

JUN 30 89

Texas Register

Volume 14, Number 48, June 30, 1989

Pages 3161-3225

In This Issue...

Governor

Appointments Made June 2, 1989

3171-Council on Disabilities

Appointments Made June 12, 1989

3171-280th Judicial District Court of Harris County

3171-Battleship Texas Advisory Board

3171-Texas Guaranteed Student Loan Corporation

3171-Board of Private Investigators and Private Security Agencies

3171-Lower Colorado River Authority Board of Directors

3171-Texas Board of Physical Therapy Examiners

3171-Texas Surplus Property Agency

3171-Trinity River Authority of Texas Board of Directors

3171-Texas Southern University Board of Regents

Appointments Made June 13, 1989

3171-State Board of Nurse Examiners

3171-Polygraph Examiners Board

3171-Interagency Council on Mentally Retarded, Developmentally Disabled, and Mentally Ill Offenders

3171-Texas Planning Council for Developmental Disabilities

3171-Statewide Health Coordinating Council

3171-Texas Board of Architectural Examiners

3171-Texas Diabetes Council

3171-State Board of Barber Examiners

3171-Texas Advisory Board of Occupational Therapy

3171-Texas State Board of Physical Therapy Examiners

Appointments Made June 14, 1989

3171-Board for Lease, Texas Parks and Wildlife Commission

Appointments Made June 19, 1989

3171-Texas Growth Fund Board of Trustees

Attorney General

Opinions

3173-JM-1052 (RQ-1625)

3173-JM-1053 (RQ-1651)

3173-JM-1054 (RQ-1688)

3173-JM-1055 (RQ-1608)

Requests for Opinions

3173-(RQ-1723)

3173-(RQ-1724)

3173-(RQ-1725)

3173-(RQ-1726)

3173-(RQ-1727)

3173-(RQ-1728)

3173-(RQ-1729)

3173-(RQ-1730)

3174-(RQ-1731)

3174-(RQ-1732)

3174-(RQ-1733)

3174-(RQ-1734)

3174-(RQ-1735)

3174-(RQ-1736)

3174-(RQ-1737)

3174-(RQ-1738)

3174-(RQ-1739)

3174-(RQ-1740)

3174-(RQ-1741)

3174-(RQ-1742)

Emergency Sections

Texas Board of Chiropractic Examiners

3175-Advertising and Public Communications

3175-Chiropractic Radiologic Technologist

Comptroller of Public Accounts

3175-Tax Administration

Proposed Sections

State Purchasing and General Services Commission

3177-Central Purchasing Division

Animal Health Commission

3177-Brucellosis

CONTENTS CONTINUED INSIDE

Texas Register

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

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

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

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

Governor—appointments, executive orders, and proclamations

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

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

Proposed Sections—sections proposed for adoption

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

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

Open Meetings—notices of open meetings

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

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

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

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

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

Texas Administrative Code

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

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

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

TAC stands for the *Texas Administrative Code*;

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



Texas Register Publications

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

George S. Bayoud, Jr.
Secretary of State

Director
Dan Procter

Assistant Director
Dec Wright

Documents Section Supervisor
Patty Parris

Documents Editors
Lisa Brull
Janiene Hagel

Open Meetings Clerk
Brenda J. Kizzee

Production Section Supervisor
W. Craig Howell

Production Editor
Ann Franklin

Typographer
Sharon Menger
Hermina Roberts

Circulation/Marketing
Richard Kallus
Roberta Knight

TAC Editor
Dana Blanton

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

Texas Historical Commission

3178-Texas Main Street Project

Texas Education Agency

3178-Curriculum

3179-Teacher Education

3180-Teacher Certification

3182-Assignment of Personnel

State Board of Medical Examiners

3188-Acupuncturists

Texas Optometry Board

3188-General Rules

Texas State Board of Public Accountancy

3189-The Board

State Board of Insurance

3189-Title Insurance

Comptroller of Public Accounts

3190-Tax Administration

Texas Department of Human Services

3194-Purchased Health Services

Withdrawn Sections

Animal Health Commission

3199-Brucellosis

Texas Education Agency

3199-Curriculum

Texas Water Commission

3199-Control of Certain Activities by Rule

3199-Subsurface Excavations

3199-Industrial Solid Waste and Municipal Hazardous Waste

Texas Commission on Alcohol and Drug Abuse

3199-DWI Education Program Standards and Procedures

Adopted Sections

Animal Health Commission

3201-Brucellosis

Public Utility Commission of Texas

3201-Substantive Rules

Texas Education Agency

3201-Curriculum

Texas Air Control Board

3202-Control of Air Pollution from Sulfur Compounds

Comptroller of Public Accounts

3206-Tax Administration

Texas Department of Human Services

3206-ICF/SNF

Texas Commission on Alcohol and Drug Abuse

3207-DWI Education Program Standards and Procedures

State Board of Insurance

3207-Notification Pursuant to the Insurance Code, Chapter 5, Subchapter L

Open Meetings

3209-Texas State Board of Public Accountancy

3209-State Bar of Texas

3209-Texas Department of Commerce

3209-Credit Union Department

3209-Texas Health and Human Services Coordinating Council

3209-Texas Higher Education Coordinating Board

3210-Texas Department of Human Services

3210-Department of Information Resources

3210-State Board of Insurance

3211-Lamar University System

3211-Texas Board of Licensure for Nursing Home Administrators

3211-Board of Pardons and Paroles

3211-State Property Tax Board

3211-Railroad Commission of Texas

3211-Texas Rehabilitation Commission

3212-Texas Statewide Health Coordinating Council

3212-Texas Tech University

3212-Texas State Treasury Department

3212-University of Texas System, M.D. Anderson Cancer Center

3212-Public Utility Commission of Texas

3212-Texas Water Commission

3213-Regional Meetings

In Addition

Texas Board of Architectural Examiners

3217-Correction of Error

3217-Notice of Hearing Cancellation

3217-Notice of Postponement of Hearing

Office of Consumer Credit Commissioner

3217-Notice of Rate Ceilings

Texas Education Agency

3218-Consultant Proposal Request

Texas Department of Health

3218-Agreed Order

3219-Emergency Impoundment Order

3219-Intent to Revoke Certificates of Registration

3222-Request for Proposals

Texas Department of Human Services

3222-Correction of Error

Railroad Commission of Texas
3222-LP-Gas Advisory Committee Meeting

Texas Woman's University
3223-Request for Proposals

Texas Water Commission

3223-Notice of Application for Waste Disposal Permit
3224-Public Hearing Notice

Texas Register

3225-Publication Schedule

TAC Titles Affected

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 §§113.14—3177

1 TAC §115.62—2797

TITLE 4. AGRICULTURE

Part I. Texas Department of Agriculture

4 TAC §11.2—2651

4 TAC §18.33—3141

4 TAC §19.1—3105

4 TAC §19.3, §19.12—3105

Part II. Animal Health Commission

4 TAC §§35.1—3131, 3177, 3199

4 TAC §§35.2—3131, 3141, 3201

4 TAC §35.4—3133

4 TAC §49.1—3134

4 TAC §51.2—3134

4 TAC §55.5—3135

4 TAC §57.11—3135

4 TAC §65.52—3142

TITLE 10. COMMUNITY DEVELOPMENT

Part I. Texas Department of Community Affairs

10 TAC §9.41—3043

10 TAC §§13.1, 13.7-13.13—3144

10 TAC §13.3—3143

10 TAC §13.14—3143

Part V. Texas Department of Commerce

10 TAC §178.41—3087

10 TAC §179.1—3087

TITLE 13. CULTURAL RESOURCES

Part II. Texas Historical Commission

13 TAC §19.6, §19.7—3178

TITLE 16. ECONOMIC REGULATION

Part I. Railroad Commission of Texas

16 TAC §3.57—2647

16 TAC §5.294—3037

16 TAC §5.535—3045

16 TAC §5.587—3037

Part II. Public Utility Commission of Texas

16 TAC §21.22—2740

16 TAC §23.3—3037

16 TAC §23.21—2951

16 TAC §23.22—3201

16 TAC §23.23—2740

16 TAC §23.27—2989

16 TAC §23.31—3201

16 TAC §23.45—2939

16 TAC §23.46—2939

16 TAC §23.54—2898

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

16 TAC §§65.41-65.52—2747

16 TAC §§65.61-65.70—2736, 2747

16 TAC §§65.81-65.93—2737, 2748

16 TAC §§65.101-65.108—2737, 2748

16 TAC §§65.121-65.124—2737, 2748

16 TAC §69.54—2977, 2985

TITLE 19. EDUCATION

Part I. Texas Higher Education Coordinating Board

- 19 TAC §1.7—2748
- 19 TAC §§1.21-1.40—2750
- 19 TAC §§1.21-1.56—2749
- 19 TAC §9.63—2985
- 19 TAC §21.59—2986
- 19 TAC §§21.251-21.263—2993
- 19 TAC §§21.251-21.266—2993

Part II. Texas Education Agency

- 19 TAC §§69.127, 69.129—2649
- 19 TAC §75.61—3199
- 19 TAC §75.141—3178
- 19 TAC §137.551, §137.554—3179
- 19 TAC §141.43—3180
- 19 TAC §141.141—3180
- 19 TAC §141.241, §141.242—3181
- 19 TAC §141.297—3181
- 19 TAC §143.11—3182
- 19 TAC §149.43—2681

TITLE 22. EXAMINING BOARDS

Part I. Texas Board of Architectural Examiners

- 22 TAC §1.25—2738, 2752
- 22 TAC §1.88—2900
- 22 TAC §1.122—2900

Part III. Texas Board of Chiropractic Examiners

- 22 TAC §77.5—3175
- 22 TAC §78.1—3175

Part IV. Texas Cosmetology Commission

- 22 TAC §§81.1-81.8—2900
- 22 TAC §83.3—2752
- 22 TAC §83.15—2900
- 22 TAC §§85.1-85.3, 85.11-85.13, 85.21-85.23, 85.31-85.33, 85.41—2900
- 22 TAC §§87.1-87.10, 87.21, 87.22, 87.31-87.34—2901

- 22 TAC §89.8—2752
- 22 TAC §89.13—2752
- 22 TAC §89.17—2753
- 22 TAC §89.20—2753
- 22 TAC §89.38—2753
- 22 TAC §89.39—2754
- 22 TAC §89.70—2754
- 22 TAC §89.72—2940

Part V. State Board of Dental Examiners

- 22 TAC §107.63—2952
- 22 TAC §115.10—2940, 2981
- 22 TAC §116.4—2952
- 22 TAC §116.5—2952

Part IX. State Board of Medical Examiners

- 22 TAC §163.2—2650
- 22 TAC §§183.4, 183.6, 183.7—3188
- 22 TAC §183.5—3188

Part XI. Board of Nurse Examiners

- 22 TAC §217.1, §217.3—3088

Part XIV. Texas Optometry Board

- 22 TAC §273.4—3188

Part XXII. Texas State Board of Public Accountancy

- 22 TAC §501.2—2949
- 22 TAC §505.8—3189
- 22 TAC §505.10—3189

TITLE 25. HEALTH SERVICES

Part I. Texas Department of Health

- 25 TAC §31.4—2901
- 25 TAC §§229.141-229.149—2755
- 25 TAC §§229.291-229.298—2755
- 25 TAC §229.334—2941
- 25 TAC §325.731—2952

Part II. Texas Department of Mental Health and Mental Retardation

- 25 TAC §402.44—2773
- 25 TAC §§401.371-401.393—3089

25 TAC §§401.401-401.413—3101

Part VII. Texas Medical Disclosure Panel

25 TAC §601.1—2795, 2941

Part XXV. Structural Pest Control Board

22 TAC §593.23—3038

TITLE 28. INSURANCE

Part I. State Board of Insurance

28 TAC §§3.1-3.5—2995

28 TAC §3.3030—3006

28 TAC §§8.1-8.3—2650

28 TAC §9.401—3189

28 TAC §15.25—3006

28 TAC §§27.801-27.808—2681

Part II. Industrial Accident Board

28 TAC §42.110—2987, 3007

**TITLE 31. NATURAL RESOURCES
AND CONSERVATION**

Part I. General Land Office

31 TAC §1.91—2774

31 TAC §2.1, §2.2—2774

31 TAC §3.1—2987

31 TAC §§3.1-3.12, 3.14, 3.15—2942

31 TAC §§3.1-3.12, 3.14-3.15, 3.21-3.25, 3.31-3.34, 3.41-3.43, 3.51-3.52, 3.61, and 3.71—2774,

31 TAC §§3.21, 3.23-3.25—2942

31 TAC §§3.31-3.34—2942

31 TAC §§3.41-3.43—2943

31 TAC §§3.51-3.52—2943

31 TAC §3.61—2943

31 TAC §3.71—2944

31 TAC §§9.1-9.12—2775

31 TAC §9.21—2944

31 TAC §§11.11-11.17—2794

31 TAC §§153.11-153.15—2944

31 TAC §§153.21-153.37—2944

31 TAC §§153.61-153.66, 153.71—2945

Part III. Texas Air Control Board

31 TAC §§112.41, 112.45, 112.47—3202

31 TAC §112.42, §112.43—3203

31 TAC §112.43—3203

31 TAC §§112.51, 112.53, 112.55, 112.57, 112.59—3203

Part IX. Texas Water Commission

31 TAC §§294.10-294.12—3045

31 TAC §305.62, §305.66—3046

31 TAC §305.153, §305.154—3046

31 TAC §305.521—3008

31 TAC §§311.61-311.66—2652

31 TAC §§331.2, 331.8-331.10—3048

31 TAC §§321.131-321.138—3199

31 TAC §§329.1-329.19—3199

31 TAC §§329.1-329.26—3199

31 TAC §§331.42, 331.44-331.46, 331.48—3049

31 TAC §§331.62-331.68—3051

31 TAC §331.121—3055

31 TAC §335.204—3199

Part X. Texas Water Development Board

31 TAC §367.1, §367.2—3129

31 TAC §§367.21, 367.23-367.27, 367.29—3129

TITLE 34. PUBLIC FINANCE

Part I. Comptroller of Public Accounts

34 TAC §3.228—3143

34 TAC §3.300—3175

34 TAC §3.393—3190

34 TAC §3.405—3190

34 TAC §3.415—3191

34 TAC §3.547—3206

34 TAC §3.548—3008

34 TAC §3.554—2738, 3206

34 TAC §3.557—3206

34 TAC §3.565—2738

34 TAC §3.640—2795

Part VII. State Property Tax Board

34 TAC §§163.6—3039

Part IX. Bond Review Board

34 TAC §§181.3-181.5—2901

Part IV. Employees Retirement System

34 TAC §§81.7—2937, 2945

34 TAC §§85.1—2953

34 TAC §§85.7—2946

**TITLE 37. PUBLIC SAFETY AND
CORRECTIONS**

Part I. Texas Department of Public Safety

37 TAC §§1.52, §1.53—3144

Part III. Texas Youth Commission

37 TAC §§119.3—2683

Part V. Board of Pardons and Paroles

37 TAC §§141.21—2654

37 TAC §§141.41, §141.42—2654

37 TAC §§141.72, §141.73—2654

37 TAC §§141.101—2655

37 TAC §§141.111—2655

37 TAC §§143.1-143.12—2655

37 TAC §§143.2-143.11—2656

37 TAC §§143.22—2657

37 TAC §§143.52—2657

37 TAC §§145.1-145.21—2657

37 TAC §§145.2-145.12, 145.14-145.16—2659

37 TAC §§145.21-145.28—2660

37 TAC §§145.22-145.26—2660

37 TAC §§145.41, 145.42, 145.43—2662

37 TAC §§145.44-145.55—2663

37 TAC §§145.62—2669

37 TAC §§145.71, 145.72—2669

37 TAC §§147.1, 147.3, 147.5, 147.7—2669

37 TAC §§147.27—2670

37 TAC §§149.1-149.6—2670

37 TAC §§149.2-149.7—2673

37 TAC §§149.11, 149.13, 149.15-149.17—2673

37 TAC §§149.13, 149.16-149.18—2674

37 TAC §§150.1-150.9—2674

Part X. Texas Adult Probation Commission

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

37 TAC §§321.12-321.14, 321.16—2676

37 TAC §§323.1-323.3—2684

37 TAC §§325.1-325.12—2684

**TITLE 40. SOCIAL SERVICES AND
ASSISTANCE**

Part I. Texas Department of Human Services

40 TAC §§3.302—3144

40 TAC §§3.304—3144

40 TAC §§3.403—3145

40 TAC §§3.2201, 3.2203, 3.2204—2684

40 TAC §§5.1002—2947

40 TAC §§7.101—2902

40 TAC §§7.1210—2947

40 TAC §§8.1-8.8—2986

40 TAC §§8.1-8.9—2981

40 TAC §§8.9—2987

40 TAC §§10.7001-10.7008—2684

40 TAC §§16.6116—3206

40 TAC §§29.502—2685, 3194

40 TAC §§29.603, §29.606—2685

40 TAC §§29.606—3194

40 TAC §§35.9001—3057

40 TAC §§41.104—3060

40 TAC §§47.2907, §47.2914—2677

40 TAC §§50.903, §50.904—3008

40 TAC §§50.1901, §50.1902—3009

40 TAC §§50.2903, 50.2904, 50.2909—3009

40 TAC §§50.3901-50.3906, 50.3908, 50.3909, 50.3911,
50.3912—3010

40 TAC §§50.3915—3105

40 TAC §§50.4902—3011

40 TAC §53.301—2678

40 TAC §53.404—2678

40 TAC §73.4109—2947

40 TAC §73.4114, §73.4115—2947

40 TAC §§79.1203, 79.1207, 79.1208—2948

Part III. Texas Commission on Alcohol and Drug Abuse

40 TAC §141.23—3105, 3139

40 TAC §153.36—3199

40 TAC §153.38—3207

Part X. Texas Employment Commission

40 TAC §301.33—3136

40 TAC §305.1—3103

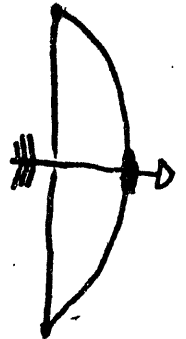
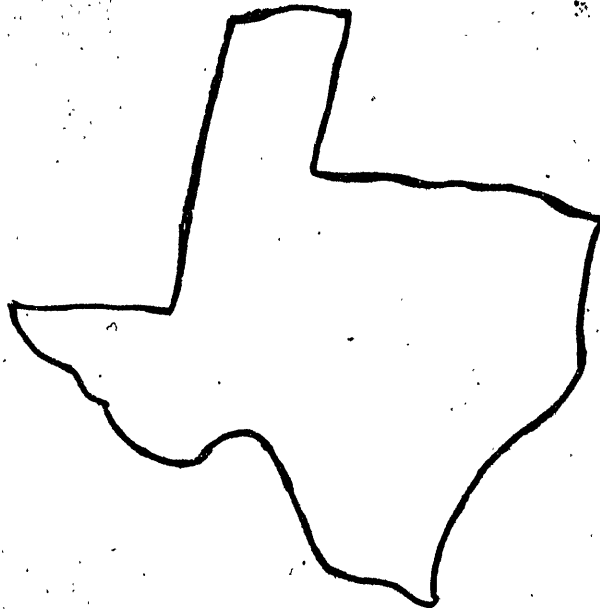
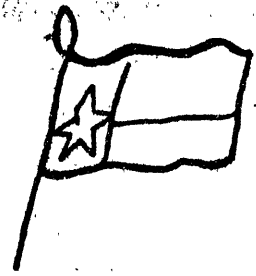
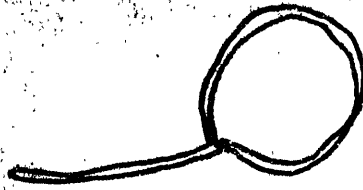
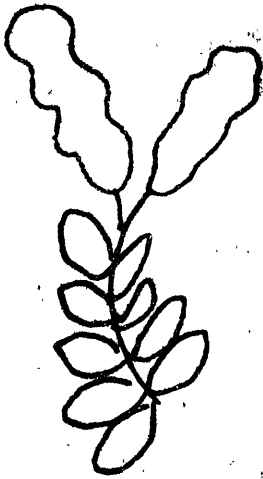
TITLE 43. TRANSPORTATION

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





Texas

Name: John Barry

Grade: 2

School: Burks Elementary, McKinney

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 chairman of the Council on Disabilities for a term at the pleasure of the governor: Linda Parker, Harper. Ms. Parker is being reappointed.

Appointments Made June 12, 1989

To be a judge of the 280th Judicial District Court of Harris County until the next general election and until her successor shall be duly elected and qualified: Tonita (Tony) Davis Lindsay, 19951 Kuykendahl, Spring, Texas 77379. Ms. Lindsay will be replacing Judge Melinda Harmon of Houston who resigned.

To be a member of the Battleship Texas Advisory Board for a term to expire February 1, 1995: Charles A. Alcorn, 623 Rancho Baver, Houston, Texas 77079. Mr. Alcorn will be replacing Mary Burke of Houston whose term expired.

To be a member of the Texas Guaranteed Student Loan Corporation for a term to expire January 31, 1991: Comer Alden, 102 Gatewood, San Antonio, Texas 78209. Mr. Alden will be filling the unexpired term of Robert L. Hardesty of Austin who is no longer eligible to serve.

To be a member of the Board of Private Investigators and Private Security Agencies for a term to expire January 31, 1995: James Smith Bowie, 706 East Whitney, Houston, Texas 77022-3538. Mr. Bowie will be replacing Roland M. Searcy, Jr. of Bryan whose term expired.

To be a member of the Lower Colorado River Authority Board of Directors for a term to expire February 1, 1991: Roy E. Bucek, 103 Upton Avenue, Schulenburg, Texas 78956. Mr. Bucek will be filling the unexpired term of Jack Littlejohn of Carmine who resigned.

To be a member of the Texas Board of Physical Therapy Examiners for a term to expire January 31, 1995: Joe H. Golman, 6335 West Northwest Highway, #511, Dallas, Texas 75225. Mr. Golman will be replacing Robert Hawkins of Waco whose term expired.

To be a member of the Texas State Board of Physical Therapy Examiners for a term to expire January 31, 1995: Dorene P. Goodson, 2827 Buffalo Court, Arlington, Texas 76013. Mrs. Goodson will be replacing Vernon Wilson, Jr. of Houston whose term expired.

To be a member of the Texas Surplus Property Agency for a term to expire March 19, 1995: Robert A. Lansford, P.O. Box 4087, Austin, Texas 78773-0001. Mr. Lansford is being reappointed.

To be a member of the Trinity River Authority of Texas Board of Directors for a term to expire March 15, 1995: H. Gene Reynolds, Jr., P.O. Box 147, Fairfield, Texas 75840. Mr. Reynolds will be replacing Francis Suel Hill of Fairfield whose term expired.

To be a member of the Texas Southern University Board of Regents for a term to expire February 1, 1995: Walter H. Criner, 9219 Petersham, Houston, Texas 77031. Mr. Criner will be replacing Arthur M. Gaines, Jr. of Houston whose term expired.

Appointments Made June 13, 1989

To be a member of the State Board of Nurse Examiners for a term to expire January 31, 1995: Morris H. Parrish, 321 South O'Connor, Irving, Texas 75060. Mr. Parrish will be replacing Mary Elizabeth Jackson of Tyler whose term expired.

To be a member of the Polygraph Examiners Board for a term to expire June 18, 1995: Ed Hodges, P.O. Box 792082, Dallas, Texas 75379. Mr. Hodges will be replacing Vern L. Thrower of Houston whose term expired.

To be a member of the Interagency Council on Mentally Retarded, Developmentally Disabled, and Mentally Ill Offenders for a term to expire February 1, 1995: Dr. Jeffrey C. Siegel, 8656 Westfield, Dallas, Texas 75243. Dr. Siegel is being reappointed.

To be a member of the Texas Planning Council for Developmental Disabilities for a term to expire February 1, 1995: James E. Vaughn, 3803 Black Cricket Court, Humble, Texas 77396. Mr. Vaughn will be replacing Patricia McCallum of Seagoville whose term expired.

To be a member of the Texas Planning Council for Developmental Disabilities for a term to expire February 1, 1995: James McBryde, 3560 Hunters Glen, Abilene, Texas 79605. Mr. McBryde is being reappointed.

To be a member of the Texas Planning Council for Developmental Disabilities for a term to expire February 1, 1995: Tom Deliganis, 8554 Littleport, San Antonio, Texas 78239. Dr. Deliganis is being reappointed.

To be a member of the Statewide Health Coordinating Council for a term to expire September 1, 1989: Mary M. Newsome, 1130 Cottage Oak Lane, Houston, Texas 77091. Mrs. Newsome will be replacing Representative Frank Madla whose term expired.

To be a member of the Texas Board of Architectural Examiners for a term to expire January 31, 1995: Jerry E. Yancey, 1921 Palo Alto Circle, Plano, Texas 75074. Mr. Yancey will be replacing Anne P. Dickson of Dallas whose term expired.

To be a member of the Texas Diabetes Council for a term to expire February 1, 1991: Michael P. Stern, M.D., 232 Belvidere, San Antonio, Texas 78212. Dr. Stern is being reappointed.

To be a member of the State Board of Barber Examiners for a term to expire January 31, 1995: Helen Spears, 1923 Timbergrove Circle, Dallas, Texas 75208. Ms. Spears is being reappointed.

To be a member of the Texas Advisory Board of Occupational Therapy for a term to expire February 1, 1995: Frances Derrick, 2414 Fulton Drive, Mesquite, Texas 75150. Mrs. Derrick will be replacing Arthur H. Dilly of Austin whose term expired.

To be a member of the Texas State Board of Physical Therapy Examiners for a term to expire January 31, 1995: Lila C. Cross, 28076 Aqueduct, Boerne, Texas 78006. Mrs. Cross will be replacing Betty M. Schocke of Texas City whose term expired.

Appointments Made June 14, 1989

To be a member of the Board for Lease, Texas Parks and Wildlife Commission for a term to expire September 1, 1989: George C. (Tim) Hixon, 111 West Lynwood, San Antonio, Texas 78212. Mr. Hixon will be filling the unexpired term of Charles Durham Nash, Jr. of San Marcos who will now be serving on the board in his position as chairman of the Texas Parks and Wildlife Commission.

Appointments Made June 19, 1989

To be a member of the Texas Growth Fund Board of Trustees for a term to expire February 1, 1991: A. W. Riter, Jr., 403 Bluebonnet Drive, Tyler, Texas 75701. Mr. Riter is being appointed to a new position pursuant to the Texas Constitution, Article XVI, §70.

To be a member of the Texas Growth Fund Board of Trustees for a term to expire February 1, 1993: H. Scott Caven, 2169 Troon Road, Houston, Texas 77019. Mr. Caven is being appointed to a new position pursuant to the Texas Constitution, Article XVI, §70.

To be a member of the Texas Growth Fund Board of Trustees for a term to expire February 1, 1993: Richard J. Hanschen, 12101 Vendome Place, Dallas, Texas 75230. Mr. Hanschen is being appointed to a new position pursuant to the Texas Constitution, Article XVI, §70.

Issued in Austin, Texas on June 22, 1989.

TRD-8905467

William P. Clements, Jr.
Governor of Texas



Attorney General

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

Opinions

JM-1052 (RQ-1625). Request from D. C. (Jim) Dozier, Montgomery County Attorney, Courthouse, Conroe, concerning responsibilities of the Montgomery County Hospital District with regard to indigent health care.

Summary of Opinion. The determination of whether a particular expenditure is for medical care for purposes of the Texas Constitution, Article IX, §9, must be made on a case-by-case basis. Similarly, the determination of whether a service constitutes mental health or mental retardation services or public health services must be made on a case-by-case basis.

