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# Texas Register

Volume 14, Number 51, July 14, 1989

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## Texas Register

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Governor—appointments, executive orders, and proclamations

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

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

Proposed Sections—sections proposed for adoption

Withdrawn Sections—sections withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date

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

Open Meetings—notices of open meetings

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

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

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

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

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

## Texas Administrative Code

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

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

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

TAC stands for the *Texas Administrative Code*;

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



## Texas Register Publications

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1 TAC §273.1—3399

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1 TAC §279.1—3400

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10 TAC §§149.1, 149.2, 149.4-149.11—3384

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22 TAC §571.10—3401

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31 TAC §367.1, §367.2—3390

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40 TAC §§10.2301-10.2307—3410

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## TITLE 43. TRANSPORTATION

### *Part II. Texas Turnpike Authority*

43 TAC §51.6—3343



Clouds

Quietly,

Smoothly,

Softly,

Clouds



Float.

White puffs -

Summer!



Name: Jana Feriend

Grade: 4

School: McKinney Elementary, McKinney

# 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 10. COMMUNITY DEVELOPMENT

### Part IV. Texas Housing Agency

#### Chapter 149. Low Income Rental Housing Tax Credit Rules

- 10 TAC §§149.1, 149.2, 149.4-149.9, 149.11

The Texas Housing Agency is renewing the effectiveness of the emergency adoption of amendment §§149.1, 149.2, 149.4-149.9, 149.11, for a 60-day period effective July 5, 1989. The text of amended §§149.1, 149.2, 149.4-149.9, 149.11 was originally published in the March 14, 1989, issue of the *Texas Register* (14 TexReg 1335).

Issued in Austin, Texas on July 5, 1989.

TRD-8905890 Timothy R. Kenny  
Executive Administrator  
Texas Housing Agency

Effective date: July 5, 1989

Expiration date: September 3, 1989

For further information, please call: (512) 474-2974



## TITLE 28. INSURANCE

### Part I. State Board of Insurance

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

#### Subchapter T. Minimum Standards for Medicare Supplement Policies

- 28 TAC §§3.3306, 3.3308, 3.3313

The State Board of Insurance is renewing the effectiveness of the emergency adoption of now and amended §§3.3306, 3.3308, 3.3313, for a 60-day period effective September 13, 1989. The text of new and amended §§3.3306, 3.3308, 3.3313 was originally published in the March 24, 1989, issue of the *Texas Register* (14 TexReg 1491).

Issued in Austin, Texas on July 7, 1989.

TRD-8905970 Nicholas Murphy  
Chief Clerk  
State Board of Insurance

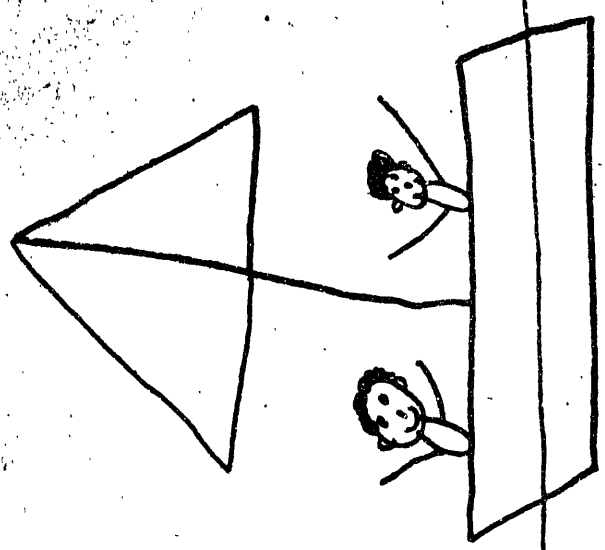
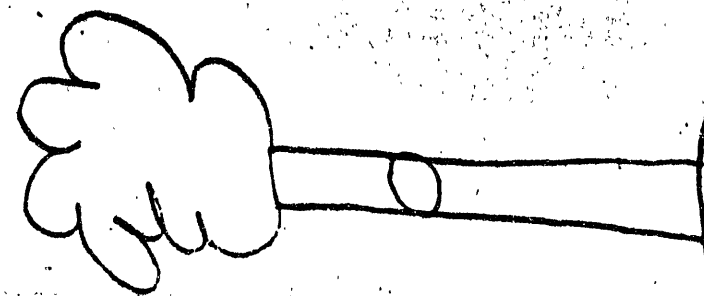
Effective date: July 15, 1989

Expiration date: September 13, 1989

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







Name: Benner Krug  
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# 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 10. COMMUNITY DEVELOPMENT

### Part I. Texas Department of Community Affairs

#### Chapter 1. Administration

#### Subchapter C. Administrative Hearings

##### • 10 TAC §1.21

The Texas Department of Community Affairs proposes an amendment to §1.21, concerning administrative hearing procedures. As amended, the section would allow 15 days for a party to request a hearing, would require the petitioner to state the specific grounds upon which agency action is being challenged, would add a provision governing the computation of time, and would delete the provisions of subsection (j)(7), concerning the rules of evidence and action after the hearing. The deleted provisions will be adopted as separate sections.

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

Mr. Coffield, also has determined that for each year of the first five years the section as proposed is in effect the public benefits anticipated as a result of enforcing the section as proposed will be a more expeditious resolution of matters which require an administrative hearing before the agency. The anticipated economic cost to individuals who are required to comply with the section as proposed will be zero dollars.

Comments on the proposal may be submitted to Roger A. Coffield, General Counsel, P.O. Box 13166, Austin, Texas 78711-3166.

The amendment is proposed under Texas Civil Statutes, Article 4413(201), which provide the Texas Department of Community Affairs with the authority to promulgate and adopt or repeal such rules and regulations as may be necessary to carry out its programs and responsibilities.

##### §1.21. Administrative Hearing Procedures.

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

(d) General.

(1) Request for hearing. The agency on its own motion or on the petition of [petition or application from] a party may initiate a hearing and shall conduct it

in accordance with the provisions of the APTRA, other state or federal statutes, and agency sections applicable [applying] to the hearing. A petition [or application] for a hearing by a party must be submitted within 15 [30] days of receipt of notice of the action giving rise to the request for hearing. The petition requesting a hearing shall state the specific grounds upon which the party wishes to challenge the agency's action.

(2) Location. Except as required by Texas Civil Statutes, Article 6252-13e, §9(g), all [All] hearings [unless otherwise determined by the agency,] shall be held in Austin.

(3) Computation of time. In computing any period of time prescribed or allowed by this subchapter, by order of the agency, or by any applicable statute, the day of the act, event, or default after which the designated period of time begins to run shall not be included, but the last day of the period so computed shall be included, unless it be a Saturday, Sunday, or legal holiday on which the agency is not open for business, in which event the period runs until the next day which is neither a Saturday, Sunday, nor legal holiday.

(e)-(i) (No change.)

(j) The hearing procedure.

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

(7) Rules of evidence. The hearing examiner, with the assistance of the agency legal division if requested, will apply the rules of evidence under the APTRA §14(a), and also the following rules.

[(A) Consolidation. The hearing examiner may consolidate the testimony of parties or persons if the evidence can be effectively consolidated into one document or the testimony of one witness. The standard by which the hearing examiner should judge this consolidation is whether each party or person can offer unique or new evidence that has not been previously introduced. Any party, under oath, may make an offer of proof of the testimony or evidence excluded through consolidation by dictating into the record or submitting in writing the substance of the proposed testimony prior to the conclusion of the hearing.

[(B) Documentary evidence. Documentary evidence should be presented in its original form, but if the original is not readily available, documentary evidence may be received in the form of copies or excerpts. On request, parties shall be given an opportunity to compare the copy with the original. When numerous documents are offered, the hearing examiner may limit those admitted to a number which is typical and representative, and may, at his discretion, require the abstracting of the relevant data from the documents and presentation of the abstracts in the form of exhibits; provided, however, that before making such requirements, the hearing examiner shall require that all parties of record or their representatives be given the right to examine the documents from which such abstracts were made. Any party may make an offer of proof of the documents which are excluded by the hearing examiner.

[(C) Exhibits.

(i) Form. Exhibits of documentary character shall be limited to facts material and relevant to the issues involved in a particular proceeding, and the parties shall make a reasonable effort to introduce exhibits which will not unduly encumber the files and record of the agency.

(ii) Tender and service. The original of each exhibit offered shall be tendered to the hearing examiner or a designee for identification and shall be offered to the parties for their inspection prior to offering or receiving the same into evidence.

(iii) Excluded exhibits. In the event an exhibit has been identified, objected to, and excluded, it shall be given an exhibit number for purposes of identification and shall be included in the record.

(iv) After hearing. Unless specifically directed by the hearing examiner, no exhibit will be permitted to be filed in any proceeding after the conclusion of the hearing except in a reopened hearing or rehearing.

[(D) Admissibility of prepared testimony and exhibits. When a proceeding will be expedited and the interest of the parties will not be prejudiced, evidence

may be received in written form. The prepared testimony of a witness upon direct examination, either in narrative or question and answer form, may be incorporated in the record as if read or received as an exhibit, upon the witness being sworn and identifying the same as a true and accurate record of what his testimony would be if he were to testify orally. The witness shall be subject to clarifying questions and to cross-examination, and his prepared testimony shall be subject to a motion to strike either in whole or in part

(E) Offer of proof. When testimony is excluded by the hearing examiner, the party offering such evidence shall be permitted to make an offer of proof by dictating into the record or submitting in writing the substance of the proposed testimony prior to the conclusion of the hearing, and such offer of proof shall be sufficient to preserve the point for review by the agency. The hearing examiner may ask such questions of the witness as he deems necessary to satisfy himself that the witness would testify as represented in the offer of proof. An alleged error in sustaining any objections to questions asked on cross-examination may be preserved without making an offer of proof.

(F) Official notice. Official notice by the hearing examiner shall be governed by the APTRA, §14(q). Further, official notice may be taken of any statute, ordinance, or duly promulgated and adopted rules or regulations of any governmental agency. The examiner shall indicate during the course of a hearing that information of which he will take official notice. When an examiner's findings are based upon official notice of a material fact not appearing in the evidence of record, the examiner shall set forth in his proposal for decision those items with sufficient particularity so as to advise the parties of the matters which have been officially noticed. The parties shall have the opportunity to show the contrary through the filing of exceptions to the examiner's proposal for decision.

(G) Action after the hearing.

(i) Reopening of hearing for new evidence.

(I) The agency may reopen a hearing where new evidence is offered which was unobtainable or unavailable at the time of the hearing.

(II) The agency will reopen a hearing to include such new evidence as part of the record if the agency deems such evidence necessary for a proper and fair determination of the case. The reopened hearing will be limited to only such new evidence.

(III) Notice and procedural requirements will be the same as for the original hearing.

(ii) Proposal for decision.

(I) If a proposal for decision is necessary under the APTRA, §15, the hearing examiner shall prepare the proposal and provide copies of the same to all parties.

(II) Each party having the right and desire to file exceptions and briefs shall file them with the hearing examiner within the time designated by the hearing examiner.

(III) Parties desiring to do so shall file written replies to these exceptions and briefs as soon as possible after receiving same, and within the time designated by the hearing examiner.

(IV) All exceptions and replies to them shall be succinctly stated.

(iii) Filing of documents. At any time after the record has been closed in a contested case, and prior to the administrative decision becoming final in such case, all briefs, exceptions, written objections, motions (including a motion for rehearing), replies to the foregoing, and all other written documents shall be filed with the hearing examiner; and further, the party filing such instrument shall provide copies of the same to all other parties of record by first class United States mail or personal service and shall certify, in writing thereon, the names and addresses of the parties to whom copies have been furnished, as well as the date and manner of service.

(iv) Proposed findings of fact and conclusions of law. At the direction of the hearing examiner a party may submit proposed findings of fact and/or conclusions of law.

(v) Final orders or decisions.

(I) The final order or decision will be rendered by the executive director of the agency.

(II) All final orders or decisions shall be in writing and shall be rendered in accordance with the APTRA, §16.

(vi) Motion for rehearing. A motion for rehearing shall be governed by the APTRA, §16, or other pertinent statute, and shall be sent by registered or certified mail to the executive director of the agency. A copy of the motion shall also be sent by first class mail to the hearing examiner.

(vii) Action on appeals. All appeals from final orders or decisions shall be governed by the APTRA, §19 and §20, or other pertinent statute, and communications regarding any appeal shall be to the executive director of the agency.]

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 July 7, 1989.

