained in a current billing.

The Public Utility Commission of Texas also proposes an amendment to subsection(f)(1)(B) concerning the allowance for service interruptions. The amendment changes the time that must elapse before a telephone utility is obliged to provide the customer with an adjustment. Currently, the rule allows for eight normal working hours. This will be changed to 24 hours.

Rick Guzman, assistant general counsel, has determined that for the first five-year period the proposed section will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the section.

Mr. Guzman also has determined that for each year of the first five years the section as proposed are in effect the public benefit anticipated as a result of enforcing the section will be a decrease in the number of disputes between utilities and their customers regarding delinquent accounts and a decrease in the average length of service interruptions for telephone utilities during weekends and holidays.

There will be no anticipated economic costs to individuals who are required to comply with the proposed section.

Comments on the proposal may be submitted to Mary Ross McDonald, Administrative Law Judge, 7800 Shoal Creek Boulevard, Suite 450N, Austin, Texas 78757, within 30 days after publication.

The amendment is proposed under Texas

Civil Statutes, Article 1446c, §16(a), which provide the Public Utility Commission of Texas with the authority to make rules reasonably required in the exercise of its powers and jurisdiction.

###### §23.45. Billing.

(a)-(e) (No change.)

(f) Rendering and form of Bills.

(1) Telephone Utilities.

(A) Bills for telephone service shall normally be rendered monthly; shall show the period of time covered by the billings; and shall show a clear listing of all charges due and payable: including outstanding amounts transferred from a customer's prior delinquent account(s), ~~before disconnecting service, the utility shall provide the customer with a current bill delineating all such charges.~~ The utility shall provide the customer with a breakdown of local service charges upon written request. Itemized toll statements shall be included in each bill. Customer billing sent through the United States mail shall be sent in an envelope.

(B) In the event a customer's service is interrupted other than by the negligence of willful act of the customer, and it remains out of order for 24 [eight normal working] hours or longer after access to the premises is made available and after being reported to be out of order, appropriate adjustment of refunds shall be made to the customer. The amount of adjustment or refund shall be determined on the basis of the known period of interruption, generally beginning from the time the service interruption is first reported. The refund to the customer shall be the pro rata part of the month's flat rate charges for the period of days [and] that portion of the service facilities was rendered useless or inoperative. The refund may be accomplished by a credit on a subsequent bill for telephone service.

(2) Electrical utilities

(A) (No change.)

(B) The customer's bill shall show all the following information:

(i)-(iii) (No change.)

(iv) the total amount due for services provided, including outstanding amounts transferred from a customer's prior delinquent account(s). **Before disconnecting service, the Utility shall provide the customer with a current bill delineating all such charges:**

(v)-(viii) (No change.)

(3) Past-due balance. Any past-due balance from a customer's account incurred at a different time and location shall be transferred to a current account and shall be included on a current billing. A detailed explanation of this past-due billing shall be included with the bill to show billing dates, complete address, name account was in, and a breakdown of charges. All rules pertaining to billing and disconnection of service shall apply to this form of back billing.

(g)-(l) (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 June 6, 1989.

TRD-8905034

Mary Ross McDonald  
Administrative Law Judge  
Public Utility Commission  
of Texas

Earliest possible date of adoption: July 14, 1989

For further information, please call: (512) 458-0100

###### • 16 TAC §23.46

The Public Utility Commission of Texas proposes an amendment to §23.46. The amendment establishes that utility service may not be disconnected because of a failure to pay until that delinquency is transferred to the current billing of the account to be disconnected. These changes reflect the proposed amendment to §23.45.

Rick Guzman, assistant general counsel, has determined that for the first five-year period the proposed section will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the section.

Mr. Guzman 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 enforcing the section will be a decrease in the number of disputes

between utilities and their customers regarding delinquent accounts and a decrease in the average length of service interruptions for telephone utilities during weekends and holidays.

There will be no anticipated economic costs to individuals who are required to comply with the proposed section.

Comments on the proposal may be submitted to Mary Ross McDonald, Administrative Law Judge, 7800 Shoal Creek Boulevard, Suite 450N, Austin, Texas 78757, within 30 days after publication.

The amendments is proposed under Texas Civil Statutes, Article 1446c, §16(a), which provide the Public Utility Commission of Texas with the authority to make rules reasonably required in the exercise of its powers and jurisdiction.

**§23.46. Discontinuance of Service.**

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

(d) Disconnection prohibited. Utility service may not be disconnected for any of the following reasons:

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

(3) failure to pay for [a different type or class of] utility service unless fee for such service is included on the [same] bill of the account for the service to be disconnected;

(4)-(7) (No change.)

(e)-(k) (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 June 6, 1989.

TRD-8905033 Mary Ross McDonald  
Administrative Law Judge  
Public Utility Commission  
of Texas

Earliest possible date of adoption: July 14, 1989

For further information, please call: (512) 458-0100

◆ ◆ ◆  
**TITLE 22. EXAMINING  
BOARDS**

**Part IV. Texas  
Cosmetology  
Commission**

**Chapter 89. General Provisions**

• 22 TAC §89.72

The Texas Cosmetology Commission proposes an amendment to §89.72, concerning curriculum. The amendment is proposed in order to clarify the intent of the section. The effect of the amendment will be to save confusion due to misinterpretation of the language in the section.

Ron Resech, executive director, 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. Resech also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be to save confusion due to misinterpretation of the language of the section. 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 Laura Donges, Administrative Assistant, 1111 Rio Grande, Austin, Texas 78701.

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

**§89.72. Curriculum.** The curricula listed in paragraphs (1) and (2) have been established by the Texas Cosmetology Commission and must be followed by all beauty culture schools. The curriculum shall be posted in a conspicuous place in the school. A current syllabus and lesson plan for each course shall be maintained by the school and be available for inspection.

(1) Operator Curriculum.

(A) (No Change.)

(B) Public School Vocational Program. The principal or vocational administrator must certify that each student has successfully completed 500 hours of approved academic courses accrued at the rate of 250 hours for each 500 hours of completed hours in cosmetology before credit can be granted by the Texas Cosmetology Commission. Approved courses are English, math, and lab sciences. At least one course in each area must be certified.

(i)-(ix) (No Change.)

(2) (No Change.)

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

Issued in Austin, Texas, on May 26, 1989.

TRD-8905003 Ron Resech  
Executive Director  
Texas Cosmetology  
Commission

Earliest possible date of adoption: July 14, 1989

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

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**Part V. State Board of  
Dental Examiners  
Chapter 115. Extension of  
Duties of Auxiliary  
Personnel**

• 22 TAC §115.10

The Texas State Board of Dental Examiners proposes an amendment to §115.10, concerning radiologic procedures. The board is proposing this amendment because the agency does not have all the material ready to administer and grade the examination before the deadline date of July 1, 1989. The board is proposing to extend the deadline to August 31, 1989.

Crockett Camp, executive director, 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. Camp 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 assurance that the agency is conducting the examination portion of the radiology procedures in an effective and efficient manner. 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 Crockett Camp, Executive Director, 8317 Cross Park Drive, Suite 400, Austin, Texas 78754.

The amendment is proposed under Texas Civil Statutes, Article 4551d, which provide the Texas State Board of Dental Examiners with the authority to adopt and enforce such rules and regulations not inconsistent with the laws of the state as may be necessary for the performance of its duties and/or to ensure compliance with the state laws relating to the practice of dentistry to protect the public health and safety.

**§115.10. Radiologic Procedures.**

(a)-(f) (No change.)

(g) As of December 31, 1988, presently employed assistants, who are qualified under this section, will have until August 31, 1989, [July 1, 1989] to successfully pass the examination.

(h)-(n) (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 June 6, 1989.

TRD-8905027 Crockett Camp  
Executive Director  
Texas State Board of  
Dental Examiners

Earliest possible date of adoption: July 14, 1989

For further information, please call: (512) 834-6021

◆ ◆ ◆

## TITLE 25. HEALTH SERVICES

### Part I. Texas Department of Health

#### Chapter 229. Food and Drug

##### Pesticides in Food

###### • 25 TAC §229.334

The Texas Department of Health proposes new §229.334, concerning a memorandum of understanding (MOU) covering the testing for pesticide in food. The new section enables the department to comply with House Bill 1732, 69th Texas Legislature, 1985, which requires the department to adopt an MOU between the Texas Department of Health and the Texas Department of Agriculture to improve and increase the cooperation, coordination, and exchange of information in the testing for pesticide residues in raw and processed agricultural products.

The MOU sets forth an agreement that commits each agency to share appropriate information which is essential to both parties in order that they may carry out their respective responsibilities. In recognition of the legislature's expressed wish, the United States Food and Drug Administration's (FDA) Southwest Region and the Agricultural Experiment Station, Office of the Texas State Chemist, College Station, have consented to join as parties to this MOU.

Stephen Seale, Chief Accountant III, has determined that for the first five-year period the section will be in effect there will be no fiscal implications to state or local government or small businesses as a result of enforcing or administering the section as proposed.

Mr. Seale 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 that the general public will be better served through the coordination and sharing of pesticide monitoring data. There is no anticipated economic cost to individuals who are required to comply with the section.

Comments on the proposal may be submitted to Dennis E. Baker, Director, Division of Food and Drugs, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7248. Comments will be accepted for 30 days from the date of publication of the proposed section.

The new section is proposed under Texas Civil Statutes, Article 4476-5, §24(g), which require the Texas Board of Health to adopt by rule a memorandum of understanding between the department and other agencies to improve and increase the cooperation, coordination, and sharing of pesticide monitoring data concerning residues in new and processed agricultural products of mutual interest; and Article 4414b, §1.05, which provide the Texas Board of Health with the authority to adopt rules for the performance of every duty imposed by law on the Texas Board of Health, the Texas Department of Health, and the commissioner of health.

###### §229.334. Memorandum of Understanding Covering the Testing for Pesticide in Food.

(a) The Texas Department of Health adopts by reference a memorandum of understanding (MOU) covering the positive results of testing conducted for pesticide in food. The MOU is entered into between the Texas Department of Health, Texas Department of Agriculture, Southwest Region of the United States Food and Drug Administration, and the Office of the Texas State Chemist of the Texas Agricultural Experiment Station.

(b) Copies of the MOU are filed in the office of Division of Food and Drugs, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756, and may be reviewed during regular business hours.

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 June 7, 1989.

TRD-8905053

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

Proposed date of adoption: August 12, 1989

For further information, please call: (512) 458-7248.

## Part VII. Texas Medical Disclosure Panel

### Chapter 601. Informed Consent

#### Medical Treatments and Surgical Procedures

##### Established by the Texas Medical Disclosure Panel

###### • 25 TAC §601.1

The Texas Medical Disclosure Panel proposes an amendment to §601.1, concerning procedures requiring full disclosure (List A). As part of this proposed amendment, the panel also proposes amendments to List A itself, which the panel has adopted by reference in §601.1. List A covers the medical treatments and surgical procedures which physicians and health care providers are required to disclose to patients or persons authorized to consent for the patients.

The proposed amendment to §601.1 itself will show the date of the amendment. The proposed amendment to List A will be to §601.1.17 in the list concerning psychiatric procedures. The amendment will identify the procedure and list the related risks concerning electroconvulsive therapy with modification by intravenous muscle relaxants and sedatives.

The Medical Liability and Insurance Improvement Act, Texas Civil Statutes, Article 4590i, §6.04, requires that any amendments to List A in §601.1 be published in the *Texas Register*. Since List A is adopted by reference in

§601.1, the actual proposed amendment to List A itself is being published in the In Addition area of this issue of the *Texas Register*.

James H. Duke, Jr., M.D., chairman, Texas Medical Disclosure Panel, has determined that for the first five-year period that the section will be in effect there will be no fiscal implications to state or local government or small businesses as a result of enforcing or administering the section as proposed. In some cases concerning hospitals which are small businesses, there may be a cost for forms and related paperwork but the cost will vary in each case and will be extremely minimal.

Dr. Duke also has determined that for each year of the first five years that the section will be in effect the public benefit anticipated as a result of enforcing the section as proposed will be that providers of medical care will be made aware of the psychiatric procedure, including the related risk, concerning electroconvulsive therapy with modification by intravenous muscle relaxants and sedatives. There is no anticipated economic cost to persons who are required to comply with the section as proposed. In some cases an individual physician may have costs for forms and paperwork but the cost will vary with each physician and will be extremely minimal.

Comments may be submitted to Nancy Kerrigan, Director, Health Facility Licensure and Certification Division, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756. Comments will be accepted for 30 days after publication of the proposed amendment in the *Texas Register*.

This amendment is proposed under Texas Civil Statutes, Article 4590i, §6.04, which authorize the Texas Medical Disclosure Panel to adopt a list, including amendments, of medical treatments and surgical procedures which physicians and health care providers are required to disclose to patients or persons authorized to consent for the patients.

###### §601.1. Procedures Requiring Full Disclosure (List A).

(a) (No change.)

(b) The Texas Medical Disclosure panel adopts by reference the list of medical treatments and surgical procedures requiring full disclosure, as amended August 1989 [May 1988]. The list is indexed and filed in the office of the Texas Medical Disclosure Panel, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756, and is available for public inspection during regular working hours.

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 June 6, 1989.

TRD-8905022

James H. Duke, Jr., M.D.  
Chairman  
Texas Medical Disclosure  
Panel

Earliest possible date of adoption: July 14, 1989

For further information, please call: (512) 458-7245.

**TITLE 31. NATURAL  
RESOURCES AND  
CONSERVATION  
Part I. General Land  
Office**

**Chapter 3. Energy Resources**

**Payment of Royalties; Filing  
of Reports; Failure to Pay;  
Penalties and Forfeiture**

**• 31 TAC §§3.1-3.12, 3.14, 3.15**

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

The General Land Office proposes the repeals of §§3.1-3.12, 3.14, 3.15, concerning payment of royalties, filing of reports, failure to pay, penalties and forfeiture, and temporary reduction of gas royalty rates. The General Land Office proposes the repeals in order to further its policy of reorganizing administrative rules into a more accessible and logical structure. The subject matter of these repeals will be included in new Chapter 9 concerning oil and gas exploration and leasing.