The enabling statute of a hospital district must specifically mention mental health and mental retardation services and public health units and clinics in order to prevent a political subdivision within a hospital district from exercising any authority it might otherwise have to provide such services.

The Texas Constitution, Article IX, §13, does not impose a duty on any political subdivision to provide mental health or mental retardation services or public health services.

Although we cannot determine whether there is in fact an overlap, it is possible that a county that has established a local health department or has become a member of a health district and a hospital district have overlapping responsibilities. There is no legal impediment to each of two political subdivisions having a duty to provide the same services when those services are sought by indigents.

TRD-8905457

JM-1053 (RQ-1651). Request from Jerry Cobb, Criminal District Attorney, Denton County, Denton, concerning whether a 9-1-1 emergency communication district may increase its fee without an election, and related questions.

Summary of Opinion. Because the ballot proposition at its confirmation and fee election included language reading authorizing a 9-1-1 emergency service fee not to exceed

three percent of the base rate of the principal service supplier, an attempt by the Denton County Emergency Communication District subsequently to raise the fee to six percent of the base rate might be subject to declaratory, injunctive or other relief in a court action. The holding of another election to approve raising the fee to six percent is not authorized.

The provision of Texas Civil Statutes, Article 1432i, §4(b), that a "member of... the governing body of a public agency may not be held liable for any claim, damage, or loss arising from the provision of 9-1-1 service unless the act or omission causing the claim, damage, or loss violates a statute or ordinance applicable to the action" applies to board members of an emergency communication district created under Texas Civil Statutes, Article 1432e. Common law public official immunity might, on a given set of facts, provide additional insulation from liability for board members of the district.

The Civil Practice and Remedies Code, Chapter 102, authorizes an Article 1432e emergency communication district board to pay actual damages awarded against a board member under the circumstances provided for in that chapter.

TRD-8905456

JM-1054 (RQ-1688). Request from Stanley R. Watson, County Attorney, Hardeman County, Quanah, concerning the location of justice of the peace offices in Hardeman County.

Summary of Opinion. The location of the quarters in the courthouse or county owned buildings where the justice of the peace conducts trials and the business of that office is within the province of the commissioners court of Hardeman County.

TRD-8905455

JM-1055 (RQ-1608). Request from Mike Driscoll, Harris County Attorney, Houston, concerning liability of a county tax assessor-collector for the loss of public funds.

Summary of Opinion. The Tax Code, §6.275 provides the exclusive method for relieving the county tax assessor-collector of personal responsibility for loss of funds in his custody or the custody of his office. The assessor-collector is not required to prepay any shortfall pending the determination of the district court regarding negligence or misconduct of such official.

TRD-8905454

Requests for Opinions

(RQ-1723). Request from Thomas B. Sehon, District Attorney, Falls County Courthouse, Marlin, concerning constitutional validity of the Texas Community Development Program.

(RQ-1724). Request from Bill Turner, Brazos District Attorney, Bryan, concerning frequency of hearings to determine mental competence under the Texas Code of Criminal Procedure, Article 46.02.

(RQ-1725). Request from W. C. McDonald, Pecos County Attorney, Fort Stockton, concerning whether county hospital claim and county must be approved by the county auditor.

(RQ-1726) Request from Brad Wright, Chairman, Public Health Committee, Texas House of Representatives, Austin, concerning whether amendments to the Federal Hazardous Substances Act preempt all state art materials labeling laws.

(RQ-1727). Request from Bob Bullock, Comptroller of Public Accounts, Austin, concerning whether the county sales tax applies to residential gas and electricity sales.

(RQ-1728). Request from Timothy R. Kenny, Executive Administrator, Texas Housing Agency, Austin, concerning the authority of the board of directors of the Texas Housing Agency to delegate certain final determinations to a committee.

(RQ-1729). Request from John B. Holmes, Jr., Harris District Attorney, Houston, concerning whether non-payment of rent may constitute theft of services under the Texas Penal Code, §31.04.

(RQ-1730). Request from Joe Lucas, El

Paso County Attorney, El Paso, concerning disposal of forfeited property by a municipality under Texas Civil Statutes, Article 4476-15.

(RQ-1731). Request from James Warren Smith, Jr., Frio County Attorney, Pearsall, concerning whether a sheriff may unilaterally terminate a contract for jail prisoners between Frio County and another political subdivision.

(RQ-1732). Request from Bill Reimer, Comal County Attorney, New Braunfels, concerning validity of contract between an appraisal districts and a retirement plan.

(RQ-1733) Request from David M. McCoy, District Attorney, Childress, concerning whether the nepotism law prohibits the employment of an individual as a police officer when his father serves on the city council.

(RQ-1734). Request from Charles D. Travis, Executive Director, Texas Parks and Wildlife Department, Austin, concerning whether a municipal ordinance prohibiting the towing or dragging of nets near a bulkhead contravenes the Parks and Wildlife Code.

(RQ-1735). Request from Patrick Hardy, Criminal District Attorney, Woodville, concerning whether the wife of a county judge may be employed by the county hospital.

(RQ-1736). Request from Jeffrey J. Horner, Attorney, Bracewell and Patterson, Houston, concerning public availability of education transcripts of professional public school employees under Senate Bill Number 404 of the 71st Texas Legislature.

(RQ-1737). Request from Kelly Frels, Attorney, Bracewell and Patterson, Houston, concerning whether teacher appraisals/evaluations are protected from required public disclosure by Texas Civil Statutes, Article 6252-17a, §3(a)(11).

(RQ-1738). Request from A. W. Pogue, Commissioner of Insurance, State Board of Insurance, Austin, concerning whether a draft of an Early Warning System Manual prepared for the State Board of Insurance is protected from required public disclosure under Texas Civil Statutes, Article 6252-17a, §3(a) (6) and/or §3(a)(11).

(RQ-1739). Request from Genevieve G. Stubbs, Assistant General Counsel, Texas A & M University System, College Station, concerning whether records that are created after a student ceases to be a student but that relate to events occurring during the student's collegiate career fall within Texas Civil Statutes, Article 6252-17a, §3(a)(14) and/or §14(e).

(RQ-1740) Request from Ralph R. Wallace, III, Chairman, Cultural and Historical House, Austin, concerning whether federal employees are subject to the local hotel/motel occupancy tax.

(RQ-1741). Request from David Cain, Chairman, House Transportation Committee, Austin, concerning authority of a municipality to prohibit the operation of bicycles on a state roadway.

(RQ-1742). Request from Cecilia Garcia Akers, P.T., Chairman, Texas State Board of Physical Therapy Examiners, Austin, concerning whether a chiropractors is authorized to advertise the offering of physical therapy services.

TRD-8905458



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 22. EXAMINING BOARDS

Part III. Texas Board of Chiropractic Examiners

Chapter 77. Advertising and Public Communications

• 22 TAC §77.5

The Texas Board of Chiropractic Examiners is renewing the effectiveness of the emergency adoption of new §77.5, for a 60-day period effective June 23, 1989. The text of new §77.5 was originally published in the March 10, 1989, issue of the *Texas Register* (14 TexReg 1151).

Issued in Austin, Texas on June 23, 1989.

TRD-8905507

Jennie Smetana
Executive Director
Texas Board of
Chiropractic Examiners

Effective date: June 23, 1989

Expiration date: August 22, 1989

For further information, please call: (512)
343-1895

Chapter 78. Chiropractic Radiologic Technologist

• 22 TAC §78.1

The Texas Board of Chiropractic Examiners is renewing the effectiveness of the emergency adoption of amended §78.1, for a 60-day period effective June 23, 1989. The text of amended §78.1 was originally published in the March 10, 1989, issue of the *Texas Register* (14 TexReg 1151).

Issued in Austin, Texas on June 23, 1989.

TRD-8905508

Jennie Smetana
Executive Director
Texas Board of
Chiropractic Examiners

Effective date: June 23, 1989

Expiration date: August 22, 1989

For further information, please call: (512)
343-1895

TITLE 34. PUBLIC FINANCE

Part I. Comptroller of Public Accounts

Chapter 3. Tax Administration

Subchapter O. State Sales and Use Tax

• 34 TAC §3.300

The Comptroller of Public Accounts adopts on an emergency basis an amendment to §3.300, concerning manufacturing; custom manufacturing; fabricating; processing. The emergency amendment clarifies the taxability of materials used by a manufacturer for pollution control required by law or regulation and of nitrogen and other gases used by a manufacturer to protect the product or raw materials from fire, contamination, explosion, or protect the environment. These items are necessary and essential to the manufacturing process and are exempt.

The amendment is adopted on an emergency basis to settle considerable confusion as to the eligibility of these gases for exemption.

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

§3.300. Manufacturing; Custom Manufacturing; Fabricating; Processing (Texas Tax Code, §§151.005, 151.007, 151.318).

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

(d) Exempt manufacturing items.

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

(3) Necessary and essential materials.

(A) Materials that are necessary or essential to the operation of machinery or equipment used in the actual

manufacturing process are exempt. All materials which are directly used or consumed in any phase of the actual manufacturing, processing, or fabricating operation are exempt if they are necessary or essential to the operation. For example, lubricants consumed in the operation of machinery or equipment used in the actual manufacturing process, explosives used to blast granite or other material from the earth for further processing and sale, any material which is used or consumed in a process to remove impurities, to achieve quality control, to cause a physical or chemical change in a product, or otherwise make the product more marketable are exempt. Materials used to test the quality of the product after the manufacturing process is complete are not exempt.

(B) Materials or services to equipment that are required by law or regulation for public health or pollution control purposes are exempt.

(C) Gases used on the premises of a manufacturing plant to prevent contamination of raw material or product, or to prevent a fire, explosion, or other hazardous or environmentally damaging situation at any stage in the manufacturing process including loading and storage on premises are exempt.

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

(e) Rentals and Leases. The exemptions provided in this section do not apply to any taxable item rented or leased to a person engaged in manufacturing.

Issued in Austin, Texas, on June 21, 1989.

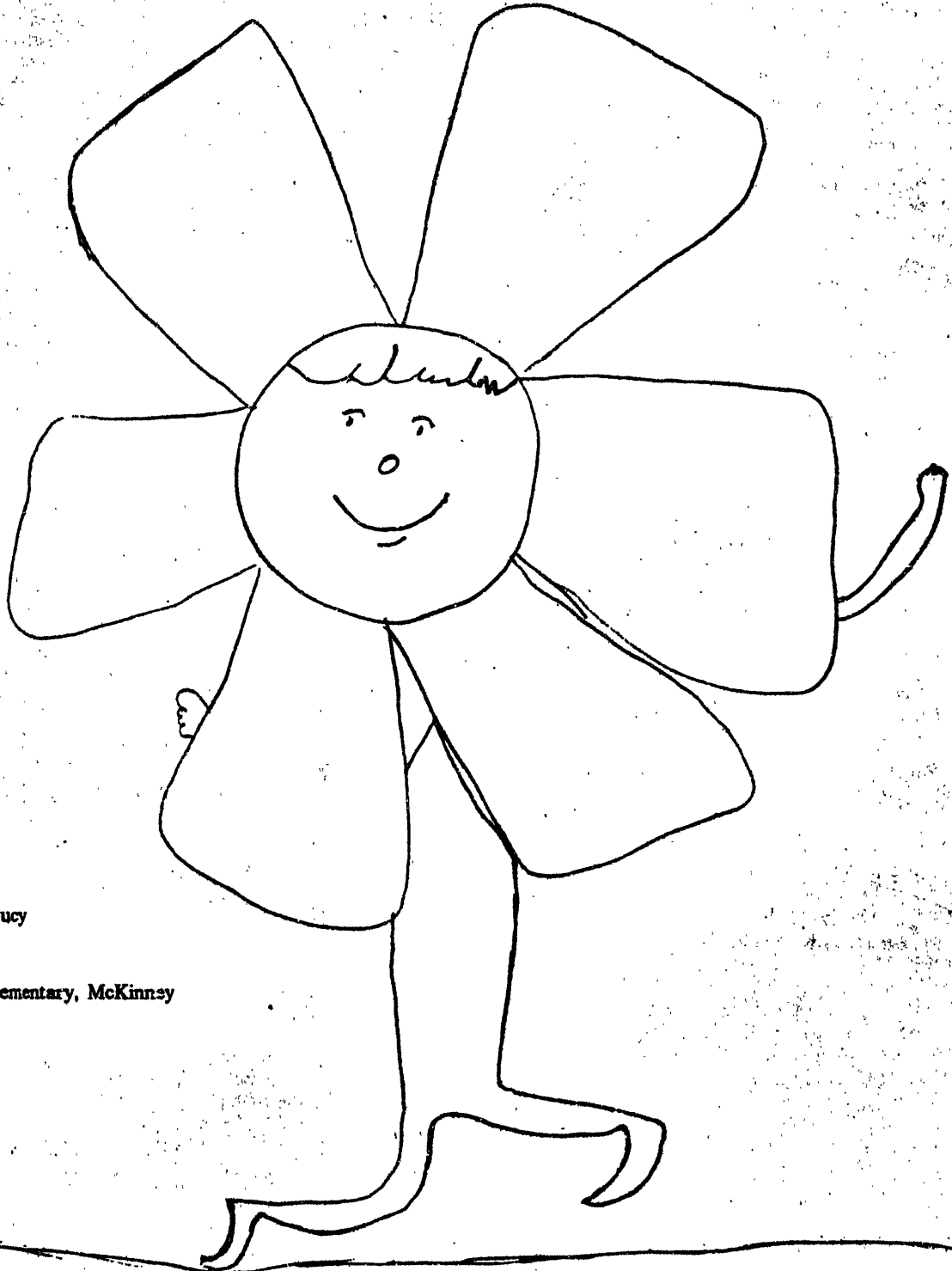
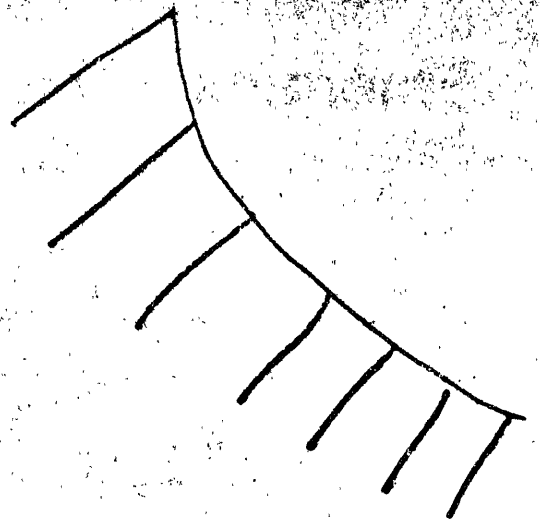
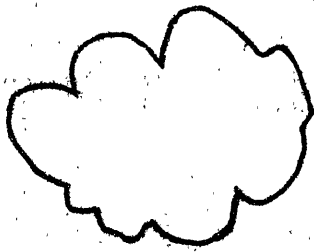
TRD-8905433

Bob Bullock
Comptroller of Public
Accounts

Effective date: June 21, 1989

Expiration date: October 19, 1989

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



Name: Kelley Soucy

Grade: 2

School: Burks Elementary, McKinney

Proposed Sections

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

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

TITLE 1.

ADMINISTRATION

Part V. State Purchasing and General Services Commission

Chapter 113. Central Purchasing Division

Purchasing

• 1 TAC §113.14

The State Purchasing and General Services Commission proposes an amendment to §113.14, concerning invoicing and payment procedures for spot purchases to exempt spot purchases in amounts up to \$1,000 from prepayment audit and voucher approval by the commission.

Aubrey Johnson, director of centralized services, 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. Johnson also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be more timely payments to the vendor and the prevention of late payment charges being incurred by a state agency. 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 John R. Neel, General Counsel, P. O. Box 13047, Austin, Texas 78711.

The amendment is proposed under Texas Civil Statutes, Article 601b, as amended by Senate Bill 317, 71st Legislature, 1989, which provide the State Purchasing and General Services Commission with the authority to audit and approve purchase vouchers for payment before the payment.

§113.14. *Invoicing and Payment.*

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

(c) State agencies purchasing through the commission shall date stamp all invoices when received and shall submit the invoice to the commission, except those invoices for spot purchases described in §113.10 of this title (relating to Delegated Purchases), in amounts up to \$1,000, attached to a properly executed State of

Texas purchase voucher, prescribed by the state comptroller's office, certifying that the materials or services were received in accord with the referenced commission purchase order, and that the invoice is correct and properly payable. For purposes of this section and approval of vouchers for payment hereunder, it shall not be necessary that shipment of all goods and services ordered be made prior to initial payment. Partial payment may be authorized in cases of partial shipment. An invoice, purchase voucher, and required certification for a spot purchase in the amount up to \$1,000 shall be transmitted directly to the Office of the Comptroller of Public Accounts for financial audit approval and payment. The state agency shall retain its purchase file documents, including a copy of the purchase voucher, for subsequent purchasing compliance audit by the commission.

(d)-(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 21, 1989.

TRD-8905424

John R. Neel
General Counsel
State Purchasing and
General Services
Commission

Earliest possible date of adoption: July 31, 1989

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

TITLE 4. AGRICULTURE

Part II. Animal Health Commission

Chapter 35. Brucellosis

Subchapter A. Eradication of Brucellosis in Cattle

• 4 TAC §35.1

The Texas Animal Health Commission proposes an amendment to §35.1, concerning definitions. The definition of an official backtag, if adopted, is needed because the term is used several times throughout the brucellosis regulations but has not been defined. This definition refers to the backtag approved by USDA which uniquely identifies each animal numerically.

Bill Hayden, director of administration, 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. Hayden 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 assuring that all cattle or bison are properly identified and to state clearly what is meant when reference is made to an official backtag. 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 Jo Anne Conner, Texas Animal Health Commission, P. O. Box 12966, Austin, Texas 78711.

The amendment is proposed under the Agriculture Code, Chapters 161 and 163, Texas Civil Statutes, which provides the commission with authority to propose rules.

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

Official backtag—A veterinary services approved identification backtag that conforms to the national uniform tagging system. It uniquely identifies each individual animal with alphanumeric identification.

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 16, 1989.

TRD-8905426

John W. Holcombe
Executive Director
Texas Animal Health
Commission

Earliest possible date of adoption: July 31, 1989

For further information, please call: (512) 479-6697

TITLE 13. CULTURAL RESOURCES

Part II. Texas Historical Commission

Chapter 19. Texas Main Street Project

• 13 TAC §19.6, §19.7

The Texas Historical Commission proposes amendments to §19.6 and §19.7, concerning the Texas Main Street Project. These sections were amended to incorporate changes which were required because of incorporation of Article 6145, into the Texas Government Code, Chapter 442, as well as minor changes which have accumulated since the last revision in 1986.

George Ramirez, fiscal officer, has determined that there will be fiscal implications as a result of enforcing or administering the sections. The effect on state government for the first five-year period the sections will be in effect is an estimated additional cost of \$97,278 in 1990 and \$90,778 annually in 1991-1994. The effect on local government for the first five-year period the sections will be in effect is an estimated additional cost of \$5,000 in 1990, \$2,500 in 1991, and \$1,500 annually in 1992-1994.

Mr. Ramirez also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be the opportunity of receiving free technical assistance in building design, merchandising, and marketing. There is no anticipated economic cost to individuals who are required to comply with the sections as proposed.

Comments on the proposal may be submitted to Cindy Laguna Dally, Texas Historical Commission, P.O. Box 12276, Austin, Texas 78711.

The amendments are proposed under the Texas Government Code, Chapter 442.014, which provides the Texas Historical Commission with the authority to administer a Main Street program.

§19.6. Qualification as [a Self-Initiated] an Urban Main Street Program [City].

(a) The community must have a population of over 50,000, according to the most recent Texas State Data Center report.

(b) The application must be sponsored by the local government and a local non profit organization and the program must be co-funded by these two groups [The community must have a full-time, paid Main Street project manager].

(c) The local program must be established by resolutions of support passed by the city council and the co-sponsoring non-profit organization. This resolution must indicate financial and staff support for three years for a local Main Street program [Main Street program and its manager must be recognized by a resolution of support passed by the city

council. This resolution must indicate who will fund and employ the Main Street manager (i.e., the city, chamber of commerce, downtown association, etc.), and who will be designated to supervise the Main Street project manager (i.e., city manager, chamber of commerce executive vice president, etc.).

(d) The local program staff must consist of at least a full-time manager and secretary/assistant. This staff must complete the Main Street training provided by the Texas Historical Commission [Main Street project manager must complete the Main Street training provided by the Texas Historical Commission. This training consists of a five-day session every January and a five-day session every February].

(e) Monthly reports must be submitted to the Texas Main Street office [cosigned by the Main Street project manager and the city administrator/manager must be submitted to the Texas Main Street office].

(f) The local Main Street program must be designated an Official Texas Urban Main Street Program by the Texas Historical Commission. Co-sponsors must have their completed applications to the Texas Historical Commission by the final business day in August. Applications will follow the same review and designation process as the small cities in the Main Street program [community must be certified on an annual basis by the Texas Main Street office in Austin to confirm that the community meets all of the criteria for designation as a self-initiated Main Street city. The community must notify and submit pertinent documentation to the Texas Main Street office by December 15 of each year to verify its intent to begin or continue its self-initiated Main Street project].

§19.7. Assistance to be Provided Qualifying Urban [Self-Initiated] Main Street Cities. For a stipend to the Texas Main Street office sufficient to cover staff [time and] expenses, [eligible self-initiated] urban Main Street cities will receive the following assistance:

(1) training for the members of the local Main Street staff as prescribed by the Texas Historical Commission, [Project manager, including one week in January, one week in February], a training manual, a Texas Main Street handbook, and a Main Street slide show;

(2) Main Street weekly updates;

(3) facade designs for building owners who request them in the target Main Street area, and building inspections and consultations by the Main Street urban design assistant [two Main Street architectural staff visits, with one visit providing a design seminar and one

visit providing building consultations];

(4) a Main Street resource team visit and resource team report [two staff visits from the Main Street Project director, community projects coordinator, or marketing and design specialist to assist with goal-setting, project evaluation, display techniques, or other identified local needs];

(5) needs assessments and goal setting seminars [recognition in all Texas Main Street publications; and];

(6) recognition in Texas Main Street publications [access to the Texas Main Street network of information.]; and

(7) access to the Texas Main Street network of information.

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 21, 1989.

TRD-8905486

Curtis Tunnell
Executive Director
Texas Historical
Commission

Earliest possible date of adoption: July 31, 1989

For further information, please call: (512) 463-6100

TITLE 19. EDUCATION Part II. Texas Education Agency

Chapter 75. Curriculum

Subchapter E. Well-Balanced Curriculum

• 19 TAC §75.141

The Texas Education Agency proposes an amendment to §75.141, concerning description of a well-balanced elementary curriculum. The amendment would encourage teachers to use interdisciplinary approaches by combining instruction in two or more areas rather than adhering to rigid time schedules in each subject.

Lynn Moak, deputy commissioner for research and information, 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. Moak and Oscar A. Rodriguez, Planner I, have determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing this section is greater flexibility for teachers in the instruction of students and an improved, well-balanced curriculum for students. 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 Oscar A. Rodriguez, Office of Policy Coord-

dination, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9682. All requests for a public hearing on proposed sections submitted in accordance with the Administrative Procedure and Texas Register Act must be received by the commissioner of education not more than 15 calendar days after notice of a proposed change in sections has been published in the *Texas Register*.

The amendment is proposed under the Texas Education Code, §21.101, which authorizes the State Board of Education to designate essential elements for subjects in grades prekindergarten through 12 and to require that districts provide instruction in these elements as specified by the board.

§75.141. Description of a Well-Balanced Elementary Curriculum.

(a) Essential elements. Within the time allocations described in this section, the school district shall provide instruction in the essential elements described in Subchapter B of this chapter (relating to Essential Elements—Prekindergarten-Grade Six). Instruction may be provided in a variety of arrangements and settings. Teachers are encouraged to use interdisciplinary approaches by combining instruction in two or more areas rather than adhering to rigid time schedules for each subject.

(b)-(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 20, 1989.

TRD-8905449 W. N. Kirby
Commissioner of Education

Proposed date of adoption: September 9, 1989

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

Chapter 137. Teacher Education

Subchapter M. 1987 Program Requirements for Preparation of School Personnel for Initial Certificates and Endorsements

• 19 TAC §137.551, §137.554

The Texas Education Agency proposes amendments to §137.551 and §137.554, concerning teacher preparation programs for all level certification. The amendments would extend the eligibility of all level certified teachers to include assignment to teach the certified area(s) to prekindergarten and kindergarten students without additional endorsement. If the teacher were to be assigned as a prekindergarten or kindergarten teacher, rather than as a specialist in the certified area, appropriate certification or endorsement for the assignment would be re-

quired.

Lynn Moak, deputy commissioner for research and information 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 government or small businesses as a result of enforcing or administering the sections.

Mr. Moak and Oscar A. Rodriguez, Planner I, have determined that for each year of the first five years the proposed sections are in effect the public benefit anticipated as a result of enforcing these sections is the opportunity for all level certified teachers to deliver instruction in their certified area(s) to prekindergarten and kindergarten students. There is no anticipated economic cost for individuals who are required to comply with the sections

Comments on the proposal may be submitted to Oscar A. Rodriguez, Office of Policy Coordination, 1701 North Congress Avenue, Austin, Texas, 78701, (512) 463-9682. All requests for a public hearing on proposed sections submitted in accordance with the Administrative Procedure and Texas Register Act must be received by the commissioner of education not more than 15 calendar days after notice of a proposed change in sections has been published in the *Texas Register*.

The amendments are proposed under the Texas Education Code, §13.032, which authorizes the State Board of Education to make rules for approval or disapproval of teacher education institutions and programs.

§137.551. Preparation Required in All Programs.

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

(d) The Teacher Education Program shall include academic specializations and teaching fields in subjects approved to be taught in the public schools of Texas or delivery systems as authorized by the State Board of Education for use in the public schools of Texas

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

(4) For the teacher certificate, each academic specialization, teaching field, and delivery system shall comply with one or more of the options in this paragraph. In accordance with the Texas Education Code, §13.036(b) additional semester hours in education are permissible for certification in bilingual education, English as a second language, early childhood education, and special education. For the teacher certificate—elementary, six semester hours of upper-division courses in reading must be included in each option unless reading is selected as an academic specialization. For all other certificates based on college-approved teacher education programs reading must be included in the approved program. Reading instruction will be developmental and corrective and will incorporate identification, teaching strategies, and resources for dyslexia and other reading disorders. Reading courses which fulfill these requirements may be offered beyond the 18 semester hours of professional devel-

opment courses.

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

(C) Teacher certificate—all level.

(i) Option I
(prekindergarten-grade [grades one-]12) shall require one 48-semester-hour (24 semester hours upper-division courses) academic specialization which includes six semester hours designed for elementary level and six semester hours designed for secondary level

(ii) Option II
(prekindergarten-grade [grades one-]12) shall require one 36-semester-hour (18 semester hours upper-division courses) academic specialization which includes six semester hours designed for elementary level and six semester hours designed for secondary level.

(e) At the baccalaureate level, the professional development sequence for the initial teacher certificate shall consist of 18 semester hours of upper-division courses. The following three components must be included:

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

(3) field experience requirements which provide for the application of teaching-learning theories and which include.

(A) (No change.)

(B) Student teaching. The institution shall provide for each qualified student a student teaching experience involving a period of major responsibility for instruction and learning in the school classroom environment. Student teaching should verify student performance capabilities developed through prior components of the teacher education program. Notwithstanding any requirements mandated in this paragraph, an institution may design a variety of experiences and formats for student teaching. Student teaching programs differing from the ones herein specified must be approved by the Commission on Standards for the Teaching Profession.

(i) (No change.)

(ii) The student teaching experience shall be a minimum of six semester hours credit earned in a minimum of ten consecutive weeks of full-day assignments in accordance with the criteria in this clause.