TRD-8905981

Roger A. Coffield  
General Counsel  
Texas Department of  
Community Affairs

Earliest possible date of adoption: August 14, 1989

For further information, please call: (512) 834-6016

◆ ◆ ◆  
**Part IV. Texas Housing Agency**  
**Chapter 149. Low Income Rental Housing Tax Credit Rules**

• 10 TAC §§149.1, 149.2, 149.4-149.11

The Texas Housing Agency proposes amendments to §§149.1, 149.2, 149.4-149.11, and 149.11, concerning conforming sections of the agency's low income tax credit rules (following adoption on an emergency basis filed in the March 14, 1989, issue of the *Texas Register* (14 TexReg 1335)) to new federal regulations dealing with amendments to the Internal Revenue Code of 1986, §42. The amendments define agreement and election statement, carryover allocation, carryover allocation document, advise when such statement or document shall be requested, issued, or executed, designate specific criteria by which projects shall be selected, and specify which forms the IRS and project owner shall receive and on what date.

Scott McGuire, chief financial officer, has determined that there will not be fiscal implications as a result of enforcing or administering the sections.

Mr. McGuire also has determined that for each year of the first five years the sections as proposed are in effect the public benefit anticipated as a result of enforcing the sections as proposed will be enhancement of the state's ability to provide safe, sanitary housing for Texans of low and moderate income through the efficient and coordinated allocation of federal income tax credit authority available to the state for administration by the Texas Housing Agency.

Comments on the proposal may be submitted to Timothy R. Kenny, Executive Administrator, Texas Housing Agency, P.O. Box 13941, Austin, Texas 78711-3941.

The amendments are proposed under Texas Civil Statutes, Article 12691-6, which provide the Texas Housing Agency with the authority to adopt rules governing the administration of the agency and its programs and Executive

Order WPC-87-15 (August 4, 1987), which provides the Texas Housing Agency with the authority to make housing credit allocations for the State of Texas.

**§149.1. Scope.** The sections in this chapter apply to the allocation by the Texas Housing Agency of certain low-income rental housing tax credits authorized by applicable federal income tax laws. The Internal Revenue Code of 1986, §42, as amended, provides for credits against federal income taxes for owners of qualified low-income rental housing projects. That section also establishes a ceiling on the aggregate amount of such tax credits that owners of projects located within a state may receive during a calendar year, and provides for the allocation of the available tax credit amount by state housing credit agencies. Pursuant to Executive Order WPC-87-15 (August 4, 1987), the Texas Housing Agency has been authorized to make housing credit allocations for the State of Texas. Therefore, the purpose of the sections in this chapter is to establish procedures for applying for and obtaining an allocation of the low-income rental housing tax credit. The sections are intended to promote maximum utilization of the available tax credit amount, consistent with ensuring that the tax credits are allocated to owners of projects that will serve the agency's public policy objectives of assisting in the provision of decent, safe, and sanitary housing for persons and families of low income and families of moderate income.

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

**Agreement and election statement**—An agreement between the agency, the project owner and all successors in interest to the project owner as to the aggregate housing credit allocation amount that will be allocated to the building or buildings comprising the project, and an irrevocable election by the project owner to fix the applicable credit percentage(s) for the project in the month in which the commitment letter is issued or month in which the carryover allocation document is executed by the agency pursuant to the Internal Revenue Code (Code), §42(b)(2)(A)(ii)(I).

**Carryover allocation**—An allocation of current year tax credit authority by the agency pursuant to the provisions of the Code §42(h)(1) (E).

**Carryover allocation document**—A carryover allocation document issued by the agency to a project owner pursuant to §149.4(e) of this title (relating to Applications; Reservations; Commitments; Extensions; Carryover Allocations; Agreements and Elections).

**Qualified nonprofit organization**—An organization that is described in the Code, §501(c)(3) or (4), that is exempt from fed-

eral income taxation under the Code §501(a)(2) and includes as one of its exempt purposes the fostering of low-income housing, as more fully defined in the Code, §42(h)(5)(C) and Temporary Treasury Regulation §1.42-1T(c)(5)(ii).

**§149.4. Applications; Reservations; Commitments; Extensions; Carryover Allocations; Agreements and Elections.**

(a) Any project owner that desires a housing credit allocation for a project may submit an application to the agency, which shall be executed by an authorized representative of the project owner and which shall contain the following information:

(1)-(11) (No change.)

(12) a statement of whether a carryover allocation is requested;

(13) if a carryover allocation is requested, a statement that the project owner's basis in such project (as of the close of the calendar year in which the allocation is made) will be more than 10% of the reasonably expected basis in the project as of the close of the second calendar year following the calendar year in which the allocation is made; and

(14)[12] such other information as the agency may require in the prescribed form of application.

(b) A project owner may file an application at any time on or before November 30 [prior to the last business day] of the calendar year during which the project owner desires to receive a housing credit allocation, or at any time during the calendar year preceding the calendar year during which the project owner desires to receive a housing credit allocation.

(c) (No change.)

(d) Within 10 calendar days after receipt and acceptance of an application, the agency shall respond to the project owner in accordance with either paragraph (1) or (2) of this subsection as applicable.

(1) (No change.)

(2) If the entire state housing credit ceiling for the applicable calendar year has then been reserved, committed, or allocated in accordance with this chapter, the agency shall place the application on a waiting list and shall issue to the project owner a written notice of that action. If at any time prior to the last business day of the applicable calendar year, one or more reservation letters, [or] commitment letters, or carryover allocation documents expire and a sufficient amount of the state housing credit ceiling becomes available, then the agency shall issue a reservation letter to the project owner in the manner and with the effect described in paragraph (1) of this subsection.

(e) (No change.)

(f) As soon as may be practicable following receipt by the agency of the items required by subsection (d) of this section, the agency shall place the application on the agenda for review by the board at the next meeting of the board at which applications will be considered. Within 10 calendar days after the board reviews the application, the agency shall act upon the application in accordance with either paragraph (1) or (2) of this section, as applicable.

(1) If the board approves the application, the agency shall either:

(A) Issue a commitment letter to the project owner which commitment letter shall confirm that the agency has approved the application; and shall state the agency's commitment to make a housing credit allocation to the project owner in a specified amount, subject to compliance by the project owner with the remaining requirements of this chapter. This commitment letter shall expire on the date specified therein, which shall be no later than the 210th day following the date thereof or on the last business day of the applicable calendar year, whichever occurs first; or

(B) Issue a carryover allocation document for certification and execution in duplicate original by the project owner, and return of said executed letter in duplicate to the agency prior to 60 days after issuance thereof or on the last business day of the applicable calendar year, whichever occurs first [issue a commitment letter to the project owner. The commitment letter shall:

[(A) shall confirm that the agency has approved the application;

[(B) state the agency's commitment to make a housing credit allocation to the project owner in a specified amount, subject to compliance by the project owner with the remaining requirements of this chapter. The commitment letter shall expire on the date specified therein, which shall be no later than the 210th day following the date thereof or on the last business day of the applicable calendar year, whichever occurs first].

(2) (No change.)

(g)-(h) (No change.)

(i) A project owner who has been issued a commitment letter may request the agency to execute an agreement and election statement, which has been duly executed by the project owner in duplicate and received by the agency in duplicate, prior to the end of the month in which the commitment letter was dated and signed by the agency. Upon receipt thereof, the agency shall, if the project owner is in full compliance with the sec-

tions in this chapter and the commitment letter, executes such agreement and returns one executed original to the project owner.

**§149.5. Agency Specific Criteria, Set-Asides, Reservations and Preferences.**

(a) Subject to the specific criteria, set-asides, preferences and priorities set forth in this section the agency shall issue reservation letters, [and] commitment letters, and carryover allocation documents and shall make housing credit allocations on a first-come, first-served basis, based on the date the agency receives and accepts each application. In the event that the agency receives more than one application on a particular date, the priority of such applications shall be determined by random lot, in such manner as the agency may determine. For purposes of this paragraph, any application for a housing credit allocation to be made by the agency during a year subsequent to the year in which the agency receives such application shall be treated as having been received on January 1 of the year during which the housing credit allocation is to be made.

(b) Specific criteria by which projects shall be selected are as follows:

(1) projects that will clearly reduce the cost of housing for low-income occupancy;

(2) projects that will expand the diversity and distribution of low-income housing;

(3) projects that combine other housing resources;

(4) project readiness to proceed as indicated by firm financing commitments, site control, zoning approvals, completion of plans and specifications, and other relevant factors; and

(5) projects that meet a true public purpose.

(c)[b] Ten percent of the state housing credit ceiling for each calendar year shall be set aside exclusively for qualified nonprofit projects. The amount so reserved for qualified nonprofit projects shall be made available in accordance with the limitations set forth in paragraphs (1) and (2) of this subsection.

(1) Until August 31 of each year, no reservation letter, [or] commitment letter, or carryover allocation document shall be issued with respect to any existing project which does not require a rehabilitation expenditure.

(2) Until February 28 of each year, no reservation letter, [or] commitment letter, or carryover allocation document shall be issued with respect to any existing project of more than four units with respect to which the owner has requested an increase in the applicable fraction in excess of

60% (provided that this restriction shall not apply to any project with respect to which the project owner has received or expects to receive a governmental contribution).

(d)[c] Ninety percent of the state housing credit ceiling for each calendar year shall be available for all projects (including qualified nonprofit projects), subject to the following reservations and preferences set forth in paragraphs (1), (2), (3), and (4) of this subsection.

(1) (No change.)

(2) Until August 31 of each year, no reservation letter, [or] commitment letter, or carryover allocation document shall be issued with respect to any existing project which [that] does not involve a rehabilitation expenditure.

(3) Until February 28 of each year, no reservation letter, [or] commitment letter, or carryover allocation document shall be issued with respect to any existing project of more than four units with respect to which the owner has requested an increase in the applicable fraction in excess of 60% (provided, that this restriction shall not apply to any project with respect to which the project owner has received or expects to receive a governmental contribution).

(4) (No change.)

(5) No reservation letter, [or] commitment letter, or carryover allocation document shall be issued with respect to any project the total development cost of which, as determined by the agency, or the acquisition, construction or rehabilitation cost (excluding financing and other soft costs) of which, as determined by the agency, exceed the square foot limitations established from time to time by the board.

(e)[d] The agency reserves the right to adopt and implement such other specific criteria, set-asides, reservations and preferences as the agency may deem appropriate in connection with the making of housing credit allocations.

**§149.6. Housing Credit Allocations.**

(a) The agency shall make a housing credit allocation to any project owner who [that] holds a commitment letter which [that] has not expired, upon receipt from the project owner of evidence satisfactory to the agency that one or more buildings within the project have been placed in service. Such evidence may be in the form of a certificate of occupancy issued by an appropriate local governmental unit or other written evidence satisfactory to the agency demonstrating that the building or buildings are ready and available for occupancy. The agency shall make each such housing credit allocation by mailing or delivering IRS Form 8609 (or any successor form adopted by the Internal Revenue Service) to the project owner, with Part I thereof completed in all respects and signed by

an authorized official of the agency. A separate housing credit allocation shall be made with respect to each building within a project which is eligible for a housing credit.

(b) The agency shall execute, in duplicate, a duly issued carryover allocation document properly completed and executed by the project owner which has not expired, and return one executed original to the project owner. In this situation, the agency shall, pursuant to the Internal Revenue Code, §42 (b)(1) (E), mail, or deliver IRS Form 8609 (or any successor form adopted by the Internal Revenue Service) to the project owner, with Part I thereof completed in all respects and signed by an authorized official of the agency, in the calendar year that such buildings are placed in service provided that such buildings may not be placed in service later than the close of the second calendar year following the calendar year in which the allocation is made [The agency shall make each housing credit allocation by mailing or delivering IRS Form 8609 (or any successor form adopted by the Internal Revenue Service) to the project owner, with Part I thereof completed in all respects and signed by an authorized official of the agency. A separate housing credit allocation shall be made with respect to each building within a project which is eligible for a housing credit].

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

**§149.7. Agency Records; Certain Required Filings.**

(a) At all times during each calendar year the agency shall maintain a record of the following:

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

(3) the cumulative amount of the state housing credit ceiling that has been committed pursuant to carryover allocation documents during such calendar year;

(4)[3] the cumulative amount of housing credit allocations made during such calendar years; and

(5)[4] the remaining unused portion of the state housing credit ceiling for such calendar year.

(b) (No change.)

(c) The agency shall mail to the Internal Revenue Service, not later than the 28th day of the second calendar month after the close of each calendar year during which the agency makes housing credit allocations, a copy of each completed (as to Part I) IRS Form 8609 mailed or delivered by the agency to a project owner during such calendar year, along with a single completed IRS Form 8610, Annual Low-Income Housing Credit Agencies Report except when a carryover allocation is made by the agency, Form 8609 will be

mailed or delivered to the project owner by the agency in the year in which the building(s) is placed in service, and thereafter a copy mailed to the Internal Revenue Service in the time sequence mentioned in this subsection. The original of the carryover allocation document will be filed by the agency with IRS Form 8610 for the year in which the allocation is made and an additional copy of said carryover allocation document will be filed with the Form 8609 that is issued to the project owner during the calendar year that the building is placed in service. The original of all executed agreements and election statements shall be filed by the agency with the agency's IRS Form 8610 for the year a housing credit allocation is made as mentioned in this subsection.