Jim Phillips, general counsel, has determined that there will be fiscal implications as a result of enforcing or administering the repeals. There will be no effect on state or local government for the first five-year period the repeals will be in effect and no cost of compliance for small businesses.

Mr. Phillips also has determined that for each year of the first five years the repeals are in effect, the public benefit anticipated as a result of enforcing the repeals will be increased governmental and administrative efficiency due to reorganization of the administrative rules. There is no anticipated economic cost to individuals who are required to comply with the proposed repeals.

Comments on the proposal may be submitted to Jim Phillips, General Counsel, General Land Office, 1700 North Congress Avenue, Austin, Texas 78701.

The repeals are proposed under the Natural Resources Code, §31.051, which authorizes the commissioner of the General Land Office to make and enforce suitable rules consistent with the law.

**§3.1. Oil and Gas Royalties and Reports.**

**§3.2. Form of Payment.**

**§3.3. Royalty Summary with General Land Office Lease Numbers.**

**§3.4. Royalties Paid by Purchaser or Other Nonlessee.**

**§3.5. Responsibility of Lessee.**

**§3.6. In-kind Royalties and Reports.**

**§3.7. Shut-in Oil or Gas Royalties.**

**§3.8. Compensatory Royalties.**

**§3.9. Partial Payment.**

**§3.10. Basis for Computing Royalties.**

**§3.11. Penalties.**

**§3.12. Forfeiture of Rights.**

**§3.14. Notice of Termination.**

**§3.15. Temporary Reduction of Gas Royalty Rates.**

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 June 6, 1989.

TRD-8905039

Gary Mauro  
Commissioner  
General Land Office

Earliest possible date of adoption: July 14, 1989

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

**Records to be Filed;  
Commingling of Production  
Requests**

**• 31 TAC §§3.21, 3.23-3.25**

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

The General Land Office proposes the repeals of §§3.21, 3.23-3.25, concerning records to be filed, commingling of production requests. The General Land Office proposes the repeals in order to further its policy of reorganizing administrative rules into a more accessible and logical structure. The subject matter of these repeals will be included in new Chapter 9 concerning oil and gas exploration and leasing.

Jim Phillips, general counsel, has determined that for the first five-year period the proposed repeals are in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the repeals.

Mr. Phillips also has determined that for each year of the first five years the repeals are in effect the public benefit anticipated as a result of enforcing the repeals will be increased governmental and administrative efficiency due to reorganization of the administrative rules. There is no anticipated economic cost

to individuals who are required to comply with the repeals as proposed.

Comments on the proposal may be submitted to Jim Phillips, General Counsel, General Land Office, 1700 North Congress Avenue, Austin, Texas 78701.

The repeals are proposed under the Natural Resources Code, §31.051, which authorizes the commissioner to make and enforce suitable rules consistent with the law.

**§3.21. Assignments and Releases.**

**§3.23. Well Records.**

**§3.24. Other Records.**

**§3.25. Commingling of Production Requests.**

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 June 6, 1989.

TRD-8905040

Gary Mauro  
Commissioner  
General Land Office

Earliest possible date of adoption: July 14, 1989

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

**Rentals; Minimum Royalties**

**• 31 TAC §§3.31-3.34**

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

The General Land Office proposes the repeals of §§3.31-3.34, concerning rentals, minimum royalties. The General Land office proposes the repeals in order to further its policy of reorganizing administrative rules into a more accessible and logical structure. The subject matter of these repeals will be included in new Chapter 9 concerning oil and gas exploration and leasing.

Jim Phillips, general counsel, has determined that for the first five-year period the proposed repeals are in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the repeals.

Mr. Phillips also has determined that for each year of the first five years the repeals are in effect the public benefit anticipated as a result of enforcing the repeals will be increased governmental and administrative efficiency due to reorganization of the administrative rules. There is no anticipated economic cost to individuals who are required to comply with the repeals as proposed.

Comments on the proposal may be submitted to Jim Phillips, General Counsel, General Land Office, 1700 North Congress Avenue,



Austin, Texas 78701.

The repeals are proposed under the Natural Resources Code, §31.051, which authorizes the commissioner to make and enforce suitable rules consistent with the law.

§3.31. *Due Date.*

§3.32. *Payment of Rentals.*

§3.33. *Partial Rental Payments.*

§3.34. *Certification of Sufficient Royalties.*

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 June 6, 1989.

TRD-8905041 Garry Mauro  
Commissioner  
General Land Office

Earliest possible date of adoption: July 14, 1989

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

◆ ◆ ◆  
**Prior Months' Adjustment;  
Credits**

◆ ◆ ◆  
• 31 TAC §§3.41-3.43

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

General Land Office proposes the repeals of §§3.41-3.43, concerning prior months' adjustment and credits. The General Land Office proposes the repeals in order to further its policy of reorganizing administrative rules into a more accessible and logical structure. The subject matter of these repeals will be included in new Chapter 9 concerning oil and gas exploration and leasing.

Jim Phillips, general counsel, has determined that for the first five-year period the proposed repeals are in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the repeals.

Mr. Phillips also has determined that for each year of the first five years the repeals are in effect the public benefit anticipated as a result of enforcing the repeals will be increased governmental and administrative efficiency due to reorganization of the administrative rules. There is no anticipated economic cost to individuals who are required to comply with the repeals as proposed.

Comments on the proposal may be submitted to Jim Phillips, General Counsel, General Land Office, 1700 North Congress Avenue, Austin, Texas 78701.

The repeals are proposed under the Natural Resources Code, §31.051, which authorizes the commissioner of the General Land Office

to make and enforce suitable rules consistent with the law.

◆ ◆ ◆  
§3.41. *Prior Months' Adjustment.*

◆ ◆ ◆  
§3.42. *Credits.*

◆ ◆ ◆  
§3.43. *Credits and Refunds Due to BTU Measurement Adjustments.*

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 June 6, 1989.

TRD-8905042 Garry Mauro  
Commissioner  
General Land Office

Earliest possible date of adoption: July 14, 1989

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

◆ ◆ ◆  
**Gas Contracts**

◆ ◆ ◆  
• 31 TAC §3.51, §3.52

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

The General Land Office proposes the repeals of §3.51 and §3.52 concerning gas contracts. The General Land Office proposes the repeals in order to further its policy of reorganizing administrative rules into a more accessible and logical structure. The subject matter of these repeals will be included in new Chapter 9 concerning oil and gas exploration and leasing.

Jim Phillips, general counsel, has determined that for the first five-year period the proposed repeals are in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the repeals.

Mr. Phillips also has determined that for each year of the first five years the repeals are in effect the public benefit anticipated as a result of enforcing the repeals will be increased governmental and administrative efficiency due to reorganization of the administrative rules. There is no anticipated economic cost to individuals who are required to comply with the repeals as proposed.

Comments on the proposal may be submitted to Jim Phillips, General Counsel, General Land Office, 1700 North Congress Avenue, Austin, Texas 78701.

The repeals are proposed under the Natural Resources Code, §31.051, which authorizes the commissioner to make and enforce suitable rules consistent with the law.

◆ ◆ ◆  
§3.51. *Contracts.*

◆ ◆ ◆  
§3.52. *Gas Contracts Brief (Form MA-5).*

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 June 6, 1989.

TRD-8905043 Garry Mauro  
Commissioner  
General Land Office

Earliest possible date of adoption: July 14, 1989

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

◆ ◆ ◆  
**Reporting Oil and Condensate  
Production**

◆ ◆ ◆  
• 31 TAC §3.61

(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 General Land Office or in the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brazos Street, Austin.)

The General Land Office proposes the repeal of §3.61, concerning reporting oil and condensate production. The General Land Office proposes the repeal in order to further its policy of reorganizing administrative rules into a more accessible and logical structure. The subject matter of this repeal will be included in new Chapter 9 concerning oil and gas exploration and leasing.

Jim Phillips, general counsel, 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. Phillips 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 will be increased governmental and administrative efficiency due to reorganization of the administrative rules. 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 Jim Phillips, General Counsel, General Land Office, 1700 North Congress Avenue, Austin, Texas 78701.

The repeal is proposed under the Natural Resources Code, §31.051, which authorizes the commissioner to make and enforce suitable rules consistent with the law.

◆ ◆ ◆  
§3.61. *Reporting Oil and Condensate Production.*

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 June 6, 1989.

TRD-8905044 Garry Mauro  
Commissioner  
General Land Office

Earliest possible date of adoption: July 14, 1989

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

## Reporting Gas Production

### • 31 TAC §3.71

*(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 General Land Office or in the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brazos Street, Austin.)*

The General Land Office proposes the repeal of §3.71, concerning reporting gas production. The General Land Office proposes the repeal in order to further its policy of reorganizing administrative rules into a more accessible and logical structure. The subject matter of this repeal will be included in new Chapter 9 concerning oil and gas exploration and leasing.

Jim Phillips, general counsel, 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. Phillips 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 will be increased governmental and administrative efficiency due to reorganization of the administrative rules. 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 Jim Phillips, General Counsel, General Land Office, 1700 North Congress Avenue, Austin, Texas 78701.

The repeal is proposed under the Natural Resources Code, §31.051, which authorizes the commissioner to make and enforce suitable rules consistent with the law.

### §3.71. Reporting Gas Production.

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 June 6, 1989.

TRD-8905045      Gary Mauro  
Commissioner  
General Land Office

Earliest possible date of adoption: July 14, 1989

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

## Chapter 9. Exploration and Development

### Exploration of State Lands with Geophysical Instruments

#### • 31 TAC §9.21

*(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 General Land Office or in the Texas Register office, Room 245, James Earl Rudder Building,*

*1019 Brazos Street, Austin.)*

The General Land Office proposes the repeal of §9.21 concerning permit applications. The General Land Office proposes the repeal in order to further its policy of reorganizing administrative rules into a more accessible and logical structure. The subject matter of this repeal will be included in new Chapter 9 concerning oil and gas exploration and development.

Jim Phillips, general counsel, 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. Phillips 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 will be increased governmental and administrative efficiency due to reorganization of the administrative rules. 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 Jim Phillips, General Counsel, General Land Office, 1700 North Congress Avenue, Austin, Texas 78701.

The repeal is proposed under the Natural Resources Code, §31.051, which authorizes the commissioner to make and enforce suitable rules consistent with the law.

### §9.21. Permit Applications.

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 June 6, 1989.

TRD-8905046      Gary Mauro  
Commissioner  
General Land Office

Earliest possible date of adoption: July 14, 1989

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

## Chapter 153. Exploration and Development

### Unitization of State Lands

#### • 31 TAC §§153.11-153.15

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

The School Land Board proposes the repeals of §§153.11-153.15, concerning unitization of state lands. The School Land Board proposes the repeals in order to further its policy of reorganizing administrative rules into a more accessible and logical structure. The subject matter of these repeals shall be contained in new Chapter 9 concerning oil and gas exploration and leasing.

Jim Phillips, general counsel, has determined

that for the first five-year period the proposed repeals are in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the repeals.

Mr. Phillips also has determined that for each year of the first five years the repeals are in effect the public benefit anticipated as a result of enforcing the repeals will be increased governmental and administrative efficiency due to restructuring of the rule system. There is no anticipated economic cost to individuals who are required to comply with the repeals as proposed.

Comments on the proposal may be submitted to Jim Phillips, General Counsel, General Land Office, 1700 North Congress Avenue, Austin, Texas 78701.

The repeals are proposed under the Natural Resources Code, §32.062, which authorizes the commissioner to make and enforce suitable rules consistent with the law.

### §153.11. Procedure for Pooling of the State's Royalty Interest in Oil and Gas.

### §153.12. Authorization to Operate Areas as Units.

### §153.13. Approval of Unit Agreements.

### §153.14. Agreement Provisions.

### §153.15. Dissolution or Termination of Unit.

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 June 6, 1989.

TRD-8905047      Gary Mauro  
Chairman  
School Land Board

Earliest possible date of adoption: July 14, 1989

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

## Operations on Permanent School Fund Lands

#### • 31 TAC §§153.21-153.37

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

The School Land Board proposes the repeals of §§153.21-153.37 concerning operations on permanent school fund lands. The School Land Board proposes the repeals in order to further its policy of reorganizing administrative rules into a more accessible and logical structure. The subject matter of these repeals shall be contained in new Chapter 9 concerning oil and gas exploration and leasing.

Jim Phillips, general counsel, has determined

that for the first five-year period the proposed repeals are in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the repeals.

Mr. Phillips also has determined that for each year of the first five years the repeals are in effect the public benefit anticipated as a result of enforcing the repeals will be increased governmental and administrative efficiency due to restructuring of the rule system. There is no anticipated economic cost to individuals who are required to comply with the repeals as proposed.

Comments on the proposal may be submitted to Jim Phillips, General Counsel, General Land Office, 1700 North Congress Avenue, Austin, Texas 78701.

The repeals are proposed under the Natural Resources Code, §32.062, which authorizes the commissioner to make and enforce suitable rules consistent with the law.

§153.21. *Written Notice.*

§153.22. *Governmental Requirements.*

§153.23. *Access.*

§153.24. *Lessee Responsibility.*

§153.25. *Report of Spills.*

§153.26. *Waste Disposal.*

§153.27. *Salt Water and Mud Disposal.*

§153.28. *Separator Required.*

§153.29. *Pipe Lines.*

§153.30. *Federal Regulation.*

§153.31. *Pipeline Leaks.*

§153.32. *Identification.*

§153.33. *Signal Lights.*

§153.34. *Abandonment.*

§153.35. *Exceptions.*

§153.36. *Conflict of Rules.*

§153.37. *Suspension of Oil and Gas Leases (Except Leases under Natural Resources Code, Chapter 52, Subchapter F).*

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 June 6, 1989.

TRD-8905048

Garry Mauro  
Chairman  
School Land Board

Earliest possible date of adoption: July 14, 1989

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

## Highway Right-of-Way Leases

• 31 TAC §§153.61-153.66, 153.71

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

The School Land Board proposes the repeals of §§153.61-153.66 concerning highway right-of-way leases, and §153.71, concerning temporary reduction of gas royalty rates. The School Land Board proposes the repeals in order to further its policy of reorganizing administrative rules into a more accessible and logical structure. The subject matter of these repeals shall be contained in new Chapter 9 concerning oil and gas exploration and leasing.