(I)-(II) (No change.)

(III) All-level
(prekindergarten-grade [grades one-]12), hearing impaired (prekindergarten grade

12), and speech and language therapy (prekindergarten-grade 12) student teaching.

(-a-) For all level certificates, student teaching shall be a minimum of five weeks of full days in an elementary school (prekindergarten-grade [grades one]-eight) and five weeks of full days in a secondary school (grades six-12) in the certificate area sought

(-b-)-(-c-) (No change.)

(iii) (No change.)

(f)-(g) (No change.)

§137.554. Provisional Teacher Certificate-All-Level.

(a) The teacher certificate-all-level shall be based upon completion of a teacher education program as described in §137.551 of this title (relating to Preparation Required in All Programs) and shall prepare the individual to teach a specialized academic area in prekindergarten grade [grades-one]12.

(b) (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 21, 1989.

TRD-8905446 W. N. Kirby
Commissioner of Education

Proposed date of adoption: September 9, 1989

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

Chapter 141. Teacher Certification

Subchapter C. Texas Certificates for Aliens

• 19 TAC §141.43

The Texas Education Agency proposes an amendment to §141.43, concerning the employment of foreign exchange teachers. The amendment, which is proposed pursuant to recent legislation, would require school districts to activate an emergency teaching permit for an exchange teacher's first year of employment. Since all teachers new to the public schools of Texas are expected to perform satisfactorily on the appropriate portions of the Examination for the Certification of Teachers in Texas (ExCET), the exchange teacher would be required to complete satisfactorily the appropriate ExCET tests prior to continuation in the assignment beyond the first year. The school district would be required to record the scores in the teacher's personnel file and indicate continued assignment on the teacher's service record. No additional permit request or other paperwork would be required.

Lynn Moak, deputy commissioner for research and information, 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. Moak and Oscar A. Rodriguez, Planner I, have determined that for each year of the first five years the proposed section is in effect the public benefit anticipated as a result of enforcing this section is school districts' option to continue the employment of foreign exchange teachers beyond one year. There is no anticipated economic cost for individuals who are required to comply with the section.

Comments on the proposal may be submitted to Oscar A. Rodriguez, Office of Policy Coordination, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9682. All requests for a public hearing on proposed sections submitted in accordance with the Administrative Procedure and Texas Register Act must be received by the commissioner of education not more than 15 calendar days after notice of a proposed change in sections has been published in the *Texas Register*.

The amendment is proposed under the Texas Education Code, §13.032, which authorizes the State Board of Education to make rules concerning teacher certification, and §13.044, which dictates requirements for foreign exchange teachers.

§141.43. Exchange Teachers.

(a) (No change.)

(b) The original permit is activated by submitting to the Division of Teacher Certification a completed application form, appropriate fee, and [To obtain an emergency teaching permit for a foreign exchange teacher, the school district shall submit to the Division of Teacher Certification] appropriate documentation showing earned degree(s), and years of experience in public schools, institutions of higher learning, or other creditable institutions. [Pay grade and step will be determined by the Texas Education Agency. No renewals are available.]

(c) If a district wishes to continue the employment of a foreign exchange teacher after the initial contract year, the teacher must demonstrate satisfactory performance on the appropriate portions of the Examination for the Certification of Educators in Texas (ExCET).

(1) Satisfactory performance on the ExCET must be achieved and placed in the teacher's personnel file prior to reassignment.

(2) Record of the individual's continuation in the assignment will appear on the teacher service record, and no further contact with the Division of Teacher Certification is required.

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 21, 1989.

TRD-8905446

W. N. Kirby
Commissioner of Education

Proposed date of adoption: September 9, 1989

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

Subchapter H. Special Subject All-Level Certificates

• 19 TAC §141.141

The Texas Education Agency proposes an amendment to §141.141, concerning special subject all-level certificates. The amendment would allow all-level certified teachers to teach in prekindergarten and kindergarten, currently, such teachers are allowed to teach in grades 1 to 12.

Lynn Moak, deputy commissioner for research and information, 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. Moak and Oscar A. Rodriguez, Planner I, also have determined that for each year of the first five years the proposed section is in effect the public benefit anticipated as a result of enforcing this section is the opportunity for all-level certified teachers to deliver instruction in their certified area(s) to prekindergarten and kindergarten students. There is no anticipated economic cost for individuals who are required to comply with the section.

Comments on the proposal may be submitted to Oscar A. Rodriguez, Office of Policy Coordination, 1701 North Congress Avenue, Austin, Texas, 78701, (512) 463-9682. All requests for a public hearing on proposed sections submitted in accordance with the Administrative Procedure and Texas Register Act must be received by the commissioner of education not more than 15 calendar days after notice of a proposed change in sections has been published in the *Texas Register*.

The amendment is proposed under the Texas Education Code, §13.032, which authorizes the State Board of Education to make rules regarding the issuance of teacher certificates.

§141.141. Requirements for provisional All-Level Certificate.

(a) All-level certificates are issued in the subject areas of art, health and physical education, music, physical education, and speech/drama for individuals teaching only these subjects in grades prekindergarten [1] to 12. (No new students are to be admitted to the combination area of health and physical education after September 1, 1978.) An applicant must have a bachelor's degree, including the following areas.

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

(b)-(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 21, 1989.

TRD-8905444

W. N. Kirby
Commissioner of Education

Proposed date of adoption: September 9, 1989

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

Subchapter L. Certification for Special Service Positions

• 19 TAC §141.241, §141.242

The Texas Education Agency proposes amendment to §§141.241, 141.242, and 141.297, concerning certification for special service positions and special assignment permits. The amendments would change the experience required for certification as a vocational supervisor to specify teaching experience in any approved vocational education program identified in Chapter 75 concerning curriculum. In addition, existing permit rules would be amended to reflect the revised teaching experience required for certification and the expanded eligibility of individuals seeking certification as vocational supervisors.

The amendments would extend the option of vocational supervisor certification to persons with higher education or other appropriate experience related to the approved vocational education curriculum, and would expand eligibility for vocational supervisor certification to those persons who have completed successfully three years of experience as certified vocational counselors in the public schools.

Lynn Moak, deputy commissioner for research and information, 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. Moak and Oscar A. Rodriguez, Planner I, have determined that for each year of the first five years the proposed sections are in effect the public benefit anticipated as a result of enforcing these sections is the improved delivery of vocational education programs. There is no anticipated economic cost for individuals who are required to comply with the sections.

Comments on the proposal may be submitted to Oscar A. Rodriguez, Office of Policy Coordination, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9882. All requests for a public hearing on proposed sections submitted in accordance with the Administrative Procedure and Texas Register Act must be received by the commissioner of education not more than 15 calendar days after notice of a proposed change in sections has been published in the *Texas Register*.

The amendment is proposed under the Texas Education Code, §13.032, which authorizes the State Board of Education to make rules concerning teacher certificates.

§141.241. Requirements for Professional

Counselor Certificates.

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

(c) Vocational [education] counselor certificate. An applicant for a vocational [education] counselor certificate must have:

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

(3) three years experience in an occupation or occupations for which vocational education is being conducted in the Texas public secondary schools (may also include up to two years teaching experience); or two years teaching experience in an approved vocational education program identified in Chapter 75 of this title (relating to Curriculum) [preparing students for gainful employment].

§141.242. Requirements for Professional Supervisor Certificates.

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

(c) Vocational supervisor ([assistant] administrator) certificate.

(1) An applicant for a vocational supervisor ([assistant] administrator) certificate must have:

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

(C) three years of [public school] teaching experience in an approved vocational education program identified in Chapter 75 of this title (relating to Curriculum) or three years of public school experience as a certified vocational counselor, or a combination of both [preparing students for gainful employment (supervisors of homemaking education programs are exempt from the requirement that students be prepared for gainful employment)]; and

(D) (No change.)

(2)-(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 21, 1989.

TRD-8905443

W. N. Kirby
Commissioner of Education

Proposed date of adoption: September 9, 1989

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

Subchapter N. Emergency Teaching Permits, Special Assignment Permits, and Temporary Classroom Assignment Permits

• 19 TAC §141.297

The amendment is proposed under the Texas Education Code, §13.032, which authorizes the State Board of Education to make rules concerning teacher certification.

§141.297. Special Assignment Permits: Specific Requirements.

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

(f) Counselors.

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

(3) Vocational counselor:

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

(C) a combination of three years experience, which includes teaching experience, and not less than one year of wage-earning experience in an occupation for which vocational education is being conducted in the public secondary schools, or two years of teaching experience in an approved vocational education program identified in Chapter 75 of this title (relating to Curriculum) [preparing students for gainful employment].

(D) (No change.)

(E) To obtain an initial special assignment permit, the district submits an application (TCER-024) [(TCER-009), official transcript(s),] and a copy of the deficiency plan to the Division of Teacher Certification.

(F) (No change.)

(g) Supervisors.

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

(3) Vocational supervisor:

(A) (No change.)

(B) three years of successful [public school] teaching experience in an approved vocational education program identified in Chapter 75 of this title (relating to Curriculum) or three years of public school experience as a certified vocational counselor [preparing students for gainful employment. Supervisors of homemaking education programs are not required to have the three years of teaching experience in a vocational education program preparing students for gainful employment].

(C) (No change.)

(D) To obtain an initial special assignment permit, the district submits an application (TCER-024) [(TCER-009), official transcript(s)] and a copy of the deficiency plan to the Division of Teacher Certification.

(E) (No change.)

(h)-(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 21, 1989.

TRD-8905442

W. N. Kirby

Commissioner of Education

Proposed date of adoption: September 9, 1989

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



Chapter 143. Assignment of Personnel

Subchapter B. Assignment Requirements

• 19 TAC 143.11

The Texas Education Agency proposes an amendment to §143.11, concerning the assignment of personnel with all-level teaching certificates. The amendment would provide that teachers holding all-level certification may be assigned to teach in the certified area(s) in prekindergarten and kindergarten. Currently, such teachers may be assigned to teach only grades one-12.

Lynn Moak, deputy commissioner for research and information, 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. Moak and Oscar A. Rodriguez, Planner I, 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 this section is the opportunity for all-level certified teachers to deliver instruction in their

certified area(s) to prekindergarten and kindergarten students. 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 Oscar A. Rodriguez, Office of Policy Coordination, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9682. All requests for a public hearing on proposed sections submitted in accordance with the Administrative Procedure and Texas Register Act must be received by the commissioner of education not more than 15 calendar days after notice of a proposed change in sections has been published in the *Texas Register*.

The amendment is proposed under the Texas Education Code, §16.005, which authorizes the State Board of Education to make rules for administration of the Foundation School Program.

§143.11. Requirements for Assignment of School Personnel.

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

(d) The rules for credential requirements for assignment of school personnel are described in the chart in this subsection entitled "Assignment of School Personnel."

REQUIREMENTS FOR ASSIGNMENT OF TEACHERS

PART I

PREKINDERGARTEN - GRADE 6

ASSIGNMENTS

CERTIFICATE (NUMERICAL CODES)

Prekindergarten (PK),
Bilingual PK, English
as a Second Language (ESL) PK

- Elementary - General (10)
- Teacher of Young Children - General
- Kindergarten (14)
- Elementary (Grades 1-6) - General
- Elementary (Grades 1-8) - General
- Elementary (Grades PK-6) - Early Childhood Education
- Elementary teacher certificate with Bilingual or ESL Endorsement
- Early Childhood Education (Grades PK-K)
- Grades PK-5 - General
- Grades PK-6 - General

NOTE: Teacher holding all-level certification in art, music, physical education, or speech-drama may be assigned to teach in the certified area(s) in prekindergarten-grade 12.

School districts are encouraged to provide in-service education for elementary certified teachers with limited preparation in early childhood education.

Kindergarten (K)

- Kindergarten (14)
- Teacher of Young Children - General
- Early Childhood Education (Grades PK-K)
- Elementary (Grades PK-6) - Early Childhood Education
- Grades PK-5 - General
- Grades PK-6 - General

NOTE: Teacher holding all-level certification in art, music, [or] physical education, or speech-drama may be assigned to teach the certified area(s) in prekindergarten-grade 12 [those subjects at the kindergarten level for a maximum of two class periods without being required to hold a Kindergarten Endorsement].

Bilingual, Kindergarten-Grade 6

- Teacher certificate appropriate for grade level of assignment
- Plus endorsement or area of specialization in bilingual education (or teaching field for Grade 6 only)
- Grades PK-6 - Bilingual/ESL
- Grades PK-12 - Bilingual/ESL

PREKINDERGARTEN - GRADE 6

ASSIGNMENTS

CERTIFICATE (NUMERICAL CODES)

English as a Second Language,
Kindergarten-Grade 6

Teacher certificate appropriate for grade level of assignment
plus endorsement in ESL or Bilingual/ESL or Bilingual/ESL area
of specialization (or teaching field for grade 6 only)
Grades PK-6 - Bilingual/ESL
Grades PK-12 - Bilingual/ESL
Grades PK-12 - English as a Second Language
Teacher certificate appropriate for grade level of assignment
and assigned to teach ESL in an approved program
during 1981-82 in the same school district

NOTE: An elementary certified teacher with an ESL or Bilingual Endorsement may be assigned to teach a maximum of two class periods of ESL at the kindergarten level without being required to hold the Kindergarten Endorsement.

Elementary, Grades 1-6

Elementary - General (10)
Teacher of Young Children - General (grades 1-3 only)
Elementary (Grades 1-6) - General
Elementary (Grades 1-8) - General
Elementary (Grades PK-6) - Early Childhood Education
Grades PK-5 - General (grades 1-5 only)
Grades PK-6 - General

Art, Grades PK[1]-6

Any teacher certificate appropriate for elementary grades 1-6 assignment
All-Level - Art (06)
All-Level (Grades 1-12) - Art
Special Subject Art

Music, Grades PK[1]-6

Any teacher certificate appropriate for elementary grades 1-6 assignment
All-Level - Music (08)
All-Level (Grades 1-12) - Music
Special Subject Music

Other Languages, Grades 1-6

Any teacher certificate appropriate for elementary grades 1-6 assignment
Secondary teacher certificate with a teaching field in the language
of assignment plus six semester hours of elementary education
Special Subject (appropriate language)

Physical Education, Grades PK[1]-6

Any teacher certificate appropriate for elementary grades 1-6 assignment
All-Level - Physical Education
All-Level - Health and Physical Education (07)
All-Level (Grades 1-12) - Physical Education
Special Subject Physical Education

PREKINDERGARTEN - GRADE 6

ASSIGNMENTS

CERTIFICATE (NUMERICAL CODES)

Reading, Grades 1-6

Any teacher certificate appropriate for elementary grades 1-6 assignment
Reading Specialist (34)

Theatre Arts, Grades PK[1]-6

Any teacher certificate appropriate for elementary grades 1-6 assignment
All-Level - Speech and Drama (09)
All-Level (Grades 1-12) - Speech Communications/Theatre Arts

NOTE: Refer to Grade 6-8 (Departmentalized) for additional certification if assignment is 6th grade departmentalized.

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 21, 1989.

TRD-8905445 W. N. Kirby
Commissioner of Education

Proposed date of adoption: September 9, 1989

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

TITLE 22. EXAMINING BOARDS

Part IX. State Board of Medical Examiners

Chapter 183. Acupuncturists

• 22 TAC §§183.4, 183.6, 183.7

The Texas State Board of Medical Examiners proposes amendments to §§183.4, 183.6, and 183.7, concerning three areas for omission—the requirement that the acupuncturist wear a name tag, requirement that the acupuncturist not maintain an office apart from the supervising physician, and the requisite that only one acupuncturist be allowed for each supervising physician.

Florence Allen, business manager, and Jean Davis, Texas Register liaison, has determined that for the first five-year period the proposed sections are in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the section.

Ms. Davis also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the section will be clarification of the rules relating to acupuncturists. There is no anticipated economic cost to individuals who are required to comply with the sections as proposed.

Comments on the proposal may be submitted to Jean Davis, P.O. Box 13562, Austin, Texas 78711. A public hearing is expected at a later date.

The amendments are proposed under Texas Civil Statutes, Article 4495b, which provide the Texas State Board of Medical Examiners with the authority to make rules, regulations, and bylaws not inconsistent with this Act as may be necessary for the governing of its own proceedings, the performance of its duties, the regulation of the practice of medicine in this state, and the enforcement of this Act.

§183.4. Consent and Identification.

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

(c) The acupuncturist must wear an appropriate name tag with the designation of Mr., Miss, Mrs., or Ms., and the surname plus "acupuncturist" so that he or she is not mistaken for a licensed physician. The printing on such name tag shall not be less than 3/8 inches in height.]

§183.6. Supervision of Performance.

(a) The acupuncturist augments the physician's data-gathering abilities necessary to reach decisions and institute patient care plans. The acupuncturist will not supplant the physician in the integration of medical data or in the decision-making process required to establish a diagnosis and formulate a therapeutic plan. [The acupuncturist shall not maintain an office independent of or physically separate from the supervising physician.]

(b)-(c) (No change.)

§183.7. Limitation of Employment. [Only one acupuncturist shall be allowed for each supervising physician.] The acupuncturist shall be the individual responsibility of the supervising physician or, in his or her temporary absence, the acupuncturist shall be the responsibility of a designated physician. More than one physician shall be allowed to supervise the same acupuncturist; however, the physician considered to be supervising the acupuncturist on a given patient shall be that patient's physician.

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 21, 1989.

TRD-8905477 G. V. Brindley, Jr.
Executive Director
Texas State Board of
Medical Examiners

Earliest possible date of adoption: July 31, 1989

For further information, please call: (512) 452-1078

• 22 TAC §183.5

(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 State Board of Medical Examiners or in the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brazos Street, Austin.)

The Texas State Board of Medical Examiners proposes the repeal of §183.5, concerning method of billing for an acupuncturist. Repeal is necessary because, in 1984, Attorney General Mattox opined that some board rules on acupuncturists were unconstitutional, and that opinion has not been amended. Although the board has not enforced the sections in question, they recently voted to make the necessary rule changes to reflect the opinion.

Florence Allen, business manager, and Jean Davis, Texas Register liaison, 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.

Ms. Davis 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 not be applicable, since repeal of the section will have no effect on the public, other than clarification by omission. 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 Jean Davis, P.O. Box 13562, Austin, Texas 78711. A public hearing will be held at a later date.

The repeal is proposed under Texas Civil Statutes, Article 4495b, which provide the Texas State Board of Medical Examiners with the authority to make rules, regulations, and bylaws not inconsistent with this Act as may be necessary for the governing of its own proceedings, the performance of its duties, the regulation of the practice of medicine in this state, and the enforcement of this Act.

§183.5. Method of Billing.

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 21, 1989.

TRD-8905478 G. V. Brindley, Jr.
Executive Director
Texas State Board of
Medical Examiners

Earliest possible date of adoption: July 31, 1989

For further information, please call: (512) 452-1078

Part XIV. Texas Optometry Board

Chapter 273. General Rules

• 22 TAC §273.4

The Texas Optometry Board proposes an amendment to §273.4, concerning fees. The proposed amendment to §273.4 is for the purpose of increasing the renewal fee to satisfy the appropriation amounts and provide sufficient revenue in the special optometry fund. In addition, it provides for housekeeping language in regard to the issuance of a duplicate license when individuals have a name change within the law. Section 273.4 sets fees as authorized under Texas Civil Statutes, Article 4552, §303.

Lois Ewald, 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.

Ms. Ewald 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 sufficient revenue to satisfy appropriations will be generated into a special fund in order for the board to meet its operational expenses for administration, investigation, and enforcement. The public will receive eye examinations from optometrists who have properly

renewed their license, paying the required fee. 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 Lois Ewald, Executive Director, Texas Optometry Board, 9101 Burnet Road, Suite 214, Austin, Texas 78758.

The amendment is proposed under Texas Civil Statutes, Article 4552, §2.14, which provides the Texas Optometry Board with the authority to promulgate procedural and substantive rules, and set fees.

§273.4. Fees (Not Refundable).

(a)-(d) (No change.)

(e) License renewal-\$110 [\$104]

(f) Duplicate license (lost, [or] destroyed, or name change)-\$10

(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 19, 1989.

TRD-8905435 Lois Ewald
Executive Director
Texas Optometry Board

Earliest possible date of adoption: July 31, 1989

For further information, please call: (512) 835-1938

Part XXII. Texas State Board of Public Accountancy

Chapter 505. The Board

• 22 TAC §505.8

The Texas State Board of Public Accountancy proposes an amendment to §505. 8, concerning board meetings. The proposed amendment indicates the change in the annual meeting date of the board.

Bob E. Bradley, 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. Bradley also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be that the amendment sets forth the changes in the annual meeting dates of the board. 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 Cynthia Hairgrove, 1033 La Posada, Suite 340, Austin, Texas 78752-3892.

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

regarding board meetings.

§505.8. Board Meetings.

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

(c) An annual meeting shall be held each year, not earlier than January 1, [January 31] and not later than January 31, [April 30], and written notice of at least 10 days shall be given to each member of the time and place of such meeting.

(d) (No change.)

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

Issued in Austin, Texas, on June 20, 1989.

TRD-8905478 Bob E. Bradley
Executive Director
Texas State Board of
Public Accountancy

Earliest possible date of adoption: July 31, 1989

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

• 22 TAC §505.10

The Texas State Board of Public Accountancy proposes an amendment to §505. 10, concerning board committees. The proposed amendment clearly states the function and authority of the Executive Committee to act on behalf of the full board in matters of urgency.

Bob E. Bradley, 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. Bradley, also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be that the amendment sets forth the authority of the Executive Committee to act on behalf of the full board in matters of urgency. This facilitates the resolution of board matters when a meeting of the full board is not feasible. 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 Cynthia Hairgrove, 1033 La Posada, Suite 340, Austin, Texas 78752-3892.

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

§505.10. Board Committees.

(a)-(d) (No change.)

(e) Standing committee structure and charge to committees. The standing committees shall consist of the following individuals and shall be charged with the following responsibilities.

(1) The Executive Committee shall comprise the board chairman, vice-chairman, secretary, and treasurer, and also may include, as an ex officio member, any other board member appointed by the board chairman. The functions of the Executive Committee shall be to advise, consult with, and make recommendations to the board concerning matters requested by the board chairman, litigation, and/or proposed changes in the board rules of professional conduct (the rules). The Executive Committee may act on behalf of the full board in matters of urgency, or when a meeting of the full board is not feasible; the Executive Committee's actions are subject to full board ratification at its next regularly-scheduled meeting.

(2)-(11) (No change.)

(f)-(h) (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 20, 1989.

TRD-8905479 Bob E. Bradley
Executive Director
Texas State Board of
Public Accountancy

Earliest possible date of adoption: July 31, 1989

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

TITLE 28. INSURANCE Part I. State Board of Insurance

Chapter 9. Title Insurance

Subchapter C. Texas Title Insurance Statistical Plan

• 28 TAC §9.401

The State Board of Insurance proposes an amendment to §9.401, concerning adoption by reference of the Texas Title Insurance Statistical Plan (the plan). The amendment to the section itself is necessary to reflect amendments which the board is proposing to the plan, which the section adopts by reference. The amendment to the plan is necessary to modify the current plan and provide for revised statistical coding to facilitate collection of data relative to current Texas title insurance rate rules. The board has filed with the Secretary of State's Office, Texas Register Division, copies of the proposal for amendments to the plan. Persons desiring copies of the proposal can obtain copies from the Statistical and Rate Development Division of the State Board of Insurance, Division Code 0130, 1110 San Jacinto Boulevard, Austin, Texas 78701-1998.

Gaylon Daniel, chief property and casualty actuary, statistical and rate development division, 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. The cost of compliance with the amendment for small businesses will be the cost of keeping the statistics and reporting to the board in accordance with the plan. The amount will depend on the insurer's method of operation and amount of business written. On the basis of cost per hour of labor, there will be no difference in cost of compliance between small businesses and large businesses.

Mr. Daniel 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 facilitation of the collection of data relative to current Texas title insurance rate rules, which will assist the State Board of Insurance in the setting of accurate and appropriate rates for title insurance in the State of Texas. The anticipated economic cost to persons who are required to comply with the proposed section will be the cost of keeping the statistics and reporting to the board in accordance with the plan. The amount will depend on the insurer's method of operation and amount of business written.

Comments on the proposal may be submitted to Gaylon Daniel, Chief Property and Casualty Actuary, Statistical and Rate Development Division, Division Code 0130, State Board of Insurance, 1110 San Jacinto Boulevard, Austin, Texas 78701-1998.

The amendment is proposed under the Insurance Code, Article 9.21, which authorizes the board to promulgate and enforce rules and regulations prescribing underwriting standards and practices and to promulgate and enforce all other rules and regulations necessary to accomplish the purposes of the Insurance Code, Chapter 9, concerning regulation of title insurance.

§9.401. Texas Title Insurance Statistical Plan. The State Board of Insurance adopts by reference the rules contained in the Texas Title Insurance Statistical Plan as amended in August, 1989 [August 1985]. This document is published by and available from the State Board of Insurance, 1110 San Jacinto Boulevard [Street], Austin, Texas 78701-1998 [78786].

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 26, 1989.

TRD-8905533 Nicholas Murphy
 Chief Clerk
 State Board of Insurance

Earliest possible date of adoption: July 31, 1989

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

TITLE 34. PUBLIC FINANCE

Part I. Comptroller of Public Accounts

Chapter 3. Tax Administration

Subchapter Q. Franchise Tax

• 34 TAC §3.393

The Comptroller of Public Accounts proposes an amendment to §3.393, concerning special reporting procedures. Subsection (e) has been added to reflect the repeal of the Tax Code, §171.108, effective May 1, 1989, of any tax period.

The amendment is proposed to implement changes made to the Franchise Tax Act by legislation which became effective March 2, 1989.

Jim Shear, director of the comptroller's economic analysis center, has determined that for the first five-year period the proposed section is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the section. This section is adopted under the Tax Code, Title 2, and does not require a statement of the fiscal implications for small businesses.

Mr. Shear 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 from clarification of statutory changes regarding reporting methods. 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 Martin Cherry, Assistant Director, Legal Services Division, P.O. Box 13528, Austin, Texas 78711.

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

§3.393. Special Reporting Procedures.

(a) Petition for special reporting.

(1) Permission to employ a special reporting method will not be granted unless a written petition is timely filed. The petition may be submitted in letter form, must specify the method of special reporting desired, and should be addressed to the Comptroller of Public Accounts, Austin, Texas 78774, Attention: Tax Correspondence [Administration] Division, Tax Policy Section. The petition for special reporting must incorporate or have attached schedules, statements, or other documentation reflecting the following information:

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

(2)-(7) (No change.)

(b)-(d) (No change.)

(e) Repeal of special reporting

method. The special reporting method previously provided for in the Tax Code, §171.108, has been repealed. The repeal of the Tax Code, §171.108, is effective beginning May 1, 1989, of any tax period. The provisions of this section are continued in effect prior to this date only.

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 21, 1989.

TRD-8905432 Bob Bullock
 Comptroller of Public
 Accounts

Earliest possible date of adoption: July 31, 1989

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

Subchapter Q. Franchise Tax

• 34 TAC §3.405

The Comptroller of Public Accounts proposes an amendment to §3.405, concerning surplus. The amendment to subsection (d)(1)(C) directs corporations to four methods approved by the comptroller's department for use in estimating oil and gas reserves. The valuation of the reserves is used in amortizing intangible drilling costs under the successful efforts or full cost methods of accounting required by this section. Subsection (e)(11) has been added to reflect current policy allowing the offsetting of stated capital by a surplus deficit.

Jim Shear, director of the comptroller's economic analysis center, has determined that for the first five-year period the proposed section is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the section. This section is adopted under the Tax Code, Title 2, and does not require a statement of the fiscal implications for small businesses.