**§149.8. Agency Responsibilities.**

(a) (No change.)

(b) Following the making of a housing credit allocation, the agency will not monitor or investigate the continuing compliance of the project with the requirements of the Internal Revenue Code, §42. It shall be the responsibility of the project owner to notify the agency in writing within the calendar year (such notice deemed given upon receipt by the agency) in which the building(s) in a project is placed in service when carryover allocations are made.

**§149.9. Application, Reservation, and Extension Fees.**

(a) (No change.)

(b) Each project owner that receives a reservation letter shall submit to the agency, not later than 20 days after the date of the reservation, letter, a reservation fee in an amount equal to the greater of \$1,000 or 4.0% of the requested housing credit allocation amount. The agency shall refund one-half of the reservation fee to the project owner upon the making of a housing credit allocation to the project owner in accordance with this chapter. In the event that the agency does not make a housing credit allocation to the owner in full, unless:

(1) (No change.)

(2) the project owner loses control of the project site, changes the project site, or substantially alters the composition of the project owner such that the agency revokes the reservation letter, [or] commitment letter, or carryover allocation document;

(3) (No change.)

(c) Each project owner that requests an extension of the expiration date of a reservation letter, [or] commitment letter, or carryover allocation document shall submit to the agency, along with such request, a nonrefundable extension fee in an

amount equal to the greater of \$100 or \$5.00 multiplied by the number of dwelling units in the project.

(d) (No change.)

**§149.11. Withdrawals, Amendments, Cancellations.** A project owner may withdraw or amend an application prior to receiving a reservation, commitment, carryover allocation document, or housing credit allocation, or may cancel a reservation letter or commitment letter by submitting to the agency a notice, as applicable, of withdrawal, amendment, or cancellation. An amendment of an application that results in an increase in the requested housing credit allocation amount shall cause the application to be treated as having been filed on the date of the amendment.

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 July 5, 1989.

TRD-890691

Timothy R. Kenny  
Executive Administrator  
Texas Housing Agency

Earliest possible date of adoption: August 14, 1989

For further information, please call: (512) 474-2974

◆ ◆ ◆  
**TITLE 25. Health Services**  
**Part II. Texas Department**  
**of Mental Health and**  
**Mental Retardation**

**Chapter 401. System**  
**Administration**

**Subchapter J. Licensure of**  
**Private Psychiatric Hospitals**

• 25 TAC §§401.585, 401.588,  
401.589

The Texas Department of Mental Health and Mental Retardation (TDMHMR) proposes amendments to §401.585, concerning construction and inspections; §401.588, concerning patient rights; and §401.589, concerning reporting requirements. The amendments update the sections consistent with current requirements and regulations.

Exhibit A (Minimum Requirements for Construction and Equipment for Private Psychiatric Hospitals Licensed by the Texas Department of Mental Health and Mental Retardation), which is adopted by reference in §401.584, concerning submission of plans and specifications, would be updated. Since 1982, licensure regulations have been revised, and the current edition of Exhibit A reflects changes in requirements. The revised document adopts the 1988 edition of the Life Safety Code of the National Fire Protection Association (NFPA); revises titles of other NFPA building codes and standards; deletes reference to the Texas Health Facilities Commission and the certificate of need process;

simplifies requirements regarding parking space; eliminates language that repeats Life Safety Code requirements concerning interior finishes, direction of door swing, and minimum corridor width; adds language that permits non-operable windows only in buildings with an approved engineered smoke control system and automatic sprinkler system; adds language requiring safety features in light panels used in exterior corridor walls; and adds language that visual indicators of audio-visual devices on fire alarm systems remain operative when the system is in silent mode.

In §401.585, concerning construction and inspection, new subsection (f) would be added to require a semiannual inspection by the local fire marshal.

Subsection (b) of §401.588, concerning patient rights, and subsection (d) of §401.589, concerning reporting requirements, would be updated to reflect the current departmental regulations governing abuse or neglect of patients in private psychiatric hospitals.

Lelleni Rose, director, Office of Budget and Fiscal Services, has determined that for the first five-year period the proposed sections will be in effect there will be no additional fiscal cost to state or local government or small businesses as a result of administering the sections as proposed.

Sue Dillard, director, Office of Standards and Quality Assurance, has determined that for each year of the first five years the sections are in effect the public benefit anticipated will be the revision of rules consistent with current requirements and practice. There is no anticipated economic cost to individuals required to comply with the sections as proposed.

Comments on the proposal may be submitted to Linda Logan, Rules Coordinator, Texas Department of Mental Health and Mental Retardation, P.O. Box 12668, Austin, Texas 78711-2668, within 30 days of publication.

The amendments are proposed under Texas Civil Statutes, Article 5547-202, §2.11, which provide the Texas Board of Mental Health and Mental Retardation with rulemaking powers.

**§401.585. Construction and Inspections.**

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

(f) Each private psychiatric hospital is required to have an approved fire safety inspection from a local fire marshal. Inspections will be performed at least on a semiannual basis. Documentation must be provided if the local fire marshal will not perform the required inspections.

**§401.588. Patient Rights.**

(a) (No change.)

(b) Each patient of a private psychiatric hospital shall be protected from abuse and neglect and any allegations of such shall be reported and actions taken in accordance with Chapter 404, Subchapter C of this title (relating to Patient Abuse in Private Psychiatric Hospitals) [Chapter 403, Subchapter R of this title (relating to

Patient Abuse in Private Psychiatric Hospitals)).

#### §401.389. Reporting Requirements.

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

(d) Each private psychiatric hospital shall report all alleged incidents of patient abuse and neglect in accordance with Chapter 404, Subchapter C of this title (relating to Patient Abuse in Private Psychiatric Hospitals) [Chapter 403, Subchapter R of this title (relating to Client Abuse in Private Psychiatric Hospitals)].

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

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

TRD-860863

Patilou Dawkins  
Chairman  
Texas Board of Mental  
Health and Mental  
Retardation

Earliest possible date of adoption: August 14, 1989

For further information, please call: (512) 465-4670

## Chapter 403. Other Agencies and the Public

### Subchapter C. Determination of Rates for Support, Maintenance, and Treatment

#### • 25 TAC §403.74

The Texas Department of Mental Health and Mental Retardation (TDMHMR) proposes an amendment to §403.74, concerning determination of rates. The amendment enacts the provisions of House Bill 264 of the 71st Texas Legislature, which amends Texas Civil Statutes, Article 3196a, to provide that certain trusts established for persons with mental illness are exempted from assets on which charges for support, maintenance, or treatment in a TDMHMR facility are based. The title of the subchapter would also be amended to delete the term "of clients" consistent with revised TDMHMR terminology.

James Dalton, director, Office of Claims, has determined that the cost to state government for the first five-year period the proposed section will be in effect will be the loss of approximately \$50,000 annually (based on a survey of trusts currently having assets under \$50,000 against which rates have been charged during the previous four years). There will be no additional fiscal cost to local government or small businesses as a result of administering the section as proposed.

Sue Dillard, director, Office of Standards and Quality Assurance, has determined that for each year of the first five years the proposed section will be in effect the public benefit anticipated will be the exemption of trust funds of less than \$50,000 for persons with mental illness from assets against which

rates for TDMHMR services are based. There is no anticipated economic cost to individuals required to comply with the section as proposed.

Comments on the proposal may be submitted to Linda Logan, rules coordinator, Texas Department of Mental Health and Mental Retardation, P.O. Box 12688, Austin, Texas 78711-2688, within 30 days of publication.

The amendment is proposed under Texas Civil Statutes, Article 5547-202, §2. 11, which provide the Texas Board of Mental Health and Mental Retardation with rulemaking powers.

#### §403.74. Determination of Rates.

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

(d) Exclusion of certain trusts from liability for support, maintenance, and treatment. The following provisions apply to the determination of a rate for the support, maintenance, and treatment of a person with mental illness or mental retardation [a mentally retarded person] who resides in a residential care facility for persons with mental illness or mental retardation [the mentally retarded] operated by the department and who is a beneficiary of a trust or trusts.

(1) In accordance with Texas Civil Statutes, Article 5547-300, §61, (g), and Article 3196a, §4A, no portion of the corpus or income of a trust or trusts, with an aggregate principal amount not to exceed \$50,000, of which a person with mental illness or mental retardation [a mentally retarded person] is the beneficiary, shall be considered to be the property of such [mentally retarded] person or his estate, and no portion of the corpus or income of such trust shall be liable for the support, maintenance, and treatment of such [mentally retarded] person, regardless of his age.

(2) A trust or trusts established prior to January 1, 1978, for a person with mental retardation and which otherwise meet the requirements of the law and this section shall be deemed entitled to the benefit of this section in the same manner as if such trust or trusts had been established on or after January 1, 1978. A trust or trusts established for a person with mental illness and which otherwise meets the requirements of the law and this section shall be deemed entitled to the benefit of this section for charges for services provided on and after September 1, 1989.

(3) (No change.)

(4) If a [mentally retarded] person with mental illness or mental retardation is a beneficiary of a trust or trusts with an aggregate principal amount which exceeds \$50,000, only that portion of the corpus of such trust or trusts which exceeds \$50,000, and the income attributable to such excess corpus, shall be liable for the support, maintenance, and treatment of a [mentally retarded] person with mental illness or mental retardation.

(A) If a [mentally retarded] person with mental illness or mental retardation is a beneficiary of two or more trusts with an aggregate principal amount which exceeds \$50,000, that portion of the corpus of the trust or trusts established first in time which equals \$50,000, and the income attributable to such corpus, shall be exempt from liability for the support, maintenance, and treatment of the [mentally retarded] person with mental illness or mental retardation.

(B) If a [mentally retarded] person with mental illness or mental retardation is a beneficiary of a trust or trusts with an aggregate amount which increases from an amount which is equal to or less than \$50,000, to an amount which exceeds \$50,000, that portion of the corpus of such trust or trusts which exceeds \$50,000, and the income attributable to that excess portion of the corpus, shall be liable for the support, maintenance, and treatment of the [mentally retarded] person with mental illness or mental retardation from the date on which the aggregate principal amount of such trust or trusts exceeds \$50,000 and shall continue to be liable for the support, maintenance, and treatment provided until the aggregate principal amount of such trust or trusts does not exceed \$50,000.

(5) In order to qualify for the exemption granted by Texas Civil Statutes, Article 5547-300, §61(g), and Article 3196a, §4A, a trust must be created by a written instrument and a copy of the trust instrument must be provided to the department. A trustee of such a trust shall, upon request, provide the department with a current financial statement which reflects the value of the trust estate.

(6) For purposes of the exemption granted by the statutes [statute], a guardianship established pursuant to the Texas Probate Code; a trust established pursuant to the Property Code, Chapter 142, [Article 1994], as amended; the facility custodial account established pursuant to Acts of the 52nd Legislature, Regular Session, 1951, Chapter 251 (Texas Civil Statutes, Article 3183c); the provisions of a divorce decree or other court order relating to child support obligations; an administration of a decedent's estate; or an arrangement whereby funds are held in the registry or by the clerk of a court is not a "trust" and is not entitled to the exemption.

(7) The collection of charges assessed against any portion of the corpus or income of a trust or trusts liable for the support, maintenance, and treatment of a [mentally retarded] person with mental illness or mental retardation may be deferred in the discretion of the department when the deferral of such collection is deemed to be in the best interest of the State of Texas.

(e)-(g) (No change.)

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

TRD-890894

Pattlou Dawkins  
Chairman  
Texas Board of Mental  
Health & Mental  
Retardation  
Earliest possible date of  
adoption: August 14,  
1989  
For further information,  
please call: (512) 465-  
4670

## Chapter 405. Client (Patient) Care

### Subchapter C. Life-Sustaining Treatment

#### • 25 TAC §405.53

The Texas Department of Mental Health and Mental Retardation (TDMHMR) proposes an amendment to §405.53, concerning definitions in this subchapter relating to life-sustaining treatment, as well as amendments to Exhibit A, adopted by reference in §406.66, concerning general provisions relating to withholding or withdrawal of life-sustaining treatment under the Texas Natural Death Act, and to Exhibit B, adopted by reference in §405.57, concerning legal expression through directive under the Texas Natural Death Act. The amendments would enact Senate Bill 1785 of the 71st Texas Legislature, which amends the Texas Natural Death Act.

The amendment to §405.53 adds the definitions "competent," and "incompetent," and revises the definition of "terminal condition" consistent with amendments to the Texas Natural Death Act. Exhibit A, the Texas Natural Death Act, and Exhibit B, forms for directives, would also be amended to reflect changes in the Texas Natural Death Act pursuant to Senate Bill 1785.

Leilani Rose, director, Office of Budget and Fiscal 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.

Sue Dillard, director, Office of Standards and Quality Assurance, has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be the assurance that TDMHMR clients are afforded the same consideration with regard to terminal care as are other Texas citizens. 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 Linda Logan, Rules Coordinator, Texas Department of Mental Health and Mental Retardation, P.O. Box 12668, Austin, Texas 78711-2668, within 30 days of publication.