Jim Phillips, has determined that for the first five-year period the proposed repeals are in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the repeals.

Mr. Phillips also has determined that for each year of the first five years the repeals are in effect the public benefit anticipated as a result of enforcing the repeals will be increased governmental and administrative efficiency due to restructuring of the rule system. There is no anticipated economic cost to individuals who are required to comply with the repeals as proposed.

Comments on the proposal may be submitted to Jim Phillips, General Land Office, Legal Services, Room 630, 1700 North Congress Avenue, Austin, Texas 78701.

The repeals are proposed under the Natural Resources Code, §32.062, which provides the School Land Board with the authority to adopt rules for the sale and lease of land subject to its jurisdiction.

§153.61. *Locating a Highway Right-of-Way Tract Subject to Lease.*

§153.62. *Initiating the Leasing Process.*

§153.63. *Notifying Adjacent Mineral Owners.*

§153.64. *Preferentially Leasing to Adjacent Mineral Owners.*

§153.65. *Leasing Directly to Applicant or by Sealed Bid.*

§153.66. *Issuing the Leases.*

## §153.71. *Temporary Reduction of Gas Royalty Rates.*

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 June 6, 1989.

TRD-8905048

Garry Mauro  
Chairman  
School Land Board

Earliest possible date of adoption: July 14, 1989

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

## TITLE 34. Public Finance Part IV. Employees Retirement System of Texas

### Chapter 81. Insurance

• 34 TAC §81.7

The Employees Retirement System of Texas proposes an amendment to §81.7, concerning enrollment and participation. The proposed amendment will clarify the intent of the rules that a specified participant, who is enrolled in an approved Health Maintenance Organization (HMO) and permanently moved out of the HMO's service area, is eligible to enroll in the insured plan, without evidence of insurability and preexisting conditions limitation, only if the participant's new permanent residence is not located within the service area of another approved HMO.

William S Nail, general counsel, 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 Nail 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 that as a result of the clarification, participants will be aware of their enrollment options when they move out of the service area of the approved HMO in which he or she is enrolled. 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 William S Nail, General Counsel, Employees Retirement System of Texas, P.O. Box 13207, Austin, Texas 78711-3207.

The amendment is proposed under the Texas Insurance Code, Article 350-2, §4, which provide the Employees Retirement System of Texas with the authority to promulgate all rules, regulations, plans, procedures, and orders reasonably necessary to implement and carry out the purposes and provisions of the Texas Employees Uniform Group Insurance Benefits Act.

§81.7. *Enrollment and Participation.*

(a)-(e) (No change.)

(f) Changes in coverages beyond the first 31 days of eligibility.

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

(5) An employee, [or] retiree [(and his or her covered dependents)], COBRA continuant, surviving spouse, TRS annuitant, ORP annuitant, elected state official, former member or employee of the legislature, or judge, who is enrolled in an approved HMO and [who] permanently moves his or her place of residence out of the HMO's [an approved HMO] service area to a location where he or she is no longer eligible to be enrolled in any approved HMO, will be allowed to enroll in the health insurance plan and other optional coverages held immediately prior to the date of change in residence. Coverage in the HMO will be cancelled on the last day of the month in which the previously described participant [employee or retiree] moved from the service area, and the coverages in the insured health benefits plan will become effective on the day following the day HMO coverage is cancelled. The evidence of insurability rule shall not apply in these cases. The pre-existing condition limitation shall apply if the return to the health insurance plan occurs within 12 months of the initial date of coverage under the current term of employment, as defined in subsection (b)(3) of this section.

(6)-(8) (No change.)

(g)-(i) (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 June 5, 1989.

TRD-8904981 Clayton T. Garrison  
Executive Director  
Employees Retirement  
System of Texas

Earliest possible date of adoption: July 14, 1989

For further information, please call: (512) 476-6431, ext. 213

◆ ◆ ◆  
*(Editor's Note: The Employees Retirement System of Texas 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 Employees Retirement System of Texas proposes an amendment to §81.7, concerning enrollment and participation. Recent revisions to this section inserted two additional paragraphs, but failed to address the need to correct a reference within a renumbered paragraph. The current proposal makes the necessary corrections

William S. Nail, general counsel, 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. Nail 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 that the proposal makes a technical correction of reference in a previously adopted section so persons using rules will be cited to the correct subsection and will properly cite the correct subsection. 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 William S. Nail, General Counsel, Employees Retirement System of Texas, P.O. Box 13207, Austin, Texas 78711-3207.

The amendment is proposed under the Texas Insurance Code, Article 3.50-2, §4, which provide the Employees Retirement System of Texas with the authority to promulgate all rules, regulations, plans, procedures, and orders reasonably necessary to implement and carry out the purposes and provisions of the Texas Employees Uniform Group Insurance Benefits 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 June 5, 1989.

TRD-8904977 Clayton T. Garrison  
Executive Director  
Employees Retirement  
System of Texas

Earliest possible date of adoption: July 14, 1989

For further information, please call: (512) 476-6431, ext. 213

## ◆ ◆ ◆ Chapter 85. Flexible Benefits

### • 34 TAC §85.7

The Employees Retirement System of Texas proposes an amendment to §85.7, concerning a proposed amendment to §85.7, concerning rules governing the Flexible Benefits (Cafeteria Plan) Program. The proposed amendment is intended to comply with the Internal Revenue Code, §125 proposed regulations which were issued on March 2, 1989, broadening the existing family status change events to include employee and spouse changing from full-time to part-time or from part-time to full-time employment status and when a spouse experiences significant change in health insurance coverage attributable to gaining employment.

Daniel N. Stewart, deputy director for programs, 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. Stewart 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 that the Flexible Benefits (Cafeteria Plan) Program will operate in compliance with federal tax laws and

that program participants will be informed of the applicable federal law changes. 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 Daniel N. Stewart, Deputy Director for Programs, Employees Retirement System of Texas, 18th and Brazos Street, Austin, Texas 78711-3207.

The amendment is proposed under the Texas Insurance Code, Article 350.2, §4(k) which provide the trustees of the Employees Retirement System of Texas with the authority to promulgate all rules and regulations necessary to implement and to administer a Flexible Benefits (Cafeteria Plan) Program for state employees.

### §85.7. Enrollment.

(a)-(b) (No change.)

(c) Benefit election irrevocable except for change in family status.

(1) An election to participate shall be irrevocable during the plan year unless a change in family status has occurred. A change in family status includes marriage, divorce, death of spouse or dependent, birth or adoption of a child, termination of or obtaining employment by a spouse, change from full-time to part-time or part-time to full-time employment status by employee or spouse, significant change in health insurance coverage attributable to spouse gaining employment, and any such events as may be determined by the plan administrator and the Employees Retirement System of Texas.

(2)-(4) (No change.)

(d)-(g) (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 June 5, 1989.

TRD-8904979 Clayton T. Garrison  
Executive Director  
Employees Retirement  
System of Texas

Earliest possible date of adoption: July 14, 1989

For further information, please call: (512) 476-6431

# TITLE 40. SOCIAL SERVICES AND ASSISTANCE

## Part I. Texas Department of Human Services

### Chapter 5. Medicaid Programs for Aliens

#### Subchapter A. Medicaid Benefits for Temporarily Legalized Aliens

##### • 40 TAC §5.1002

The Texas Department of Human Services (DHS) proposes an amendment to §5.1002, concerning the legal basis for Medicaid eligibility of temporarily legalized aliens. The proposal permits aliens admitted to the United States under the Immigration and Nationality Act, §210 and §210A to be eligible for Medicaid benefits, if they are otherwise eligible for Medicaid. These aliens are special agricultural workers

Burton F. Raiford, deputy commissioner for support operations, has determined that for the first five-year period the proposed section will be in effect there will be fiscal implications as a result of enforcing or administering the section. The effect on state government for the first five-year period the section will be in effect is an estimated additional cost of \$19,516 in fiscal year 1989; \$21,433 in fiscal year 1990; \$23,980 in fiscal year 1991; \$24,218 in fiscal year 1992; and \$25,209 in fiscal year 1993. There is no anticipated effect on local government 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 section is in effect the public benefit anticipated as a result of enforcing the section will be expansion of Medicaid program benefits to assist more needy individuals. There is no anticipated economic cost to individuals who are required to comply with the proposed section.

Comments on the proposal may be submitted to Cathy Rossberg, Administrator, Policy Development Services Division-298, 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 amendment is proposed under the Human Resources Code, Title 2, Chapters 22 and 32, which provides the department with the authority to administer public and medical assistance programs.

**§5.1002. Legal Basis.** Aliens lawfully admitted for temporary residence in the United States under the Immigration and Nationality Act, §§210, 210A, or 245A are eligible for Medicaid coverage if they are otherwise qualified for Medicaid and:

- (1)-(3) (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 June 7, 1989.

TRD-8905051 Charles Stevenson  
Acting Commissioner  
Texas Department of  
Human Services

Proposed date of adoption: August 1, 1989

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

### Chapter 73. Civil Rights

#### Subchapter PP. Hearing Procedure

The Texas Department of Human Services (DHS) proposes an amendment to §73.4109 and proposes new §73.4114 and §73.4115 concerning the hearing record and decision, the effect of nondetermination of intentional program violation, and consolidation of administrative disqualification hearings and fair hearings. The amendment to §73.4109 clarifies the hearing officer's duties and responsibilities. New §73.4114 describes the hearing officer's procedure if he finds no intentional program violation, and new §73.4115 describes the conditions under which the hearing officer may combine two hearings.

Burton F. Raiford, deputy commissioner for support operations, has determined that for the first five-year period the proposed sections 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 sections.

Mr. Raiford also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be that the hearing process will operate more efficiently. There is no anticipated economic cost to individuals who are required to comply with the proposed sections.

Comments on the proposal may be submitted to Cathy Rossberg, Administrator, Policy Development Services Division-191, Texas Department of Human Services 222-E, P.O. Box 149030, Austin, Texas 78714-9030, within 30 days of publication in the *Texas Register*.

##### • 40 TAC §73.4109

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

**§73.4109. The Hearing Record and Decision.**

- (a) (No change.)
- (b) The hearing officer sends written notification of the decision to the household or to the appropriate DHS staff as indicated in §73.4111 of this title (relating to Notification of Hearing Decision). The

hearing officer's decision:

(1) specifies the reasons for the decision. If the case is dismissed because the household member did not receive notice of the hearing, the hearing officer specifies that the case is dismissed without prejudice.

- (2)-(3) (No change.)

- (c) (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 June 6, 1989.

TRD-8905014 Charles Stevenson  
Acting Commissioner  
Texas Department of  
Human Services

Proposed date of adoption: August 1, 1989

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

##### • 40 TAC §73.4114, §73.4115

The new sections are proposed under the Human Resources Code, Title 2, Chapter 22, which provides the department with the authority to administer public assistance programs.

**§73.4114. Effect of Nondetermination of Intentional Program Violation.** If a hearing officer finds that the household member did not commit an intentional program violation, the hearing officer determines whether or not there was an overissuance and determines that the case involved either:

- (1) client error or misunderstanding, or
- (2) agency error.

**§73.4115. Consolidation of Administrative Disqualification Hearings and Fair Hearings.**

(a) The hearing officer may combine a fair hearing and an administrative disqualification hearing to settle the amount of the claim at the same time as determining whether or not an intentional program violation has occurred. To do this, the following conditions must exist:

(1) the factual issues arise out of the same, or related, circumstances and the household receives advance notice that the hearings will be combined; and

(2) disqualification hearing procedures are adhered to

(b) At the household's request, the hearing officer must allow the household to waive the 30-day advance notice period required when a disqualification hearing and

fair hearing are combined. If the household does not receive advance notice that the hearings will be combined, but decides to waive the advance notice requirement, the hearing officer will have the household member sign a waiver of notice. The hearing officer then proceeds with a fair hearing on the claim.

(c) When the disqualification hearings and fair hearings are combined and the household does not waive the advance notice requirements, the hearing officer follows the timeframes for conducting disqualification hearings.

(d) When the hearings are combined to settle the amount of the claim while determining whether or not intentional program violation has occurred, the household loses its right to a subsequent fair hearing on the amount of the claim.

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

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

TRD-8905013 Charles Stevenson  
Acting Commissioner  
Texas Department of  
Human Services

Proposed date of adoption: August 1, 1989

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

◆ ◆ ◆  
**Chapter 79. Legal Services**  
**Subchapter M. Appeals**  
**Process**

The Texas Department of Human Services (DHS) proposes amendments to §§79.1203, 79.1207, and 79.1208 and proposes new §79.1210, concerning the hearing officer, time and place of hearing, level-of-care hearings, and notice in preadmission screening and annual resident reviews. The purpose of the amendments is to clarify the designation of an alternate hearing officer, when an individual may appeal, and appeals involving a level-of-care recommendation.

Burton F. Raiford, deputy commissioner for support operations, has determined that for the first five-year period the sections 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 sections.

Mr. Raiford also has determined that for each year of the first five years the sections are

in effect the public benefit anticipated as a result of enforcing the sections will be more efficient operation of the fair hearings process. There is no anticipated economic cost to individuals who are required to comply with the proposed sections.

Comments on the proposal may be submitted to Cathy Rossberg, Administrator, Policy Development Services Division-191, Texas Department of Human Services 222-E, P.O. Box 149030, Austin, Texas 78714-9030, within 30 days of publication in the *Texas Register*.

◆ ◆ ◆  
• **40 TAC §§79.1203, 79.1207, 79.1208**

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

**§79.1203. Hearing Officer.**

(a)-(b) (No change.)

(c) Alternate hearing officer. The hearing officer may believe that there are grounds to disqualify himself from the hearing or that his impartiality has been questioned. If so, he refers the case to an alternate hearing officer or the regional attorney. The regional attorney decides if the hearing officer should be disqualified. If necessary, the regional attorney designates a new hearing officer. [The hearing officer may believe there are grounds to disqualify him from holding the hearing or that his impartiality is questionable. If so, the regional attorney decides if the hearing officer should be disqualified, and an alternate hearing officer is appointed.]

(d) (No change.)

**§79.1207. Time and Place of Hearing.**

(a) The appellant has a right to file an appeal within 90 days from the effective date of the decision or from the notice of adverse action date, whichever is later.