Mr. Shear 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 from clarification of acceptable methods for calculating stated capital and surplus. 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 Martin Cherry, Assistant Director, Legal Services Division, P.O. Box 13528, Austin, Texas 78711.

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

§3.405. Surplus.

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

(d) General rules of application.

(1) Accounting methods.

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

(C) Oil and gas corporations [corporation]. Corporations with a surplus of \$1 million or more must report all oil and gas exploration and production activities according to the successful efforts or the full cost methods of accounting. Acceptable oil and gas reserve estimating methods to be used in amortizing intangible drilling costs are listed in §3.415 of this title (relating to Methods for Estimating Oil and Gas Reserves). Corporations with less than \$1 million in surplus, as determined in accordance with the Tax Code, §171.109(c), may report their oil and gas exploration and production activities using the same method selected to compute their federal income tax.

(D) (No change.)

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

(e) Specific rules. Specific rules of application include, but are not limited to, the following:

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

(11) Surplus deficit. A surplus deficit can be subtracted from stated capital.

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 21, 1989.

TRD-8905431

Bob Bullock
Comptroller of Public
Accounts

Earliest possible date of adoption: July 31, 1989

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

◆ ◆ ◆
• 34 TAC §3.415

The Comptroller of Public Accounts proposes new §3.415, concerning methods for estimating oil and gas reserves. The new section sets out four methods approved by the comptroller's department for use in estimating oil and gas reserves. The volume of oil and gas reserves is used in amortizing intangible drilling costs under the successful efforts or full cost methods of accounting required by 34 TAC §3.405, concerning surplus.

Jim Shear, director of the comptroller's economic analysis center, has determined that for the first five-year period the proposed section is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the section. This section is adopted under the Tax Code, Title 2, and does not require a statement of the fiscal implications for small businesses.

Mr. Shear 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 from clarification of acceptable methods for calculating oil

and gas reserves. 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 Martin Cherry, Assistant Director, Legal Services Division, P.O. Box 13528, Austin, Texas 78711.

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

§3.415. Methods for Estimating Oil and Gas Reserves.

(a) Corporations with \$1 million or more in surplus must choose one of the following four methods for estimating the volume of oil and gas reserves to be used in amortizing intangible drilling costs for franchise tax reports originally due on or after January 1, 1988.

(1) Reserves per Securities Exchange Commission reporting. The estimates of reserves used by the corporation in complying with Securities Exchange Commission (SEC) Regulation SX 210.4-10, or a subsequent regulation which supersedes this regulation.

(2) Evaluation by registered engineer. An evaluation of the volume of reserves performed by a person who is an engineer registered with the State Board of Registration for Professional Engineers under Texas Civil Statutes, Article 3271a, or under a comparable law of the jurisdiction in which the property being evaluated is located, and who is proficient in petroleum engineering.

(3) Volume per ad valorem valuation:

(A) the volume of reserves calculated for ad valorem tax purposes by the central appraisal district for the Texas county in which the property being evaluated is located;

(B) the volume of reserves calculated for ad valorem tax purposes by a property taxing jurisdiction outside of Texas in which the property being evaluated is located, provided:

(i) the out-of-state jurisdiction's law requires a complete and full evaluation of reserves that is reasonably comparable to that required by Texas law; and

(ii) the other jurisdiction provides corporations a convenient opportunity to contest such evaluations prior to formal suit in a court of law and in a manner reasonably comparable to that provided under Texas law.

(4) Volume per standard industry reserve estimating equations. An evalua-

tion performed by the corporation using the following standard industry reserve estimating equations, with the following qualifications.

(A) For oil wells.

(i) Wells under 10 years old. For wells that have been producing for less than 10 years, the corporation shall calculate oil reserves attributable to the corporation's property using the industry standard exponential decline equation.

(ii) Wells over 10 years old. For wells that have been producing for over 10 years, the corporation may have the option of using the industry standard exponential decline equation as in clause (i) of this subparagraph, or calculating oil reserves attributable to the corporation's property using the industry standard hyperbolic decline equation.

(iii) All wells.

(I) Calculations using the exponential and hyperbolic decline equations shall be based on production data submitted to the Texas Railroad Commission under Texas law, or on data comparable to that submitted to the Texas Railroad Commission but submitted to another jurisdiction under that jurisdiction's law, where applicable.

(II) Production data and estimated decline rates used to calculate reserves for ad valorem tax purposes by a central appraisal district for the Texas county in which a property is located are acceptable substitutes for such data obtained directly from the Texas Railroad Commission. The corporation may obtain comparable data used to calculate reserves for ad valorem tax purposes by a property taxing jurisdiction outside of Texas in which the property being evaluated is located, provided:

(-a-) the out-of-state jurisdiction's law requires a complete and full evaluation of reserves that is reasonably comparable to that required by Texas law; and

(-b-) the other jurisdiction provides corporations a convenient opportunity to contest such evaluations prior to formal suit in a court of law and in a manner reasonably comparable to that provided under Texas law.

(III) All corporations opting to perform their own evaluations using the exponential or hyperbolic decline equations shall use an abandonment flow rate of 1.5 barrels per day per well. Corporations using a higher abandonment flow rate are required to justify such deviations based on regional, economic, or well-specific criteria. The burden of proof in

supporting such deviations shall rest with the corporation.

(B) For gas wells.

(i) Exponential decline method. For gas wells, the corporation may calculate gas reserves attributable to the corporation's property using the industry standard exponential decline equation. All corporations electing to use this method must use a reasonable abandonment flow rate based on regional, economic, or well-specific criteria. The burden of proof in supporting the abandonment flow rate shall rest with the corporation.

(ii) P/Z reserves method. As an alternative to using the exponential decline equation in clause (i) of this subparagraph, the corporation may calculate gas reserves attributable to the corporation's property by using the industry standard equation for curve fitting the decline of reservoir pressure versus cumulative production. Abandonment pressures must be reasonably related to the local pipeline pressures. A graph of p/z versus cumulative production shall be extrapolated to the abandonment pressure point. Using this method, reserves equal the cumulative production at abandonment minus the cumulative production to date.

(iii) Rules applicable to either method.

(I) Calculations using the exponential decline or the p/z reserves methods shall be based on production data submitted to the Texas Railroad Commission under Texas law, or on data comparable to that submitted to the Texas Railroad Commission but submitted to another jurisdiction under that jurisdiction's laws, where applicable.

(II) Production data and estimated decline rates used to calculate reserves for ad valorem tax purposes by the central appraisal district for the Texas county in which a property is located are acceptable substitutes for data obtained directly from the Texas Railroad Commission. The corporation may obtain comparable data used to calculate reserves for ad valorem tax purposes by a property taxing jurisdiction outside of Texas in which the property being evaluated is located, provided:

(-a-) the out-of-state jurisdiction's law requires a complete and full evaluation of reserves that is reasonably comparable to that required by Texas law; and

(-b-) the other jurisdiction provides taxpayers a convenient opportunity to contest such evaluations

prior to formal suit in a court of law and in a manner reasonably comparable to that provided under Texas law.

(b) Corporations that used an interim amortization method on their 1988 annual report must file an amended 1988 report that uses one of the four methods listed in subsection (a) of this section. The amended 1988 report must be filed no later than June 15, 1989.

(c) The method chosen to calculate the volume of reserves must be used to amortize intangible drilling costs under the successful efforts or full-cost methods of accounting, as described in SEC Regulation SX 210.4-10.

(d) A corporation must use the same method for estimating oil and gas reserves for all properties located within a single county (or other similar jurisdiction in another state).

(e) Requests made to central appraisal districts, for oil and gas reserve volume calculated for ad valorem purposes, should be made on the form set out in Exhibit A as follows. It is the responsibility of each corporation to correctly identify the property on which a reserve volume is requested. Appraisal districts will only provide an aggregate volume for a property. Each corporation must break out their fractional interest in the reserve volume provided by the appraisal district.

EXHIBIT "A"

Open Records Request for Mineral Reserve Volume
for State Franchise Tax

Please print or type in completing this form. The appraisal district will provide the most current data from the prior certified January 1 appraisal roll for the total oil or gas lease (as applicable). The district will not provide data for fractional interests in an oil or gas lease.

To be completed by company

Date of Request: _____

To: _____

County Appraisal District

Address: _____

From: _____

(Company Name)

Address: _____

Contact Person: _____

Phone No.: () _____

Check One: Oil Lease Gas Lease

Lease Name: _____

Field (Reservoir) Name: _____

Railroad Commission District No.: _____

Railroad Commission Lease No.: _____

Special Remarks: _____

To be completed by appraisal district

Mineral Reserve Volume _____ Gas (MCF)
on 1/1/ : _____ Liquid (Barrels)

Open Records Request Charge: \$ _____

Date Request Received: / /

Date Payment Received: / /

Date Processed/Mailed: / /

By: _____

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 21, 1989.

TRD-8908430

Bob Bullock
Comptroller of Public
Accounts

Earliest possible date of adoption: July 31, 1989

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

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Services

Chapter 29. Purchased Health Services

Subchapter F. Physician Services

• 40 TAC §29.502

The Texas Department of Human Services (DHS) proposes an amendment to §29.502, concerning authorized physician services, in its purchased health services rules. Section 29.502 is being amended to eliminate the inpatient physician spell-of-illness limitation. The department believes that it is no longer appropriate to limit medically necessary physician services provided in an inpatient hospital setting because medically necessary physician services provided elsewhere are not limited.

Burton F. Ralford, deputy commissioner for support operations, has determined that for the first five-year period the proposed section is in effect there will be fiscal implications for state government as a result of enforcing or administering the section. The effect on state government for the first five-year period the section is in effect is an estimated additional cost of \$2,296,392 in fiscal year 1990; \$2,312,373 in fiscal year 1991; \$2,333,808 in fiscal year 1992; \$2,434,153 in fiscal year 1993; and \$2,591,470 in fiscal year 1994. There will be no fiscal implications for local government or small businesses as a result of enforcing or administering the section.

Mr. Ralford 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 reimbursement to physicians who render medically necessary services to Medicaid recipients in the inpatient hospital setting beyond the current 30-day limit. 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 Rosenberg, Administrator, Policy Development Services Division-353, 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.

§29.502. Authorized Physician Services.

(a) The term "physician services" includes those reasonable and medically necessary services that are provided by or under the personal supervision of a physician and that are within the scope of practice of medicine or osteopathy as defined by state law. Unless otherwise specified in writing by the department or its designee, the physician must have examined the patient, made a diagnosis, and established a plan of care, and documented these tasks on the appropriate medical records of the patient before submitting claims for payment to the department or its designee. If such documentation is not present in the appropriate medical record, then any payment may be recouped. Except as specified in subsection (b) [(c)] or (c) [(d)] of this section, the term "personal supervision" means that the physician must be in the building of the office or facility at the time, when, and where the service is provided.

[(b)] Except as otherwise specified in §29.1125 of this title (relating to Organ Transplants), payment for physician visits to a hospital inpatient is limited to medically necessary visits that occur during a Title XIX spell of illness or during a period which coincides with a Title XIX spell of illness. The Title XIX spell of illness limitations are waived for medically necessary inpatient services provided to recipients less than age one.]

[(b)][(c)] If the attending physician provides personal and identifiable direction to interns or residents who are participating in the care of his patient in a teaching setting as an approved and accredited training program by the appropriate accreditation agencies, the physician's services are covered. For major surgical procedures and other complex and dangerous procedures or situations, the attending physician must be physically present during the procedure or situation to provide personal and identifiable direction, or payment may be recouped. If personal and identifiable direction is not provided or is not appropriately documented, any payment for services may be recouped. The attending physician must demonstrate that personal and identifiable direction was provided by:

(1)-(5) (No change.)

[(c)][(d)] If the attending physician delegates health care tasks to a qualified physician's assistant in an intermediate care/skilled nursing facility, the physician services are covered if the supervision or delegation is consistent with the rules and regulations of the Texas State Board of

Medical Examiners. Services provided by physician's assistants in intermediate care/skilled nursing facilities must be consistent with the requirements of §§16.1906, 16.1912, 16.3017(c), and 16.3207(a) of this title (relating to Operating Policies and Procedures, Recipient-patient Care Policies, Conformance With Physician Orders, and Drug Orders). If the supervision of the delegated task is not appropriately documented in the patient's chart, any payment for services may be recouped.

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 23, 1989.

TRD-8905502

Charles Stevenson
Acting Commissioner
Texas Department of
Human Services

Proposed date of adoption: September 1, 1989

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

Subchapter G. Hospital Services

• 40 TAC §29.606

The Texas Department of Human Services (DHS) proposes an amendment to §29.606, concerning reimbursement methodology for inpatient hospital services, in its Purchased Health Services rules.

Section 29.606 is being amended to eliminate per diem pricing when an individual loses his eligibility or exceeds his 30-day inpatient hospital benefit. Therefore, if an individual is eligible for Medicaid upon admission to a hospital and has at least one day remaining under his Title XIX spell-of-illness limitation, a full DRG payment will be made to the hospital.

Section 29.606 is also being amended in response to legislation enacted by the 71st Texas Legislature. Payments to hospitals reimbursed under the prospective payment system, physicians, and other providers reimbursed on a reasonable charge basis, are currently reduced by a 10% budgetary reduction factor. The amendment to §29.606 restore 3.0% of the 10% outback in state fiscal year (FY) 1990 and an additional 1.5% of the 10% outback in state fiscal year 1991. In addition, the minimum standard dollar amount is being raised from \$1,500 to \$1,800. The minimum standard dollar amount is applied to those hospitals whose standard dollar amount is less than the minimum.

The partial restorations in reimbursement will also be applied to payments to physicians and other providers reimbursed on a reasonable charge basis. However, rule amendments are not necessary to implement these restorations. The fiscal implications in this preamble include the restorations in reimbursement to physicians and other providers reimbursed on a reasonable charge basis.

A copy of the proposal is being sent to each DHS field office where it will be available for

public review.

Burton F. Ralford, deputy commissioner for support operations, has determined that for the first five-year period the proposed section is in effect there will be fiscal implications for state and local government as a result of enforcing or administering the section.

The effect on state government for the first five-year period the amendment eliminating per diem pricing is in effect is an estimated additional cost of \$2,136,374 in fiscal year 1990; \$2,141,025 in fiscal year 1991; \$2,131,008 in fiscal year 1992; \$2,222,358 in fiscal year 1993; and \$2,366,451 in fiscal year 1994. The effect on local government for the first five-year period the amendment eliminating per diem pricing will be in effect is an estimated additional revenue of \$1,322,490-\$1,983,737 in fiscal year 1990; \$1,395,183-\$2,092,775 in fiscal year 1991; \$1,465,031-\$2,197,548 in fiscal year 1992; \$1,552,739-\$2,329,110 in fiscal year 1993; and \$1,848,227-\$2,469,341 in fiscal year 1994.

The effect on state government for the first five-year period the amendment restoring cutbacks in FYs 1990 and 1991 is in effect is an estimated additional cost of \$11,302,140 in fiscal year 1990; \$16,337,060 in fiscal year 1991; \$16,414,509 in fiscal year 1992; \$17,120,272 in fiscal year 1993; and \$18,228,735 in fiscal year 1994. The effect on local government for the first five-year period the amendments restoring cutbacks in FYs 1990 and 1991 is in effect is an estimated additional revenue of \$4,121,181-\$6,181,771 in fiscal year 1990; \$6,270,889-\$9,406,331 in fiscal year 1991; \$6,647,140-\$9,970,710 in fiscal year 1992; \$7,045,969-\$10,568,955 in fiscal year 1993; and \$7,468,728-\$11,203,092 in fiscal year 1994.

The effect on state government for the first five-year period the amendment raising the standard dollar amount is in effect is an estimated additional cost of \$232,620 in fiscal year 1990; \$220,980 in fiscal year 1991; \$222,028 in fiscal year 1992; \$231,574 in fiscal year 1993; and \$246,540 in fiscal year 1994. The effect on local government for the first five-year period the amendment raising the standard dollar amount is in effect is an estimated additional revenue of \$144,000-\$216,000 in fiscal year 1990; \$144,000-\$216,000 in fiscal year 1991; \$152,640-\$228,960 in fiscal year 1992; \$161,798-\$242,698 in fiscal year 1993; and \$171,506-\$257,260 in fiscal year 1994.

There will be no fiscal implications for small businesses.

Mr. Ralford also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be a higher reimbursement rate to providers of Medicaid services, which should enhance the availability and accessibility of services to recipients. 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-354, 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.

§29.606. Reimbursement Methodology for Inpatient Hospital Services.

(a) Introduction. The Texas Medical Assistance Program reimburses hospitals, except children's hospitals, for covered inpatient hospital services using a prospective payment system. Children's hospitals are reimbursed for covered inpatient hospital services using the methodology described in subsection (a) [(p)] of this section. For hospitals other than children's hospitals, the department or its designee groups hospitals into payment divisions using the average base year payment per case in each hospital after adjusting each hospital's base year payment per case by a case mix index, a cost-of-living index, and a budgetary reduction factor of 10%. The budgetary reduction factor for admissions occurring in state fiscal year 1990 (September 1, 1989-August 31, 1990) is 7% and the budgetary reduction factor for admissions occurring in state fiscal year 1991 (September 1, 1990-August 31, 1991) is 5.5%. The payment divisions are separated into \$100 increments. If a payment division has less than 10 observations for Medicaid data, the department or its designee considers that payment division to

be statistically invalid. Hospitals within that payment division are placed into the nearest valid payment division.

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

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

(4) Standard dollar amount—The weighted mean base year payment for all hospitals in a payment division after adjusting each hospital's base year payment per case by a case mix index, a cost-of-living index, and a budgetary reduction factor of 10%. The budgetary reduction factor for admissions occurring in state fiscal year 1990 (September 1, 1989-August 31, 1990) is 7.0% and the budgetary reduction factor for admissions occurring in state fiscal year 1991 (September 1, 1990-August 31, 1991) is 5.5%. The department or its designee establishes a minimum standard dollar amount of \$1,600 [\$1,500] and applies it to those hospitals whose standard dollar amount is less than the minimum. The department or its designee applies cost-of-living indexes to the standard dollar amounts established for the base year to calculate standard dollar amounts for prospective years. A cost-of-living index is not applied to the minimum standard dollar amount.

(5)-(9) (No change.)

(c)-(e) (No change.)

(f) Patient transfers. If a patient is transferred, the department or its designee establishes payment amounts as specified in paragraphs (1)-(4) of this subsection [unless the policy in subsection (g) of this section is applicable]. If appropriate, the department or its designee manually reviews transfers for medical necessity and appropriate payment.

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

[(g) Patient ineligibility. If a patient loses his eligibility for Title XIX benefits during his hospital stay, the department or its designee bases the payment to the hospital on the number of days the patient was eligible using the following formula:

$$\frac{(\text{DRG relative weight} \times \text{standard dollar amount}) \times \text{Eligible LOS}}{\text{DRG mean LOS}}$$

[The eligible LOS is the lesser of days eligible or DRG mean LOS. Days eligible equals the lesser of the number of days of eligibility or the number of days

remaining under the patient's current 30-day inpatient hospital limit. The 30-day inpatient hospital limit does not apply to medically necessary services provided to a

recipient less than age one.]

(g)[(h)] Split billing. The department or its designee does not allow interim billings by providers. The hospital may bill

the department or its designee when the patient exceeds his 30-day inpatient hospital limit or is discharged. The department or its designee bases payment on the diagnosis codes known at billing. The payment is final.

(h)(i) Rebasings the standard dollar amounts. The department or its designee rebases the standard dollar amount for each payment division at least every three years. The relative weights are recalibrated whenever the standard dollar amounts are recalculated. The standard dollar amounts are not rebased on an interim basis unless the department or its designee determines that special circumstances warrant rebasing.

(h)(j) Recalibrating the relative weights. The department or its designee recalibrates the relative weights whenever the standard dollar amounts are rebased.

(j)(k) Revising the diagnosis related groups. The department or its designee parallels the taxonomy of diagnoses as defined in the Medicare DRG prospective payment system unless a revision is required based on Texas claims data or other factors as determined by the department or its designee.

(k)(1) Appeals.

(1) A hospital may appeal individual claims as specified in other department rules. As specified in subparagraphs (A), (B), and (C) of this paragraph, a hospital may also appeal mechanical, mathematical, and data entry errors in base year claims data and incorrectly computed subsequent adjustments to the hospital's base year claims data because of the base year's tentative or final settlement.

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

(C) If a hospital believes that the department or its designee incorrectly computed the hospital's 1985 base year claims data as specified in subparagraph (A) of this paragraph, the hospital may submit a specific written request for review and appropriate specific documentation supporting its contention within 60 days after the effective date of this section. If a hospital believes that the department or its designee incorrectly computed the tentative or final settlement of the cost reporting period associated with the 1985 base year as specified in subparagraph (B) of this paragraph, the hospital may submit a specific written request for review and appropriate specific documentation supporting its contention within 60 days after the effective date of this section. The hospital must follow the process described in subparagraph (A) or (B) of this paragraph, as appropriate. If the review or appeal is completed by December 31, 1987, any adjustment required after the completion of the review or appeal is applied to the March 1, 1988, adjustment described in subsection (n) [(o)] of this section. If the review or appeal is not com-

pleted by December 31, 1987, any adjustment required after the completion of the review or appeal is applied to the next prospective year.

(2) (No change.)

(l)(m) Cost reports. Each hospital must submit a cost report at periodic intervals as prescribed by Medicare or as otherwise prescribed by the department or its designee. The department or its designee uses data from these reports in rebasing years, in making adjustments as described in subsection (n) [(o)] of this section, and in completing cost settlements for children's hospitals.

(m)(n) Cost settlements. If a hospital has already begun its fiscal year on September 1, 1986, cost settlement for that portion of the hospital's fiscal year which occurs before September 1, 1986, is based on reimbursement for covered inpatient hospital services under similar methods and procedures used in the Social Security Act, Title XVIII, as amended, effective October 1, 1982, by Public Law 97-248. There are no cost settlements for services provided to recipients admitted as inpatients to hospitals reimbursed under the prospective payment system on or after the implementation date of the prospective payment system.

(n)(o) Adjustments to base year claims data.

(1) Beginning with 1985 hospital fiscal year cost reporting periods, the department or its designee adjusts each hospital's base year claims data and resulting payment division and standard dollar amount to reflect the interim rate established at tentative and final settlement, if applicable, of the cost reporting period associated with the base year. The adjustments are applied only to claims data for months within the base year that coincide with months within the hospital's cost reporting period. The claims data for months within the base year that do not coincide with months within the hospital's cost reporting period remain unchanged until the tentative or final settlement of the cost reporting period containing those months has been completed. The adjustments are applied to the next prospective year beginning September 1, 1988, except as specified in subparagraphs (A), (B), and (C) of this paragraph.

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

(C) The department or its designee makes a March 1, 1988, adjustment to each hospital's 1985 base year claims data and resulting payment division and standard dollar amount to reflect the interim rate established at tentative and final settlement, if applicable, of the cost reporting period associated with the 1985 base year. Any additional adjustments required as a result of reviews and appeals

described in subsection (k) [(l)] of this section and completed by December 31, 1987, are also reflected in the March 1, 1988, adjustment. Future adjustments as described in this subsection and subsection (k) [(l)] of this section are made at the beginning of each prospective year.

(2) (No change.)

(o)(p) Reimbursement to children's hospitals. The department or its designee reimburses children's hospitals under similar methods and procedures used in the Social Security Act, Title XVIII, as amended, effective October 1, 1982, by Public Law 97-248. The department or its designee establishes target rates and stipulates payments per discharge, incentives, and percentage of payments. The department or its designee uses each hospital's 1987 final audited cost reporting period (fiscal year ending during calendar year 1987) as its target base period. The target base period for hospitals recognized by Medicare as children's hospitals after the implementation of this subsection is the hospital's first full 12-month cost reporting period occurring after its recognition by Medicare. The department or its designee annually increases each hospital's target amount for the target base period by the cost-of-living index described in subsection (n) [(o)] of this section. The department or its designee selects a new target base period at least every three years. The department or its designee bases interim payments to each hospital upon the interim rate derived from the hospital's most recent tentative or final Medicaid cost report settlement. If a Title XIX participating hospital is subsequently recognized by Medicare as a children's hospital after the implementation of this subsection, the hospital must submit written notification to the department or its designee and include adequate documentation and claims data. Upon receipt of the written notification from the hospital, the department or its designee reserves the right to take 90 days to convert the hospital's reimbursement to the reimbursement methodology described in this subsection.

(p)(q) Day and cost outliers. Effective for inpatient hospital admissions beginning on or after July 1, 1989, the department or its designee pays day or cost outliers for medically necessary inpatient services provided to recipients less than age one in hospitals reimbursed under the prospective payment system. If an admission qualifies for both a day and a cost outlier, only the outlier resulting in the highest payment to the hospital is paid.

(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 23, 1989.

TRD-8905503

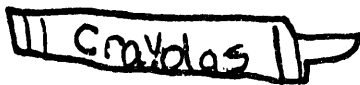
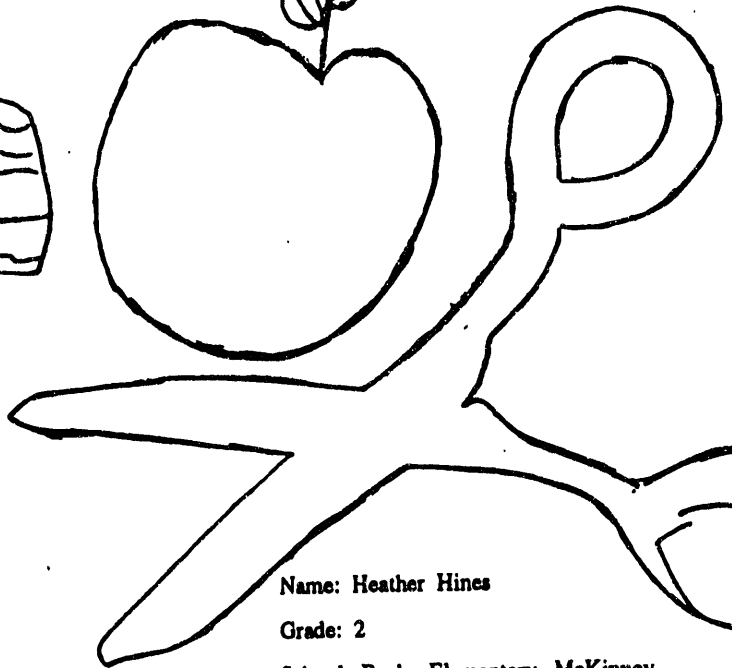
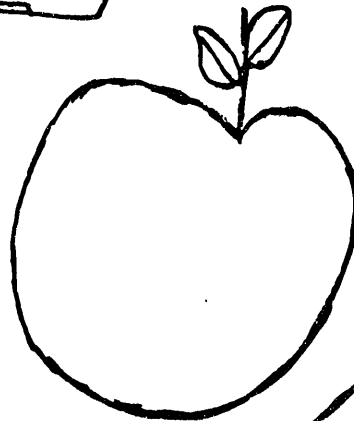
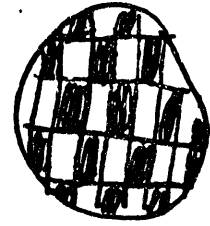
Charles Stevenson
Acting Commissioner
Texas Department of
Human Services

Proposed possible date of adoption: September 1, 1989

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



SCHOOL



Name: Heather Hines

Grade: 2

School: Burks Elementary, McKinney

Withdrawn Sections

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

TITLE 4. AGRICULTURE

Part II. Animal Health Commission

Chapter 35. Brucellosis

Subchapter A. Eradication of Brucellosis in Cattle

• 4 TAC §35.1

The Animal Health Commission has withdrawn from consideration for permanent adoption a proposed amendment which appeared in the February 7, 1989, issue of the *Texas Register* (14 TexReg 689). The effective date of this withdrawal is July 12, 1989.