The amendment is proposed under Texas Civil Statutes, Article 5547-202, §2. 11, which

provide the Texas Department of Mental Health and Mental Retardation with rulemaking powers.

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

**Competent**—Possessing the ability, based on reasonable medical judgment, to understand and appreciate the nature and consequences of a treatment decision, including the significant benefits and harms of and reasonable alternatives to any proposed treatment decision.

**Incompetent**—Lacking the ability, based on reasonable medical judgment, to understand and appreciate the nature and consequences of a treatment decision, including the significant benefit and harms of and reasonable alternatives to any proposed treatment decision.

**Terminal condition**—An incurable or irreversible condition caused by injury, disease, or illness, which without [regardless of] the application of life-sustaining procedures, would, within reasonable medical judgment, produce death, and for which the application of life-sustaining procedures would serve only to postpone the moment of death of the client, i.e., death would result within a relatively short time without application of such procedures.

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 July 5, 1989.

TRD-890895

Pattlou Dawkins  
Chairman  
Texas Department of  
Mental Health and  
Mental Retardation

Earliest possible date of adoption: August 14, 1989

For further information, please call: (512) 465-4670

## TITLE 31. NATURAL RESOURCES AND CONSERVATION

### Part II. Parks and Wildlife Department

#### Chapter 65. Wildlife

##### Subchapter K. Migratory Game Birds

#### • 31 TAC §65.261

The Texas Parks and Wildlife Commission proposes an amendment to §65.261, concerning the nontoxic shot zone proclamation. The proposed amendment expands the nontoxic shot zones into all or portions of eight additional counties.

Robin Flechers, staff economist, has determined that for the first five year period the

proposed section in effect there will be minimal fiscal implications for state or local government or small businesses as a result of enforcing or administering the section.

Mr. Flechers also has determined that for each year of the first five years the amendment as proposed is in effect the public benefits anticipated as a result of enforcing the amendment will be a decrease in mortality of waterfowl associated with toxic shot poisoning; the economic cost to individuals who are required to comply with the proposed amendment is approximately a 20% increase in cost of nontoxic (steel) shotshells over the cost of shotshells containing lead shot.

Comments on the proposal may be submitted to Robert Jessen, Waterfowl Program Leader, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, Texas 78744, 1-800-792-1112, ext. 4578 or (512) 389-4578.

The amendment is proposed under the Texas Parks and Wildlife Code, Chapter 64, Subchapter C, which provides the Texas Parks and Wildlife Commission with authority to provide an open season, means, methods, and devices for the taking and possessing of migratory game birds

#### §65.261. Nontoxic Shot Zones.

(a) During waterfowl seasons commencing on or after September 1, 1989 [1988], no person may possess shotgun shells containing any shot material or loose shot for muzzle loading firearms, which is not approved by the federal government as being non-toxic to wildlife or the environment while taking or killing or attempting to take or kill waterfowl within the nontoxic shot zones, excluding the shooting of privately owned pen reared and banded mallards on licensed shooting resorts and private bird shooting areas. These zones are described as follows [lying within boundaries beginning at]:

(1) the area within boundaries beginning at the Louisiana state line, thence westward along Interstate Highway 10 to the junction of U.S. Highway 90 and Interstate Highway 10 in Beaumont, thence westward along U.S. 90 to its junction with Interstate Highway 610 in Houston, thence north and west along Interstate Highway 610 to its junction with U.S. Highway 290 in Houston, thence westward along U.S. Highway 290 to its junction with State Highway 159 in Hempstead, thence southwestward along State Highway 159 to its junction with State Highway 36 in Bellville, thence eastward along State Highway 36 to its junction with FM Road 2429, thence southward along FM Road 2429 to its junction with FM Road 949, thence southwestward along FM Road 949 to its junction with Interstate 10, thence westward along Interstate 10 to its junction with U.S. Highway 77 at Schulenburg, thence southward along U.S. Highway 77 to its junction with the United States-Mexico international boundary at Brownsville, thence eastward along the United States-Mexico interna-



tional boundary to the Gulf of Mexico, thence east and seaward to the three marine league limit, thence northeastward along the three marine league limit to the Louisiana state line, thence northward along the Texas-Louisiana state line to its junction with Interstate Highway 10;

(2) the area within boundaries beginning at the Oklahoma state line, thence southward along I-35 to its junction with U.S. Highway 82 at Gainesville, thence eastward along U.S. Highway 82 to its junction with State Highway 78 at Bonham; thence northward along State Highway 78 to its junction with the Oklahoma state line; thence westward along the Oklahoma-Texas state line to its junction with I-35;

(3) the area within boundaries beginning at the Louisiana state line, thence westward along State Highway 49 to its junction with U.S. Highway 259 at Daingerfield; thence southward along United States Highway 259 to its junction with State Highway 450 at Ore City; thence eastward on State Highway 450 to its junction with State Highway 154 at Harleton; thence southeastward along State Highway 154 to its junction with U.S. Highway 80 at Marshall; thence eastward along U.S. Highway 80 to its junction with State Highway 43; thence northeastward along State Highway 43 to its junction with FM Road 2682 at Karnack; thence eastward along FM Road 2682 to its junction with FM Road 134; thence southward along FM Road 134 to its junction with FM Road 1999 at Leigh; thence eastward along FM Road 1999 to its junction with the Louisiana state line; thence northward along the Louisiana-Texas border to its junction with State Highway 49;

(4) the area within boundaries beginning at the junction of State Highway 31 and FM Road 2661; thence westwardly along State Highway 31 to its junction with U.S. Highway 175 at Athens; thence northward along U.S. Highway 175 to its junction with FM Road 90; thence northward along FM Road 90 to its junction with FM Road 1391; thence westward along FM Road 1391 to its junction with U.S. Highway 175 at Kemp; thence southward along U.S. Highway 175 to its junction with State Highway 274; thence south along State Highway 274 to its junction with State Highway 31 at Trinidad; thence eastward along State Highway 31 to its junction with FM Road 3441 at Malakoff; thence southward along FM Road 3441 to its junction with FM Road 59 at Cross Road; thence southward along FM Road 59 to its junction with U.S. Highway 287 at Cayuga; thence southeastward along U.S. Highway 287 to its junction with FM Road 860; thence northward along FM Road 860 to its junction with FM Road 837; thence northeastward along FM Road 837 to its junction with U.S. Highway 175 at Frankston; thence eastward along U.S. Highway 175 to

its junction with FM Road 855; thence northward along FM Road 855 to its junction with FM Road 346; thence northward along FM Road 346 to its junction with FM Road 344; thence northward along FM Road 344 to its junction with FM Road 2661; thence northward along FM Road 2661 to its junction with State Highway 31; and

(5) the remaining portions of Colorado, Harris, Jefferson, Liberty, Nueces, Willacy, and Waller Counties not included in paragraph (1) of this subsection;[.]

(6) the remaining portion of Grayson County not included in paragraph (2) of this subsection;

(7) the remaining portion of Marion County not included in paragraph 3 of this subsection;

(8) all of Baylor, Brazos, Comanche, Hopkins, and Trinity Counties.

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

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

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

TRD-8005932

Boyd M. Johnson  
General Counsel  
Texas Parks and Wildlife  
Department

Earliest possible date of adoption: August 14, 1989

For further information, please call: (512) 389-4508

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**Part X. Texas Water  
Development Board**  
**Chapter 367. Agricultural  
Water Conservation Program**

**Introductory Provisions**

• 31 TAC §367.1, §367.2

The Texas Water Development Board proposes amendments to §§367.1, 367.2, 367.21, 367.23-367.27, and 367.29, concerning grants for equipment purchase under the Agricultural Water Conservation Program. The grants program currently provides 75% grants to local districts for the purpose of purchasing equipment to measure and evaluate the efficiency of irrigation systems or equipment used to evaluate agricultural water conservation practices. The amendments proposed herein were adopted by the board on an emergency basis on June 15, 1989.

The amendments reflect the additional types of equipment that may be purchased with the grant funds under legislation which passed the 71st Texas Legislature. The uses of grant funds have been expanded to include: testing equipment used to evaluate water quality and the suitability of water from groundwater or surface water sources for irrigation, rural domestic, livestock, or agricultural industry; and

equipment used to evaluate or demonstrate systems which will prevent contamination of ground water and surface water due to agricultural chemicals.

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

Mr. Taylor also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be that approximately \$130,000 per year of funds will be available for grants for equipment purchases. 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 Comer Tuck, Water Uses, Projections, and Conservation Section, P.O. Box 13231, Austin, Texas 78711.

The amendments are proposed under the Texas Water Code, §§6.101, 15.435, and 15.472, which states that the board shall adopt rules necessary to carry out the powers and duties of the board provided by this Code and other laws of the state.

**§367.1. Policy Statement.** It is the policy of the board to implement the intent of the 69th Legislature, 1985, House Bill 2, [and] the 70th Legislature, 1987, Senate Bill 410, and the 71st Legislature, 1989, Senate Bill 847, by developing programs for agricultural water conservation to conserve the state's water resources and provide resulting benefits to all of the state's citizens. In accordance with this purpose, §§367.21-367.30 of this title (Relating to Grants for Equipment Purchases) are adopted to implement the Texas Water Code, Subchapter H, and §§367.41-367.50 of this title (relating to Pilot Program for Low Interest Loans for Agricultural Water Conservation Equipment) are adopted to implement the Texas Water Code, Subchapter I.

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

Equipment-Storage units, instruments, tools, and supplies necessary to perform a field evaluation or demonstration of the efficiency of an irrigation system and agricultural water conservation practices on irrigated land, dryland, and rangeland, [.] to measure, sample, test, and evaluate water quality, or to evaluate and demonstrate agricultural chemical systems which will prevent contamination of groundwater and surface water from agricultural chemicals.

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 July 7, 1989.

Earliest possible date of adoption: August 14, 1989

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

## Grants for Equipment Purchases

### • 31 TAC §§367.21, 367.23-367.27, 367.29

The amendments are proposed under the Texas Water Code §§8.101, 15.435, and 15.472, which states that the board shall adopt rules necessary to carry out the powers and duties of the board provided by this Code and other laws of the state.

**§367.21. Purpose.** In accordance with the Texas Water Code, §15.471, grants may be made to districts for purchasing equipment required to:

(1) measure and evaluate irrigation systems and agricultural water conservation practices on irrigated land, dryland, and rangeland; [or]

(2) demonstrate efficient irrigation systems and agricultural water conservation practices on irrigated land, dryland, and rangeland; [.]

(3) measure, sample, test, and evaluate water quality and the suitability of water from groundwater or surface water resources for irrigation, rural domestic, livestock, or agricultural industry use; or

(4) demonstrate efficient or sound chemical application and evaluate or demonstrate systems which will prevent contamination of groundwater and surface water from chemicals and other substances used in agriculture.

### **§367.23. Equipment Eligible for Grants.**

Eligible equipment for grants shall include any or all equipment which the executive administrator finds will aid in fulfilling the purposes specified in §367.21 of this title (relating to Purpose) [the measurement, evaluation, and demonstration of efficient irrigation systems and agricultural water conservation practices on irrigated land, dryland, and rangeland]. An applicant may purchase equipment, or to provide equipment where none currently exists. The executive administrator shall maintain a list of equipment approved for purchase with grant funds. This list will be reviewed periodically and amended as circumstances warrant.

**§367.24. Matching Grant Requirements.** The grant shall be limited to a maximum of 75% of the cost of the equipment.

**§367.25. Applications.** An application shall include the following:

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

(6) **Quality assurance.** An application for equipment to be purchased under authorization of §367.21(3) of this title (relating to Purpose) for testing and evaluating water quality shall also include a quality assurance plan. The plan will describe how samples are to be collected, transported, stored, and analyzed in order to assure that analyses will be valid. The plan shall also include a description of training or certification for all personnel involved and for calibration of equipment.

(7) **Water quality data accessibility.** If the grant is for the purpose of §367.21(3) of this title (relating to Purpose), the application shall also include a description of the applicant's plan to provide the sampling results and analyses for inclusion in the state's water quality data bases. The plan shall include an assurance by the applicant that such data shall include an assurance by the applicant that such data shall be provided by the applicant, in a form and upon a schedule to be established in the grant agreement, no less frequently than every six months from the date that the sampling is initiated.

(8) **Amount of grant.** The application shall specify the amount of grant funds requested and a description or listing of all equipment to be purchased.

**§367.26. Priority in Expenditure of Funds.** When applications for grants exceed available funds, priority will be given to those areas of the state that have the most critical water conservation needs and to the activities that will be most likely to produce substantial agricultural soil and water conservation. Grants for purposes of §367.21(3) and (4) of this title (relating to Purpose) will not exceed 65% of the total grant funds available in any fiscal year.