(b)-(f) (No change.)

**§79.1208. [Notice for] Level-of-Care Hearings.**

(a) If a level of care is recommended and the recommendation states that the Texas Department of Health concurs with the recommendation, the hearing officer may grant a level of care without conducting a hearing. The appel-

lant must withdraw the appeal if a level of care is granted without conducting a hearing.

(b) In some circumstances, the hearing officer may reverse the decision and retroactively grant a level of care, even though the decision was correct when originally made by the long-term care unit [LTCU].

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 June 6, 1989.

TRD-8905012 Charles Stevenson  
Acting Commissioner  
Texas Department of  
Human Services

Proposed date of adoption: August 1, 1989

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

◆ ◆ ◆  
• **40 TAC §79.1210**

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

**§79.1210. Notice in Preadmission Screening and Annual Resident Reviews.** The hearing officer schedules appeal hearings involving a preadmission screening and annual resident review with the appropriate specialist at the Texas Department of Mental Health and Mental Retardation. The DHS medical review team reassesses the information and notifies the hearing officer of its recommendation.

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 June 6, 1989.

TRD-8905015 Charles Stevenson  
Acting Commissioner  
Texas Department of  
Human Services

Proposed date of adoption: August 1, 1989

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

# Withdrawn Sections

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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*.

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## TITLE 22. EXAMINING BOARDS

### Part XXII. Texas State Board of Public Accountancy

#### Chapter 501. Professional Conduct

##### General Provisions

###### • 22 TAC §501.2

The Texas State Board of Public Accountancy has withdrawn from consideration for permanent adoption a proposed amendment to §501.2 which appeared in the December 9, 1988, issue of the *Texas Register* (13 TexReg 6069). The effective date of this withdrawal is June 6, 1989.

Issued in Austin, Texas, on June 6, 1989

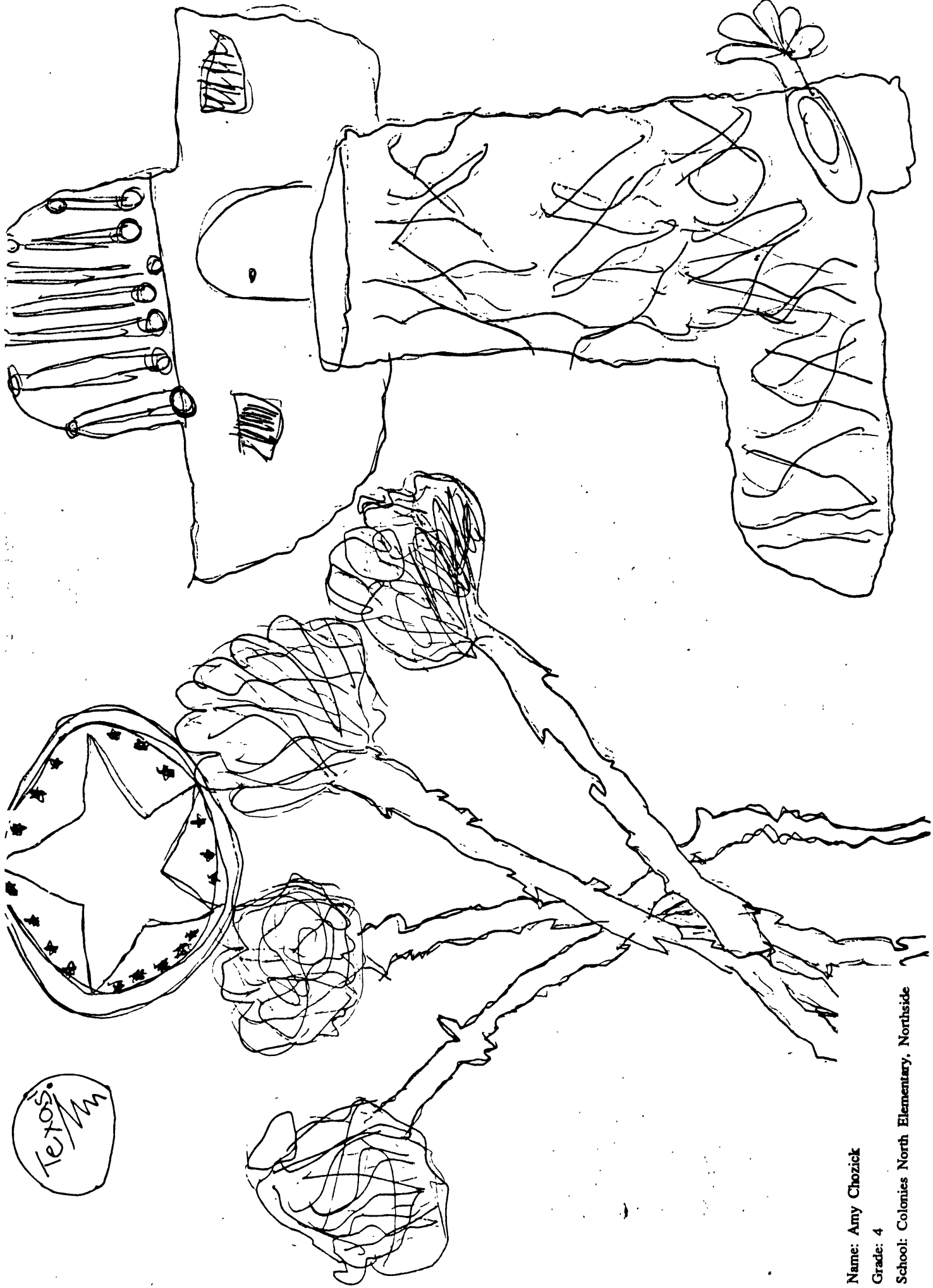
TRD-8905026

Cynthia Hairgrove  
Enforcement Coordinator  
Texas State Board of  
Public Accountancy

Effective date: June 6, 1989

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





Texas  
M

Name: Amy Chozick

Grade: 4

School: Colonies North Elementary, Northside



# Adopted Sections

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

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

## TITLE 4. AGRICULTURE Part I. Texas Department of Agriculture

### Chapter 11. Herbicide Regulations

#### • 4 TAC §11.2

The Texas Department of Agriculture adopts an amendment to §11.2, without changes to the proposed text as published in the April 28, 1989, issue of the *Texas Register* (14 TexReg 2065).

The amendment is adopted in accordance with the Texas Agriculture Code, §75.018, and were initiated by the Brazoria County Commissioners Court.

The amendment changes the cut off date for the aerial application of 2,4-D in Brazoria County for a portion of Brazoria County. Editorial amendments are adopted for purposes of clarification.

No comments were received regarding adoption of the amendment.

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

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

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

TRD-8905007

Dolores Alvarado Hibbs  
Director of Hearings  
Texas Department of  
Agriculture

Effective date: June 27, 1989

Proposal publication date: April 28, 1989

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

## TITLE 16. ECONOMIC REGULATION

### Part II. Public Utility Commission of Texas

#### Chapter 23. Substantive Rules

#### Rates

#### • 16 TAC §23.21

The Public Utility Commission of Texas adopts an amendment to §23.21, with

changes to the proposed text as published in the December 16, 1988, issue of the *Texas Register* (13 TexReg 6193).

The amendment relates to adjustments made for known and measurable changes to historical test year data and recognizes the statutory authorization to request known and measurable changes to the historical test year. The amendment is intended and does explicitly overrule the commission precedent established, known as the big cajun rule, that disallowed known and measurable changes to historical test year invested capital. The amendment requires for any requested adjustments for post test year events that the attendant impacts on all aspects of the utility's operations be identified, quantified, and matched with reasonable certainty in no way should this amendment be read to prejudice or to constitute automatic authorization of post-test year adjustments. Each requested adjustment will have to be established in the context of the utility's rate application and considered in light of the amendment and the case law as enunciated by the courts of this state.

The commission received comments on the proposed amendment from telephone utilities, electric utilities, and the Office of Public Utility Counsel (OPC). Electric utilities generally supported the amendment with the exception of proposed language disallowing adjustments to historical test year data for post-test year growth related plant. Telephone utilities generally did not support or oppose the proposed amendments with the exception of opposing the proposed change that would have disallowed post-test year adjustments to invested capital for telephone utilities OPC commented that a policy statement would suffice without the necessity of a rule. Further, OPC suggested that a cut-off date for post-test year adjustments should be established for evidentiary purposes in a rate case.

As a result of the comments received, the commission did not adopt proposed language relating to growth related plant. The proposed language did not provide meaningful guidance on this type of adjustment. The commission also concurred with the comments that the prohibition of allowing the post-test year adjustment for telephone utilities, invested capital was not necessary at this time. Although there are complex issues related to a telephone utility's invested capital, at this time the commission will not adopt the proposed language. The commission also believed that a rule on post-test year adjustment was necessary to eliminate the big cajun precedent. Finally, the commission disagreed that a cut-off date should be set because such a date should be considered in the context of each docket.

Comments generally in support of the amendment were received from Southwestern Pub-

lic Service Company, Texas-New Mexico Power Company, Gulf States Utilities Company, Houston Lighting and Power Company, Texas Utilities Electric Company, Southwestern Electric Power Company, and Central Power and Light Company. Comments against the proposed amendment relating to telephone utilities, invested capital were received from Texas Telephone Association, Southwestern Bell Telephone Company, Central Telephone Company of Texas, Lufkin-Conroe Telephone Exchange, Inc., and Contel of Texas, Inc. Comments in support and in opposition to the proposed amendment were received from the Office of Public Utility Commission

The amendment is adopted under Texas Civil Statutes, Article 1446c, §16(a) which provide the Public Utility Commission of Texas with the authority to make rules reasonably required in the exercise of its power and jurisdiction.

#### §23.21. Cost of Service.

(a) Components of cost of service and post test year adjustments. Except as provided for in any section of these rules dealing with fuel expenses, rates are to be based upon a utility's cost of rendering service to the public during a historical test year, adjusted for known and measurable changes. Post-test year adjustments for known and measurable changes to historical test year data (including, but not limited to, revenue, expenses, and invested capital) will be considered only where the attendant impacts on all aspects of a utility's operations can be with reasonable certainty identified, quantified, and matched. The two components of cost of service are allowable expenses and return on invested capital.

(b) (No change.)

(c) Return on invested capital. The return on invested capital is the rate of return times invested capital.

(1) (No change.)

(2) Invested capital; rate base.

The rate of return is applied to the rate base. The rate base, sometimes referred to as invested capital, includes as a major component the original cost of plant, property, and equipment, less accumulated depreciation, used and useful in rendering service to the public. Components to be included in determining the overall rate base are as follows:

(A)-(D) (No change.)

(E) Nuclear plant in service. A nuclear generating unit shall not be eligible for inclusion in a utility's rate base as plant in service until such time as the utility has shown that the unit is in commercial operation. Such showing of commercial operation is separate and apart from, and bears no relationship to, issues such as prudent and efficient planning and management, excess capacity, or whether the unit meets the test of used and useful, and shall not be construed as satisfying the utility's burden of proof as to such other issues in the same or subsequent proceedings. A utility seeking to show that such a unit is in commercial operation must:

(i)-(v) (No change.)

(vi) file with the commission a fully documented explanation of the cause of each unscheduled and unanticipated delay of 100 hours or more and each Nuclear Regulatory Commission notice of violation received in the pre-operational or startup test programs, as defined in clauses (i) and (ii) of this subparagraph, together with fully documented descriptions of the measures taken by the utility to correct and prevent reoccurrence of the incident which caused delay and the measures taken in response to the notice of violation.

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 June 2, 1989.

TRD-8904995 Phillip A. Holder  
Secretary of the  
Commission  
Public Utility Commission  
of Texas

Effective date: June 26, 1989

Proposal publication date: December 16, 1988

For further information, please call: (512) 458-0100

## TITLE 22. EXAMINING BOARDS

### Part V. State Board of Dental Examiners

#### Chapter 107. Dental Board Procedures

##### • 22 TAC §107.63

The Texas State Board of Dental Examiners adopts new §107.63, without changes to the proposed text as published in the March 28, 1989, issue of the *Texas Register* (14 TexReg 1577).

The board is adopting this section in order to facilitate the settlement of contested cases and to provide uniform procedures for parties desiring to attempt settlements prior to hearing.

The agency will hold a settlement conference upon referral by the secretary or the execu-

tive director of a complaint or other matter for possible resolution by stipulation, agreed settlement, or consent order.

No comments were received regarding adoption of the new section.

The new section is adopted under Texas Civil Statutes, Article 4551d, which provide the Texas State Board of Dental Examiners with the authority to adopt and enforce such rules and regulations not inconsistent with the laws of the state as may be necessary for the performance of its duties, and/or to ensure compliance with the state laws relating to the practice of dentistry to protect the public health and safety.

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 June 6, 1989.

TRD-8905031 Crockett Camp  
Executive Director  
Texas State Board of  
Dental Examiners

Effective date: July 18, 1989

Proposal publication date: March 28, 1989

For further information, please call: (512) 834-6021

## Chapter 116. Dental Laboratories

##### • 22 TAC §116.4

The Texas State Board of Dental Examiners adopts an amendment to §116.4, without changes to the proposed text as published in the March 31, 1989, issue of the *Texas Register* (14 TexReg 1626).

The board is adopting this amendment in order to clarify questions which have arisen on continuing education.

In lieu of furnishing proof of continuing education as required in subsection (b) of this section, a laboratory may furnish proof that at least one dental technician is certified by a nationally recognized board of certification for dental technology.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 4551d, which provide the Texas State Board of Dental Examiners with the authority to adopt and enforce such rules and regulations not inconsistent with the laws of the state as may be necessary for the performance of its duties, and/or to ensure compliance with the state laws relating to the practice of dentistry to protect the public health and safety.

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 June 6, 1989.

TRD-8905029 Crockett Camp  
Executive Director  
Texas State Board of  
Dental Examiners

Effective date: June 27, 1989

Proposal publication date: March 31, 1989  
For further information, please call: (512) 834-6021

##### • 22 TAC §116.5

The Texas State Board of Dental Examiners adopts new §116.5, without changes to the proposed text as published in the March 31, 1989, issue of the *Texas Register* (14 TexReg 1626).

The board is adopting this new section in order to clarify questions which have arisen regarding owners of dental laboratories.