Issued in Austin, Texas, on June 21, 1989

TRD-8905425

Jo Anne Conner
Executive Secretary
Animal Health Commission

Effective date: July 12, 1989

For further information, please call: (512) 479-6697

TITLE 19. EDUCATION

Part II. Texas Education Agency

Chapter 75. Curriculum

Subchapter D. Essential Elements—Grades Nine- Twelve

• 19 TAC §75.61

The Texas Education Agency has withdrawn from consideration for permanent adoption an emergency amendment which appeared in the May 30, 1989, issue of the *Texas Register* (14 TexReg 1901). The effective date of this withdrawal is July 12, 1989.

Issued in Austin, Texas, on June 21, 1989

TRD-8905524

Oscar A. Rodriguez
Planner I
Texas Education Agency

Effective date: July 12, 1989

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

TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part IX. Texas Water Commission

Chapter 321. Control of Certain Activities by Rule

Subchapter H. Discharges to Surface Waters from Treatment of Petroleum Fuel Contaminated Waters

• 31 TAC §§321.131-321.138

The Texas Water Commission has withdrawn from consideration for permanent adoption a proposed new section which appeared in the December 27, 1988, issue of the *Texas Register* (13 TexReg 6452). The effective date of this withdrawal is June 27, 1989.

Issued in Austin, Texas, on June 26, 1989

TRD-8905529

Jim Haley
Director, Legal Division
Texas Water Commission

Effective date: June 27, 1989

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

Chapter 329. Subsurface Excavations

Subchapter A. General Provisions

• 31 TAC §§329.1-329.19

The Texas Water Commission has withdrawn from consideration for permanent adoption a proposed repeal which appeared in the December 27, 1988, issue of the *Texas Register* (13 TexReg 6455). The effective date of this withdrawal is June 27, 1989.

Issued in Austin, Texas, on June 26, 1989

TRD-8905532

Jim Haley
Director, Legal Division
Texas Water Commission

Effective date: June 27, 1989

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

• 31 TAC §§329.1-329.26

The Texas Water Commission has withdrawn from consideration for permanent adoption a proposed new section which appeared in the

December 27, 1988, issue of the *Texas Register* (13 TexReg 6456). The effective date of this withdrawal is June 27, 1989.

Issued in Austin, Texas, on June 26, 1989

TRD-8905530

Jim Haley
Director, Legal Division
Texas Water Commission

Effective date: June 27, 1989

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

Chapter 335. Industrial Solid Waste and Municipal Hazardous Waste

Subchapter G. Location Standards for Hazardous Waste Storage, Processing, or Disposal.

• 31 TAC §335.204

The Texas Water Commission has withdrawn from consideration for permanent adoption a proposed amendment which appeared in the December 27, 1988, issue of the *Texas Register* (13 TexReg 6483). The effective date of this withdrawal is June 27, 1989.

Issued in Austin, Texas, on June 26, 1989

TRD-8905531

Jim Haley
Director, Legal Division
Texas Water Commission

Effective date: June 27, 1989

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

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part III. Texas Commission on Alcohol and Drug Abuse

Chapter 153. DWI Education Program Standards and Procedures

DWI Education Program Procedures

• 40 TAC §153.36

The Texas Commission on Alcohol and Drug Abuse has withdrawn from consideration for permanent adoption a proposed amendment which appeared in the April 11, 1989, issue of

the Texas Register (14 TexReg 1788). The effective date of this withdrawal is June 28, 1989.

Issued in Austin, Texas, on June 28, 1989.

TRD-8905528

Denise F. Meehl
Administrative Technician
Texas Commission on
Alcohol and Drug
Abuse

Effective date: June 28, 1989

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



Adopted Sections

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

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

TITLE 4. AGRICULTURE Part II. Animal Health Commission

Chapter 35. Brucellosis

Subchapter A. Eradication of Brucellosis in Cattle

• 4 TAC §35.2

The Texas Animal Health Commission adopts an amendment to §35.2, without changes to the proposed text as published in the March 28, 1989, issue of the *Texas Register* (14 TexReg 1573). The amendment was adopted by emergency action published in the March 28, 1989, issue of the *Texas Register* (14 TexReg 1571).

Texas is under an October 1990, deadline to reach federal Class A brucellosis status. Statewide, fewer than 1.0% of the herds are known to be infected with brucellosis. Since Jefferson County has a high rate of infection it was necessary to initiate an accelerated herd testing program. With time being a factor, delays in testing these high risk herds could jeopardize the program. The ability for the director to set testing dates quickly will alleviate this problem.

This amendment will provide for accelerated brucellosis testing with test dates established by the executive director without delay when based on epidemiological principles. These actions will facilitate the location and quarantine of diseased herds in Jefferson County and allow the fastest possible eradication of the disease, thereby minimizing the risk to uninfected herds and prevent trade restrictions on Jefferson County and the state.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Agriculture Code, Chapters 161 and 163, Texas Civil Statutes which provides the commission with authority to adopt rules and sets forth the duties of the commission to protect livestock in the state from disease.

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 16, 1989.

TRD-8905491 John W. Holcombe
Executive Director
Texas Animal Health
Commission

Effective date: July 14, 1989

Proposal publication date: March 28, 1989

For further information, please call: (512) 479-6697

TITLE 16. ECONOMIC REGULATION

Part II. Public Utility Commission of Texas

Chapter 23. Substantive Rules

Rates

• 16 TAC §23.22

The Public Utility Commission of Texas adopts an amendment to §23.22 without changes to the proposed text as published in the December 23, 1988, issue of the *Texas Register* (13 TexReg 6317).

The amendment will correct references to subsections that were changed since the last time this section was amended.

The amendment now contains updated references to subsections that have been previously changed.

No comments were received regarding adoption of the amendment.

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

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 21, 1989.

TRD-8905470 Mary Ross McDonald
Administrative Law Judge
Public Utility Commission
of Texas

Effective date: July 13, 1989

Proposal publication date: December 23, 1988

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

Certification

• 16 TAC §23.31

The Public Utility Commission of Texas adopts an amendment to §23.31, without changes to the proposed text as published in the December 23, 1988, issue of the *Texas Register* (13 TexReg 6317).

The amendment will reduce the amount of paperwork by utilities and Public Utility Commission staff.

The amendment will amend the section by

increasing the amount of value of construction of new facilities, only significant facilities will be reported and monitored.

During the comment period two comments were received. Southwestern Public Service Company supports changes without recommendations. Southwestern Bell supports the change, but recommends a \$500,000 limit instead of \$250,000 limit of \$250,000 limit in §23.31 (c)(2)(G).

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

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 21, 1989.

TRD-8905469 Mary Ross McDonald
Administrative Law Judge
Public Utility Commission
of Texas

Effective date: July 13, 1989

Proposal publication date: December 23, 1988

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

TITLE 19. EDUCATION Part II. Texas Education Agency

Chapter 75. Curriculum

Subchapter D. Essential Elements Grades Nine- Twelve

• 19 TAC §75.61

The Texas Education Agency adopts an amendment to §75.61, without changes to the proposed text as published in the April 21, 1989, issue of the *Texas Register* (14 TexReg 1901). The section allows high school students to obtain up to three state graduation credits for reading improvement coursework.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Texas Education Code, §21.101, which authorizes the State Board of Education to make rules concerning the well-balanced curriculum.

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 20, 1989.

TRD-8905447

W. N. Kirby
Commissioner of Education

Earliest possible date of adoption July 12, 1989

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

TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part III. Texas Air Control Board

Chapter 112. Control of Air Pollution from Sulfur Compounds

Control of Sulfuric Acid

• 31 TAC §§112.41, 112.45, 112.47

The Texas Air Control Board (TACB) adopts an amendment to §112.41 and new §112.45 and §112.47. Section 112.45 and §112.47 are adopted with changes to the proposed text as published in the January 13, 1989 issue of the *Texas Register* (14 TexReg 251). Section 112.41 is adopted without changes and will not be republished.

The amendment to §112.41, concerning emissions limits, retitles the section and adds new requirements to be met by sulfuric acid plants. The new §112.45, concerning inspection and recordkeeping requirements, requires that control devices be inspected annually and that records of monthly sulfuric acid mist emissions be maintained by the facility. The new §112.47, concerning compliance schedules, describes the requirements and establishes dates for submission of final control plans and for final compliance by all affected sources.

The Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, §5(C)(1), require categorization of comments as being for or against a proposal. A commenter who suggested any changes in the proposal is categorized as against the proposal, while a commenter who agreed with the proposal in its entirety is categorized as being for the proposal.

Two commenters, the United States Environmental Protection Agency (EPA) and an individual testified in favor of the proposed amendment to §112.41 and new §112.45 and §112.47. Five commenters, an individual; Rohm & Haas Texas, Incorporated (Rohm & Haas); Stauffer Chemical Company (Stauffer); Amoco Oil Company (Amoco); and Diamond Shamrock (Shamrock), testified against the proposals.

A summary of comments and discussion of issues follows. Copies of the written testimony and of the hearing transcript are available for inspection at the TACB office, 6330 Highway 290 East, Austin, Texas 78723.

One individual commenter and EPA sup-

ported the proposals for sulfuric acid mist. The individual commenter noted that as a result of the revisions, public health would be better protected and the quality of life would be enhanced for citizens residing near the affected facilities. EPA stated that the plan for sulfuric acid mist meets the requirements of 40 Code of Federal Regulations 60, Subpart B and the EPA guidance document for sulfuric acid mist.

One individual commenter expressed concern that operation and maintenance procedures should be included in the sulfuric acid mist regulation to ensure that control devices will be used properly.

Operation and maintenance procedures are not normally incorporated into the TACB rules because of the variation in equipment and maintenance practices within each facility. Procedures at each facility will be examined and evaluated to ensure that compliance with applicable limitations can be expected. General requirements for all facilities appear unnecessary and inappropriate. Requirements for the inspection of the physical integrity of the control system and monitoring of emissions are considered reliable indicators of compliance.

Rohm & Haas supported the emissions limit of 0.50 pound of sulfuric acid mist per ton of sulfuric acid produced. An individual noted that the proposed emissions limit would have virtually no effect on reducing sulfuric acid mist emissions. The commenter stated that the proposal would act as a disincentive because newer plants could be permitted to allow more emissions than older plants. He proposed an alternative limitation of 0.02 pound of sulfuric acid mist per ton of sulfuric acid produced.

The proposed limit was specified by EPA in the guideline document on control of sulfuric acid mist. This emissions limit, coupled with the inspection and reporting requirements included in the regulation, will ensure continued low emissions of sulfuric acid mist from these facilities. New sulfuric acid production units are still required to meet the stricter emissions limit of 0.15 pound of sulfuric acid mist per ton of sulfuric acid produced required by new source performance standards (NSPS). Therefore, a new plant will not be permitted with a higher emissions limit than older plants.

An individual commenter referred to a study performed by Petromas Inc. for the TACB in 1981 which stated that Reference Method 8 measures virtually all of the particulate acid mist, but only a fraction of the sulfur trioxide and sulfuric acid vapor. He also noted that the Petromas report stated that fiber mist eliminators cannot control gaseous emissions of sulfuric acid.

The proposed revisions were intended to address the same type of emissions as controlled under NSPS. Since NSPS defines sulfuric acid mist as emissions detected by EPA Reference Method 8 or an equivalent, the same criteria also apply to the Federal Clean Air Act, §111(d) sources. While we recognize that Reference Method 8 may not be effective in detecting all of the sulfur trioxide or sulfuric acid vapor present in an affected emission stream, it is effective in determining compliance with the rule, as defined. Similarly, while we recognize the limita-

tions of a fiber mist eliminator in reducing gaseous sulfuric acid, the Petromas report cited by the commenter stated that the vertical tube mist eliminator combined with proper absorber operation are the best tools for abatement of sulfuric acid mist.

Rohm & Haas supported the exemption for acid concentrators while Stauffer expressed concern about the exclusion of sulfuric acid plants or facilities used exclusively as sulfur dioxide control systems, chamber process plants, acid concentrators, or oleum storage and transfer facilities. Stauffer commented that the sulfuric acid business is highly competitive and commented that there are no technical or legal justifications for excluding these facilities.

As Stauffer noted in its testimony, NSPS for sulfuric acid plants exempt the same facilities as the proposed regulation revisions. The Federal Clean Air Act, §111(d), and these proposals were not intended to be more stringent than NSPS.

Amoco requested that the inspection requirements be more specific and not necessitate a shutdown of either the production facility or the abatement device. They suggested that the inspection should verify the proper performance of the device and need not include a physical inspection of internal integrity. Rohm & Haas commented that the owner or operator of the facility should be responsible for identifying the appropriate operating parameters which would best demonstrate the proper operation of the control device. Stauffer commented that the frequency of required visual inspections is excessive and unnecessarily costly considering the simplicity of the fiber mist eliminator. Stauffer stated that quarterly shutdowns of its units to conduct the inspections could result in \$600,000 in lost sales or product reserves and \$45,000 per year in subsequent start-up costs. Stauffer proposed annual inspections for plants using fiber mist eliminators.

The intent of §112.45(a), concerning inspection and recordkeeping requirements, was to document the physical integrity of the control system at routine intervals. A complete internal visual inspection of the control system at least once per year should be sufficient unless operating parameters indicate potential problems. This inspection may be performed when the unit is shut down for scheduled maintenance or other reasons. A continuous measurement of the pressure drop across the mist eliminator may be used to indicate potential problems with the control device, requiring stack testing and/or corrective action. This measurement is relatively simple and inexpensive and may eliminate the need for periodic emissions testing. Periodic recording of this pressure differential would allow operators and enforcement personnel to compare readings during normal operation to a reference value recorded immediately following any process start-up.

Amoco requested additional guidance on methods for estimating average monthly sulfuric acid mist emissions. Rohm & Haas interpreted the proposal to allow the calculation of the average monthly sulfuric acid mist emissions based on the most current performance test. Stauffer and Rohm & Haas also expressed concern that §112.45(b), concerning inspection and recordkeeping requirements, indicated a requirement for monthly or contin-

uous monitoring of sulfuric acid mist emissions. Stauffer felt this frequency of monitoring was excessive and suggested quarterly monitoring.

The regulation as proposed does not specify a method for calculating average monthly sulfuric acid mist emissions. An initial stack test should be performed in the demonstration of compliance required by §112.47, concerning compliance schedules, and thereafter following operational changes, when problems with control devices are suspected, or upon TACB request. The most recent stack test results in conjunction with other production or operating data appear appropriate to calculate the average monthly sulfuric acid mist emissions. The TACB's intent was not to require monthly or continuous monitoring of sulfuric acid mist emissions.

Shamrock expressed concern that enforcement personnel might interpret the proposed requirement in §112.47, concerning compliance schedules, for a demonstration of continuous compliance to mean continuous monitoring. Shamrock suggested the word "continuous" be omitted from the section.

The demonstration of continuous compliance was intended to require any source already in compliance to adequately document how that compliance is being achieved and maintained. No additional requirements for monitoring beyond those stated in other sections are implied.

The amendment and new sections are adopted under Texas Civil Statutes, Article 4477-5, §3.09(a), which provides the TACB with the authority to make rules and regulations consistent with the general intent and purposes of the Texas Clean Air Act and to amend any rule or regulation the TACB makes.

§112.45. Inspection and Recordkeeping Requirements.

(a) The owner or operator of any sulfuric acid plant subject to the provisions of §112.41(b) of this title (relating to Emissions Limits) shall conduct a complete visual inspection of all applicable emission control devices at least once per calendar year to ensure physical integrity and proper operation of the control system.

(b) The owner or operator of any sulfuric acid plant subject to the provisions of §112.41(b) of this title (relating to Emissions Limits) shall maintain the following records for two years and make available to authorized representatives of the Texas Air Control Board and/or local air pollution control agencies, upon request:

(1) the average monthly sulfuric acid mist emissions calculated using the most recent stack test and expressed as pounds of sulfuric acid mist per ton of 100% sulfuric acid produced;

(2) the results of annual inspections as required by subsection (a) of this section;

(3) readings from a device for the continuous measurement of the pressure differential between the inlet and outlet gas

streams of any fiber mist eliminator:

(A) immediately following each annual inspection of the control device required by subsection (a) of this section and all other process start-ups in order to establish a reference pressure differential indicative of a properly functioning control device; and

(B) at least once per calendar month in order to indicate the relative operating condition of the control device;

(4) the emissions testing and/or corrective actions performed in response to excessive variations in the observed pressure differential, to malfunctions detected during inspections of the control device, or to Texas Air Control Board requests.

§112.47. Compliance Schedules. All facilities affected by §112.41 (b) of this title (relating to Emissions Limits) shall be in compliance by July 31, 1990. Sulfuric acid plants not subject to 40 Code of Federal Regulations 60, Subpart H, shall submit by December 31, 1989, a demonstration of compliance or a compliance plan and schedule for achieving compliance, including legally enforceable increments of progress toward compliance as described at 40 Code of Federal Regulations 60.21(h).

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 22, 1989.

TRD-8905489 Allen Eli Bell
Executive Director
Texas Air Control Board

Effective date: July 14, 1989

Proposal publication date: January 13, 1989

For further information, please call: (512) 451-5711, ext. 354

• 31 TAC §112.42, §112.43

The Texas Air Control Board (TACB) adopts the repeals of §112.42 and §112.43, without changes to proposed text as published in the February 7, 1989, issue of the *Texas Register* (14 TexReg 680).

In concurrent action, TACB adopts the existing text of §112.42, concerning calculation methods, with minor modification as a new §112.43, concerning calculation methods. Existing §112.43, concerning effective date, is repealed since a separate section to establish an effective date is no longer necessary.

No comments were received regarding adoption of the repeals.

The repeals are adopted under Texas Civil Statutes, Article 4477-5, §3.09(a), which provide TACB with the authority to make rules and regulations consistent with the general intent and purposes of the Texas Clean Air Act and to amend any rule or regulation TACB makes.

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 22, 1989.

TRD-8905488 Allen Eli Bell
Executive Director
Texas Air Control Board

Effective date: July 14, 1989

Proposal publication date: February 7, 1989

For further information, please call: (512) 451-5711, ext. 354

• 31 TAC §112.43

The Texas Air Control Board (TACB) adopts new §112.43, without changes to the proposed text as published in the February 7, 1989, *Texas Register* (14 TexReg 680).

The only intent of this action is to renumber the previous §112.42, concerning calculation methods, and to make minor format changes to formulas presented for exit stack gases.

No comments were received regarding adoption of the new section.

The amendment is adopted under Texas Civil Statutes, Article 4477-5, §3.09(a), which provide TACB with the authority to make rules and regulations consistent with the general intent and purposes of the Texas Clean Air Act and to amend any rule or regulation TACB makes.

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 22, 1989.

TRD-8905488 Allen Eli Bell
Executive Director
Texas Air Control Board

Effective date: July 14, 1989

Proposal publication date: February 7, 1989

For further information, please call: (512) 451-5711 ext. 354

Control of Total Reduced Sulfur

• 31 TAC §§112.51, 112.53, 112.55, 112.57, 112.59

Texas Air Control Board (TACB) adopts new §§112.51, 112.53, 112.55, 112.57, and 112.59. Section 112.51 and §112.57 are adopted with changes to the proposed text as published in the January 13, 1989, issue of the *Texas Register* (14 TexReg 252). Sections 112.53, 112.55, and 112.59 are adopted without changes and will not be republished.

The new §112.51, concerning emissions limits for TRS compounds from kraft pulp mills, outlines the TRS limitations for specified types of process units at all sources. The new §112.53, concerning alternate emissions limitations, describes requirements for approval of alternate emissions limits when specified TRS limitations are not economically or technologically reasonable. The new §112.55, concerning inspection requirements, states

that quarterly inspections of control devices must be performed to ensure compliance. The new §112.57, concerning monitoring and recordkeeping requirements, adopts by reference, with modifications, the continuous monitoring requirements promulgated under New Source Performance Standards (NSPS) and specifies the daily and quarterly recordkeeping requirements to be met by all affected sources. The new §112.59, concerning compliance schedules, describes the requirements and establishes dates for submission of final control plans and for final compliance by all affected sources.

The Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, §5(C)(1), require categorization of comments as being for or against a proposal. A commenter who suggested any changes in the proposal is categorized as against the proposal, while a commenter who agreed with the proposal in its entirety is categorized as being for the proposal.

One commenter, an individual, testified in favor of the proposed §§112.51, 112.53, 112.55, 112.57, and 112.59, while four commenters, the United States Environmental Protection Agency (EPA), the Harris County Pollution Control Department (HPCPD), the Texas Forestry Association (TFA), and an individual, testified against the proposals.

A summary of comments and a discussion of issues follows. Copies of the written testimony and of the hearing transcript are available for inspection at the TACB office, 6330 Highway 290 East, Austin, Texas 78723.

An individual commenter supported the proposals and stated that public health will be better protected and the quality of life enhanced for nearby residents as a result of the implementation of controls. The TFA commented that TACB should use the maximum flexibility provided by EPA guidelines for TRS emissions from kraft pulp mills. The TFA requested that Texas kraft pulp mills not be subjected to TRS limits and monitoring requirements more stringent than those imposed on existing mills in other southern states.

The TRS emissions limits and monitoring requirements proposed by TACB are not more stringent than similar regulations in effect in other southern states. A provision for alternate emissions limits has been included in the proposed regulation to address technological or economic infeasibility.

The TFA requested that definitions for old design furnace and new design furnace be included in §112.51(a), concerning emissions limits for TRS compounds from kraft pulp mills.

Definitions for old and new design furnaces are included in §112.51(b), concerning emissions limits for TRS compounds from kraft pulp mills, in conjunction with the respective control requirements.

An individual commenter indicated that the proposed emissions limits were out of date. HPCPD commented that the proposed emissions limits for TRS were not adequate to prevent odor nuisance conditions in urban areas. HPCPD felt that TRS rules were based on control technology without consideration of air quality impact. HPCPD pro-

posed that TRS emissions limits be based on an allowable downwind odor level developed through the use of air quality dispersion modeling.

The proposed emissions limits satisfy the EPA guideline document for TRS emissions from kraft pulp mills operating before the promulgation of new source performance standards, in accordance with the Federal Clean Air Act, §111(d). However, facilities required to meet the proposed emissions limits for kraft pulp mills are still subject to TACB General Rules, §101.4, concerning nuisance, which prohibits the discharge of air contaminants which interfere with the normal use and enjoyment of animal life, vegetation, or property. A kraft pulp mill in full compliance with the proposed emissions limits for TRS is responsible for objectionable odors and may still be in violation of the nuisance rule and subject to a notice of violation. Appropriate enforcement action, including penalties or requirements for additional controls, may be pursued.

The TFA suggested that the 12-hour averaging time included in the emissions limits should be omitted, since compliance with TRS emissions standards is determined by EPA reference methods with specific various requirements for sample averaging times. The 12-hour averaging, however, is appropriate in the requirements for continuous monitoring.

Various sampling times are specified in Reference Methods 16, 16A, and 16B. The 12-hour averaging time stated with the emissions limits was intended for the calculation of emissions rates resulting from continuous monitoring only and may be more appropriate in §112.57, concerning monitoring and recordkeeping requirements.

The TFA proposed that power boilers be added to the list of combustion devices in §112.51(b)(2), concerning emissions limits for TRS compounds from kraft pulp mills.

Any combustion device, including a power boiler, is acceptable if the conditions specified for incineration are satisfied. Clarification of rule language may be appropriate.

The TFA suggested that Reference Method 16B be included as a method of TRS measurement and that the continuous emissions monitoring calculation methods in §112.51(c), concerning emissions limits for TRS compounds from kraft pulp mills, should be moved to §112.57, concerning monitoring and recordkeeping requirements. The TFA suggested alternate wording incorporating those monitoring calculation methods.

EPA Reference Method 16B is an acceptable TRS measurement method. Continuous monitoring calculation methods in §112.51(c), concerning emissions limits for TRS compounds from kraft pulp mills, may be more appropriate in §112.57, concerning monitoring and recordkeeping requirements.

An individual commenter opposed any alternate emissions limits arguing that since new plants can meet stricter regulations, the technology is available to retrofit existing facilities to meet the proposed limits. EPA expressed concern that the facility must demonstrate technical or economic infeasibility if it wishes to request alternate emissions limitations.

TRS has been treated by EPA as a welfare-

related pollutant rather than a health-related pollutant. Since the Federal Clean Air Act §111(d), allows the state flexibility in setting welfare-related pollutant emissions limits, TACB chose to provide for alternate emissions limits for those facilities that demonstrated the technical or economic infeasibility of applying the proposed control techniques. Controls considered reasonable for new sources may be cost-prohibitive at some existing mills. Applications for alternate emissions limitations must meet the qualifications included in the regulation and will be reviewed by TACB staff and approved or disapproved by the executive director.

While EPA accepted the concept of allowing for alternate emissions limits, EPA commented that it cannot approve a regulation that allows for state adoption of such alternatives unless the requests are individually submitted to EPA as the Federal Clean Air Act, §111(d) plan revisions.

Section 112.53, concerning alternate emissions limitations, requires facilities requesting an alternate emissions limit to demonstrate to TACB that the facility failed to meet the applicable limit during performance tests and that it is technically impractical or economically unreasonable for the facility to comply with the established limit. The TACB plans to forward alternate emissions limit applications, technical support information, and notification of subsequent TACB action to EPA as documentation of the specific emission limits an individual facility is expected to meet pursuant to the Federal Clean Air Act, §111(d) control plan. Since these revisions may result in the application of less stringent emission standards than provided in the regulation, TACB plans to satisfy the administrative requirements outlined in 40 Code of Federal Regulations 60, Subpart B, regarding formal Federal Clean Air Act, §111(d) plan revisions. Detailed technical review and state action regarding an application for alternate limits will be completed prior to submission to EPA. However, prior to state action, EPA will have the opportunity to comment at public hearings. Delays in subsequent EPA action regarding these applications could unnecessarily jeopardize the federal compliance status of affected sources.

The TFA noted that EPA guidelines, concerning continuous monitoring, established that 1.0% of all 12-hour TRS averages above the limit specified for recovery furnaces and 2.0% of all 12-hour averages above the specified limit for lime kilns are not considered as excess emissions. These higher TRS emissions were recognized by EPA as expected even from well operated furnaces and kilns. Excess emissions during start-up, shutdown, or malfunction should also be exempted. The TFA suggested alternate wording for §112.57, concerning monitoring and recordkeeping requirements, to include these exemptions.

Providing for infrequent excursions of the 12-hour averages above the specified limits for recovery furnaces and lime kilns appears reasonable if determined on a quarterly basis. Appropriate exemptions may be included in §112.57, concerning monitoring and recordkeeping requirements. These periods of excess emissions may not be considered violations of the limits specified in §112.51(b), concerning emissions limits for TRS com-

pounds from kraft pulp mills, provided that the affected facility is maintained and operated in a manner consistent with good air pollution control practice for minimizing emissions.

The TFA suggested alternate wording for §112.57, concerning monitoring and recordkeeping requirements, which excluded requirements for affected facilities to report excess emissions.

Quarterly reporting of excess TRS emissions required by new source performance standards may not be necessary for facilities affected by the Federal Clean Air Act, §111(d). Emission records, however, are required to be maintained for at least two years and made available upon TACB request.

The new sections are adopted under Texas Civil Statutes, Article 4477-5, §3.09(a), which provide TACB with the authority to make rules and regulations consistent with the general intent and purposes of the Texas Clean Air Act and to amend any rule or regulation TACB makes.

§112.51. Emissions Limits for TRS Compounds from Kraft Pulp Mills.

(a) The definitions promulgated at 40 Code of Federal Regulations 60.281 shall apply to all sections within this undesignated head and are hereby incorporated by reference.