### **§367.27. Approval of Grants.**

(a) In passing on an application for a grant, the executive administrator or the board shall consider:

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

(4) the benefits that will be gained by making the grant; [and]

(5) the priority stated in §367.26 of this title (relating to Priority in Expenditure of Funds); [.] and

(6) If applicable, the adequacy of the quality assurance plan and water quality data accessibility to the state.

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

**§367.29. Reports by Recipients.** For a period of no less than three [two] years following receipt of grant funds, each recipient of a grant shall provide to the executive administrator [an annual] reports on the number of agricultural system efficiency evaluations made (including, but not limited to, the types of systems or equipment evaluated and the affected acres and crops), [or] uses of the equipment to demonstrate efficient irrigation systems and agricultural water conservation practices, etc., [.] or numbers and results of water quality evaluations and uses for demonstration of efficient or sound agricultural chemical systems. Individual field evaluation forms and reporting forms in a format specified [supplied] by the executive administrator or in the grant agreement shall be completed and submitted [shall accompany each annual report].

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 July 7, 1989.

TRD-8906012

Suzanne Schwartz  
General Counsel  
Texas Water Development  
Board

Earliest possible date of adoption: August 14, 1989

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

## TITLE 34. PUBLIC FINANCE

### Part I. Comptroller of Public Accounts

#### Chapter 3. Tax Administration

#### Subchapter P. Local Sales and Use Tax

### • 34 TAC §3.372

The Comptroller of Public Accounts proposes an amendment to §3.372, concerning adopting or abolishing city tax. The amendment is necessary because of recent legislative changes concerning the authority of cities wishing to impose an additional 0.5% sales tax, and the effective date of those taxes.

Ben Lock, associate deputy comptroller for fiscal management, 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. Lock 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 bringing the rule regarding adopting or abolishing city tax into conformity with the law. 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 13526, 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.

### §3.372. Adopting or Abolishing City Tax.

(a) (No change.)

(b) General. Any city may, by a majority vote of the qualified voters of said city voting at an election held for that purpose, adopt or abolish a local sales and use tax in accordance with the provisions of the Local Sales and Use Tax Act.

(1) (No change.)

(2) An additional tax rate of 0.5% may be imposed on the receipts from the sale at retail of all taxable items. This tax must be used to reduce the property tax rate if the city has imposed a property tax. This additional 0.5% tax may not be imposed if the city:

(A) (No change.)

(B) is in a county that includes territory within the boundaries of a metropolitan transit authority created under Texas Civil Statutes, Article 1118y, by a principal city with a population of more than 800,000 unless:

(i) the city is a contiguous city [as defined under Article 1118y]; or

(ii) the city is not within the authority and is located wholly or partly in a county in which fewer than 250 persons are residents of both the county and the authority according to the most recent federal census; or

(C) (No change.)

(3) (No change.)

(c) (No change.)

(d) Effective date of adoption or abolition. Upon actual receipt by the comptroller of notification as set forth in subsection (c) of this section, there shall elapse one whole calendar quarter prior to such adoption or abolition becoming effective. Thereafter, the adoption or abolition shall be effective as follows:

(1) (No change.)

(2) beginning on the first day of October [the first calendar year] following the elapsed quarter for the taxes imposed under subsection (b)(2) of this section.

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

(g) Telecommunications services. Telecommunications services are exempt from city sales tax [until October 1, 1987]. However [Thereafter], the city sales tax exemption may be repealed on certain telecommunications services. See §3.344 of this title (relating to Telecommunications Services).

(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 July 10, 1989.

TRD-8906017

Bob Buflock  
Comptroller of Public  
Accounts

Earliest possible date of adoption: August 14, 1989

For further information, please call: (512) 483-4004

## Part II. State Treasurer

### Chapter 15. Electronic Transfer of Certain Payments to State Agencies

#### • 34 TAC §§15.1-15.8

The Texas State Treasury Department proposes new §15.1-15.8, concerning the electronic transfer of certain payments to state agencies that received or collected more than \$100 million in payments during the preceding state fiscal year. The purpose is to require persons that paid a state agency \$2 million or more in a category of payments the preceding state fiscal year, and anticipate paying \$2 million in a category of payments in the current fiscal year to make payments by electronic funds transfer. A state agency may adopt rules to require payments of \$500,000 or more in a category of payments to be made by electronic funds transfer.

John A. Bell, director of cash flow forecasting, has determined that for the first five-year period the proposed section will be in effect there will be fiscal implications for state or local government or small businesses as a result of enforcing or administering the section. The effect on state governments will be an estimated increase in revenue of \$2.3m in 1990; \$3.45m in 1991; \$3.554m in 1992; \$3.66m in 1993; and \$3.77m in 1994.

Persons who pay the state agencies in the amount of \$2 million or more in a category of payments during the current fiscal year and years following will be required to establish accounts for electronic funds transfer. There is no change in the method of payment for amounts under \$2 million unless a state agency adopts rules requiring payments totaling \$500,000 in category of payments to be made by electronic fund transfers.

Mr. Bell also has determined that for each year of the first five years the section as proposed will be that large payments to state agencies will be available for investment purposes by the Treasury the business day following the date payment is made. This will result in additional interest earnings for the state from investment on these large payments.

The possible economic cost to individuals who are required to comply with the section as proposed will be those persons who make large payments to the state agencies will lose interest earned previously during the period the payment was transmitted by mail. The possible economic cost to individuals in 1990 is \$2.3m; 1991 \$3.45m; 1992 \$3.554m; 1993 \$3.66m; and 1994 \$3.77.

Comments on the proposal may be submitted to Anne L. Schwartz, General Counsel, Texas State Treasury Department, P.O. Box 12608, Austin, Texas 78711.

The new section is proposed under the Texas Government Code, §404.095, which provide Texas State Treasury Department with the authority to adopt rules specifying means of electronic funds transfer approved by the Treasurer and specifying the types of taxes constituting separate categories.

§15.1. Applicability. These rules will be codified as Texas Government Code, §404.095, and shall apply to:

(1) all state agencies that collected or received more than \$100 million in payments during the preceding state fiscal year in fees, fines, penalties, taxes, charges, gifts, grants, donations, and other funds, excluding federal grants and interest and dividend income; and

(2) a person that paid a state agency, subject to paragraph (1) of this section, a total of \$2 million or more in the preceding fiscal year in a category of payments and the agency reasonably anticipates that during the current state fiscal year the person will pay the agency \$2 million or more in a category of payments; and

(3) a person that paid a state agency, subject to paragraph (1) of this section, a total of \$500,000 or more in a category of payments and said agency has adopted rules to require payments of \$500,000 or more to be made by electronic funds transfer.

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

ACH (Automated Clearing House)—A central distribution and settlement point for the electronic clearing of debits and credits between financial institutions rather than the physical movement of paper items.

ACH credit—The electronic transfer of funds generated by the person, cleared through the ACH for credit to the treasury.

ACH debit—The electronic transfer of funds from the person's account which is

generated by the treasury upon the person's instruction and cleared through the ACH for credit to the treasury.

Category of payments—Each of the following is a separate category of payments to a state agency:

- (A) fees;
- (B) fines;
- (C) civil penalties;

(D) taxes, with each type of tax specified by the treasurer being considered a separate category of payments; and

(E) other payments to the state agency excluding extraordinary payments such as gifts, grants, donations, interest and dividend income and onetime surcharges.

Call-in day—Day on which a person communicates payment information to the Data Collection Center.

Category of taxes—The following is a separate category of taxes each of which shall be considered a separate category of payments and included in subparagraph (D) of the category of payments definition above. The categories of taxes are subject to amendment. The category of taxes includes but is not limited to:

- (A) bank franchise tax;
- (B) beer reporting system tax;
- (C) bingo gross receipts;
- (D) cement production tax;
- (E) cigarette tax;
- (F) cigar and tobacco products tax;
- (G) coin operated services tax;
- (H) diesel fuel tax;
- (I) franchise tax;
- (J) gas, electric and water utility gross receipts tax;
- (K) gasoline tax;
- (L) hotel/motel tax;
- (M) insurance maintenance tax;

(N) insurance premium tax;

(O) insurance retaliatory tax;

(P) interstate motor carrier sales and use tax;

(Q) liquefied gas tax;

(R) liquor reporting system tax;

(S) manufactured housing sales and use tax;

(T) mixed drinks gross receipts tax;

(U) motor vehicle rental tax;

(V) motor vehicle sales tax;

(W) natural gas production tax;

(X) oil production tax;

(Y) pari-mutuel wagering tax;

(Z) petroleum storage tank remediation fee;

(AA) public utility commission gross receipts assessment;

(BB) sales taxes;

(CC) sulfur production tax; and

(DD) unemployment compensation tax.

Data Collection Center—Third-party vendor that collects payment information from the person making payment to a state agency and transmits the information to the treasury and the treasury's bank.

Due date—Date on which a payment to a state agency by a person is due.

Dumb terminal—A device with a printer and/or video display unit that can receive or send data electronically.

Payor—See definition of persons below.

Payor identification number—A confidential code assigned to each person which uniquely identifies the person and allows the person to communicate payment information to the Data Collection Center. The person may be given a separate payor identification number for each category of payments.

Payment information—Information required by the state agency from the person making payment to be communicated to the Data Collection Center for accurate posting of the payment to the person's account by the state agency.

Persons—Payors who make payments to a state agency in any of the separate categories of payments listed above which includes; but is not limited to an individual, corporation, partnership, association, legal representative, trustee, trustee in bankruptcy, receiver, municipality, county, district, or political subdivisions.

State agency—Shall include all agencies of the state with deposits exceeding \$100 million in the preceding state fiscal year. The list of state agencies is subject to amendment. The state agencies with deposits exceeding \$100 million, as defined in §15.1, in the preceding state fiscal year are as follows:

- (A) Comptroller of Public Accounts;
- (B) Employees Retirement System;
- (C) General Land Office;
- (D) State Board of Insurance;
- (E) State Department of Highways and Public Transportation;
- (F) Texas Alcoholic Beverage Commission;
- (G) Texas Department of Public Safety;
- (H) Texas Employment Commission;
- (I) Teacher Retirement System;
- (J) Texas State Treasury Department; and
- (K) University of Texas System.

State fiscal year—Begins on September 1 of each year and terminates on August 31 of the following year.

Trace number—A code provided by the Data Collection Center upon receipt of all payment information from the person which uniquely identifies the completed communication.

Treasury—The Texas State Treasury Department.

Treasury's bank—A financial institution which is a member of the Federal

Reserve System and with which the treasury has contracted to originate ACH debits and receive ACH credits and wire transfers.

**Wire transfer**—An instantaneous electronic funds transfer generated by the payor to the treasury.

### **§15.3. Requirements.**

(a) Any person who will pay a state agency a total of \$2 million or more in a category of payments, shall be required by the state agency to transfer payments of \$25,000 or more by one of the means of electronic funds transfer approved by the treasurer on or before the date the payment is due.

(b) Any person who will pay a state agency a total of \$500,000 or more in a category of payments, may be required by a state agency's own rule(s) to transfer payments in the amount of \$10,000 or more due to the state agency in a particular category of payments by one of the means of electronic funds transfer approved by the treasurer on or before the date the payment is due.

(c) Those state agencies who adopt rules requiring payments as set forth in subsection (b) of this section must notify the treasury by sending a duly authorized copy of any rule(s) no less than 60 days before the first payment is made pursuant to the adopted rule(s).

(d) A state agency may not require payment by electronic funds transfer of a protested tax payment.

### **§15.4. Payor Information.**

(a) The person making payment to a state agency will complete the payor information form attached to these rules and send the form to the treasury no less than 30 days prior to the first electronic funds transfer. Pertinent information from this form will be provided to the Data Collection Center.

(b) The Data Collection Center will assign a confidential payor identification number to the person to be used by the person when communicating payment information to the Data Collection Center.

(c) A person must provide 30 days written notice of any change of information

on the payor information form by submitting a revised payor information form to the treasury.

### **§15.5. Means of Electronic Funds Transfer.**

(a) A person may choose any of the following means of electronic funds transfer:

- (1) ACH debit;
- (2) ACH credit; or
- (3) wire transfer.

(b) A person must provide 30 days written notice of change of the means of electronic funds transfer by submitting a revised payor information form to the treasury.

### **§15.6. Means of Communication to Report Payment Information.**

(a) The person may choose any of the following methods to report payment information to the Data Collection Center:

- (1) operator assisted—communication of payment information made orally by rotary or touch-tone telephone;
- (2) touch-tone—communication of payment information made by entering data via key-pad of a touch-tone telephone;
- (3) terminal—communication of payment information made by entering data via a dumb terminal or personal computer with a modem.

### **§15.7. Procedures for Payment to a State Agency.**

(a) The person must communicate payment information to the Data Collection Center by the means of communication chosen by 1 p.m. central standard time (CST), on the business day before the due date. The person will be given a trace number by the Data Collection Center to facilitate tracking the person's communication when necessary. Communication by the person to the Data Collection Center before 1 p.m. CST is mandatory and will insure timely posting of the person's payment by the state agency receiving payment.