If a dental laboratory owner was registered with this agency as of September 1, 1987, then he will not be required to furnish proof of a certified dental technician, provided he meets the requirements of this section.

No comments were received regarding adoption of the new section.

The new section is adopted under Texas Civil Statutes, Article 4551d, which provide the Texas State Board of Dental Examiners with the authority to adopt and enforce such rules and regulations not inconsistent with the laws of the state as may be necessary for the performance of its duties, and/or to ensure compliance with the state laws relating to the practice of dentistry to protect the public health and safety.

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 June 6, 1989.

TRD-8905032 Crockett Camp  
Executive Director  
Texas State Board of  
Dental Examiners

Effective date: June 27, 1989

Proposal publication date: March 31, 1989

For further information, please call: (512) 834-6021

## TITLE 25. HEALTH SERVICES

### Part I. Texas Department of Health

#### Chapter 325. Solid Waste Management

##### Subchapter Q. Memoranda of Agreement and Joint Rules with Other Agencies

##### • 25 TAC §325.731

The Texas Department of Health adopts new §325.731, with changes to the proposed text as published in the May 5, 1989, issue of the *Texas Register* (14 TexReg 2139).

New §325.731, adopts by reference a memorandum of understanding (MOU) between the department, Texas Water Commission, and the Texas Air Control Board. The MOU defines each agencies' interpretation of regula-

tory jurisdiction over management of sludge generated by municipal wastewater treatment plants.

The new section is adopted in order to comply with a provision of House Bill 2091, 69th Legislature, 1985, which requires that all MOU's related to solid waste management which are entered into by the department, must be adopted as a rule.

For several years the department and the Texas Water Commission have exercised joint jurisdiction for the management of sludge from municipal wastewater treatment plants. Areas of jurisdiction have been defined by oral agreement or by written letters, without a formal MOU. Essentially, the MOU will adopt by rule an existing verbal agreement between the department and the Texas Water Commission. The agreement being that the Texas Water Commission regulates activities of wastewater sludge management that occur on the same site as the wastewater treatment plant, or on property owned or leased by the plant operator, where the activity is under the direct control and supervision of the plant operator; and that the Texas Department of Health regulates activities of wastewater sludge management that occur off-site of the plant. Both agencies consult with the Texas Air Control Board concerning the air quality aspects of the sludge management activities under their jurisdiction.

No comments were received regarding adoption of the new section.

The new section is adopted under authority of Texas Civil Statutes, Article 4477-7, §§3(a), 4(c), and 3(i), which provide the Texas Board of Health with authority to adopt rules for management of municipal solid waste and which requires the Texas Department of Health to adopt by rule any Memorandum of Understanding; and Article 4414b, §1.05, which provides the Texas Board of Health with the authority to adopt rules for the perfor-

mance of every duty imposed by law on the Texas Board of Health, the Texas Department of Health, and the Commissioner of Health.

**§325.731. Adoption by Reference.**

(a) The Texas Department of Health adopts by reference a memorandum of understanding among the Texas Department of Health, the Texas Water Commission, and the Texas Air Control Board. The memorandum contains the agencies' interpretation of their regulatory jurisdiction over activities related to sludge generated by municipal wastewater treatment plants.

(b) Copies of the memorandum of understanding are on file with the Bureau of Solid Waste Management, Texas Department of Health, 1100 West 49th St., Austin, Texas 78756, and may be reviewed during normal business hours.

(c) The effective date of the memorandum of understanding is July 1, 1989.

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 June 6, 1989.

TRD-8905010      Robert A. MacLean, M.D.  
Deputy Commissioner,  
Professional Services  
Texas Department of  
Health

Effective date: July 1, 1989

Proposal publication date: May 5, 1989

For further information, please call: (512) 458-7271.



## TITLE 34. PUBLIC FINANCE

### Part IV. Employees Retirement System

#### Chapter 85. Flexible Benefits

##### • 34 TAC §85.1

The Employees Retirement System of Texas adopts an amendment to §85.1, without changes to the proposed text as published in the January 6, 1989, issue of the *Texas Register* (14 TexReg 102).

The adoption of the amendment to the Flexible Benefits Program rules is required to comply with the provisions of the Family Support Act of 1988 (Public Law 100-485), which reduced the upper age limit for an eligible dependent from under 15 years to under 13 years for the dependent care reimbursement account effective January 1, 1989.

Section 85.1 states that a dependent is defined as one who is under age 13 and with respect to whom the participant is entitled to an exemption under the Code, §151, or is otherwise a qualifying individual as provided in the Code, §21, or a dependent or spouse who is physically or mentally incapable of caring for himself.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Texas Insurance Code, Article 3.50-2, §4(k), which provides the trustees of the Employees Retirement System of Texas with the authority to promulgate all rules and regulations necessary to implement and to administer a Flexible Benefits (Cafeteria Plan) Program for state employees.

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 June 5, 1989.

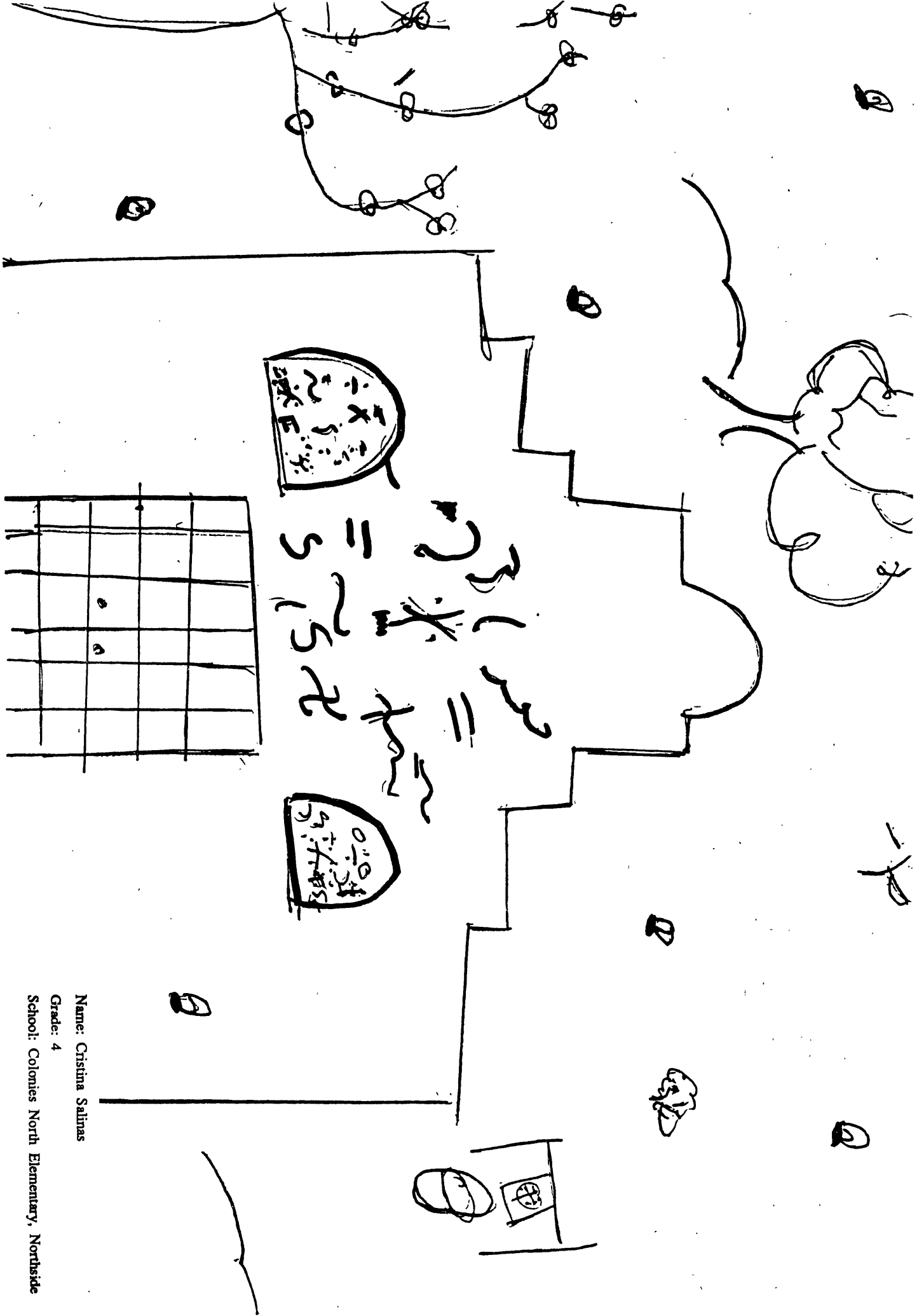
TRD-8904980      Clayton T. Garrison  
Executive Director  
Employees Retirement  
System of Texas

Effective date: June 26, 1989

Proposal publication date: January 6, 1989

For further information, please call: (512) 476-6431, ext. 213





Name: Cristina Salinas  
 Grade: 4  
 School: Colonies North Elementary, Northside

# 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 on Aging

**Thursday June 15, 1989, 10 a.m.** Texas Board on Aging will meet in Third Floor Conference Room, 1949 South IH 25, Austin. According to the agenda summary, the board will discuss approval of minutes to the meeting of February 9, 1989; report on the State Citizens Advisory Council meeting on May 11, 1989 and role of the Citizens Advisory Council (CAC); functions, activities and/or funding of other organizations; appointment of Citizens Advisory Council (CAC) member from Rio Grande Area Agency on Aging (AAA) to fill vacancy; appropriations and other legislation; program reports; research on low income minority participation; appointment of board member to serve on minority elderly task force; legal hotline for older Texans; general announcements.

**Contact:** O. P. Bobbitt, P.O. Box 12786, Austin, Texas 78711, (512) 444-2727.

**Filed:** June 6, 1989, 10:48 a.m.

TRD-8905009

## Texas Air Control Board

**Friday, June 16, 1989, 10:30 a.m.** The Texas Air Control Board will meet at Victoria City Hall, City Council Chambers, 105 West Juan Linn, Victoria. According to the agenda, the board will approve minutes of the May 12, 1989; discuss public testimony; reports; enforcement report; agreed enforcement orders; consideration and action on proposed rule; hearings examiner's report; new business.

**Contact:** Bill Ehret, 6330 Highway 290 East, Austin, Texas 78723, (512) 451-5711.

**Filed:** June 7, 1989, 4:26 p.m.

TRD-8905073

## Texas Animal Health Commission

**Friday, June 16, 1989, 9 a.m.** The Animal Health Commission will meet in TAHC

Conference Room, 210 Barton Springs Road, Austin. According to the agenda summary, the commission will approve minutes of previous meeting; approve actions of executive director; authorize specific employees to sign vouchers for expenditures; financial report; rapid completion plan for the Texas Brucellosis Program; consideration for proposing amending to the following regulations: Brucellosis, EIA, Interstate, Psuedorabies and Poultry; consideration for adopting amendments to the Brucellosis Regulations.

**Contact:** Jo Ann Conner, P.O. Box 12966, Austin, Texas 78711, (512) 479-6697.

**Filed:** June 6, 1989, 3:52 p.m.

TRD-8905030

## Department of Banking

**Friday, June 16, 1989, 10 a.m.** The Banking Section of the Finance Commission will meet at 2601 North Lamar Boulevard, Austin. According to the agenda summary, the commission will review and approve minutes of previous meeting; review of departmental operations; discuss policies to bank examination and other regulatory matters, including but not limited to enforcement action, dividends, ORE and loans; report on legislative session; executive session to discuss contemplated and/or pending litigation personnel matters.

**Contact:** Ann Graham, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 479-1200.

**Filed:** June 7, 1989, 4:40 p.m.

TRD-8905078

## State Bar of Texas

**Thursday, June 15, 1989, 9 a.m.** The Executive Committee of the State Bar of Texas will meet in Room 206-207, Texas Law Center, 1414 Colorado Street, Austin. According to the agenda summary, the committee will consider reports of chairman; president; president elect; executive director; general counsel; board commit-

tees; TYLA president; immediate past president; immediate past chairman; supreme court liaison; status of Buchmeyer series; status of survey for MCLE & PDP; Status of legislative program; and consideration of trust agreement with insurance trust.

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

**Filed:** June 7, 1989, 4:02 p.m.

TRD-8905067

## Texas Bond Review Board

**Friday, June 16, 1989, 10 a.m.** The Staff Planning Session of the Texas Bond Review Board will meet in Sergeant's Committee Room, State Capitol, Austin. According to the agenda, the board will discuss approval of previous meetings; consider proposed issues of Texas Department of Mental Health Mental Retardation-lease purchase; Midwestern State University-constitutional appropriation bonds, series 1989 and tuition and general fee revenue bonds, series 1989; Texas Housing Agency-residential mortgage revenue bonds 1989A and 1989B; Texas Turnpike Authority-refunding bonds; other business.

**Contact:** Tom Pollard, 201 East 14th Street, Austin, Texas 78701, (512) 463-1741.

**Filed:** June 8, 1989, 8:41 a.m.

TRD-8905085

## Texas Corn Producers Board

**Thursday, June 15, 1989, 9:30 a.m.** The Texas Corn Producers Board of the Texas Department of Agriculture will meet in Corn Board Office, 218 East Bedford, Dimmitt. According to the agenda, the board will discuss minutes from previous meeting; review of Ethanol report; statewide check-off; report on change of investment of retirement fund; review drought relief information.

**Contact:** Carl King, 218 East Bedford, Dimmitt, Texas 79027, (806) 647-4224.

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

TRD-8905008

### Texas State Board of Dental Examiners

**Saturday & Sunday, June 17-18, 10 a.m. daily** The State Board of Dental Examiners will meet at Baylor College of Dentistry, 3302 Gaston Avenue, Dallas. According to the agenda summary, the board will discuss elections of officers; approval of agreed settlement orders; discussion of per diem for board members and Dental Hygiene Advisory Committee; discussion of annual registration certificate; discussion of peer assistance fees; request of Dr. Milton Otto for reinstatement of II and IIN permits; Dr. Douglas Simm, Southwestern Medical School; request of Dr. Donald Smith for reinstatement of license.