(b) Except as provided in §112.53 of this title (relating to Alternate Emissions Limitations), no person may cause, suffer, allow, or permit emissions of TRS from kraft pulp mills to exceed the following limits.

(1) Recovery furnaces:

(A) old design (furnaces without membrane wall or welded wall construction or emission-control designed air systems): 20 parts per million (ppm) TRS, as hydrogen sulfide (H₂S) on a dry basis, corrected to 8.0% oxygen;

(B) new design (furnaces with both membrane wall or welded wall construction and emission-control designed air systems): five ppm TRS, as H₂S on a dry basis, corrected to 8.0% oxygen;

(C) cross recovery (furnaces with green liquor sulfidities in excess of 28.0% and liquor mixtures of more than seven weight percent of the total pulp solids from the neutral sulfite semichemical process): 25 ppm TRS, as H₂S on a dry basis, corrected to 10% oxygen;

(2) digester system, multiple-effect evaporator system, or condensate stripper system: five ppm TRS, as H₂S on a dry basis, corrected to 8.0% oxygen, unless gases are burned in a combustion device, such as an incinerator or power boiler, for at least 0.5 second at 1,200.F, a lime kiln, or a recovery furnace;

(3) lime kiln: 20 ppm TRS, as

H₂S on a dry basis, corrected to 10% oxygen; and

(4) smelt dissolving tank: 0.033 lb/ton black liquor solids as H₂S (0.016 gram/kilogram black liquor solids as H₂S).

(c) Compliance with the emissions limitations in subsection (b) of this section or §112.53 (relating to Alternate Emissions Limitations) shall be determined by reference Methods 16, 16A, or 16B (40 Code of Federal Regulations 60, Appendix A) or an equivalent measurement method approved by the executive director.

§112.57. Monitoring and Recordkeeping Requirements.

(a) The owner or operator of any kraft pulp mill subject to §112.51 of this title (relating to Emissions Limits for TRS Compounds from Kraft Pulp Mills) or §112.53 (relating to Alternate Emissions Limitations) shall conduct continuous monitoring beginning July 31, 1991, in accordance with the Monitoring of Emissions and Operations promulgated by the Environmental Protection Agency at 40 Code of Federal Regulations 60.284, hereby incorporated by reference, except:

(1) omit 40 Code of Federal Regulations 60.284(a)(1), relating to opacity monitoring;

(2) omit 40 Code of Federal Regulations 60.284(d)(1), relating to reporting of recovery furnace excess TRS emissions and opacities;

(3) omit 40 Code of Federal Regulations 60.284(d)(2), relating to reporting of lime kiln emissions;

(4) omit 40 Code of Federal Regulations 60.284(e)(1)(ii), relating to opacity violations;

(5) omit all references to the black liquor oxidation system and brown stock washing system;

(6) substitute emission standards in 40 Code of Federal Regulations 60.284(d) with those stated in §112.51 of this title (relating to Emissions Limits for TRS Compounds from Kraft Pulp Mills) or approved under §112.53 of this title (relating to Alternate Emissions Limitations); and

(7) substitute the term "administrator" with "executive director."

(b) Emissions data from continuous monitors required by subsection (a) of this section shall be processed in the following manner.

(1) Data shall be calculated on a 12-hour average basis for the two consecutive periods of each operating day. Each 12-hour average shall be determined as the arithmetic mean of the appropriate 12 consecutive 1-hour average TRS concentrations provided by each continuous monitoring system required under subsection (a) of this

section.

(2) Data indicating exceedances of emissions standards specified in §112.51(b) of this title (relating to Emissions Limits for TRS Compounds from Kraft Pulp Mills) shall not be considered excessive if the executive director determines that the facility is maintained and operated in a manner consistent with good air pollution control practices and the following conditions are met:

(A) excess emissions are associated with start-up, shutdown, or malfunction;

(B) no more than 1.0% of the 12-hour averages in each calendar quarter exceed applicable limits for recovery furnaces; or

(C) no more than 2.0% of the 12-hour averages in each calendar quarter exceed 20 ppm for lime kilns.

(c) The owner or operator of any kraft pulp mill affected by subsection (a) of this section shall maintain the following records for two years and shall make such records available to authorized representatives of the Texas Air Control Board and/or local air pollution control agencies upon request:

(1) daily records of the continuous emissions monitoring data consisting of 12-hour averaged TRS emissions;

(2) results of any stack tests conducted in accordance with §112.51(c) of this title (relating to Emissions Limits for TRS Compounds from Kraft Pulp Mills); and

(3) results of quarterly inspections as required by §112.55 of this title (relating to Inspection Requirements).

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 22, 1989.

TRD-8905487

Allen Ell Bell
Executive Director
Texas Air Control Board

Effective date: July 14, 1989

Proposal publication date: January 13, 1989

For further information, please call: (512) 451-5711, ext. 354

TITLE 34. PUBLIC FINANCE

Part I. Comptroller of Public Accounts

Chapter 3. Tax Administration

Subchapter V. Bingo Regulation and Tax

• 34 TAC §3.547

The Comptroller of Public Accounts adopts an amendment to §3.547, without changes to proposed text as published in the May 23, 1989, issue of the *Texas Register* (14 TexReg 2498).

The amendment amended subsection (a)(1)(B) to specify who may be on the signature card for a licensed organization's bingo account.

The amendment was proposed to ensure that each licensed organization has complete control over its bingo account.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 179d, which provide the comptroller with the authority to prescribe, adopt, and enforce rules relating to the administration and enforcement of the Bingo Enabling Act.

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

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

TRD-8905484 Bob Bullock
Comptroller of Public
Accounts

Effective date: July 14, 1989

Proposal publication date May 23, 1989

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

• 34 TAC §3.554

The Comptroller of Public Accounts adopts an amendment to §3.554, without changes to the proposed text as published in the May 23, 1989, issue of the *Texas Register* (14 TexReg 2498).

The amendment amended subsection (a)(2)(C) to change the type size required on the card for the comptroller's approval, amended subsection (b) to require submission of a series of sample cards to the comptroller for approval and to require resubmission of approved cards if the color is changed, each two years, or at any other time required by the comptroller, and added subsection (c)(6) requiring each series of cards to be sold to an authorized organization to be enclosed in a clear wrapping material.

The amendment was proposed in order to provide stronger safeguards in the approval and sale of instant bingo cards.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 179d, which provide the comptroller with the authority to prescribe, adopt, and enforce rules relating to the administration and enforcement of the Bingo Enabling Act.

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

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

TRD-8905483 Bob Bullock
Comptroller of Public
Accounts

Effective date: July 14, 1989

Proposal publication date: May 23, 1989

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

• 34 TAC §3.557

The Comptroller of Public Accounts adopts an amendment to §3.557, without changes to proposed text as published in the May 23, 1989, issue of the *Texas Register* (14 TexReg 2499).

The amendment amended subsection (b) to specify the first report for which the amendment is effective and amended subsection (c) to delete a reference to caubers glue sticks and other bingo supplies, to remove the requirement to report invoice numbers and sales dates, and to provide for reporting of total sales to each entity rather than individual sales.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 179d, which provide the comptroller with the authority to prescribe, adopt, and enforce rules relating to the administration and enforcement of the Bingo Enabling Act.

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

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

TRD-8905482 Bob Bullock
Comptroller of Public
Accounts

Effective date: July 14, 1989

Proposal publication date: May 23, 1989

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

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Services

Chapter 16. ICF/SNF

Recipient Rights

• 40 TAC §16.6116

The Texas Department of Human Services (DHS) adopts an amendment to §16.6116, concerning statement of services and bills, in its ICF/SNF chapter. The purpose of the amendment is to comply with changes to the Social Security Act, §1902(a)(3) and (23), and to 42 Code of Federal Regulations §435.906. These changes require ICF/SNF facilities to fully inform recipients about available Medicaid services, about their right to freely choose Medicaid providers, and about their right to a hearing if they believe that their free choice of providers has been restricted or denied.

The amendment is adopted under the Human Resources Code, Title 2, Chapters 22 and 32, which provides the department with the authority to administer public and medical assistance programs. The amendment is adopted effective July 1, 1989, to comply with federal requirements.

§16.6116. Statement of Services and Bills.

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

(f) The facility must furnish Medicaid recipients with complete information about available Medicaid services, advise them how to obtain these services, and fully explain their rights to freely choose service providers as specified in subsection (e) of this section. The facility's information and advice to each recipient must include the following elements.

(1) The facility must inform the recipient about:

(A) recipient eligibility requirements;

(B) available Medicaid services;

(C) limitations on services, such as requirements for prior authorization and limits on the number of outpatient hospital days available without special approval; and

(D) the rights and responsibilities of Medicaid applicants and recipients.

(2) The facility must advise the recipient that:

(A) he is entitled to receive Medicaid services from any provider partic-

ipating in the state Medicaid Program; and

(B) he may request a hearing before the Texas Department of Human Services (DHS) if he believes that his right to freely choose providers has been abridged without due process.

(3) The facility must give the recipient a copy of DHS' user's guide for Medicaid services.

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 23, 1989.

TRD-8905501 Charles Stevenson
Acting Commissioner
Texas Department of
Human Services

Effective date: July 1, 1989

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

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

**Chapter 153. DWI Education
Program Standards and
Procedures**

**DWI Education Program
Procedures**

• **40 TAC §153.38**

The Texas Commission on Alcohol and Drug Abuse adopts an amendment to §153.38,

with changes to the proposed text as published in the April 11, 1989, issue of the *Texas Register* (14 TexReg 1788).

The amendment is necessary in order to enhance the quality of instruction and programming by DWI education program administrators and instructors. Changes included clarifying instructor requirements for maintaining certification and making in-service training for DWI education program administrators permissive rather than mandatory.

The amendment will enhance overall program operations and instruction by requiring attendance in in-service training offered through the Texas Commission on Alcohol and Drug Abuse.

The comment received in support of making in-service training mandatory for DWI education program instructors

Commenting in favor of adopting the amendment was the Texas Alcohol Traffic Safety Education Association (TATSEA).

The amendment is adopted under the Code of Criminal Procedure, Article 42.12, §6.f. as amended in Chapter 473 (1987), which provides the Texas Commission on Alcohol and Drug Abuse with the authority to publish rules and regulations for approved DWI education programs.

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

(1) Instructors.

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

(H) Instructors shall be required to teach a minimum of four courses (32 hours) and have successfully completed

the Texas DWI Education In-Service Training Program approved by the DWI Certification Committee during the instructor's certification period in order to retain certification.

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

(2) Administrators.

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

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

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

This agency hereby certifies that the 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 21, 1989.

TRD-8905525 Bob Dickson
Executive Director
Texas Commission on
Alcohol and Drug
Abuse

Effective date: September 1, 1989

Proposal publication date: April 11, 1989

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

State Board of Insurance Exempt Filing

Notification Pursuant to the Insurance Code, Chapter 5, Subchapter L

(Editor's note: As required by the Insurance Code, Article 5.96 and Article 5.97, the Register publishes notices of actions taken by the State Board of Insurance pursuant to Chapter 5, Subchapter L, of the Code. Board actions taken under these articles is not subject to the Administrative Procedure and Texas Register Act, and the final actions printed in this section have not been previously published as proposals.)

These actions become effective 15 days after the date of publication or on a later specified date.

The text of the material being adopted will not be published, but may be examined in the offices of the State Board of Insurance, 1110 San Jacinto Street, Austin.)

The State Board of Insurance has adopted a filing submitted by the Insurance Services Office, Inc. (ISO), of revised rates and rating rules for Commercial Crime Insurance, Division Three of the Commercial Lines Manual.

In accordance with the provisions of the Texas Insurance Code, Article 5.97, a text of

the filing was filed in the Office of the Chief Clerk of the State Board of Insurance. The filing was available for public inspection for 15 days and a public hearing was not requested by any party.

The State Board of Insurance has adopted a variety of changes to the rules currently approved for Commercial Crime Insurance. Many rules have been revised to clarify their function and application. The numbering scheme and style of the rules have been revised to facilitate use of the manual and improve consistency between all available coverages.

An interpolation rule has been added to the General Rules Section and individual references regarding interpolation have been deleted. New rules have been adopted to implement a newly developed endorsement which permits an insured to obtain separate limits for money or securities, under Coverage Forms C and D. The board also adopted rules to enable an insured to limit the coverage provided under Coverage Form H; Premises Theft and Robbery Outside the Premises, to office equipment only.

The new and revised rules were accompanied by major changes to the rating procedures and the rate tables. A major rating change contained in the ISO filing was the withdrawal of Plan 2-The Single Limit Option. Withdrawal was requested because similar coverage could be obtained under Plan 1. Another major change involves the rating of Coverage Form D.

The rate tables currently used to compute the rate for premises coverage, provided under Section 1 of Coverage Form D, have been eliminated. The premium computation will be based on the rate groups and initial rates used for Coverage Form E. The Form E rates must be adjusted by the application of a coverage form multiplier, to account for the differences in the coverages.

The elimination of the rate table required a revision of the procedure used to include coverage for money and/or securities, under Coverage Form D. The revised procedure uses the rules, classifications, and rates applicable to Coverage Form C with the discounts, coverage amendments, multipliers, and minimum premium for Coverage Form D.

Again, a coverage multiplier must be applied before arriving at the net premium.

Notable revisions have also been adopted for the countrywide rate pages. The number of rate groups for Coverage Form C have been reduced from 11 to five. ISO indicated that the reduced number of rate groups will produce more credible statistics and ultimately, more accurate rates. A similar revision was made for the Coverage Form E rate table. Under Form E, the number of rate groups have been reduced from nine to four.

This filing becomes effective November 1, 1989, under the following rule of application: These changes are applicable to all policies effective on or after November 1, 1989. No policy effective prior to November 1, 1989, shall be endorsed or cancelled and rewritten to take advantage of or to avoid the application of these changes except at the request of the insured and using the cancellation procedures applying on the date of such request.

This notice is filed pursuant to the Texas Insurance Code, Article 5.97, which exempts it from the requirements of the Administrative Procedure and Texas Register 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 22, 1989.

TRD-8905493 Nicholas Murphy
 Chief Clerk
 State Board of Insurance

Earliest possible date of adoption November 1, 1989

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



The State Board of Insurance has adopted a filing submitted by the Insurance Services Office, Inc. (ISO), of revised forms for Commercial Crime Insurance, Division Three of the Commercial Lines Manual.

In accordance with the provisions of the Texas Insurance Code, Article 5.97, a text of the filing was filed in the Office of the Chief Clerk of the State Board of Insurance. The filing was available for public inspection for 15 days and a public hearing was not requested by any party.

The revisions adopted by the State Board of Insurance affect many of the forms and endorsements approved for use with the commercial crime insurance program. Most of the revisions constitute editorial changes. A few revisions clarify the provisions applicable to the coverage provided under a commercial crime insurance policy.

The editorial revisions adopted include: capitalization of the word "Declarations" when it is used in the body of the crime forms and endorsements; withdrawal of Endorsement CR 15, 32, because it no longer has any application to the commercial crime program; and deletion of references to the single limit option, which corresponds to the withdrawal of Plan 2 from the Rules section of the commercial crime insurance program.

The remaining revisions adopted involve or pertain to changes in the Crime General Provisions Form (CR 10 00). The word "Form" has been deleted from the title of CR 10 00. This change necessitated corresponding changes in all forms which refer to the crime general provisions. The definition of "Employee", §C(1), has been revised to clarify that a person who falls within either of the two listed categories, is considered an employee, unless specifically excluded.

The "Valuation-Settlement" clause, §B(18), has also been revised. This revision was made to clarify the intent that a company will pay for loss of money or securities up to and including their value, but the company will not always pay face or market value. Related revisions were made to CR 15 33, Excess Bank Burglary and Robbery Amendatory Endorsement, CR 15 34, Bank Excess Securities Amendatory Endorsement and CR 00 15, Safe Depository Direct Loss Coverage Form. Each form has a similar valuation-settlement provision.

This filing becomes effective November 1, 1989, under the following rule of application: These changes are applicable to all policies effective on or after November 1, 1989. No policy effective prior to November 1, 1989, shall be endorsed or cancelled and rewritten to take advantage of or to avoid the application of these changes except at the request of the insured and using the cancellation procedures applying on the date of such request.

This notice is filed pursuant to the Texas Insurance Code, Article 5.97, which exempts it from the requirements of the Administrative Procedure and Texas Register 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 22, 1989.

TRD-8905494 Nicholas Murphy
 Chief Clerk
 State Board of Insurance

Earliest possible date of adoption November 1, 1989

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



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 State Board of Public Accountancy

Thursday, June 29, 1989, 8:30 a.m. The Executive Committee met in an emergency meeting at Suite 340, 1033 La Posada, Austin. According to the agenda, the committee will consider status or report on staff implementation on The Act; review of the board's financial matters discussion of FY90-91 appropriations; discuss revenue forecasts; review of status of computer purchase; AICPA/FTC agreement; discussion of implementation of computerized examination on *The Rules of Professional Conduct*; review of status of request for reinstatement by Brooks Wilson; assignment of Board committees; discussion of status of Sunset report; request to register firm under the name "KMPG Peat Marwick"; comments regarding the May 20, 1989 swearing-in ceremony; review of status of negotiations with building management company-executive session; other matters coming before the committee; and personnel matters. The emergency status was necessary because needed to cover items not handled by last executive committee on June 23, 1989 due to time constraints.

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

Filed: June 26, 1989, 1:44 p.m.

TRD-8905538

State Bar of Texas

Thursday, June 29, 1989, 9 a.m. The Board submitted an emergency revised agenda for a meeting held in Room 107 Convention Center, San Antonio. According to the agenda, the board also considered report of president James B. Sales; discuss state bar of Texas v. John O'Quinn litigation Article 6252-17, §2e. The emergency status was necessary because information was not known at time of posting.

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

Filed: June 22, 1989, 3:42 p.m.

TRD-8905474

Texas Department of Commerce

Friday, June 23, 1989, 10:30 a.m. The Board submitted an emergency revised agenda for the meeting to be held in the Teak Room, 111 North Post Oak Lane, Houston. According to the agenda, the board will consider and possibly act on adoption of TSBIDC resolutions authorizing certain changes to the by-laws and conversion of interest rate of TEXCAP bonds to fixed rate; executing and delivery of certain documents therewith, approving certain projects to be financed under the TEXCAP program and related matters; executive session. The emergency status was necessary because of emergency personnel matter.

Contact: Mary Lane, (512) 320-9660.

Filed: June 22, 1989, 3:57 p.m.

TRD-8905475

Credit Union Department

Friday, June 30, 1989, 10 a.m. The Commission will meet in Credit Union Department Building, 914 East Anderson Lane, Austin. According to the agenda, the commission will to invite public input for future consideration; receive minutes of April 13, 1989 meeting; communications reported by the Commissioner; reports from the Field of Membership Guidelines Committee and the Commissioner Evaluation Committee; elect commission vice chairman; consider proposed revision of rule 91.1 (definitions); rule 91.203 (incorporation procedures); rule 91.206 (amendments); rule 91.506 (bond requirements); rule 91.507 (audits); rule 91.1001 (conservatorship); rule 95.311 (regular assessments); rule 97.112 (supervision fees); interagency contracts for services (legal services), commission policies (expenses, committees); and resolutions; conduct an executive session to discuss credit unions and problem cases; to confer with

legal counsel regarding field of membership guidelines; and to discuss the commissioner evaluation committee report.

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

Filed: June 22, 1989, 1:35 p.m.

TRD-8905462

Texas Health and Human Services Coordinating Council

Friday, June 30, 1989, 3 p.m. The Technical Advisory Group will meet in Sixth Floor Conference Room, 701 West 51st Street, Austin. According to the agenda, the council will consider approval of minutes; review and modification of CORE project manager position description and draft update of AITS plan strategy statement; comments on consultant report; new business; old business.

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

Filed: June 22, 1989, 3:34 p.m.

TRD-8905473

Texas Higher Education Coordinating Board

Thursday, July 6, 1989, 10:30 a.m. The Administrative Council will meet in Conference Room 209, Bevington A. Reed Building, 200 East Riverside Drive, Austin. According to the agenda, the council will discuss legislative summary; consider proposed amendment to §25.72--ORP Standards; proposed amendment to §25.49--automatic coverage; advisory committee recommendation on uniform maximum exclusion allowance formula; institutional program review; request from Senator Sims to reconsider changes in psychiatric benefits included in the basic coverage standards; report on OPR participation during fiscal year 1988; executive secretary report.

Contact: Kathy Lewis, P.O. Box 12788, Austin, Texas (512) 462-6420.

Filed: June 23, 1989, 3:49 p.m.

TRD-8905509

Thursday, July 6, 1989, 10:30 a.m. The Administrative Council will meet in Conference Room 209, Bevington A. Reed Building, 200 East Riverside Drive, Austin. According to the agenda, the council will discuss and consider state appropriated premium sharing amounts for fiscal year 1990 and 1991.

Contact: Kathy Lewis, P.O. Box 12788, Austin, Texas (512) 462-6420.

Filed: June 26, 1989, 4:13 p.m.

TRD-8905553

Texas Department of Human Services

Friday, June 30, 1989, 9 a.m. The Medical Care Advisory Committee will meet in Public Hearing Room, First Floor, East Tower, 701 West 51st Street, Austin. According to the agenda summary, the committee will consider commissioner's comments; state legislation update; state legislative budget update; federal legislation update; income cap increase; deductions from income for nursing home eligibility; spousal impoverishment provisions; repeal of parental income/resources requirement; report on task force on ICF-MR rates; contracting for medicaid nursing home beds; adult health assessment progress; family planning outreach; EPSDT expansion proposals; elimination of per diem pricing; inpatient hospital utilization; elimination of inpatient physician; partial restoration of budgetary cutback; calculating the base year payment; inpatient hospital reimbursement; reports on ad hoc committees; subcommittee reports; video presentation and open discussion by members.

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

Filed: June 22, 1989, 12:58 p.m.

TRD-8905460

Wednesday, July 5, 1989, 10 a.m. The Child Protective Services Advisory Committee will meet in Bluebonnet Room One, Guest Quarters Hotel, 303 West 15th Street, Austin. According to the agenda, the committee will discuss operating plan; children who wait; awards banquet; and evaluation and planning.

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

Filed: June 26, 1989, 3:09 p.m.

TRD-8905551

Department of Information Resources

Wednesday, July 5, 1989, 2 p.m. The Task Force Committee Meeting will meet in Room 102, John H. Reagan Building, 105 West 15th Street, Austin. According to the agenda, the committee will consider procurement certifications.

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

Filed: June 23, 1989, 9:17 a.m.

TRD-8905485

State Board of Insurance

The State Board of Insurance will meet at 1100 San Jacinto Street, Austin. Dates, times, rooms, and agendas follow.

Wednesday, July 5, 1989, 1:30 p.m. The board will meet in Room 414, to hold a public hearing to consider an appeal by Justo Leal of Commissioner's Order 89-0325.

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

Filed: June 26, 1989, 9:47 a.m.

TRD-8905537

Wednesday, July 5, 1989, 1:30 p.m. The Commissioner's Hearing Section will meet in Room 342, to hold a public hearing to consider the renewal application of Jose Abelardo Almanza, Port Lavaca, for a Group I, legal reserve combination or industrial agent's license and to consider whether disciplinary action should be taken against Jose Abelardo Almanza, Port Lavaca, who holds a group I, legal reserve combination or industrial agent's license.

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

Filed: June 26, 1989, 2:25 p.m.

TRD-8905547

Thursday, July 6, 1989, 1:30 p.m. The Commissioner's Hearing Section will meet in Room 353, to reopen a public hearing to consider whether disciplinary action should be taken against James Glover, II, Houston who holds a group I, legal reserve life insurance agent's license issued by the State Board of Insurance.

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

Filed: June 26, 1989, 2:25 p.m.

TRD-8905546

Friday, July 7, 1989, 9 a.m. The Commissioner's Hearing Section will meet in Room 442, to conduct a hearing to consider whether disciplinary action should be taken

against Juan Torres, McAllen/Westlaco, who holds a group I, legal reserve life insurance agent's license issued by the State Board of Insurance.

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

Filed: June 26, 1989, 2:25 p.m.

TRD-8905544

Friday, July 7, 1989, 9 a.m. The Commissioner's Hearing Section will meet in Room 442, to conduct a hearing to consider renewal application of Francis Edward Novak, Mesquite, for a group I, legal reserve life insurance agent's license.

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

Filed: June 26, 1989, 2:25 p.m.

TRD-8905545

Monday, July 10, 1989, 9 a.m. The Commissioner's Hearing Section will meet in Room 353, to conduct a hearing to consider whether disciplinary action should be taken against Gerald Otto Thornton, Jr., Trinity, who holds a group II, life, health, and accident insurance agent's license and to consider the application of Gerald Otto Thornton, Jr. for a group I, legal reserve life insurance agent's license.

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

Filed: June 26, 1989, 2:25 p.m.

TRD-8905543

Monday, July 10, 1989, 1:30 p.m. The Commissioner's Hearing Section will meet in Room 342, to conduct a hearing to consider application of Financial Securities Fund, L. P., a Delaware limited partnership, to acquire control of Laurel Life Insurance Company, Dallas, pursuant to the Insurance Code, Article 21.49-1.55.

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

Filed: June 26, 1989, 2:24 p.m.

TRD-8905542

Monday, July 10, 1989, 1:30 p.m. The Commissioner's Hearing Section will meet in Room 353, to conduct a hearing to consider whether disciplinary action should be taken against Donald M. Goff, Houston/Cypress, who holds a group I, legal reserve life insurance agent's license issued by the State Board of Insurance.

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

Filed: June 26, 1989, 2:24 p.m.

TRD-8905541

Wednesday, July 26, 1989, 9:30 a.m. The

board will meet in Room 414, to hold a public hearing to consider an appeal by Billy Arnold of Commissioner's Order 88-1713.

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

Filed: June 26, 1989, 9:47 a.m.

TRD-8905536

Thursday, July 27, 1989, 9:30 a.m. The board will meet in Room 414, to hold a public hearing to consider a motion to stay revocation of license and a appeal by Melvin E. Copeland of Commissioner's Order 89-0058.

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

Filed: June 26, 1989, 9:47 a.m.

TRD-8905535

Lamar University System

Monday, June 26, 1989, 2 p.m. The Board of Regents held an emergency meeting in John Gray Institute, Office of the Chancellor, 855 Florida, Beaumont. According to the agenda, the board considered approval of bid for renovation of Lamar-Orange laboratory facility; approval of bids for laboratory equipment purchase at Lamar-Orange. The emergency status was necessary because the board had to consider bid prior to next regularly scheduled Board of Regents meeting (August 10, 1989) to allow for renovation completion for Fall 1989 semester.

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

Filed: June 23, 1989, 3:01 p.m.

TRD-8905500

Texas Board of Licensure for Nursing Home Administrators

Wednesday July 12, 1989, 10:30 a.m. The Board submitted a revised agenda for the meeting to be held in Suite 310, 4800 North Lamar, Austin. According to the agenda, the board will discuss agenda approval; April 12, 1989 minutes approval; education committee report; MR/MI committee report; personal appearances: Texas Department of Health Report; Texas Department of Human Services Report; Executive session personnel matter pertaining to the alternate fiscal officer; executive director's report; chair's report.

Contact: Janet McNutt, Suite 355, 4800 North Lamar, Austin, Texas (512) 458-1955.

Filed: June 23, 1989, 10:25 a.m.

TRD-8905495

Board of Pardons and Paroles

Monday, Wednesday, Thursday, and Friday, July 3, 5, 6, & 7 1989, 1:30 p. m. daily, except 11 a.m. on Friday. The Board of Pardons and Paroles will meet at 8610 Shoal Creek Boulevard, Austin. According to the agenda summary, the board will receive, review, and consider information and reports concerning prisoners/f inmates and administrative releases subject to the board's jurisdiction and initiate and carry through with appropriate action.