(b) The person must initiate a separate communication with the Data Collec-

tion Center for every payment made to a different category of payment and for every time period for which a payment is due.

(c) Shortly after 1 p.m. CST on the call-in day, the treasury will receive an electronic transmission from the Data Collection Center containing all the payment information that has been communicated before 1 p.m. CST.

(d) The treasury will prepare reports containing payment information communicated to the Data Collection Center for each state agency receiving payment. These reports will be available at the treasury by 5 p.m. on the call-in day.

(e) In the event a person communicates payment information to the Data Collection Center after 1 p.m. CST, on the business day before the due date, the payment will be posted by the agency to the person on the next business day following the due date. This will constitute a late payment resulting in penalties assessed by the state agency to the person.

(f) Persons choosing wire transfer as the means of electronic funds transfer will be required to transmit the wire transfer for receipt by the treasury by 12 p.m. CST on the due date.

(g) A payment to a state agency without a communication by the person to the Data Collection Center, may result in the inability of the treasury or the state agency receiving the payment to timely post the payment to the person's account. Therefore, this will constitute a late payment resulting in penalties assessed by the state agency to the person.

(h) Any other circumstances including but not limited to, insufficiency of funds in the person's account which causes a late payment, will result in the assessment of penalties by the state agency.

**§15.8. Errors in Transmission.** In the event a state agency determines that a payment or overpayment has mistakenly been made by electronic funds transfer, return of the payment or the amount of the overpayment to the person will be by issuance of a state warrant.

# PAYOR INFORMATION FORM

PAYOR: \_\_\_\_\_

PAYOR ADDRESS: \_\_\_\_\_

TAX ID NUMBER: \_\_\_\_\_

CONTACT PERSON: \_\_\_\_\_

TITLE: \_\_\_\_\_

PHONE: ( ) \_\_\_\_\_

BANK NAME: \_\_\_\_\_

BANK ADDRESS: \_\_\_\_\_

BANK TRANSIT/ROUTING NUMBER(IF AVAILABLE): \_\_\_\_\_

BANK ACCOUNT NUMBER: \_\_\_\_\_

MEANS OF ELECTONIC FUNDS TRANFER:(CHECK ONE)

ACH DEBIT \_\_\_\_\_ ACH CREDIT \_\_\_\_\_ WIRE TRANSFER \_\_\_\_\_

MEANS OF COMMUNICATION TO REPORT PAYMENT INFORMATION:(CHECK ONE)

OPERATOR ASSISTED \_\_\_\_\_

TOUCH TONE TELEPHONE \_\_\_\_\_

TERMINAL \_\_\_\_\_

ATTACH VOIDED CHECK

Please complete and return this form to:



**TEXAS STATE TREASURY**

**KRISTIN ROBERTS**

**DIRECTOR, RAPID DEPOSIT PROGRAMS**

**P. O. BOX 12608, CAPITOL STATION**

**AUSTIN, TX 78711**

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 July 7, 1989.

TRD-8905931

Anne L. Schwartz  
General Counsel  
Texas State Treasury  
Department

Earliest possible date of adoption: August 14, 1989

For further information, please call: (512) 463-5971

◆ ◆ ◆  
**TITLE 40. SOCIAL  
SERVICES AND  
ASSISTANCE**

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

**Chapter 48. Community Care  
for Aged and Disabled**

**Model Waiver Program**

**• 40 TAC §48.2501**

The Texas Department of Human Services (DHS) proposes an amendment to §48.2501, concerning the deletion of certain eligibility criteria. The change is a result of the Health Care Financing Administration determining that the parental income and resource ceilings were in violation of federal regulations.

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

Mr. Raiford also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be an easing of the requirements for determining financial eligibility. 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 Roesberg, Administrator, Policy Development Services Division-334, 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 provide the department with the authority to administer public and medical assistance programs.

**§48.2501. Client Eligibility Criteria.**

(a) To be eligible for the Medically Dependent Children Waiver Program, an applicant or participant must:

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

(7) meet the requirements of either subparagraph (A) or (B) of this paragraph.

(A) (No change.)

(B) the applicant or participant must meet the criteria established:

(i) by the Social Security Administration for denial of eligibility for SSI benefits in the home or community setting based on the deeming rules for parental [or spousal] income and/or resources; [as determined by the Social Security Administration and be therefore ineligible for Medicaid benefits. In this

event, the applicant or participant must also meet the following requirements.

(i) The parent's or spouse's annual net taxable income, as defined by United States Internal Revenue Services, is less than \$75,000 and total countable resources, determined according to SSI guidelines, are less than \$45,000;

(ii) The applicant's or participant's own income and resources meet the requirements for assistance from the Texas Medicaid Program based on requirements of the SSI Program; and]

(ii)(iii) the applicant or participant meets the criteria] for disability, using SSI disability criteria, as documented on the appropriate DHS forms; and [.]

(iii) for the Texas Medicaid Program in regard to his own income and/or resources if he were institutionalized.

(b)-(e) (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 July 6, 1989.

TRD-8905917

Charles Stevenson  
Acting Commissioner  
Texas Department of  
Human Services

Proposed date of adoption: October 1, 1989.

For further information, please call: (512) 450-3785

◆ ◆ ◆

# Withdrawn Sections

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

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## TITLE 40. SOCIAL SERVICES AND ASSISTANCE

### Part I. Texas Department of Human Services

#### Chapter 85. General Licensing Procedures

#### Subchapter III. Social Work Certification

##### • 40 TAC §85.6025

The Texas Department of Human Services has withdrawn from consideration for permanent adoption a §85.6025 amendment which appeared in the January 6, 1989, issue of the *Texas Register* (14 TexReg 106). The effective date of this withdrawal is July 6, 1989.

Issued in Austin, Texas, on July 6, 1989

TRD-8906915

Cathy Rosenberg  
Administrator, Policy  
Development Services  
Division  
Texas Department of  
Human Services

Effective date: July 6, 1989

For further information, please call: (512)  
450-3768





Nature's Paint

A bird

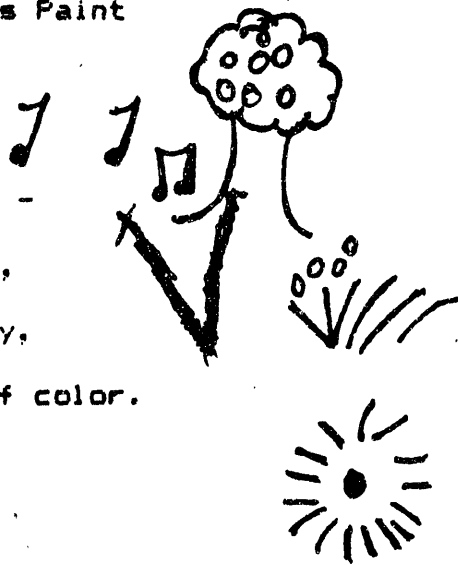
In a tree,

Like a splash -

Red and white,

Singing loudly,

Lovely spot of color.



Name: Elizabeth Aldridge

Grade: 4

School: McKinney Elementary, McKinney

# 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 1. ADMINISTRATION

### Part XIII. State Employee Incentive Commission

#### Chapter 271. Mission Statement

##### • 1 TAC §271.1

The State Employee Incentive Commission adopts new §271.1, without changes to the proposed text as published in the May 12, 1989, issue of the *Texas Register* (14 TexReg 2317).

The new section will allow the commission to comply with the provisions of Texas Civil Statutes, Article 6252-28, §2, which establish the commission's mission statement.

Section 271.1, explains the purpose of the State Employee Incentive Program to improve productivity, employee morale, and effect cost savings in state government, and outlines the commission's role in implementing the program.

No comments were received regarding adoption of the new section.

The new section is adopted under Texas Civil Statutes, Article 6252-28, §4, which authorize the State Employee Incentive Commission to make rules necessary for program operation.

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 12, 1989.

TRD-8905903

Lora H. Williams  
Executive Director  
State Employee Incentive  
Commission

Effective date: July 26, 1989

Proposal publication date: May 12, 1989

For further information, please call: (512) 475-2393

#### Chapter 273. Program Definitions

##### • 1 TAC §273.1

The State Employee Incentive Commission adopts new §273.1, without changes to the proposed text as published in the May 12,

1989, issue of the *Texas Register* (14 TexReg 2317-2318).

The new section will allow the commission to comply with the provisions of Texas Civil Statutes, Article 6252-28, §1, which defines terms to be used in operating the State Employee Incentive Program. Terms not defined in the enabling legislation were added for clarification purposes.

Section 273.1, defines terms used by the State Employee Incentive Program for several facets of its operation. The definitions will be provided to state agency coordinators in training materials and to participating employees as part of the suggestion form.

Comments suggest changing the definition for savings to be the identifiable reduction in total cash disbursements that actually result and which do not include any reallocated joint costs or overhead. Comments also recommend changing definition of savings to include the cost of documenting suggested savings. Comments suggest changing the definition of bonus to include cash awards for intangible benefits.

Comments were submitted by the State Department of Highways and Public Transportation.

Changes to definition of savings are unnecessary since the suggested changes already are allowed under the rules as published. Change to definition of awards to include cash awards for intangible benefits would require a change in the State Employee Incentive Commission's enabling legislation.

The new section is adopted under Texas Civil Statutes, Article 6252-28, §4, which authorizes the State Employee Incentive Commission to promulgate rules.

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 12, 1989.

TRD-8905904

Lora H. Williams  
Executive Director  
State Employee Incentive  
Commission

Effective date: July 26, 1989

Proposal publication date: May 12, 1989

For further information, please call: (512) 475-2393

#### Chapter 275. Commission's Role

##### • 1 TAC §275.1

The State Employee Incentive Commission adopts new §275.1, without changes to the

proposed text as published in the May 12, 1989, issue of the *Texas Register* (14 TexReg 2318).

The new section will allow the commission to comply with the provisions of Texas Civil Statutes, Article 6252-28, and the Conference Committee Report, Senate Bill Number 1 and Governor's Veto Proclamation, §6.e authorizing the commission to perform specific responsibilities with regard to operation of the State Employee Incentive Program.

Section 275.1, outlines the functions of the commission to include establishing policies and procedures, recordkeeping, promulgating rules, securing staffing, and accepting contributions from private institutions.

No comments were received regarding adoption of the new section.

The new section is adopted under Texas Civil Statutes, Article 6252-28, §4, which provide the State Employee Incentive Commission with the authority to promulgate rules for operation of the State Employee Incentive Program.

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 12, 1989.

TRD-8905905

Lora H. Williams  
Executive Director  
State Employee Incentive  
Commission

Effective date: July 26, 1989

Proposal publication date: May 12, 1989

For further information, please call: (512) 475-2393

#### Chapter 277. Agency Coordinators Role

##### • 1 TAC §277.1

The State Employee Incentive Commission adopts new §277.1, without changes to the proposed text as published in the May 12, 1989, issue of the *Texas Register* (14 TexReg 2318-2319).

The new section will allow the commission to comply with the provisions of Texas Civil Statutes, Article 6252-28, §5, which provides a description of agency coordinator responsibilities. The provisions in §277.1(8) and §277.1(9) are in addition to the agency coordinator description in the legislation. These duties were added to clarify coordinator responsibilities regarding program recordkeeping.

Agency coordinators from participating executive agencies are authorized to implement,

coordinate, and monitor the State Employee Incentive Program in their respective agencies.

No comments were received regarding adoption of the new section.

The new section is adopted under Texas Civil Statutes, Article 6252-28, §4, which authorize the State Employee Incentive Commission to promulgate rules.

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 12, 1989.

TRD-8905908

Lora H. Williams  
Executive Director  
State Employee Incentive  
Commission

Effective date: July 26, 1989

Proposal publication date: May 12, 1989

For further information, please call: (512) 475-2393

## Chapter 279. Agency's Role

### • 1 TAC §279.1

The State Employee Incentive Commission adopts new §279.1, without changes to the proposed text as published in the May 12, 1989, issue of the *Texas Register* (14 TexReg 2319).

The new section will allow the commission to comply with the provisions of Texas Civil Statutes, Article 6252-28, §5(a), concerning the role of each state executive agency in conducting the State Employee Incentive Program.

Provision is made for each agency's executive director to appoint an agency coordinator and the process is outlined for reviewing eligible suggestions. The individual agency executive director's discretionary role in implementing approved suggestions is included.

Comments received recommend a prohibition of goals, quotas, and comparative reports by agency for either the number of suggestions presented or the amount of savings expected.

The State Department of Highways and Public Transportation commented on the section.

The State Employee Incentive Commission disagrees with the comments made because it does not want to restrict agencies that want to include this type of information in their goal-setting process to hold agency management accountable for promoting the suggestion program and encouraging employees to participate. Also, this type of information may be requested by the legislature, and the commission cannot restrict access by the legislature to that information.

The new section is adopted under Texas Civil Statutes, Article 6252-28, §4, which authorize the State Employee Incentive Commission to promulgate rules.