**Contact:** Crockett Camp, 8317 Cross Park Drive, Suite 400, Austin, Texas 78754, (512) 834-6021.

Filed: June 8, 1989, 8:48 a.m.

TRD-8905086

### Texas Diabetes Council

**Friday, June 16, 1989, 11 a.m.** The Program Approval Committee Meeting of the Texas Diabetes Council will meet in Conference Room T-507, 1100 West 49th Street, Austin. According to the agenda, the committee will review and act on applications for individual preplanned professional experience programs.

**Contact:** Charlene Laramey, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7534.

Filed: June 7, 1989, 4:18 p.m.

TRD-8905068

### Texas State Board of Examiners of Dietitians

**Friday, June 16, 1989, 9 a.m.** The Rules Committee Meeting of the Texas State Board of Examiners of Dietitians will meet in Conference Room T-507, 1100 West 49th Street, Austin. According to the agenda summary, the committee will review rules to incorporate legislative changes.

**Contact:** Becky Berryhill, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7501.

Filed: June 7, 1989, 4:17 p.m.

TRD-8905068

### Texas Education Agency

**Wednesday, June 14, 1989, 8:30 a.m.** The Advisory Committee for Research and Evaluation will meet in Room 1-109, William B. Travis Building, 1701 North Congress Avenue, Austin. According to the agenda, the commission will review and approve minutes of May 5, 1989 meeting; update regarding the effects of recently enacted legislation on education research and evaluation activities; revision of committee's list of research priorities; recommendations regarding topics for the meeting scheduled for October 20, 1989.

**Contact:** Janet Spurgin, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9524.

Filed: June 6, 1989, 4:20 p.m.

TRD-8905038

**Thursday and Friday, June 15 and 16, 1989, 1 p.m. and 8:15 a.m., respectively** The Apprenticeship and Training Advisory Committee (ATAC) will meet at Holiday Inn Great Southwest, Highway 360 at Brown Boulevard, Arlington. According to the agenda, the committee will discuss comments for ATAC chairperson; report from director, Adult Education/Employment and Training Funding and Compliance Division of TEA; presentation on "Drugs in the Workplace; slide presentation "Apprenticeship 2000" by United States Department of Labor; update on apprenticeship-related instruction survey and regional planning pilot projects; report on planning subcommittee; report of finance and budget subcommittee; report of resource planning subcommittee; overview of employment and training administration, United States Department of Labor; presentation on selection procedures of apprentices; video presentation "Apprenticeship training - Make it Work for You" by Houston Community College.

**Contact:** James C. Woodman, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9294.

Filed: June 6, 1989, 4:20 p.m.

TRD-8905037

### Texas Employment Commission

**Wednesday, June 14, 1989, 8:30 a.m.** The Texas Employment Commission will meet in Room 644, TEC Building, 101 East 15th Street, Austin. According to the agenda summary, the commission will discuss prior meeting notes; presentation to TEC recipients of State Employment Incentive Commission awards; discuss and approval for HVAC duct cleaning duct project for Tyler; internal procedures of commission appeals; consideration and action on tax liability cases on Docket 24 and higher level appeals in unemployment compensation cases listed on Docket 23 and 24; date for next meeting.

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

Filed: June 6, 1989, 4:08 p.m.

TRD-8905036

### Texas Funeral Service Commission

**Tuesday & Wednesday, June 20-21, 1989, 8:30 a.m. daily** The Texas Funeral Service Commission will meet at Austin Airport Hilton, 6000 Middle Fiskville Road, Austin. According to the agenda summary, the commission will consider on June 20 - formal hearing on action of licensees; meeting with the Sunset Commission's staff; discussion on applicants with felony convictions; procedures for pre-trial motions; the legislative session and license fee reduction; discussion on Commissioner's proposals on formal hearings and motion for rehearing; complaints. The commission will consider on June 21 - formal hearing on action of licensees; presentation for approval of correspondence course; any items not considered on June 20, 1989 and election of officers.

**Contact:** Larry A. Farrow, 8100 Cameron Road, Building B, Suite 550, Austin, Texas 78753, (512) 834-9992.

Filed: June 7, 1989, 3:54 p.m.

TRD-8905082

### Texas Department of Health

**Thursday, June 15, 1989, 1 p.m.** The Medical Radiologic Technologist Advisory Board of the Texas Department of Health will meet at Holiday Inn-DFW North, 4441 Highway 114, Irving. According to the agenda summary, the committee will consider applications proposed for disapproval or submitted for special consideration; applications submitted under alternate/equivalent requirements; applications for instructor approval proposed for disapproval.

**Contact:** Donna S. Hardin, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7275.

Filed: June 7, 1989, 4:17 p.m.

TRD-8905071

**Thursday, June 15, 1989, 1:30 p.m.** The Medical Radiologic Technologist Advisory Board of the Texas Department of Health will meet at Holiday Inn-DFW North, 4441 Highway 114, Irving. According to the agenda summary, the board will approve minutes of prior two meetings and consider program administrator's report; chairman's report; legislative update; fluoroscopic procedures; student interpretive memorandum; attorney general opinion request; proposed rules on alternate but equivalent education/training; Paul Simon and Deborah Si-

men applications; applications proposed for disapproval; information on Milton Mitchell application; continuing education; other matters not requiring board action.

**Contact:** Donna S. Hardin, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7275.

**Filed:** June 7, 1989, 4:17 p.m.

TRD-8905072

**Friday, July 7, 1989, 10 a.m.** The Sanitarian Advisory Committee Meeting of the Texas Department of Health will meet in Room T-803, Department of Health Tower Building, 1100 West 49th Street, Austin. According to the agenda summary, the committee will approve minutes of previous meeting and consider environmental health legislative update; acceptable experience listing for sanitarian registration; budget and activity report; pending registration applications; fiscal year 1990 sanitarian registration examination; other business not requiring committee action; and signing of travel expense vouchers.

**Contact:** Charles McEntire, 1100 West 49th Street, Austin, Texas 78756, (512)458-7536.

**Filed:** June 7, 1989, 4:18 p.m.

TRD-8905069

## Lamar University System

**Thursday, June 8, 1989, 1 p.m.** The Board of Regents of the Lamar University System met in emergency session at Map Room, John Gray Institute, 855 Florida, Beaumont. According to the agenda summary, the board considered approval of Finance & Audit Committee recommendations; considered approval of 1990-91 salary guidelines. The emergency status was necessary because board needed to adopt salary guidelines for upcoming biennium as per 71st legislative session funding.

**Contact:** George McLaughlin, P.O. Box 11900, Beaumont, Texas 77710, (409) 880-2304.

**Filed:** June 6, 1989, 1:53 p.m.

TRD-8905023

**Thursdaay, June 8, 1989, 1 p.m.** The Board of Regents of the Lamar University System submitted an emergency revised agenda for a meeting held in the Map Room, John Gray Institute, 855 Florida, Beaumont. According to the agenda summary, the board considered approval of Finance & Audit Committee recommendations; considered approval of 1990-91 salary guidelines. The emergency status was necessary because board needed to adopt salary guidelines for upcoming biennium as per 71st legislation session funding.

**Contact:** George McLaughlin, Lamar University System, P.O. Box 11900, Beaumont,

Texas 77710, (409) 880-2304.

**Filed:** June 7, 1989, 3:53 p.m.

TRD-8905083, TRD-8905084

## Board for Lease of State-owned Lands

**Thursday, June 15, 1989, 2 p.m.** The Board for Lease of Texas Parks & Wildlife Lands will meet in Room 833, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the board will consider approval of the minutes of the previous board meeting; consideration of nominations, terms; conditions and procedures for the October 3, 1989, oil, gas and other minerals lease sale; easement applications.

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

**Filed:** June 7, 1989, 4:40 p.m.

TRD-8905081

## University of North Texas

**Wednesday, June 21, 1989, Noon.** The Ad Hoc Advancement Committee will meet at Dallas Country Club, 4100 Beverly, Dallas. According to the agenda, the committee will discuss University of North Texas Centennial Gala.

**Contact:** Jan Dobbs, P.O. Box 13737, Denton, Texas 76203, (817) 565-2904.

**Filed:** June 7, 1989, 9:06 a.m.

TRD-8905054

## Texas Optometry Board

**Thursday, June 15, 1989, 1:30 p.m.** The Board will meet HiltonHotel, 6633 Travis Street, Houston. According to the agenda summary, the board will consider investigation-enforcement committee; rules committee; continuing education committee; reports of Secretary-Treasurer, legal counsel, executive director, and chairpersons committee; A.G. Op. Reg. No. 1667; new business to consider International Association of Boards of Examiners in Optometry; election of officers; two formal hearings in regard to an applicant for licensure and licensee; executive session in compliance with §2(e), Article 6252-17 to discuss litigation and matters referred to the Attorney General; the board will administer Board Examinations at the University of Houston, Houston.

**Contact:** Lois Ewald, 9101 Burnet Road, Suite 214, Austin, Texas 78758.

**Filed:** June 7, 1989, 8:43 p.m.

TRD-8905061

## Texas Parks and Wildlife Department

**Wednesday, June 14, 1989, 7 p.m.** The Texas Parks and Wildlife Commission will meet at 3010 Guadalupe, Austin. According to the agenda summary, the commission will discuss items on the public hearing agenda scheduled for June 15, 1989 9 a.m.

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

**Filed:** June 6, 1989, 1:49 p.m.

TRD-8905018

**Thursday, June 15, 1989, 9 a.m.** The Texas Parks and Wildlife Commission will meet in Complex Building B, Parks and Wildlife Headquarters, 4200 Smith School Road, Austin. According to the agenda summary, the commission will approve minutes; present certificates; discuss proposed hunting and fishing regulations 1989-90; proposed alligator regulations; proposed 1989-90 proclamation type I WMA; proposed type II WMA proclamation; sand, shell, gravel & marl permit application-Brazos River; settlement agreement with Trinity River Authority and City of Houston on Wallisville Dam and Reservoir; early season migratory game bird proc. 1989-90; oil and gas lease-Tyler State Park; ducks unlimited M\*A\*R\*S\*H projects-Shelby & Brazoria Counties; Battleship Texas Project; Elephant Mountain WMA Advisory Committee; potential park site-Webb County; report on legislation; land acquisition-Matagorda County; surface lease donation-Orange County; white-winged dove habitat acquisition-Hidalgo County.

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

**Filed:** June 6, 1989, 1:49 p.m.

TRD-8905019

**Thursday, June 15, 1989, 9 a.m.** The Texas Parks and Wildlife Commission will meet in Complex Building B, Parks and Wildlife Headquarters, 4200 Smith School Road, Austin. According to the agenda summary, the commission will discuss non-toxic shot implementation schedule.

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

**Filed:** June 6, 1989, 1:49 p.m.

TRD-8905016

**Thursday, June 15, 1989, Noon** The Commission will meet in Complex Building B, Parks and Wildlife Headquarters, 4200 Smith School Road, Austin. According to the agenda summary, the commission will discuss approval of minutes; surface lease donation-Orange County; white-winged dove habitat Acquisition-Hidalgo County;

Land Acquisition-Matagorda County.

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

Filed: June 6, 1989, 1:49 p.m.

TRD-8905017

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**Public Utility Commission of Texas**

Tuesday, June 20, 1989, 2 p.m. The Public Utility Commission will meet in Suite 450N (CHR), 7800 Shoal Creek Boulevard, Austin. According to the agenda, the commission will consider the Management Audit of the Public Utility Commission with representatives of Peat Marwick Main and Company.

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

Filed: June 8, 1989, 9:07 a.m.

TRD-8905088

Tuesday, August 15, 1989, 10 a.m. The Hearings Division will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin. According to the agenda, the commission will discuss Docket 8810 - application of Industry Telephone Company to offer new optional customer services

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

Filed: June 8, 1989, 9:06 a.m.

TRD-8905080

Tuesday, July 18, 1989, 1:30 p.m. The Hearings Division will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin. According to the agenda, the commission will consider a hearing on the merits Docket No. 8665 application of Southwestern Bell Telephone Company for revisions to the customer specific pricing plan.

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

Filed: June 6, 1989, 3:24 p.m.

TRD-8905025

◆ ◆ ◆  
**Texas Real Estate Research Center**

Wednesday, June 14, 1989, 9 a.m. The Advisory Committee of the Texas Real Estate Research Center submitted an emergency revised agenda for a meeting to be held in Conference Room 9, Marriott Rivercenter, San Antonio. According to the agenda, the committee will discuss approval of minutes; progress reports, research, communications, and administrative; current budget report; plan of work; date of next

meeting; budget approval; other business. The emergency status was necessary because needed budget approval.

Contact: Richard L. Floyd, Texas A&M University, College Station, Texas 77843-2115, (409) 845-9691.

Filed: June 7, 1989, 3:58 p.m.

TRD-8905089

◆ ◆ ◆  
**Texas Rice Producers Board**

Wednesday, June 28, 1989, 10 a.m. The Texas Rice Producers Board of the Texas Department of Agriculture will meet in Harris County Extension Center, #2 Abercrombie Drive, Houston. According to the agenda, the board will review minutes; end of year finances; 1989-90 budget; collection procedures for next year; new business.

Contact: Curtis Leonhardt, 6699 Rookin, Houston, Texas (713) 270-6699.

Filed: June 7, 1989, 10:14 a.m.

TRD-8905057

◆ ◆ ◆  
**Texas State Treasury Department**

Friday, June 23, 1989, 10 a.m. The Cash Management Committee will meet in Room 106, Reagan Building, 105 West 15th Street, Austin. According to the agenda, the committee will determine the size of the 1989 Tax and Revenue Anticipation note issue pursuant to chapter 404, subchapter H, Texas Government Code.

Contact: Anne L. Schwartz, P.O. Box 12608, Austin, Texas 78711, (512) 463-5971.

Filed: June 7, 1989, 4:37 p.m.

TRD-8905074

◆ ◆ ◆  
**Texas Water Commission**

Thursday, June 22, 1989, 10 a.m. The Texas Water Commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress, Austin. According to the agenda summary, the commission will consider various matters within the regulatory jurisdiction of the Texas Water Commission; consider items previously posted for open meeting and at such meeting verbally postponed or continued to this date.

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

Filed: June 6, 1989, 10:46 a.m.