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

Filed: June 23, 1989, 11:46 a.m.

TRD-8905498

Wednesday, July 5, 1989, 1:30 p.m. The Board of Pardons and Paroles will consider executive clemency recommendations and related actions (other than out of country conditional pardons), including: full pardons/restoration of civil rights of citizenship; emergency medical reprieves; commutations of sentences; and other reprieves, remissions, and executive clemency actions.

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

Filed: June 23, 1989, 11:46 a.m.

TRD-8905497

State Property Tax Board

Thursday, July 6, 1989, 9 a.m. The board will meet at Suite 100, Building B, 4301 Westlake High Drive, Agency Conference Room, Austin. According to the agenda summary, the board will discuss approval of minutes of the May 22-23, 1989 board meeting; consider appeals of hearing officer's findings of 1989 intangible values for certain transportation companies; certification of 1989 intangible values and apportionment to counties; certification of railroad rolling stock values apportioned to counties; fiscal year 1990 operating budget; consideration of Board Policy Manual; new forms to comply with changes in truth-in-taxation laws; public comments on activities of the State Property Tax Board; proposed revision of forms for applying for agricultural-use appraisal; proposed rule requiring appraisal districts to submit appraisal rolls to SPTB; review of provisions of Senate Bill 531 (SPTB Sunset bill) and other property tax legislation; staff report on recent activities; introduction of new staff; executive session-personnel matters (if needed); reconvene in open session.

Contact: Ron Paterson, 4301 Westlake

High Drive, Building B, Suite 100, Austin, Texas 78746, (512) 329-7800.

Filed: June 26, 1989, 2:08 p.m.

TRD-8905539

Railroad Commission of Texas

Monday, June 26, 1988, 9 a.m. The Railroad Commission of Texas met in an emergency meeting in the 12th Floor Conference Room, William B. Travis Building, 1701 North Congress Avenue, Austin. According to the agenda, the commission considered whether to use state funds to plug a leaking well: unidentified operator, Ewell McKnight Lease, Well No. 5, Wintergarden Field, Dimmit County. The emergency status was necessary because the well is flowing saltwater at the rate of 10-15 barrels per day with an estimated 200 pounds pressure, causing an imminent threat to the public's safety and health.

Contact: Willis Steed, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6830.

Filed: June 23, 1989, 3:59 p.m.

TRD-8905505

Monday, June 26, 1988, 9 a.m. The Railroad Commission of Texas met in an emergency meeting in the 12th Floor Conference Room, William B. Travis Building, 1701 North Congress Avenue, Austin. According to the agenda, the commission considered whether to use state funds to plug a leaking well: unidentified operator, unknown Lease, Well No. A, Unknown Field, Archer County. The emergency status was necessary because the well is leaking saltwater at the rate of 20 barrels per day, located near Highway 25 and between two branches on Onion Creek, causing an imminent threat to the public's health and safety.

Contact: Willis Steed, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6830.

Filed: June 22, 1989, 2:34 p.m.

TRD-8905465

Texas Rehabilitation Commission

Friday, July 7, 1989, 8 a.m. The Governor's Committee for Disabled Persons will be held in Room 4101, 4900 North Lamar Boulevard, Austin. According to the agenda summary, the committee will discuss the employment awards conference-October 27, 1989 Program, theme, speakers; judging employment award nominations.

Contact:

Filed: June 23, 1989, 3:48 p.m.

TRD-8905510

Texas Statewide Health Coordinating Council

Friday, July 7, 1989, 10:30 a.m. The Council will meet in Guest Quarters Suite Hotel; Houston I Meeting Room, Second Floor, West 15th and Lavaca Streets, Austin. According to the agenda summary, the council will approve minutes of previous meeting and discuss bureau chief's report; activities of the 71st Legislature, including those involving the state health plan; appointment of nominating committee; committee chairs and parliamentarian; 1991-1992 state health plan methodology; next meeting date.

Contact: Carol S. Daniels, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7261.

Filed: June 23, 1989, 3:49 p.m.

TRD-8905504

Texas Tech University

Thursday, June 29, 1989, 11 a.m. The Athletic Affairs Committee of the Board of Regents met in 21 Carriage Square, Waco. According to the agenda, the board considered overall purposes and goals of athletic affairs committee, purpose, goals, what we are charged to oversee, start process of writing a charter for committee; define immediate goals of committee, prioritize those goals, discuss how to monitor progress of goals; discuss status of committee review of student code of conduct; reports.

Contact: Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: June 26, 1989, 9:27 a.m.

TRD-8905527

Texas State Treasury Department

Friday, June 23, 1989, 10 a.m. The Cash Management Committee submitted a emergency revised agenda for the meeting to be held in Room 220, Lt. Governor's Committee Room, East Wing, State Capitol Building, Austin. According to the agenda, the committee discussed the method of sale, and amount of 1989 and 1990 Tax and Revenue Anticipation Note issues pursuant to Chapter 404, Subchapter H, Texas Government Code. The location of the open meeting was changed from Room 106, Reagan Building to the Lt. Governor's Committee Room #220, East wing of the State Capital Building. The emergency status was necessary because the 71st Texas Legislature will meet in Room 106, Reagan Building at the time of this open meeting.

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

Filed: June 22, 1989, 4:45 p.m.

TRD-8905480

University of Texas System, M.D. Anderson Cancer Center

Tuesday, June 27, 1989, 10 a.m. The Institutional Animal Care and Use Committee met in Conference Room AW7.707, Seventh Floor, 1515 Holcombe Boulevard, Houston. According to the agenda summary, the committee reviewed protocols for animal care and use and modifications thereof.

Contact: Arthur H. Dilly, P.O. Box N, Austin, Texas 78713-7328, (512) 499-4402.

Filed: June 22, 1989, 1:47 p.m.

TRD-8905464

University of Texas Health Science Center at Houston

Wednesday, June 28, 1989, 1 p.m. The Animal Welfare Committee, Medical School met in Conference Room G.018, Medical School Building, Houston. According to the agenda summary, the committee discussed presentation of protocols by protocol review group; subcommittee reports: animal care facilities, program, policy and community affairs; discussed USDA proposed regulations and annual reviews.

Contact: Kathleen M. Rose, MSB 5.132, Department of Pharmacology, P. O. Box 20708, Houston, Texas 77225.

Filed: June 22, 1989, 1:47 p.m.

TRD-8905463

Public Utility Commission of Texas

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

Wednesday, July 5, 1989, 10 a.m. The Hearings Division will consider Docket 8883-Application of AT&T for withdrawal of split band bridging arrangement.

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

Filed: June 23, 1989, 3:41 p.m.

TRD-8905511

Wednesday, July 5, 1989, 10 a.m. The Hearings Division will consider Docket 8882-Application of AT&T for withdrawal of sub-voice grade service-series 200.

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

Filed: June 23, 1989, 3:41 p.m.

TRD-8905512

Wednesday, July 5, 1989, 11 a.m. The Hearings Division will consider Docket 8885-Application of Standford Electric Cooperative for Authority to change line extension policy.

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

Filed: June 26, 1989, 2:57 p.m.

TRD-8905550

Tuesday, July 18, 1989, 10 a.m. The Hearings Division will consider Docket 8828-Petition of AT&T Communications to modify Megacom 800 Readyline Service and 800 Readyline Service Tariffs.

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

Filed: June 26, 1989, 2:57 p.m.

TRD-8905550

Friday, August 4, 1989, 10 a.m. The Hearings Division will consider Docket 8387-Petition of R.A. Hirsch against Southwestern Bell Telephone Company.

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

Filed: June 22, 1989, 2:59 p.m.

TRD-8905471

Thursday, September 28, 1989, 10 a.m. The Hearings Division will consider Docket 8832-Petition of Southwestern Public Service Company for authority to refund fuel cost overrecovery and provide periodic opportunity sales margin credits.

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

Filed: June 23, 1989, 3:40 p.m.

TRD-8905508

Texas Water Commission

The Texas Water Commission will meet at Stephen F. Austin Building, 1700 North Congress, Austin, unless otherwise noted. Dates, times, rooms, and agendas follow.

Thursday, July 6, 1989, 10 a.m. The commission will meet in Room 118 to consider various matters within the regulatory jurisdiction of the Texas Water Commission of Texas. In addition, the Texas Water Commission will consider items previously posted for open meeting and at such meeting verbally postponed or continued to this date. With regard to any item, the Texas Water Commission may take various actions, including but not limited to scheduling an item in the entirety or for particular action at a future date or time.

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

Filed: June 22, 1989, 3:01 p.m.

TRD-8905468

Thursday, July 13, 1989, 10 a.m. The Weather Modification Advisory Committee will meet in Dean's Lounge, Storey Hall, 3315 Daniel, Southern Methodist University, Dallas. The committee will review and make recommendations on applications for Texas weather modification licenses by Irving P. Krick, Inc., of Texas, City of San Angelo, Colorado River Municipal Water District, and Atmospheric's Inc., for State Fiscal Year 1990, review and make a recommendation on a new permit application by Irving P. Krick, Inc., of Texas for a rainfall-enhancement program in the upper Red River Valley of Texas, and to be briefed by the Texas Water Commission's weather modification specialist on the impending research program in weather modification in the San Angelo-Big Spring area for Summer, 1989, under the Southwest Cooperative Program of the Bureau of the Reclamation.

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

Filed: June 26, 1989, 9:50 a.m.

TRD-8905528

Friday, July 21, 1989, 10 a.m. The Office of Hearings Examiners will meet in Room 1149A, to consider the hearing on rate increase of Southwestern Water Corporation-Docket 8010-R.

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

Filed: June 23, 1989, 4:15 p.m.

TRD-8905515

Friday, July 21, 1989, 10 a.m. The Office of Hearings Examiners will meet in Room 1149B, to consider the hearing on rate increase of Kelley Well Service Docket 7908-G.

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

Filed: June 23, 1989, 4:16 p.m.

TRD-8905516

Monday, July 24, 1989, 10 a.m. The Office of Hearings Examiners will meet in Room 5-101, to consider the hearing on rate increase of Bandera Water Company, Docket 8038-G.

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

Filed: June 23, 1989, 4:17 p.m.

TRD-8905514

Monday, July 24, 1989, 10 a.m. The Office of Hearings Examiners will meet in Room 1149-A, to consider the hearing on application by City of Hudson Oaks for

transfer of a water certificate of convenience and necessity from LOR Water Service, Inc. Docket 8005-S.

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

Filed: June 23, 1989, 4:15 p.m.

TRD-8905517

Tuesday, July 25, 1989, 10 a.m. The Office of Hearings Examiners will meet in Room 1149-A, to consider the hearing on application by Travis Paul Enmon, Application Number 5215, for a water use permit to appropriate public waters.

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

Filed: June 23, 1989, 4:12 p.m.

TRD-8905521

Friday, July 28, 1989, 10 a.m. The Office of Hearings Examiners will meet in Room 1149-A, to consider the hearing on rate increase of Sunset Hills Water Department Docket 7986-G.

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

Filed: June 23, 1989, 4:14 p.m.

TRD-8905518

Monday, July 31, 1989, 10 a.m. The Office of Hearings Examiners will meet in Room 618, to consider the hearing on rate increase of Medina Highlands Docket 7998-G.

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

Filed: June 23, 1989, 4:14 p.m.

TRD-8905519

Wednesday, August 2, 1989, 10 a.m. The Office of Hearings Examiners will meet in Huffman ISD Administration Building, Board Room, 24403 East Lake Houston Parkway, Huffman, to consider the hearing on application by Calvin's Village Subdivision Water System to cease operations in Harris County, Docket 8002-Q.

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

Filed: June 23, 1989, 4:13 p.m.

TRD-8905520

Tuesday, August 8, 1989, 10 a.m. The Office of Hearings Examiners will meet in Hunt County Criminal Justice Center, 2700 Johnson Street, Greenville to discuss hearing on rate increase of Tawakoni Water Utility Corporation-Docket 7961-R.

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

Filed: June 23, 1989, 4:17 p.m.

TRD-8905513

Tuesday, September 26, 1989, 10 a.m. The board will meet in Room 118, to discuss Cleber J. Massey and wife, Patricia A.

Massey, application Number 4300a, applicants have requested an amendment to permit Number 3956 to authorize direct diversion and use from two points on the Colorado River, Colorado River Basin for an additional 100 acre-feet of water per annum to irrigate an additional 65 acres of land out of 648.94 acres located in the James D. Knox Survey Number 367, Abstract Number 466, Coleman County; authorize an additional diversion point on the left, or north, bank of the Colorado River North 75 degrees West, 3300 feet from the southeast corner of the James D. Knox Survey Number 367, Abstract Number 456, Coleman County and to divert water from this point at a maximum rate of 1.78 cfs (800 gpm).

Contact: Weldon Hawthorne, P.O. Box 13087, Austin, Texas 78711, (512) 463-8266.

Filed: June 23, 1989, 2:49 p.m.

TRD-8905499

Regional Meetings

Meetings Filed June 22, 1989

The Austin-Travis County MHMR Center, Operations and Planning Committee held an emergency meeting at 1717 West Tenth Street, Austin, on June 23, 1989, at 7:30 a.m. The emergency status was necessary because change of meeting location due to MHMR's move to Collier Street. Information may be obtained from Sharon Taylor, (512) 447-4141.

The MHMR Authority of Brazos Valley, Board of Trustees met at Brazos Center, 3232 Briarcrest Drive, Bryan, on June 29, 1989 at 1:30 p.m. Information may be obtained from Leon Bawcom, P.O. Box 4588, Bryan, Texas 77805, (409) 822-6467.

The Central Texas MHMR Center, Board of Trustees met at 408 Mulberry Drive, Brownwood, on June 29, 1989, 5 p.m. Information may be obtained from Danny Armstrong, P.O. Box 250, Brownwood, Texas 76804, (915) 646-9574 ext. 102.

The Education Service Center Region IV, Board of Directors, will meet in Board Room, 7145 West Tidwell, Houston, on July 7, 1989, 11:30 a.m. Information may be obtained from Dr. William L. McKinney, P.O. Box 863, Houston, Texas 77001, (713) 462-7708.

The Education Service Center Region XVII, Board of Directors, will meet in Board Room 1111 West Loop 289, Lubbock, on July 11, 1989, 10 a.m. Information may be obtained from Weldon E. Day, 1111 West Loop 289, Lubbock, Texas 79416, (806) 792-4000.

The Gray County Appraisal District, Appraisal Review Board, met at 815 North Sumner, Pampa, on June 27, 1989 at 9 a.m. Information may be obtained from Pat

Bagley, P.O. Box 836, Pampa, Texas 79066-0836, (806) 665-0791.

The Hale County Appraisal District, Appraisal Review Board, will meet at 302 West Eighth Street, Plainview, on July 1989, at 9 a.m. Information may be obtained from Linda Jaynes, 302 West Eighth Street, P.O. Box 329, Plainview, Texas 79072, (806) 293-4226.

The Lampasas County Appraisal District, Appraisal Review Board, met at 109 East Fifth Street, Lampasas, on June 28, 1989, at 9 a.m. Information may be obtained from Dana Ripley, P.O. Box 175, Lampasas, Texas 76550, (512) 556-8058.

The Leon County Central Appraisal District, Board of Directors, met in an emergency meeting at Leon County Central Appraisal District, Office, Centerville. On June 26, 1989 at 7:30 p.m. the emergency status was necessary because appointment of Appraisal Review Board member. Information may be obtained from Robert Winn, P. O. Box 536, Centerville, Texas 75833, (214) 536-2252.

The Mason County Appraisal District, Appraisal Review Board, met at 206 Fort McKavitt Street, Mason, on June 27, 28 and 30, 1989 at 9 a.m. daily. Information may be obtained from Neal Littie, P.O. Box 1119, Mason, Texas 76856, (915) 347-5989.

TRD-8905459

Meetings Filed June 23, 1989

The Austin Transportation Study, Planning Process Subcommittee, met at Austin Public Library, Fourth Floor Auditorium, 800 Guadalupe, Austin, on June 28, 1989, 3 p.m. Information may be obtained from Joseph Gieselman, 811 Barton Springs Road, Suite 700, Austin, Texas (512) 472-7483.

The Brazos River Authority, Board of Directors, will meet at 4400 Cobbs Drive, Waco on June 30, 1989 at 9:30 a.m. Information may be obtained from Mike Bukala, P.O. Box 7555, Waco, Texas 76714-7555, (817) 776-1441.

The Brazos River Authority, Administrative Policy Committee, will meet at 4400 Cobbs Drive, Waco on June 30, 1989 at 10 a.m. Information may be obtained from Mike Bukala, P.O. Box 7555, Waco, Texas 76714-7555, (817) 776-1441.

The Brazos Valley MHMR Authority, Board of Trustees, met at Brazos Center, 3232 Briarcrest Drive, Bryan, on June 29, 1989 at 1:30 p.m. Information may be obtained from Leon Bawcom, P.O. Box 4588, Bryan, Texas 77805, (409) 822-6467.

The Brown County Appraisal District, Appraisal Review Board, met at 403 Fisk Avenue, Brownwood, on June 28, 1989 at 8:30 a.m. Information may be obtained from

Bob Young, 403 Fisk Avenue, Brownwood, Texas (915) 643-5676.

The Carson County Appraisal District, Appraisal Review Board, will meet at Carson County Appraisal District, Panhandle, on July 6, 1989, at 8 a.m. Information may be obtained from Diane Lavake, P.O. Box 970, Panhandle, Texas 79068-0970.

The Coryell County Appraisal District, Appraisal Review Board, met at 113 North Seventh Street, Gatesville, on June 29, 1989, at 10 a.m. Information may be obtained from Darrell Lisenbe, P.O. Box 142, Gatesville, Texas 76528, (817) 865-6593.

The Dallas Area Rapid Transit, Planning and Development Committee, met at 601 Pacific Avenue, Dallas, on June 27, 1989 at 1 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, (214) 658-6237.

The Dallas Area Rapid Transit, Mobility Impaired Committee, met at 601 Pacific Avenue, Dallas, on June 27, 1989 at 4 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, (214) 658-6237.

The Dallas Area Rapid Transit, Budget & Finance Committee, met at 601 Pacific Avenue, Dallas, on June 27, 1989 at 4 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, (214) 658-6237.

The Dallas Area Rapid Transit, Board of Directors, met at 601 Pacific Avenue, Dallas, on June 27, 1989 at 6:30 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, (214) 658-6237.

The Grayson Appraisal District, Appraisal Review Board, will meet at 205 North Travis, Sherman, on July 5-14, 1989, 9 a.m. Information may be obtained from Deborah Reneau, 205 North Travis, Sherman, Texas 75090, (214) 893-9673.

The Hanson Appraisal District, Appraisal Review Board, will meet at 709 West Seventh Street, Spearman, on June 30, 1989, 9 a.m. Information may be obtained from Alice Peddy, P.O. Box 567, Spearman, Texas 79087, (806) 659-5575.

The Henderson County Appraisal District, Appraisal Review Board, held an emergency meeting at 1751 Enterprise, Athens, on June 26-30, 1989, at 9 a.m. The emergency status was necessary because scheduling of ARB protest appointments. Information may be obtained from Helen Marchbanks, 1751 Enterprise, Athens, Texas (214) 675-9296.

The Texas Regional Planning Commissions' Employee Benefit, Board of Trustees, will meet at Radisson Plaza Hotel, 700 San Jacinto, Austin, on July 6, 1989, at 10 a.m. Information may be obtained from Gloria C. Arriaga, 118 Broadway, Suite 400, San Antonio, Texas 78205, (512) 225-5201.

The West Central Texas Council of Governments, Ombudsman Task Force, will meet at 1025 East North Tenth Street, Abilene, on June 30, 1989, at 2 p.m. Information may be obtained from Jimmy Walls, 1025 East North Tenth Street or P.O. Box 3195, Abilene, Texas 79604, (915) 672-8544.

TRD-8905401

Meetings Filed June 26, 1989

The Bastrop County Appraisal District, Appraisal Review Board, will meet at 1200 Cedar Street, Bastrop, on July 6, 1989, 7 p.m. Information may be obtained from Lorraine Perry, P.O. Box 578, Bastrop, Texas 78602, (512) 321-3925.

The Bexar Appraisal District, Appraisal Review Board, will meet at 535 South Main, San Antonio, on July 3, 5-6, 10-14, 17-19, 21, 24-28, and 31, 1989 at 8:30 a.m. Information may be obtained from Bexar Appraisal District, 535 South Main, San Antonio, Texas 78204, (512) 224-8511.

The Edwards County Appraisal District, Appraisal Review Board, held an emergency meeting in New County Annex Building, Rocksprings, on June 28, 1989 at 9:30 a.m. The emergency status was necessary because only time members could meet. Information may be obtained from Natalie McNealy, P.O. Box 378, Rocksprings, Texas (512) 683-4189.

The Erath County Appraisal District, Board of Directors, met at Board Room, 1390 Harbin Drive, Stephenville, on June 29, 1989, at 9 a.m. Information may be obtained from Jerry Lee, 1390 Harbin Drive, Stephenville, Texas 76401, (817) 965-7301.

The Erath County Appraisal District, Appraisal Review Board, will meet at Board Room, 1390 Harbin Drive, Stephenville, on July 5 & 7, 1989, at 9 a.m. daily. Information may be obtained from Trecia Perales, 1390 Harbin Drive, Stephenville, Texas 76401, (817) 965-5434.

The Fisher County Appraisal District, Appraisal Review Board, will meet in Commissioners Courtroom, Roby, on July 6, 1989, at 9 a.m. Information may be obtained from Teddy Kral, P.O. Box 516, Roby, Texas 79543, (915) 776-2733.

The Fisher County Appraisal District, Board of Directors, will meet in Commissioners Courtroom, Roby, on July 11, 1989, at 7:30 p.m. Information may be obtained from Teddy Kral, P.O. Box 516, Roby, Texas 79543, (915) 776-2733.

The Gregg Appraisal District, Appraisal Review Board, will meet in 2010 Gilmer Road, Longview, on July 6, 1989, at 9 a.m. Information may be obtained from William T. Carroll, 2010 Gilmer Road, Longview, Texas 75604.

The Hansford Appraisal District, Appraisal Review Board, will meet at 709 West Seventh Street, Spearman, on July 11, 1989, 7 p.m. Information may be obtained from Alice Peddy, P.O. Box 567, Spearman, Texas 79081, (806) 659-5575.

The Hockley County Appraisal District, Appraisal Review Board, will meet at 1103C Houston Street, Levelland, on June 30, 1989, at 11 a.m. Information may be obtained from Nick Williams, P.O. Box 1090, Levelland, Texas 79336, (806) 894-9854.

The Sabine Valley Regional MHMR Center, Board of Trustees, will meet at Administration Building, 107 Woodbine Place, Longview, on July 10, 1989, 7 p.m. Information may be obtained from Ron Coohston.

The Upshur County Appraisal District, Appraisal Review Board, will meet at Warren & Trinity Street, Gilmer, on June 30, 1989, at 8 a.m. Information may be obtained from Louise Stracener, P.O. Box 280, Gilmer, Texas (214) 843-3041.

The Wheeler County Appraisal District, Board of Directors, will meet at County Courthouse Square, Wheeler, on July 5, 1989, at 2 p.m. Information may be obtained from Bobby Jennings or Jeanine Horton, P.O. Box 1200, Wheeler, Texas 79096, (806) 826-5900.

The Wheeler County Appraisal District, Board of Review, will meet at County Courthouse Square, Wheeler, on July 10, 1989, at 9 a.m. Information may be obtained from Bobby Jennings or Jeanine Horton, P.O. Box 1200, Wheeler, Texas 79096, (806) 826-5900.

The Wheeler County Appraisal District, Appraisal Review Board, will meet at County Courthouse Square, Wheeler, on July 3, 1989, at 9 a.m. Information may be obtained from Bobby Jennings or Jeanine Horton, P.O. Box 1200, Wheeler, Texas 79096, (806) 826-5900.

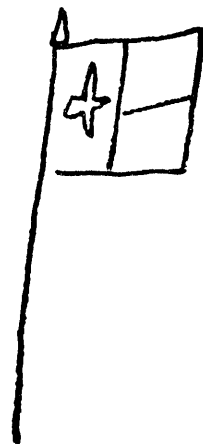
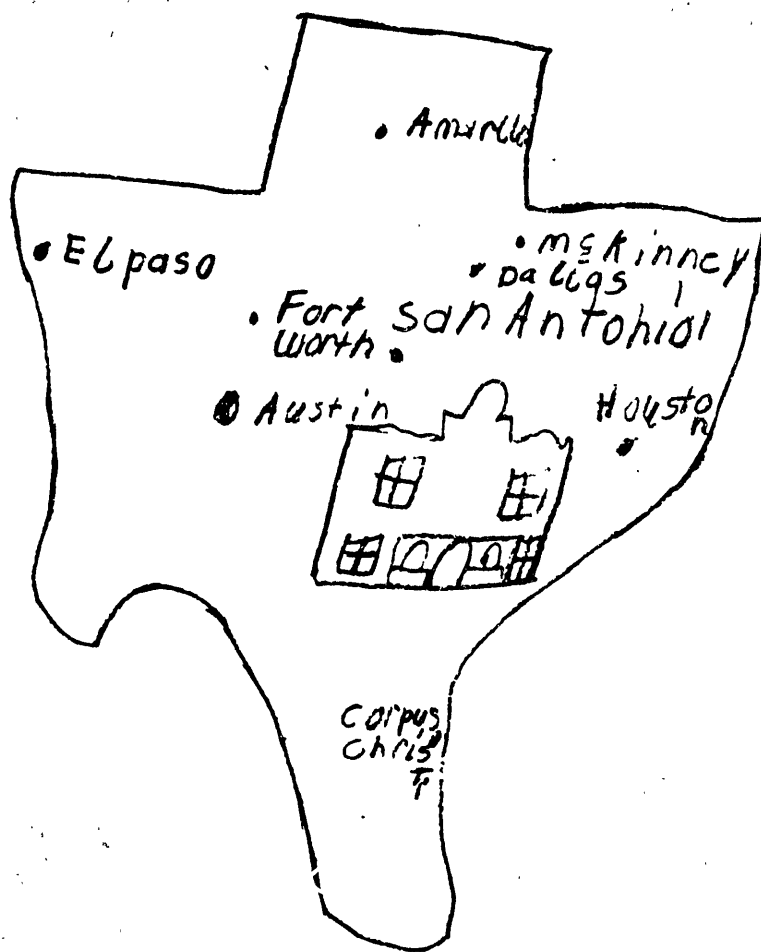
TRD-8905523

◆ ◆ ◆
Meeting Filed June 27, 1989

The Blanco County Appraisal District, Appraisal Review Board, will meet at Blanco County Courthouse Annex, Johnson City, on July 5-7, 1989, at 2 p. m. Information may be obtained from Hollis Petri, P.O. Box 338, Johnson City, Texas 78636, (512) 868-4624.

TRD-8905554

◆ ◆ ◆



Name: Ben Priest

Grade: 2

School: Burks Elementary, McKinney

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 Board of Architectural Examiners

Correction of Error

The Texas Board of Architectural Examiners submitted an emergency amendment which contained an error as published in the June 9, 1989, issue of the *Texas Register* (14 TexReg 2738).

In §1.25, paragraph (a)(2) and (3) should read:

(2)"Spring computer administered C/A.R.E.: October 1;"

(3)"Fall computer administered C/A.R.E.: June 1;"

Texas Department of Banking

Notice of Application

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

On May 15, 1989, the banking commissioner received an application to acquire control of Unicorp Bancshares-Texas, Inc., Orange, by Joseph A. Burke, Peter F. Cloeren, Jr., Anton Dal Sasso, Michael Lucia, Lew C. Sheffler, William P. Sterling, Jr., Carlos R. Vacek, and Earl C. Wrights, Jr., all of Orange.