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 12, 1989.

TRD-8905907

Lora H. Williams  
Executive Director  
State Employee Incentive  
Commission

Effective date: July 26, 1989

Proposal publication date: May 12, 1989

For further information, please call: (512) 475-2393

## Chapter 281. Employee Eligibility and Rights

### • 1 TAC §§281.1, 281.3, 281.5

The State Employee Incentive Commission adopts new §§281.1, 281.3, and 281.5, without changes to the proposed text as published in the May 12, 1989, issue of the *Texas Register* (14 TexReg 2319-2320).

The new sections will allow the commission to comply with the provisions of Texas Civil Statutes, Article 6252-28, §6, concerning an employee's eligibility and rights under the State Employee Incentive Program.

Section 281.1, concerns the eligibility status for employees who wish to participate in the State Employee Incentive Program. Section 281.3, describes the right of confidentiality and employment status of those individuals participating in the program. Section 281.5, specifies employee liability in regards to the suggestion program.

No comments were received regarding adoption of the new sections.

The new sections are adopted under Texas Civil Statutes, Article 6252-28, §4 which authorizes the State Employee Incentive Commission to promulgate rules.

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 12, 1989.

TRD-8905908

Lora H. Williams  
Executive Director  
State Employee Incentive  
Commission

Effective date: July 26, 1989

Proposal publication date: May 12, 1989

For further information, please call: (512) 475-2393

## Chapter 283. Recommendation Procedures and Requirements

### • 1 TAC §§283.1, 283.3, 283.5

The State Employee Incentive Commission adopts new §§283.1, 283.3, and 283.5, without changes to the proposed text as published in the May 12, 1989, issue of the *Texas Register* (14 TexReg 2320-2321).

The new sections will allow the commission to comply with the provisions of Texas Civil Statutes, Article 6252-28, §7, concerning em-

ployee recommendation procedures and requirements for the State Employee Incentive Program.

Section 283.1, provides instructions for submitting employee recommendations, whether individual or joint, with procedures to follow for simultaneous recommendations. Included are conditions which may make a suggestion ineligible for consideration under the State Employee Incentive Program. The proposal specifies the procedure for submitting suggestions to the commission for award consideration. Section 283.3, specifies the time period and process for the commission to evaluate employee suggestions forwarded from state agencies under the program. Section 283.5, provides a means of notifying the legislature of employee suggestions not currently eligible for implementation due to the necessity for legislative action and describes the employee's right to award eligibility following legislative changes.

No comments were received regarding adoption of the new sections.

The new sections are adopted under Texas Civil Statutes, Article 6252-28, §4, which authorizes the State Employee Incentive Commission to promulgate rules.

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 12, 1989.

TRD-8905909

Lora H. Williams  
Executive Director  
State Employee Incentive  
Commission

Effective date: July 26, 1989

Proposal publication date: May 12, 1989

For further information, please call: (512) 475-2393

## Chapter 285. Appeals

### • 1 TAC §§285.1, §285.3

The State Employee Incentive Commission adopts new §§285.1 and §285.3, without changes to the proposed text as published in the May 12, 1989, issue of the *Texas Register* (14 TexReg 2321).

The new sections will allow the commission to comply with the provisions of Texas Civil Statutes, §§3, 5, 9, and 10, concerning employee appeals regarding suggestions submitted to the State Employee Incentive Commission.

Section 285.1, outlines the roles of the employee, the agency, and the commission when an employee appeals a agency's decision made regarding a suggestion. Section 285.3, outlines the roles of the employee and the commission when an employee appeals the commission's decision regarding a suggestion.

No comments were received regarding adoption of the new sections.

The new sections are adopted under Texas Civil Statutes, Article 6252-28, §4, which authorizes the State Employee Incentive Commission to promulgate rules.

The new sections are adopted under Texas Civil Statutes, Article 6252-28, §4, which authorize the State Employee Incentive Commission to promulgate rules.

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 12, 1989.

TRD-8905910

Lora H. Williams  
Executive Director  
State Employee Incentive  
Commission

Effective date: July 26, 1989

Proposal publication date: May 12, 1989

For further information, please call: (512) 475-2393

## Chapter 287. State's Rights

### • 1 TAC §287.1

The State Employee Incentive Commission adopts new §287.1, without changes to the proposed text as published in the May 12, 1989, issue of the *Texas Register* (14 TexReg 2321).

The new section will allow the commission to comply with the provisions of Texas Civil Statutes, §10, concerning the state's right to change or terminate the State Employee Incentive Program.

Section 287.1(a) allows the state to make changes in the State Employee Incentive Program at any time. Section 287.1(b) allows the state to retain all rights to a suggestion submitted to the program. Section 287.1(c) permits the state and the commission to waive liability for proprietary actions in carrying out the program.

No comments were received regarding adoption of the new section.

The new section is adopted to comply with provisions of Texas Civil Statutes, Article 6252-28, §4, which provide the State Employee Incentive Commission with the authority to promulgate rules.

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 12, 1989.

TRD-8905911

Lora H. Williams  
Executive Director  
State Employee Incentive  
Commission

Effective date: July 26, 1989

Proposal publication date: May 12, 1989

For further information, please call: (512) 475-2393

## TITLE 22. EXAMINING BOARDS

### Part IX. State Board of Medical Examiners

#### Chapter 193. Standing Delegation Orders

##### • 22 TAC §193.7

The Texas State Board of Medical Examiners adopts an amendment to §193.7, without changes to the proposed text as published in the February 10, 1989, issue of the *Texas Register* (14 TexReg 741).

The amendment accomplished deletion of language relating to the licensed individual, the individual being certified by the Texas Department of Health, or the individual performing procedures under the supervision of a licensed physician when the registrant performs certain stated procedures.

The amendment will clarify conditions by which a registrant may perform certain specified procedures.

No comments were received regarding adoption of the amendment.

The amendment is adopted 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.

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 27, 1989.

TRD-8905997

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

Effective date: July 19, 1989

Proposal publication date: February 10, 1989

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

## Part XXIV. Board of Veterinary Medical Examiners

### Chapter 571. Licensing

##### • 22 TAC §571.10

The Texas Board of Veterinary Medical Examiners adopts the repeal of §571.10, without changes to the proposed text as published in the April 14, 1989, issue of the *Texas Register* (14 TexReg 28).

The section is being repealed as it is redundant language to that in the Veterinary Licensing Act, Texas Civil Statutes, Article 7465a.

The repeal of this section is necessary in order to clear ambiguities in the law.

No comments were received regarding adoption of the repeal.

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

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 July 3, 1989.

TRD-8905895

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

Effective date: July 26, 1989

Proposal publication date: April 14, 1989

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

## TITLE 28. INSURANCE

### Part I. State Board of Insurance

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

##### Subchapter T. Minimum Standards for Medicare Supplement Policies

##### • 28 TAC §§3.3306, 3.3308, 3.3313

The State Board of Insurance adopts amendments to §3.3306 and §3.3308 and new §3.3313. Section 3.3308 is adopted with a change to the proposed text as published in the March 24, 1989, issue of the *Texas Register* (14 TexReg 1503). Section 3.3306 and §3.3313 are adopted without changes and will not be republished.

Sections 3.3306, 3.3308, and 3.3313 concern Medicare supplement insurance policies. Due to changes in the federal Medicare program, these sections are necessary to adopt new minimum benefits standards for Medicare supplement insurance issued or delivered for issue by licensed insurers, by companies subject to the Insurance Code, Chapter 20, and by health maintenance organizations. In order to correct a typographical error, this adoption includes a change to §3.3308(c)(5), so that the chart entitled Part E will refer in the column for 1990 to a deductible for immunosuppressive drug therapy of \$550 rather than \$500.

The amendment to §3.3306 describes minimum benefit standards for Medicare supplement policies that are in accordance with current federal law. The amendment to §3.3308, concerning disclosure provisions, revises certain portions of the mandatory outline of coverage which insurers must provide to applicants for Medicare supplement policies. The amendment to §3.3308 also requires that an annual notice of any Medicare benefit changes be provided to policyholders,

contract holders, and certificate holders, and adopts by reference notification forms for compliance with the requirements for the annual notification. New §3.3313 requires that, until September 30, 1989, all advertising concerning Medicare supplement policies must be filed with the board no later than 15 days after its first use in the state. After September 30, 1989, the section requires that advertising be filed no later than 30 days prior to first use.

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

The amendments and new section are adopted under the Insurance Code, Article 1.04 and Article 3.74. The Insurance Code, Article 1.04, authorizes the State Board of Insurance to determine rules in accordance with the laws of this State. The Insurance Code, Article 3.74, directs the board to issue reasonable rules regarding Medicare supplement insurance, including rules to establish minimum standards for benefits and policy provisions, and including rules to provide for disclosure respecting specific Medicare supplement policies and respecting Medicare in general.

**§3.3308. Required Disclosure Provisions.**

(a) General rules.

(1) (No change.)

(2) Except for riders or endorsements by which the insurer effectuates a request made in writing by the insured, or by which the insurer exercises a specifically reserved right under a Medicare supplement policy, or by which the insurer is required

to reduce or eliminate benefits to avoid duplication of Medicare benefits, all riders or endorsements added to a Medicare supplement policy after date of issue or at reinstatement or renewal which reduce or eliminate benefits or coverage in the policy shall require signed acceptance by the insured. After the date of policy issue, any rider or endorsement which increases benefits or coverage with a concomitant increase in premium during the policy term must be agreed to in writing signed by the insured, unless the benefits are required by the minimum standards for Medicare supplement insurance policies, or unless the increased benefits or coverage is required by law. Where a separate additional premium is charged for benefits provided in connection with riders or endorsements, such premium charge shall be set forth in the policy.

(3)-(5) (No change.)

(6) HMOs issuing evidences of coverage and insurers issuing accident and sickness policies, certificates, or subscriber contracts which provide hospital or medical expense coverage on an expense incurred or indemnity basis, except accident only policies, to a person(s) eligible for Medicare by reason of age shall provide to all applicants a Medicare supplement "buyer's guide" in the form developed jointly by the National Association of Insurance Commissioners and the Health Care Financing Administration of the United States Department of Health, Education, and Welfare. If a "buyer's guide" incorporating the latest statutory

changes is not available from a government agency, companies may comply with this provision by modifying the latest available guide to the extent required by applicable law. Except as provided in this section, delivery of the "buyer's guide" shall be made whether or not such policies, certificates, subscriber contracts, or evidences of coverage are advertised, solicited, or issued as Medicare supplement policies as defined in this regulation. Except in the case of direct response insurers, delivery of the "buyer's guide" shall be made to the applicant at the time of application, and acknowledgement of receipt of the "buyer's guide" shall be obtained by the insurer. Provided, however, insurers shall deliver the "buyer's guide" to the applicant for a direct response Medicare supplement policy upon request, but not later than at the time the policy is delivered.

(7) (No change.)

(b) Outline of coverage requirements for Medicare supplement policies.

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

(c) Form for outline of coverage. In providing outlines of coverage to applicants pursuant to the requirements of subsection (b)(1) of this section insurers shall use a form which complies with the requirements of this subsection. The outline of coverage must contain each of the following paragraphs (1)-(11) in the order and form set out in this subsection. The outline of coverage must begin with the heading which follows this sentence.

(Company Name)

**Outline of Medicare Supplement Coverage**

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

(4) A brief summary of the major benefit gaps in Medicare Parts A and B with a parallel description of supplemental benefits, including dollar amounts (and indexed co-payments or deductibles, as appropriate), provided by the Medicare supplement coverage in the following order:

DESCRIPTION	THIS POLICY PAYS	YOU PAY*
SERVICE		
PART A		

**INPATIENT HOSPITAL SERVICES:**

Semi-Private Room & Board

Miscellaneous Hospital Services  
& Supplies, such as Drugs,  
X-Rays, Lab Tests & Operating Room

**SKILLED NURSING FACILITY CARE**

**BLOOD**

**PARTS A & B**

Home Health Services

**PART B**

**MEDICAL EXPENSE:**

Services of a Physician/  
Outpatient Services

Medical supplies other than  
Prescribed Drugs

**BLOOD**

**MAMMOGRAPHY SCREENING**

**OUT-OF-POCKET MAXIMUM**

**PRESCRIPTION DRUGS**

**MISCELLANEOUS**

Home IV-Drug Therapy

Immunosuppressive Drugs

Respite Care Benefits

IN ADDITION TO THIS OUTLINE OF COVERAGE, (INSURANCE COMPANY NAME) WILL SEND AN ANNUAL NOTICE TO YOU 30 DAYS PRIOR TO THE EFFECTIVE DATE OF MEDICARE CHANGES WHICH WILL DESCRIBE THESE CHANGES AND THE CHANGES IN YOUR MEDICARE SUPPLEMENT COVERAGE.