TRD-8905011, 08905058

Thursday, June 22, 1989, 10 a.m. The Texas Water Commission will meet in

Room 118, Stephen F. Austin Building, 1700 North Congress, Austin. According to the agenda summary, the commission will determine to renew emergency order no. 88-32E to Texas Smokehouse Foods, Inc., Route 7, Box 4625, Lufkin, Texas 75901. The order permits Texas Smokehouse Foods, Inc. to dispose of approximately 2,000 gallons of treated wastewater effluent per day from its meat processing plant to three lined evaporation ponds. no discharge into waters in the state is authorized by this order. The plant is located approximately 1.0 mile northeast of the intersection of FM 2680 and US highway 69, approximately 0.5 mile of the city limits of Lufkin, Angelina County. The facility is in the drainage area of Mill Creek in the Neches River Basin. The order, if issued, would terminate 180 days from the date of issuance, or upon final commission action on proposed Permit No. 030705.

Contact: Irene L. Montelongo, P.O. Box 13087, Austin, Texas 78711, (512) 463-8069.

Filed: June 7, 1989, 10:38 a.m.

TRD-8905059

Monday, July 31, 1989, 10 a.m. The Chief Clerk's Office of the Texas Water Commission will meet in Stephen F. Austin Building, 1700 North Congress, Austin. According to the agenda summary, the commission will consider R. O. Waldrop and Mary Waldrop, Application No. 5232, applicant requests authorization to divert not to exceed 100 acre-feet of water per annum from the Neches River, Neches River Basin into an off-channel reservoir complex used for industrial (fish farming) purposes approximately 22 miles southeast of Canton, Van Zandt County.

Contact: Terry Slade, P.O. Box 13087, Austin, Texas 78711, (512) 463-8265.

Filed: June 7, 1989, 2:48 p.m.

TRD-8905065

July 31, 1989, 10 a.m. The Chief Clerk's Office of the Texas Water Commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will consider Holy Trinity Catholic Church, Application No. 5239, applicant seeks permit to divert four acre-feet of water per annum from the San Antonio River, San Antonio River Basin, to irrigate a 2-acre tract (church lawn), referred to as Lot 32 in the Luis Menchaca Grant, Abstract No. 5, within the city limits of Falls City, Karnes County.

Contact: Rick Airey, P.O. Box 13087, Austin, Texas 78711, (512) 463-8151.

Filed: June 7, 1989, 2:48 p.m.

TRD-8905064

Monday, August 7, 1989, 10 a.m. The Chief Clerk's Office of the Texas Water Commission will meet in Stephen F. Austin



Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will consider Six J. Farms, Inc., Felix Janek, Jr. and Madelene Janek, application No. 19-2178A; the applicants seek to amend certificate No. 19-2178 to increase the amount of water authorized for diversion and use from the San Antonio River, San Antonio River Basin, from 243 to 743 acre-feet per annum, increase the diversion rate from 2.5 cfs (1125 gpm) to 4.1 cfs (1850 gpm), and increase the maximum amount of land authorized for irrigation per year within the 721.75 acre tract from 127.5 to 520 acres in Wilson County.

Contact: Terry Slade, P.O. Box 13087, Austin, Texas 78711, (512) 463-8265.

Filed: June 7, 1989, 2:48 p.m.

TRD-8905063

## Texas Water Development Board

Thursday, June 15, 1989, 10:30 a.m. The Texas Water Development Board will meet in Abilene Civic Center, Abilene. According to the agenda summary, the board will consider minutes of May 18, 1989; development fund manager's report; extending loan commitments for cities of Marion, Danbury & Johnson, Millsap WSC, El Paso County WCID & South Texas Water Authority; Lamar County WSC's request to issue \$1,400,000 parity lien revenue bonds; requests for financial assistance from Tidwell Timbers MUD & City of Hitchcock; debt service schedule for the City of Houston; executing a contract with US Department of Interior & Lavaca-Navidad River Authority for additional mineral interest acquisition for Lake Texana project; approval of emergency rules to amend 31 TAC §§367.2 & 367.21-367.30; regional planning grant applications from Circle C MUD and Cameron County Development Board; and a research proposal from the City of San Angelo & Colorado River MWD for weather modification research.

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

Filed: June 7, 1989, 8:55 a.m.

TRD-8905060

Thursday, June 15, 1989, 10:30 a.m. The Texas Water Development Board will meet in Abilene Civic Center, Abilene. According to the revised agenda, the board will consider a request by the City of Bellaire (Harris County) to revise the debt service schedule for the City's existing board commitment.

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

Filed: June 7, 1989, 3:48 p.m.

TRD-8905066

## Regional Meetings

### Meetings Filed June 6, 1989

The Bexar County Appraisal District, Appraisal Review Board, met in an emergency meeting at 535 South Main, San Antonio, on June 9, 1989, at 9 a. m. The emergency status was necessary because this was the only time the 30 appraisal review members could meet. Information may be obtained from Bexar County Appraisal District, 535 South Main, San Antonio, Texas 78204, (512) 224-8511.

The Kendall County Appraisal District, Appraisal Review Board, will meet at 204 East San Antonio Street, Boerne, on June 13, 1989, at 1 p.m. Information may be obtained from Sue R. Wiedenfeld, P.O. Box 788, Boerne, Texas 78006, (512) 249-8012.

The Gray Appraisal District, Board of Directors, met in an emergency meeting at 815 North Sumner, Pampa, on June 8, 1989, at 5 p.m. The emergency status was necessary because needed to review presentation of proposed Budget for 1990. Information may be obtained from Pat Bagley, P.O. Box 836, Pampa, TX 79066-0836, (806) 665-0791.

The Texas Municipal League Self-Insurance Funds, Board of Trustees, will meet at Marriott Mandalay Hotel, Irving, on June 11, 1989 at 2 p.m. and June 12 at 8 a.m. Information may be obtained from Jackson Floyd, 211 East 7th Street, Austin, Texas 78701.

TRD-8905004

### Meetings Filed June 7, 1989

The Ark-Tex Council of Governments, Ark-Tex Private Industry Council, will meet at Region VIII, Mount Pleasant, on June 15, 1989 at 5 p.m. Information may be obtained from Ermer Pondexter, P.O. Box 5307, Texarkana, Texas 75505, (214) 832-8636.

The Bastrop County Appraisal District, Appraisal Review Board, will meet at Bastrop County Appraisal District, 1200 Cedar Street, Bastrop, on June 12, 1989, 7 p.m. Information may be obtained from Lorraine Perry, P.O. Box 578, Bastrop, Texas 78602, (512) 321-3925.

The Burnet County Appraisal District, Board of Directors, will meet at 215 South Pierce, Burnet, on June 15, 1989 at 6:30 p.m. Information may be obtained from Amy Davis, P.O. Drawer E, Burnet, Texas 78611, (512) 756-8291.

The Cass County Appraisal District, Board of Directors, will meet at Cass County Appraisal District, 400 North Main Street, Linden, on June 12, 1989, at 7 p.m. Information may be obtained from Janelle Clements, P.O. Box 1150, Linden, Texas 75563, (214) 756-7545.

The Concho Valley Council of Govern-

ments, Executive Committee, will meet at 5014 Knickerbocker Road, San Angelo, on June 14, 1989, at 7 p.m. Information may be obtained from Robert R. Weaver, P.O. Box 60050, San Angelo, Texas 76906, (512) 944-9666.

The Eastland County Appraisal District, Appraisal Review Board, will meet at Eastland High School Cafeteria, 900 West Plummer, Eastland, on June 20-22, 1989 at 9 a.m. Information may be obtained from Steve Thomas, P.O. Box 914, Eastland, Texas 76448.

The Education Service Center, Region VI, Board of Directors, will meet at College Station Hilton, College Station, on June 15, 1989, at 5 p.m. Information may be obtained from Bobby Roberts, 3332 Montgomery Road, Huntsville, Texas 77340, (409) 295-9161.

The Education Service Center, Region X, Board of Directors, will meet at Region Ten Board Room, 400 East Spring Valley, Richardson, on June 14, 1989, at 12:30 p.m. Information may be obtained from Dr. Joe Farmer, 400 East Spring Valley, Richardson, Texas 75081, (214) 231-6301.

The Education Service Center, Region XI, Board of Directors, will meet at 3001 North Freeway, Fort Worth, on June 20, 1989, Noon. Information may be obtained from R. P. Campbell, Jr., (817) 625-5311, Ext. 102.

The Education Service Center, Region XIV, Board of Directors, will meet at 1850 State Highway 351, Abilene, on June 22, 1989 at 5:30 p.m. Information may be obtained from Taressa Huey, Rt. 1 Box 70-A, Abilene, Texas 79601.

The Ellis County Appraisal District will meet at 406 Sycamore Street, Waxahachie, on June 12, 1989, 6 p.m. Information may be obtained from Russell A. Garrison, P.O. Box 878, Waxahachie, Texas (214) 937-3552.

The Erath County Appraisal District, Appraisal Review Board, will meet at Board Room, 1390 Harbin Drive, Stephenville, on June 20, 1989 at 9 a.m. Information may be obtained from Trecia Perales, 1390 Harbin Drive, Stephenville, Texas 76401, (817) 965-7301.

The Gillespie Central Appraisal District, Board of Directors, will meet at City Hall Assembly Room, Fredericksburg, on June 15, 1989 at 3 p.m. Information may be obtained from Mary Lou Smith, P.O. Box 429, Fredericksburg, Texas 78624, (512) 997-9807.

The Henderson County Appraisal District, Appraisal Review Board, will meet at 1751 Enterprise, Athens, on June 12, 1989, at 9 a.m. Information may be obtained from Helen Marchbanks, 1751 Enterprise, Athens, Texas, (214) 675-9296.

The Kendall County Appraisal District, Board of Directors, will meet at 204 East

San Antonio Street, Kendall Courthouse, Boerne, on June 14, 1989 7 p.m. Information may be obtained from Sue R. Wiedenfeld, P.O. Box 788, Boerne, Texas 78006, (512) 249-8012.

**The Kendall County Appraisal District, Board of Directors, will meet at 207 East San Antonio Street, Boerne, on June 14, 1989 at 7:30 p.m. Information may be obtained from Sue R. Wiedenfeld, P.O. Box 788, Boerne, Texas, (512) 249-8012.**

**The Lampasas County Appraisal District, Board of Directors, will meet at 109 East Fifth, Lampasas, on June 14, 1989 at 9:30 a.m. Information may be obtained from Dana Ripley, P.O. Box 175, Lampasas, Texas 76550, (512) 556-8058.**

**The Mills County Appraisal District will meet at Mills County Courthouse Commissioners Court, Goldthwaite, on June 15, 1989 at 6:30 p.m. Information may be obtained from Doran E. Lemke, P.O. Box 565, Goldthwaite, Texas 76844, (915) 648-2253.**

**The Multimodal Transportation Planning Gulf Coast State Planning Region, Transportation Planning Committee, will meet at Fourth Floor Conference Room, 3555 Timmons, Houston, on June 16, 1989 at 9:30 a.m. Information may be obtained from LaDawn Bush, P.O. Box 1386, Houston, Texas, 77251, (713) 869-4571.**

**The Permian Basin Regional Planning Commission, Board of Directors, will meet at Permian Basin Regional Planning Commission, Midland, on June 14, 1989 at 1:30 p.m. Information may be obtained from Terri Moore, P.O. Box 6391, Midland, Texas 79711.**

**The Rio Grande Council of Governments, Board of Directors, will meet at**

**Second Floor Conference Room, The Centre, 123 Pioneer Plaza, El Paso, on June 16, 1989, at 9:30 a.m. Information may be obtained from Cecile C. Gamez, 123 Pioneer Plaza, Suite 210, El Paso, Texas 77901, (915) 533-0998.**

**The Wood County Appraisal District, Appraisal Review Board, will meet at Conference Room, Wood County Appraisal District, 217 North Main, Quitman, on June 12-13, 16, 1989 at 9 a.m. Information may be obtained from W. Carson Wages, P.O. Box 951, Quitman, Texas 75783, (214) 763-4946.**

**The Wood County Appraisal District, Board of Directors, will meet at Conference Room, Wood County Appraisal District, 217 North Main, Quitman, on June 15, 1989 at 1:30 p.m. Information may be obtained from W. Carson Wages, P. O. Box 951, Quitman, Texas 75783, (214) 763-4946.**

TRD-8905050

### Meetings filed June 8, 1989

**The Austin Transportation Study, Police Advisory Committee, will meet in Room 2.102, Joe C. Thompson Conference Center, 26th and Red River, Austin, on June 13, 1989 at 6 p.m. Information may be obtained from Joseph P. Gieselman, P.O. Box 1748, Austin, Texas 78767, (512) 472-7483.**

**The Gillespie Central Appraisal District, Appraisal Review Board, will meet in Room 101-B, Gillespie County Courthouse, Fredericksburg, on June 20, 1989 at 9 a.m. Information may be obtained from Mary Lou Smith, P.O. Box 429, Fredericksburg, Texas 78624, (512) 997-9807.**

**The Guadalupe-Blanco River Authority, Board of Directors, will meet in Authority's Offices, 933 East Court Street, Seguin, on**

**June 15, 1989 at 10 a.m. Information may be obtained from John H. Specht, P.O. Box 271, Seguin, Texas 78156, (512) 379-5822.**

**The Lamb County Appraisal District, Appraisal Review Board, will meet in Board Meeting Room, 330 Phelps Avenue, Littlefield, on June 12-20, 1989 at 9 a.m. Information may be obtained from Murlene J. Godfrey, 330 Phelps Avenue, Littlefield, Texas 79339-0552.**

**The Lamb County Appraisal District, Board of Directors, will meet in Board Meeting Room, 331 LFD Drive, Littlefield, on June 15, 1989 at 8 p.m. Information may be obtained from Murlene J. Godfrey, P.O. Box 552, 330 Phelps Avenue, Littlefield, Texas 79339-0552, (806) 385-6474.**

**The Swisher Appraisal District, Board of Directors, will meet in El Matador Cafe, North Highway 87, Tulia, on June 15, 1989 at 7:30 p.m. Information may be obtained from Rose Lee Powell, P.O. Box 8, Tulia, Texas 79088, (806) 995-4118.**

**The Texas Panhandle Mental Health Authority, Board of Trustees, will meet in Kilgore Atrium, 1200 Wallace Boulevard, Amarillo, on June 15, 1989 at 10:30 a.m. Information may be obtained from Claire Rigler, P.O. Box 3250, Amarillo, Texas, (806) 353-7235.**

**The Upshur County Appraisal District, Appraisal Review Board, will meet in Upshur County Appraisal District Office, Warren & Trinity Street, Gilmer, on June 13, 1989, at 8 a.m. Information may be obtained from Louise Stracener, P.O. Box 280, Gilmer, Texas 75644, (214) 843-3041.**

TRD-8905080



# In Addition

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

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

## Texas Department of Banking Notice of Application

Texas Civil Statutes, Article 342-401a, require any person who intends to buy control of a state bank to file an application with the banking commissioner for the commissioner's approval to purchase control of a particular state bank. A hearing may be held if the application is denied by the commissioner.