On June 22, 1989, notice was given that the application would not be denied.

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 22, 1989.

TRD-8905522 William F. Aldridge
Director of Corporate Activities
Texas Department of Banking

Filed: June 23, 1989

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

Notice of Hearing Cancellation

As no opposition has been noted in the application for domicile change by Resources Trust Company of the Southwest, Inc., Houston, the hearing previously scheduled for Friday, June 30, 1989, has been cancelled.

Issued in Austin, Texas on June 20, 1989.

TRD-8905437 William F. Aldridge
Director of Corporate Activities
Texas Department of Banking

Filed: June 21, 1989

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

Notice of Postponement of Hearing

The June 22, 1989 hearing on an application for withdrawal of excess earnings from trust deposits filed by Claybar Funeral Home, Orange, has been postponed and will be rescheduled at a later date.

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

Issued in Austin, Texas on June 21, 1989.

TRD-8905418 Ann Graham
General Counsel
Texas Department of Banking

Filed: June 21, 1989

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

Office of Consumer Credit Commissioner

Notice of Rate Ceilings

The consumer credit commissioner of Texas has ascertained the following rate ceilings by use of the formulas and methods described in Texas Civil Statutes, Title 79, Articles 1.04, 1.05, 1.11, and 15.02, as amended (Texas Civil Statutes, Articles 5069-1.04, 1.05, 1.11, and 15.02).

Type of Rate Ceilings	Effective Period (Dates are Inclusive)	Consumer ⁽³⁾ / Agricultural/Commercial ⁽⁴⁾ thru \$250,000	Commercial ⁽⁴⁾ over \$250,000
Indicated (Weekly) Rate - Art. 1.04(a)(1)	06/26/89-07/02/89	18.00%	18.00%
Monthly Rate Art. 1.04(c) ⁽¹⁾	06/01/89-06/30/89	18.00%	18.00%
Standard Quarterly Rate - Art. 1.04(a)(2)	07/01/89-09/30/89	18.00%	18.00%

Retail Credit Card Quarterly Rate - Art. 1.11 ⁽³⁾	07/01/89-09/30/89	18.00%	N.A.
Lender Credit Card Quar- terly Rate - Art. 15.02(d) ⁽³⁾	07/01/89-09/30/89	17.31%	N.A.
Standard Annual Rate - Art. 1.04(a) ⁽²⁾	07/01/89-09/30/89	18.00%	18.00%
Retail Credit Card Annual Rate - Art. 1.11 ⁽³⁾	07/01/89-09/30/89	18.00%	N.A.
Annual Rate Applicable to Pre-July 1, 1983 Retail Credit Card and Lender Credit Card Balances with Annual Implementation Dates from:	07/01/89-09/30/89	18.00%	N.A.
Judgment Rate - Art. 1.05, Section 2	07/01/89-07/31/89	10.00%	10.00%

- (1) For variable rate commercial transactions only.
- (2) Only for open-end credit as defined in Art. 5069-1.01(f) V.T.C.S.
- (3) Credit for personal, family or household use.
- (4) Credit for business, commercial, investment or other similar purpose.

Issued in Austin, Texas, on June 12, 1989.

TRD-8905438 Al Endsley
Consumer Credit Commissioner

Filed: June 21, 1989

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

◆ ◆ ◆
Texas Education Agency
Consultant Proposal Request

The Texas Education Agency, the Texas Higher Education Coordinating Board, and the Texas Department of Commerce will award a contract from September 1, 1989-July 31, 1990, for the purpose of evaluating nine regional planning projects for occupational education and training programs. Evaluation of currently operating regional planning projects is being provided by Decision Information Resources, Inc., of Houston. It is the intent of the three state agencies to contract with Decision Information Resources, Inc., in the amount of \$50,000 to evaluate the nine regional planning projects unless a better offer is

received by August 11, 1989.

Contact: Specifications for evaluating the nine planning projects may be reviewed in the Division of Program Planning, Texas Education Agency. For additional information, contact the Division of Program Planning, Texas Education Agency, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9512.

Issued in Austin, Texas on June 21, 1989.

TRD-8905450 W. N. Kirby
Commissioner of Education

Filed: June 21, 1989

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

◆ ◆ ◆
Texas Department of Health
Agreed Order

Pursuant to the Texas Radiation Control Act, Texas Civil Statutes, Article 4590f, §15C.(g), the agency issued an agreed order to Mitchel Jager, D.V.M., holder of Certificate of Registration 6-00928. The order specified that the

settlement agreement between the agency and the registrant was approved and that an administrative penalty of \$4,750 was assessed against the registrant.

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

Issued in Austin, Texas on June 20, 1989.

TRD-8905414 Robert A. MacLean, M.D.
Deputy Commissioner, Professional
Services
Texas Department of Health

Filed: June 21, 1989

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

Emergency Impoundment Order

Notice is hereby given that the Bureau of Radiation Control ordered Larry Thompson's Logging and Perforating, Inc. and/or Larry D. Thompson to surrender to the agency for impoundment a three-curie americium 241/beryllium sealed source and any other licensable radioactive material possessed by the company. The order was issued because the company had unlawful possession of the radioactive material. The source will remain impounded until the company obtains a radioactive materials license authorizing its possession or until the radioactive material is transferred to a person or entity authorized by licensure to possess it.

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

Issued in Austin, Texas on June 20, 1989.

TRD-8905415 Robert A. MacLean, M.D.
Deputy Commissioner, Professional
Services
Texas Department of Health

Filed: June 21, 1989

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

Intent to Revoke Certificates of Registration

The Bureau of Radiation Control, Texas Department of Health, filed complaints against the following registrants, pursuant to *Texas Regulations for Control of Radiation (IRCR)* 13.8. The agency intends to revoke the certificates of registration, order the registrants to cease and desist use of radiation machine(s), and order the registrants to divest themselves of such equipment, presenting evidence satisfactory to the Bureau of Radiation Control that they have complied with the order and the provisions of Texas Civil Statutes, Article 4590f. If the fee is paid within 30 days of the date of each complaint, no order will be issued. The complaints are as shown following this notice.

This notice affords the opportunity for a hearing to show cause why the certificates of registration should not be revoked. A written request for a hearing must be received within 30 days from the date of service of the complaint to be valid. Such written request must be filed with David K. Lacker, Chief, Bureau of Radiation Control, (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756-3189. Should no request for a public hearing be timely filed or if the fee is not paid, the

certificates of registration will be revoked at the end of the 30-day period of notice.

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

Comes now the Division of Compliance and Inspection, Bureau of Radiation Control, Texas Department of Health (the agency), through its division director, and makes the following complaint against Gary C. Baine, D.D.S., 3130 North Street, Beaumont, Texas 77702 (the registrant), holder of Certificate of Registration Number 10-08395.

Texas Regulations for Control of Radiation (TRCR) 12.11(b) requires payment of an annual fee for each certificate of registration for radiation machines, in the amount indicated for the appropriate category in Schedule 12.31 of TRCR. The fee shall be received each year on or before the last day of the expiration month of the certificate of registration. On February 15, 1987, the registrant was billed \$61 for fees due on Certificate of Registration Number 10-08395 covering the period from February 1987 to January 1988. On October 20, 1987, the agency informed the registrant of the delinquency of payment, giving the registrant opportunity to show compliance with all requirements of the law for retention of the certificate of registration. Payment of fees has not been received.

On January 15, 1988, the registrant was billed \$61 for fees due on Certificate of Registration Number 10-08395 covering the period from February 1988 to January 1989. Payment of fees has not been received.

On January 31, 1989, the registrant was billed \$61 for fees due on Certificate of Registration Number 10-08395 covering the period from February 1989 to January 1990. Payment of fees has not been received.

Therefore, the agency, as provided in *Texas Regulations for Control of Radiation* 13.8(b), requests that an order be issued revoking the certificate of registration of the registrant and ordering the registrant to cease and desist use of such machine(s), and further that the registrant, in order to be in compliance with the Texas Radiation Control Act, §13, Texas Civil Statutes, Article 4590f, either disable the machine(s) or divest himself of it, presenting evidence satisfactory to the Bureau of Radiation Control that he has complied with this order and the provisions of Texas Civil Statutes, Article 4590f.

If the fees are paid within 30 days of the date of this complaint, no order will be issued.

Comes now the Division of Compliance and Inspection, Bureau of Radiation Control, Texas Department of Health (the agency), through its division director, and makes the following complaint against Laredo Packing Company, Loop 10, South Laredo, Laredo, Texas 78041, (the registrant), holder of Certificate of Registration Number 8-13400.

Texas Regulations for Control of Radiation (TRCR) 12.11(b) requires payment of an annual fee for each certificate of registration for radiation machines, in the amount indicated for the appropriate category in Schedule 12.31 of TRCR. The fee shall be received each year on or before the last day of the expiration month of the certificate of registration. On April 20, 1987, the registrant was billed \$71 for fees due on Certificate of Registration Number 8-13400 covering the period from May 1987 to April 1988. On January 5, 1988, the agency informed the registrant of the delinquency of payment, giving the registrant opportunity to show compliance with all requirements of the law for retention of the certificate of registra-

voked at the end of the 30-day period of notice.

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

Comes now the Division of Compliance and Inspection, Bureau of Radiation Control, Texas Department of Health (the agency), through its division director, and makes the following complaint against Frank L. Davis, Jr., D.D.S., 2531 Forest Lane, Dallas, Texas 75215, (the registrant), holder of Certificate of Registration Number 5-05299.

Texas Regulations for Control of Radiation (TRCR) 12.11(b) requires payment of an annual fee for each certificate of registration for radiation machines, in the amount indicated for the appropriate category in Schedule 12.31 of TRCR. The fee shall be received each year on or before the last day of the expiration month of the certificate of registration. On June 28, 1985, the registrant was billed \$40 for fees due on Certificate of Registration Number 5-05299 covering the period from April 1985 to March 1986.

On March 14, 1986, the registrant was billed \$40 for fees due on Certificate of Registration Number 5-05299 covering the period from April 1986 to March 1987. Payment of fees has not been received.

On March 17, 1987, the registrant was billed \$61 for fees due on Certificate of Registration Number 5-05299 covering the period from April 1987 to March 1988. Payment of fees has not been received.

On March 15, 1988, the registrant was billed \$61 for fees due on Certificate of Registration Number 5-05299 covering the period from April 1988 to March 1989. Payment of fees has not been received.

On March 23, 1989, the registrant was billed \$85 for fees due on Certificate of Registration Number 5-05299 covering the period from April 1989 to March 1990. Payment of fees has not been received.

TRCR 42.8 requires that the registrant shall notify the agency within 30 days of any change which would render the information contained in the certificate of registration no longer accurate. On April 28, 1986, the agency received returned certified mail indicating that the Registrant had changed address. On June 16, 1988, an inspection conducted by an agency representative failed to produce information sufficient to locate the registrant. On May 25, 1989, the agency obtained information on the new address of the registrant. Notification of change of address has not been received.

TRCR 42.7 requires that the registrant shall file application for renewal of certificate of registration in accordance with TRCR 42.3. On April 30, 1989, Certificate of Registration Number 5-05299 expired. Application for renewal has not been received.

Therefore, the agency, as provided in *Texas Regulations for Control of Radiation* 13.8(b), requests that an order be issued revoking the certificate of registration of the registrant and ordering the registrant to cease and desist use of such machine(s), and further that the registrant, in order to be in compliance with the Texas Radiation Control Act, §13, Texas Civil Statutes, Article 4590f, present evidence satisfactory to the Bureau of Radiation Control that he has complied with this Order and the provisions of Vernon's Texas Civil Statutes, Article 4590f.

If the items above are corrected within 30 days of the date of this complaint, no order will be issued.

Comes now the Division of Compliance and Inspection,

Bureau of Radiation Control, Texas Department of Health (the agency), through its division director, and makes the following complaint against Southwest Medical Imaging, 7702 Clairidge, Houston, Texas 77071, (the registrant), holder of Certificate of Registration Number 11-13484.

Texas Regulations for Control of Radiation (TRCR) 12.11(b) requires payment of an annual fee for each certificate of registration for radiation machines, in the amount indicated for the appropriate category in Schedule 12.31 of TRCR. The fee shall be received each year on or before the last day of the expiration month of the certificate of registration. On May 16, 1988, the Registrant was billed \$88 for fees due on certificate of registration Number 11-13484 covering the period from June 1988 to May 1989. Payment of fees has not been received.

On May 16, 1989, the registrant was billed \$170 for the fee due on Certificate of Registration Number 11-13484 covering the period from June 1989 to May 1990. Payment of fees has not been received.

TRCR 42.8 requires that the registrant shall notify the agency in writing within 30 days of any change which would render the information contained in the certificate of registration no longer accurate. On February 13, 1989, the agency received returned certified mail indicating that the registrant had changed address. On May 10, 1989, the agency received information on the current location of the registrant. Notification of change of address has not been received.

Therefore, the agency, as provided in *Texas Regulations for Control of Radiation* 13.8(b), requests that an order be issued revoking the certificate of registration of the registrant and ordering the registrant to cease and desist use of such machine(s), and further that the registrant, in order to be in compliance with the Texas Radiation Control Act, §13, Texas Civil Statutes, Article 4590f, either disable the machine(s) or divest himself of it, presenting evidence satisfactory to the Bureau of Radiation Control that he has complied with this order and the provisions of Texas Civil Statutes, Article 4590f.

If the items above are corrected within 30 days of the date of this complaint, no order will issue.

Comes now the Division of Compliance and Inspection, Bureau of Radiation Control, Texas Department of Health (the agency), through its division director, and makes the following complaint against American Science and Engineering, 955 Massachusetts Avenue, Cambridge, Massachusetts, 02139, (the registrant), holder of Certificate of Registration Number 99-06809.

Texas Regulations for Control of Radiation (TRCR) 12.11(b) requires payment of an annual fee for each certificate of registration for radiation machines, in the amount indicated for the appropriate category in Schedule 12.31 of TRCR. The fee shall be received each year on or before the last day of the expiration month of the certificate of Registration. On October 11, 1988, the Registrant was billed \$130 for fees due on Certificate of Registration Number 99-06809 covering the period from October 1988 to September 1989. Payment of fees has not been received.

TRCR 42.7 requires that the Registrant shall file application for renewal of certificate of registration in accordance with TRCR 42.4. On August 12, 1988, the agency notified the registrant that Certificate of Registration Number 99-06809 was due to expire on October 31, 1988. Application for renewal was enclosed with the notice for the registrant's use. On February 17, 1989, the Agency notified the registrant by certified mail of the requirement to submit application for renewal and that the certificate of registration had expired on October 31, 1988. Application for

renewal was enclosed for the registrant's use. Receipt of the certified mail was acknowledged on February 24, 1989. Application for renewal has not been received.

Therefore, the agency, as provided in *Texas Regulations for Control of Radiation* 13.8(b), requests that an order be issued revoking the certificate of Registration of the Registrant and ordering the Registrant to cease and desist furnishing or offering to furnish radiation machine servicing or services in the State of Texas, and further that the registrant, in order to be in compliance with the Texas Radiation Control Act, §13, Texas Civil Statutes, Article 4590f, present evidence satisfactory to the Bureau of Radiation Control that he has complied with this order and the provisions of Vernon's Texas Civil Statutes, Article 4590f.

If the items above are corrected within 30 days of the date of this Complaint, no order will be issued.

Issued in Austin, Texas on June 20, 1989

TRD-8905416 Robert A. MacLean, M.D.
Deputy Commissioner
Texas Department of Health

Filed: June 21, 1989

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

Request For Proposals

Background. In May 1985, the 69th Legislature of the State of Texas enacted into law the Texas Primary Health Care Services Act, Texas Civil Statutes, Article 4438d. This law provides for the delivery of primary health care services to eligible low income individuals who are not eligible for other programs. The Texas Department of Health was given the responsibility for implementing this Act.

During the 71st Legislature, 1989, new program funding of \$400,000 for fiscal year 1990 and \$1.1 million for fiscal year 1991 was appropriated to expand program efforts to rural counties with no hospitals, troubled hospitals, or closed hospitals. Senate Concurrent Resolution 54 directs the department to target these areas for new primary care projects that improve access to primary care services for the medically indigent and stabilize local health care delivery systems. It is expected that only two to three projects will be funded in fiscal year 1990 and an additional three to four in fiscal year 1991.

General Information. Application packets will be available July 3, 1989. Completed proposals from eligible counties must be received by the Texas Department of Health, Associateship for Personal Health Services, Primary Health Care Program, 1100 West 49th Street, Austin, Texas 78756, the local Council of Governments, and the Texas Department of Health Regional Office at the close of the business day on August 15, 1989. Submission of four copies to the Texas Department of Health Central Office and one copy each to the local Council of Governments and the Texas Department of Health Regional Office will be required.

Length of Funding. The initial funding will be for nine months starting December 1, 1989, with subsequent funding for 12 month periods following the state fiscal year and satisfactory performance of program objectives. Additionally, funding beyond FY 1991 will be dependent upon legislative action. Applicants approved for funding will be notified no later than November 3, 1989. After the awards have been granted, a contract will be negotiated between the Texas Department of Health and the selected providers.

Qualification of Applicant. Potential contractors must serve specified counties and ensure that they have the capability, facilities and all required special resources readily available within the community to meet and to satisfactorily perform the services identified in their proposal. All contractors must provide documentation of the contractor's ability to establish a comprehensive health care system which will ensure both the provision of and access to (at the least) the six initial service priorities to include: diagnosis and treatment; emergency services; family planning services; preventive health services, including immunizations; health education; and laboratory, x-ray, nuclear medicine, or other appropriate diagnostic services.

Application Procedure. More detailed information may be obtained from the program.

The contact person is John Dombroski, Director of the Primary Care Program, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7771.

Review of Applicant's Proposal. Each application will be evaluated independently on the following proposal sections: (1) Project Summary; (2) Needs Assessment; (3) Solution; (4) Plan of Operation; (5) Service Delivery; (6) Evaluation and Monitoring.

Review of proposals will be completed by staff at the area Council of Governments, the Texas Department of Health Public Health Regional Office, the Texas Department of Health, and the State Primary Care Advisory Committee. This Committee will forward its final recommendations to the Department for final project selection.

Issued in Austin, Texas, on June 22, 1989.

TRD-8905451 Robert A. MacLean, M.D.
Deputy Commissioner for Professional
Services
Texas Department of Health

Filed: June 22, 1989

For further information, please call (512) 458-7771.

Texas Department of Human Services Correction of Error

The Texas Department of Human Services submitted an adopted section which contained an error as published in the June 9, 1989, issue of the *Texas Register* (14 TexReg 2902).

The title to Chapter 7 for §7.101 should read: "Chapter 7. Refugee Cash Assistance Program."

Railroad Commission of Texas

LP-Gas Advisory Committee Meeting

The LP-Gas Division of the Railroad Commission of Texas announces a meeting of the LP-Gas Advisory Committee to be held on Tuesday, July 11, 1989, 9 a.m., Room 8-101, William B. Travis Building, 1701 North Congress, Austin.

Issued in Austin, Texas on June 23, 1989.

TRD-8905496 Cril Payne
Assistant Director, Legal Division-General
Law
Railroad Commission of Texas

Filed: June 23, 1989

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

03028; new.

The Whitmore Manufacturing Company; Rockwall; producer of specialty lubricating oils and greases for heavy mining and industrial applications; at the east end of Whitmore Drive, approximately 3/4 mile north of the intersection of High School Drive with Interstate Highway 30 in the City of Rockwall, Rockwall County; 03099; new.

Alcohol Cooperative, Inc.; Tulia; Tulia Plant producing fuel alcohol from milo; adjacent to State Highway 86 about nine miles west of the City of Tulia, Swisher County; 02681; renewal.

City of Bynum; wastewater treatment facility; approximately 700 feet northeast of the intersection of State Highway 171 and FM Road 1242, in the southeast portion of the City of Bynum, Hill County; 11542-01; renewal.

City of Celeste; wastewater treatment facility; approximately 4,000 feet west of U.S. Highway 69 and approximately one mile south-southwest of the intersection of U.S. Highway 69 and the Atchison-Topeka/Santa Fe Railway, southwest of the City of Celeste in Hunt County; 10146-01; renewal.

City of College Station; Public Utilities WWTP-2 Wastewater Treatment Facility; approximately 1.5 miles southeast of the intersection of State Highway 6 Bypass and State Highway 30, approximately 1.9 miles north-northeast of the intersection of State Highway 6 and State Highway 6 Bypass in Brazos County; 10024-02; renewal.

Drs. Carey and Georgia Legett; Austin; Harris County MUD Number 241 Wastewater Treatment Facility; approximately 600 feet east of Greens Bayou and approximately 2,600 feet north of Mount Houston Parkway in Harris County; 12847-01; renewal.

El Campo Aluminum Company; company which casts, extrudes and anodizes aluminum; on Gladys Street, between Lilly Street and Route 59, in the City of El Campo, Wharton County; 01208; renewal.

City of Floresville; wastewater treatment facility; at the intersection of Standish Street and Goliad Street in the City of Floresville, Wilson County; 100850-01; renewal.

Intermedics, Inc.; Freeport; wastewater treatment facility; approximately 2,000 feet west of State Highway 288 and three miles north of State Highway 35 in Brazoria County; 12912-01; renewal.

City of Castroville; wastewater treatment plant; 0.9 mile southeast of the intersection of U.S. Highway 90 and FM Road 1343 in Medina County; 10952-01; amendment.

Kimberly-Clark Corporation; Paris Plant manufacturing disposable diapers; 2200 19th Street Southwest, within the southwest quadrant of the Highway Loop 286, FM 137 Highway intersection and southwest of the City of Paris, Lamar County; 02648; amendment.

Lower Colorado River Authority, Powell Bend Mine; Austin, surface lignite mine; west of State Highway 95, approximately four miles north of City of Bastrop, Bastrop County; 02632; amendment.

North Texas Municipal Water District; Wylie; Shepards Glen Wastewater Treatment Plant; approximately 3/4 mile east of FM Road 740 and 3/4 mile northwest of FM Road 549 in Rockwall County; 11894-01; amendment.

Shell Oil Company, Deer Park Manufacturing Complex; Deer Park; industrial solid waste facility; located on a 1,600-acre tract of land, north of State Highway 225, and approximately one mile west of State Highway 134 in Deer Park, Harris County; HW-50099-001, EPA TXD-067285973-1; amendment; 45-day notice.

Issued in Austin, Texas on June 20, 1989.

TRD-8905423

Brenda W. Foster
Chief Clerk
Texas Water Commission

Filed: June 21, 1989

For further information, please call (512) 463-7908

Public Hearing Notice

The Texas Water Commission will conduct a public hearing beginning at 10 a.m., August 1, 1989, Room 1149, Stephen F. Austin State Office Building, 1700 North Congress Avenue, Austin.

The hearing will consider proposed fiscal year 1989 revisions to the State of Texas water quality management plan. These revisions will provide a more recent assessment of municipal facility needs, facility population projections, and management agency designation by utilizing more recent facility-specific information than that available in previous water quality management plans. The proposed revisions to the water quality management plans. The proposed revisions to the water quality management plan have been prepared subject to the requirements of the continuing planning process that are identified in Title 40, Code of Federal Regulations, Part 35, Subpart G. These plans are developed and revised pursuant to the Texas Water Code, Chapter 26, and the Federal Clean Water Act, §§208 and §205(j).

Interested persons are encouraged to attend the hearing and to present relevant and material comments concerning the proposed fiscal year (FY) 1989 revisions to the State of Texas water quality management plan. Written testimony which is submitted prior to or during the scheduled public hearing will be included in the record. The commission would appreciate receiving a copy of all written testimony at least five days before the scheduled hearing. Copies of written testimony or questions concerning the public hearing should be addressed to Danna Stecher, Texas Water Commission, P.O. Box 13087, Austin, Texas 78711-3087, or call (512) 463-8443.

Copies of the draft FY 1989 revisions to the water quality management plan are available for public inspection in Room 511 (library) of the Stephen F. Austin Building at 1700 North Congress Avenue, Austin. Requests for copies of the draft should be addressed to Danna Stecher, Texas Water Commission, P.O. Box 13087, Austin, Texas 78711-3087, or call (512) 463-8443. When requesting a copy or sending a query by mail, please include your complete return address and telephone number. Copies of the draft revisions have been provided to all entities shown on the attached fact sheet.

The date selected for this hearing is intended to comply with deadlines set by statute and regulations. Any publication of this notice less than 30 calendar days prior to the hearing date is due to the necessity of scheduling the hearing on the date selected. The hearing is being conducted pursuant to the Texas Water Code, §§5.102, 5.112, and 26.012, as amended.

Issued in Austin, Texas on June 26, 1989.

TRD-8905534

Jim Haley
Director, Legal Division
Texas Water Commission

Filed: June 26, 1989

For further information, please call (512) 463-8452

1989 Publication Schedule for the *Texas Register*

Listed below are the deadline dates for the July, August, and September 1989 issues of the *Texas Register*. Because of printing schedules, material received after the deadline for an issue cannot be published until the next issue. Generally, deadlines for a Tuesday edition of the *Texas Register* are Wednesday and Thursday of the week preceding publication, and deadlines for a Friday edition are Monday and Tuesday of the week of publication. A bullet beside a publication date indicates that the deadlines have been moved because of state holidays.

FOR ISSUE PUBLISHED ON	ALL COPY EXCEPT NOTICES OF OPEN MEETINGS BY 10 A.M.	ALL NOTICES OF OPEN MEETINGS BY 10 A.M.
Tuesday, July 4	Wednesday, June 28	Thursday, June 29
Friday, July 7	NO ISSUE PUBLISHED	
Tuesday, July 11	Wednesday, July 5	Thursday, July 6
Friday, July 14	Monday, July 10	Tuesday, July 11
Tuesday, July 18	Wednesday, July 12	Thursday, July 13
Friday, July 21	Monday, July 17	Tuesday, July 18
Tuesday, July 25	Wednesday, July 19	Thursday, July 20
Friday, July 28	Monday, July 24	Tuesday, July 25
Tuesday, August 1	SECOND QUARTERLY INDEX	
Friday, August 4	Monday, July 31	Tuesday, August 1
Tuesday, August 8	Wednesday, August 2	Thursday, August 3
Friday, August 11	Monday, August 7	Tuesday, August 8
Tuesday, August 15	Wednesday, August 9	Thursday, August 10
Friday, August 18	Monday, August 14	Tuesday, August 15
Tuesday, August 22	Wednesday, August 16	Thursday, August 17
Friday, August 25	Monday, August 21	Tuesday, August 22
Tuesday, August 29	Wednesday, August 23	Thursday, August 24
Friday, September 1	Monday, August 28	Tuesday, August 29
Tuesday, September 5	Wednesday, August 30	Thursday, August 31
•Friday, September 8	Friday, September 1	Tuesday, September 5
Tuesday, September 12	Wednesday, September 6	Thursday, September 7
Friday, September 15	Monday, September 11	Tuesday, September 12
Tuesday, September 19	Wednesday, September 13	Thursday, September 14
Friday, September 22	Monday, September 18	Tuesday, September 19
Tuesday, September 26	Wednesday, September 20	Thursday, September 21
Friday, September 29	Monday, September 25	Tuesday, September 26

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

Texas
Administrative
Code

★ **SAVE 40%**

WEST'S® TEXAS ADMINISTRATIVE CODE

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

COMPLETE, FOR RESEARCH CONVENIENCE!

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

DEPENDABLE SUPPLEMENTATION TO KEEP YOU UP-TO-DATE!

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

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

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

OFFICIAL, FOR YOUR ASSURANCE OF CONFIDENCE!

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

TITLES INCLUDED IN THIS COMPLETE AND OFFICIAL SET:

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

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



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