On June 1, 1989, the banking commissioner received an application to acquire control of Lorena State Bank, Lorena, by Vernon Carroll Minor, Marlin.

Additional information may be obtained from: William F. Aldridge, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 479-1200.

Issued in Austin, Texas on June 1, 1989.

TRD-8904996 William F. Aldridge  
Director of Corporate Activities  
Texas Department of Banking

Filed: June 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 1989, 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 balances 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, May 22, 1989-May 26, 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 May 26, 1989: \$93,251,166.

Total amount of state ceiling remains unreserved for the \$209,812,500 subceiling for state-voted issues under the Act as of May 26, 1989: \$164,812,500.

Total amount of state ceiling remaining unreserved for the \$349,687,500 subceiling for all other bonds under the Act as of May 26, 1989: \$2,500.

Total amount of the \$839,250,000 state ceiling remaining unreserved as of May 26, 1989: \$258,066,166.

Comprehensive listing of bond issues which have received a reservation date pursuant to the Act from May 22, 1989-May 26, 1989: None.

Comprehensive listing of bonds issued and delivered as pursuant to the Act from May 22, 1989-May 26, 1989: None.

Issued in Austin, Texas on June 1, 1989.

TRD-8904978 J. William Lauderback  
Executive Director  
Texas Department of Commerce

Filed: June 5, 1989

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

## Texas Department of Community Affairs

### Notice of Block Grant Hearings

As part of the public information, consultation, and public hearings requirements for federal block grant funds, the Texas Department of Community Affairs (TDCA) is conducting public hearings throughout the state in June and July of 1989. The purpose of these hearings is to solicit comments on the proposed use and distribution of FFY 1990 funds provided under the Community Services Block Grant (CSBG) and the Low-Income Home Energy Assistance Program (LIHEAP) Block Grant -- Weatherization Assistance for Low-Income Persons Program and Energy Crisis Program operations. Comments will also be solicited on the state's intended use of the FFY 1989 grant funds received from the United States Department of Health and Human Services for the Dependent Care Grant Program.

At these hearings, proposed intended use reports on these funds for federal fiscal year 1990 (beginning October 1, 1989) will be provided, and public comments will be



**§601.1. Procedures Requiring Full Disclosure (List A).** The following treatments and procedures require full disclosure by the physician or health care provider to the patient or person authorized to consent for the patient.

1. - 16. (No change.)

17. Psychiatric Procedures.

**1. Electroconvulsive therapy with modification by intravenous muscle relaxants and sedatives.**

**1. Memory changes of events prior to, during, and immediately following the treatment.**

**2. Fractures or dislocations of bones.**

**3. Significant temporary confusion requiring special care.**

Issued in Austin, Texas on June 6, 1989.

TRD-8905021

James H. Duke, Jr., M.D.  
Chairman  
Texas Medical Disclosure Panel

Filed: June 6, 1989

For further information, please call (512) 458-7245.

◆ ◆ ◆  
**Texas Department of Human Services**  
**Correction of Error**

The Texas Department of Human Services submitted a proposed section which contained an error as published in the May 30, 1989, issue of the *Texas Register* (14 TexReg 2606).

In §29.1126, the second sentence to subsection (b) should read: "Prior authorization requests must include all pertinent medical records as required by the department or its designee to justify the medical necessity of the long-term total parenteral hyperalimentation."

◆ ◆ ◆  
**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 Republic Western Insurance Company (Assumed Name in Texas for Oxford Property and Casualty Company), foreign casualty insurance company. The home office is in Phoenix, Arizona. The proposed new name is Republic Western Insurance Company

2. Application for admission to do business in Texas of Lower Life Insurance Company, a foreign life insurance company. The home office is in Kansas City, Missouri.

3. Application for admission to do business in Texas of The Green Tree Insurance Company, a foreign casualty insurance company. The home office is in Philadelphia, Pennsylvania.

4. Application for admission to do business in Texas of IDS Property Casualty Insurance Company, a foreign casualty insurance company. The home office is in Green Bay, Wisconsin.

5. Application for admission to do business in Texas of TRW Title Insurance Company, a foreign title insurance company. The home office is in Overland Park, Kansas.

Issued in Austin, Texas, on June 5, 1989

TRD-8904993

Nicholas Murphy  
Chief Clerk  
State Board of Insurance

Filed: June 5, 1989

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

◆ ◆ ◆  
**North Central Texas Council of Governments**

**Consultant Contract Award**

In accordance with Texas Civil Statutes, Article 6252-11c, the North Central Texas Council of Governments publishes this notice of consultant contract award. The consultant proposal request appeared in the January 10, 1989, issue of the *Texas Register* (14 TexReg 232). The consultant is to prepare a satellite airport development program for the Dallas-Fort Worth area.

The consultant selected to perform this study is Peat Marwick Main & Company, P.O. Box 8007, San Francisco International Airport, San Francisco, California 94128-8007. The maximum amount of this contract is \$149,782. The contract will begin June 1, 1989, and will terminate in approximately 12 months.

At the conclusion of this project, the consultant will

prepare a final report documenting all findings and methodologies resulting from this study.

Issued in Austin, Texas on June 1, 1989.

TRD-8904994

William J. Pitstick  
Executive Director  
North Central Texas Council of  
Governments

Filed: June 5, 1989

For further information, please call (817) 640-3300

◆ ◆ ◆  
**Public Utility Commission of Texas**  
**Notice of Proceeding for Approval of**  
**Extended Metropolitan Exchange**  
**Service**

Notice is given to the public of the filing with the Public Utility Commission of Texas of a joint application on May 8, 1989, seeking approval of Extended Metropolitan Exchange Service pursuant to the Public Utility Commission of Texas Substantive Rules, §23.49(i). The following is a summary of the nature of the joint application.

**Project Title and Number.** Joint filing of Fort Bend Telephone Company et al. for approval of extended metropolitan exchange service within the Brookshire/Pattison exchange, Project Number 8827 before the Public Utility Commission of Texas

**The Joint Application.** Approval is sought by Fort Bend Telephone Company, the City of Brookshire, the City of Pattison, and the Commissioners Court of Waller County of a joint request for optional, two way, flat rate, fourth tier metropolitan Houston service within the Brookshire/Pattison telephone exchange. Fourth tier status means a new metropolitan code will be available within the Brookshire/Pattison exchange area. Business customers subscribing to this new service will pay \$81 per month for a one-party line and residential customers will pay \$39 per month for a one-party line. Charges for business lines arranged for multi-line hunting are \$82 per month and those for PBX trunks are \$131.75 per month. Installation charges will be the same as they are for the existing services. Existing customers who do not want metropolitan service will retain their present telephone number and have no increase in rates. However, the local 934 dialing area would be enlarged to include the Valley Lodge metropolitan code (346). The Valley Lodge local code (533) would continue to be a long distance call from a 934 number. The local dialing scope for the new metropolitan code will be all of the Southwestern Bell Central Zone, first and second Tier Houston offices, all numbers in third and fourth tier offices adjacent to the Brookshire/Patton exchange, and Central Telephone, General Telephone, and Sugar Land Telephone Company first and second tier Houston exchanges. This includes all Valley Lodge codes (both 346 and 533).

Persons who wish to intervene or otherwise participate in these proceedings should mail a request to the Public Utility Commission of Texas, 7800 Shoal Creek Boulevard, Suite 400N, Austin, Texas 78757. Further information may also be obtained by calling the P.U.C. Public Information Office at (512) 458-0223, or (512) 458-0221 teletypewriter for the deaf.

Issued in Austin, Texas on this the 6th day of June, 1989.

TRD-8905035

Sheila Bailey Knelp  
Administrative Law Judge  
Public Utility Commission of Texas

Filed: June 6, 1989

For further information, please call 458-0100.

◆ ◆ ◆  
**The University of Texas System**  
**Notice of Contract Award**

The University of Texas Medical Branch at Galveston (UTMB) files this statement of award of contract for consulting services in accordance with provisions of Texas Civil Statutes, Article 6252-11c. On May 30, 1989, UTMB entered into a first amendment to contract for consulting services in response to consultant proposal request published in the March 17, 1989, issue of the *Texas Register* (14 TexReg 1433).

**Project Description.** The additional responsibilities of consultant under this first amendment to contract for consulting services will include assisting the UTMB computing Services Center (CSC) in the development of vendor presentation procedures; participation in the vendors' presentations; development of a survey of vendors' clients; evaluation of potential computer usage for research projects; assisting CSC in coordinating the final draft of the Central Processing Unit Upgrade (CPU) request for proposal within UTMB and with state agencies including assisting CSC with responses to questions from state agencies on the CPU request for proposal; and finalization of the CPU request for proposal for submissions to the State Purchasing and General Services Commission for issuance to vendors and development of a benchmark/stress test. In addition, consultant will assist CSC with responses to vendor questions concerning the CPU request for proposal, development of a process for evaluating vendors' responses to the CPU request for proposal, training UTMB personnel in ways to implement the evaluation process, coordination of the CPU request for proposal evaluation process and assisting CSC in negotiations with vendors for best and final offer. Finally, the consultant will assist CSC with development and presentation of a schedule of events for the CPU upgrade installation and assist CSC with preparation for installation, actual installation, and acceptance testing of the CPU upgrade.

**Name and Address of Contractor.** Technology Specialists, Inc. located at Whiteland Plaza, Suite 160, 740 Lancaster Avenue, Exton, Pennsylvania 19341, is the consultant who has contracted with UTMB for this project.

**Value of Contract and Effective Dates.** The maximum additional amount of this contract under this first amendment is \$40,500, plus related, reasonable and documented, travel, board, lodging, and administrative expenses not to exceed \$12,150. The first amendment to consulting contract became effective May 30, 1989, and shall continue in effect until the project is completed and the provisions of the contract are fully complied with.

Issued in Austin, Texas on June 6, 1989.

TRD-8905024

Arthur H. Dilly  
Certifying Official  
The University of Texas System

Filed: June 6, 1989

For further information, please call (512) 499-4402

## Texas Water Commission

### Notice of Application for Waste Disposal Permit

Attached are notices of applications for waste disposal permits issued during the period of May 29-June 2, 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, after the issuance of proper and timely notice of the hearing. If no sufficient request for hearing is received within 30 days of the date of publication of notice concerning the applications, the permit will be submitted to the commission for final decision on the application.

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

American Chrome & Chemicals, Inc.; Corpus Christi; chemical manufacturer; south of the Corpus Christi Inner Harbor at the north end of Buddy Lawrence Drive in the City of Corpus Christi, Nueces County; 00349; renewal.

William S. Bell; Katy; wastewater treatment facility for Four Seasons Park; on the east side of Katy-Hockley Cutoff Road approximately six miles north of the City of Katy, Harris County; 02645; renewal.

Hidalgo County Municipal Utility District Number 1; Mission; wastewater treatment facility; approximately three miles northwest of the community of Perezville and 7,000 feet southwest of the intersection of FM Roads 1427 and 1924, Hidalgo County; 12854-01; renewal.

Sue Pellegrino, Trustee; Houston; wastewater treatment facility; 12825 Eastex Freeway (U.S. Highway 59), Harris County; 02647; renewal.

River Cement Company; St. Louis; a portland cement manufacturing plant; adjacent to and south of the Southern Pacific Railroad right-of-way, approximately 11,500 feet east of the intersection of State Highway 87 and FM Road 1130, which is north of the City of Orange, 01715; renewal.

Northwoods Management, Inc.; Houston; wastewater treatment facility serving Northwood Industrial Park East; in Northwood Industrial Park East, approximate tely 3,000

feet south and 4,500 feet east of the intersection of FM Road 529 and Addicks Fairbanks Road, Harris County; 13484-01; amendment.

Phillips Pipe Line Company, Subsidiary of Phillips Petroleum Company; Borger; industrial wastewater treatment plant; approximately 1.4 miles northeast of the City of Borger and east of State Spur 119, Hutchinson County; 02447; amendment.

E.I. Du Pont de Nemours and Company; La Porte; chemicals manufacturing plant; approximately four miles northwest of the City of La Porte, adjacent to San Jacinto Bay, Harris County; 00474; amendment.

Issued in Austin, Texas on June 5, 1989.

TRD-8905006      Brenda W. Foster  
Chief Clerk  
Texas Water Commission

Filed: June 5, 1989

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

### Texas Water Development Board Applications Received

Pursuant to the Texas Water Code, §6.195, the Texas Water Development Board provides notice of the following applications received by the board.

Tidwell Timbers Municipal Utility District, 6935 Barney Road, Suite 110, Houston, Texas 77092, received May 23, 1989 for financial assistance in the amount of \$245,000 from the Water Supply Account of the Water Development Fund.

City of Hitchcock, 7423 Highway 6, Hitchcock, Texas 77563, received February 27, 1989, for financial assistance in the amount of \$995,000 from the State Water Pollution Control Revolving Fund.

Cameron County Water Development Board, 964 East Harrison Street, Brownsville, Texas 78520, received November 14, 1988, for financial assistance in the amount of \$125,000 from the Research and Planning Fund.

Additional information concerning this matter may be obtained from M. Reginald Arnold II, Executive Administrator, P.O. Box 13231, Austin, Texas 78711.

Issued in Austin, Texas on June 7, 1989.

TRD-8905052      M. Reginald Arnold II  
Executive Administrator  
Texas Water Development Board

Filed: June 7, 1989

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