\*Drafting Note: The term, "nothing" or the figure "\$0" shall not be used in this column. Language such as "Balance of Charges," "Balance Due, if any," or "Non-covered Charges" is acceptable.

(5) (The following charts shall accompany the outline of coverage:)

Part A  
MEDICARE BENEFITS IN

<u>Service</u>	<u>1988</u>	<u>1989</u>	<u>1990</u>	<u>1991</u>
<b>PART A</b>				
Inpatient Hospital Services	All but \$540 for first 60 days/benefit period	All but (\$560) deductible for an unlimited number of days/calendar year	All but Part A deductible for an unlimited number of days/calendar year	All but Part A deductible for an unlimited number of days/calendar year
Semi-Private Room & Board	All but \$135 a day for 61st-90th days/benefit period			
Miscellaneous Hospital Services & Supplies, such as Drugs, X-Rays, Lab Tests & Operating Room	All but \$270 a day for 91st-150th days (if the individual chooses to use 60 nonrenewable lifetime reserve days)  Nothing beyond 150 days			
Skilled Nursing Facility Care	100% of costs for 1st 20 days (after a 3-day prior hospital confinement)  All but \$67.50 a day for 1st-100th days  Nothing beyond 100 days	80% of Medicare reasonable costs for 1st 8 days per calendar year w/out prior hospitalization requirement  100% of costs thereafter up to 150 days/calendar year	80% for 1st 8 days/calendar year  100% for 9th-150th day/calendar year	80% for 1st 8 days/calendar year  100% for 9th-150th day/calendar year
Blood	Pays all costs except nonreplacement fees (blood deductible) for first 3 pints in <u>each benefit period</u>	Pays all costs except payment of deductible (equal to costs for first 3 pints) <u>each calendar year</u> . Part A blood deductible reduced to the extent paid under Part B	All but blood deductible (equal to costs for first 3 pints)	All but blood deductible (equal to costs for first 3 pints)

Blood	80% of costs except nonreplacement fees (blood deductible) for 1st 3 pints in each benefit period after \$75 deductible	Pays 80% of all costs except payment of deductible (equal to costs for first 3 pints) each calendar year	Same as '89	Same as '89
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Mammography Screening		80% of approved charge for elderly and disabled Medicare beneficiaries-exams available every other year for women 65 and over	Same as '90	
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Out-of-Pocket Maximum		\$1,370 consisting of Part B \$75 deductible, Part B blood deductible and 20% co-insurance	\$1,370--will be adjusted annually by Secretary of Health and Human Services	
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Outpatient Prescription Drugs		There is a \$550 total deductible applicable to home IV drug and immunosuppressive drug therapies as noted below	Covered after \$600 deductible subject to 50% co-insurance	
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**Part B  
MEDICARE BENEFITS IN**

<b>Service</b>	<b>1988</b>	<b>1989</b>	<b>1990</b>	<b>1991</b>
<b>Parts A &amp; B</b>				
<b>Home Health Services</b>	Intermittent skilled nursing care and other services in the home (daily skilled nursing care for up to 21 days or longer in some cases)--100% of covered services and 80% of durable medical equipment under both Parts A & B	Same as '88	Intermittent skilled nursing care for up to 7 days a week for up to 38 days allowing for continuation of services under unusual circumstances; other services--100% of covered services and 80% of durable medical equipment under both Parts A & B	Same as '90

**PART B**

<b>Medical Expense: Services of a Physician/Outpatient Services</b>	80% of reasonable charges after an annual \$75 deductible	80% after annual \$75 deductible	80% of reasonable charges after \$75 annual deductible until out-of-pocket maximum is reached.	Same as '90
<b>Medical Supplies Other than Prescribed Drugs</b>			100% of reasonable charges are covered for remainder of calendar year	

Part B (cont'd)

MEDICARE BENEFITS IN

Service

1988

1989

1990

1991

PART B

Home IV--  
Drug Therapy

80% of therapy drugs  
subject to \$550  
deductible (deduct-  
ible waived if home  
therapy is a  
continuation of  
therapy initiated  
in a hospital

80% of IV therapy  
drugs subject to  
standard drug deduct-  
ible waived if home  
therapy is a con-  
tinuation of therapy  
drugs initiated in a  
hospital

Immunosuppressive  
Drug Therapy

80% of costs during  
1st year following  
a covered organ  
transplant (no  
special drug deduct-  
ible: only the  
regular Part B  
deductible

Same as '88

Same as '88 for 1st  
year following covered  
transplant: 50% of  
costs during 2nd and  
following years (subject  
to \$550 deductible

Same as '90  
(subject to \$600  
deductible

Respite Care  
Benefit

In-home care for  
chronically dependent  
individual covered  
for up to 80 hours  
after either the out-  
of-pocket limit or the  
outpatient drug deduct-  
ible has been met

Same as '90

(6) (Statement that the policy does or does not cover the following:)

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

(E) home health care, above number of visits covered by Medicare;

(F)-(I) (No change.)

(7) (A description of any policy provisions which exclude, eliminate, resist, reduce, limit, delay, or in any other manner operate to qualify payments of the benefits described in paragraph (4) of this subsection above, including conspicuous statements;)

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

(8) (A description of policy provisions respecting renewability or continuation of coverage, including any reservation of rights to change premium.)

(9) (The total premium payable shall be stated. In the event the mode stated is not an exact multiple of the annual premium, then the annual premium shall also be stated. Initial policy fees shall be stated separately. If premiums are "step-rated," they shall either be disclosed for each step or the initial premium may be disclosed accompanied by a statement as follows: "Renewal premiums for this policy will increase periodically depending upon (your age) (the policy year)." Unless a policy is issued with guaranteed premium rates, this paragraph must contain the statement "premiums are subject to change." This paragraph shall also include a statement of the policy grace period.)

(10) (A statement that the person to whom the policy is issued is permitted to return the policy within 10 days (or more as stated in the policy) of its delivery to that person and to have the premium paid refunded.)

(11) **DUPLICATE MEDICARE SUPPLEMENT COVERAGE IS COSTLY AND UNNECESSARY. A SINGLE MEDICARE SUPPLEMENT POLICY IS USUALLY BETTER THAN SEVERAL MEDICARE SUPPLEMENT POLICIES WITH OVERLAPPING OR DUPLICATE COVERAGE.** (Drafting Note: The term "certificate" should be substituted for the word "policy" throughout the outline of coverage where appropriate.)

(d) Notice regarding policies or subscriber contracts which are not Medicare supplement policies. Any accident and sickness insurance policy, subscriber contract, or evidence of coverage other than a Medicare supplement policy, disability income policy, basic, catastrophic, or major medical expense policy, or single premium non-renewable policy, issued for delivery in this

state to persons eligible for Medicare by reason of age shall be accompanied by a notice to the insureds under the policy, subscriber contract, or evidence of coverage that the policy, subscriber contract, or evidence of coverage is not a Medicare supplement policy. Such notice shall either be printed on or attached to the first page of the outline of coverage delivered to insureds under the policy or subscriber contract, or if no outline of coverage is delivered, to the first page of the policy, certificate, subscriber contract, or evidence of coverage delivered to insureds. Such notice shall be in no less than 12-point type and shall contain the following language: "THIS (POLICY, CERTIFICATE, SUBSCRIBER CONTRACT, OR EVIDENCE OF COVERAGE) IS NOT A MEDICARE SUPPLEMENT (POLICY OR CERTIFICATE). If you are eligible for Medicare, review the Medicare Supplement Buyers Guide available from the company."

(e) Conspicuous reminder concerning duplicate coverage. The language provided in subsection (c)(11) of this section must be included in the outline of coverage in a conspicuous manner in at least 10-point type in all capital letters.

(f) Notice requirements.

(1) As soon as practicable, but no later than 30 days prior to the annual effective date of any Medicare benefit changes, every insurer, health care service plan, or other entity providing Medicare supplement insurance or benefits to a resident of this state shall notify its policyholders, contract holders, and certificate holders of modifications it has made to Medicare supplement insurance policies or contracts. Such notice shall be in a format prescribed by the board. Accordingly, the board adopts and incorporates herein by reference the following forms: "Notice on Changes in Medicare and Your Medicare Supplement Insurance-1989," "Notice on Changes in Medicare and Your Medicare Supplement Coverage-1990," and "Notice on Changes in Medicare and Your Medicare Supplement Coverage-1991." These forms are published by the State Board of Insurance and copies of these forms may be obtained from the Life Group, State Board of Insurance, 1110 San Jacinto Boulevard, Austin, Texas 78701-1998. In addition, such notice shall:

(A) include a description of revisions to the Medicare program and a description of each modification made to the coverage provided under the Medicare supplement insurance policy or contract; and

(B) inform each covered person as to when any premium adjustment is to be made due to changes in Medicare.

(2) The notice of benefit modifications and any premium adjustments shall

be in outline form and in clear and simple terms so as to facilitate comprehension.

(3) Such notice shall not contain or be accompanied by any solicitation.

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 July 7, 1989.

TRD-8905999

Nicholas Murphy  
Chief Clerk  
State Board of Insurance

Effective date: July 28, 1989

Proposal publication date: March 24, 1989

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

## TITLE 40. SOCIAL SERVICES AND ASSISTANCE

### Part I. Texas Department of Human Services

#### Chapter 10. Family Self-support

##### Employment Services

The Texas Department of Human Services (DHS) adopts the repeal of §§10.2301-10.2307 and new §§10.2301-10.2308, without changes to the proposed text as published in the May 16, 1989, issue of the *Texas Register* (14 TexReg 2410).

The repeals and new sections are justified to make the rules more consistent with the Family Support Act of 1988. The new sections specify that only Aid to Families with Dependent Children (AFDC) Program clients are eligible for employment services. Within that group, DHS targets individuals for services on a priority basis. In addition to these changes, DHS is reorganizing and clarifying existing policies.

The repeals and new sections will function to provide employment services to individuals most in need of the services.

During the public comment period, DHS received comments from the Austin Community Nursery Schools and the Houston Welfare Rights Organization. The following are the comments and DHS responses.

Comment: There are fiscal implications for state and local governments and small businesses. The impact of more AFDC clients entering the day care service system will: reduce the effectiveness and availability of Title XX child care for low income, working families by using existing day care without establishing new services; force some low income, working parents into the AFDC system to get child care; and increase the financial burden on subsidized child care by serving more families who do not pay sliding

scale fees, which will pass the increased costs to local funding sources such as cities, counties, and United Way agencies because DHS does not pay the actual cost of the child care. DHS funds must be supplemented with local funds and fees to pay for decent service. The financial burden will continue as the employment service clients move out of the employment service system but still need subsidized child care which is not adequately supported at the state or federal level. The burden will again fall on the local communities, or the families themselves, if the communities do not or cannot fund subsidized child care.

Response: With the approaching implementation of welfare reform, DHS anticipates an even greater need to provide child care services for AFDC recipients. The Texas Legislature has approved significant dollars for fiscal year 1991 to support the JOBS-related and transitional child care mandated by the Family Support Act of 1988. This funding is in addition to Title XX child care funds. The agency plans to continue offering child care services at least at the current level to income eligible families.

DHS is currently conducting a cost study to determine actual costs associated with providing child care to DHS clients. The data acquired will provide a basis for future rate setting.

Comment: §10.2301. This section should add volunteers as the primary target group. They have the most to gain from the program. The department should use mass merchandizing techniques to recruit volunteers using testimonials from major athletes and entertainers.

Response: The target groups as listed correspond with the target groups in the Family Support Act of 1988. Volunteer clients are included in each target group.

Comment: §10.2301(b)(1). Teen parents who are attending high school and are AFDC recipients should be allowed to receive child care and support services as a preventative measure.

Response: Teen parents are eligible for child care to complete high school or its equivalent as specified in §10.2305(1)(B).

Comment: §10.2301(b)(2). Focusing services on clients under the age of 24 is short sighted.

Response: This target group is one of several target groups which are mandated by the Family Support Act of 1988.

Comment: §10.2302. The members of one organization wrote in support of this section defining Category I clients as being most job ready. They also favored Chairman Mosbacher's proposal that the scarce resources should be applied to those most likely to succeed. In addition, they supported the use of case managers and suggested that they coordinate financial, early and periodic screening, diagnosis, and treatment (EPSDT) dental services and child support services so contradictory appointments are not given.

Another organization expressed the opinion that the category system should be flexible enough to allow for the individual differences of families and parents, and allow for local economic conditions, and job availability. The DHS employees who provide information and

referral, case management and support services should be adequately trained for the tasks, should have manageable caseloads, and should have comprehensive resources available to them in order to meet the individual needs of the families. A quick and responsive problem management system should be available to clients who feel mistreated by, or mired in, the system.

Response: DHS appreciates the support of the proposed system. The department agrees that service delivery should be flexible to accommodate for individual differences. The assignment of clients to service categories is designed to enable DHS staff to better serve clients based on individual need. When developing case service plans with employment clients, DHS staff consider individual differences, local economic conditions, and job availability. To address needs for education, training, and other supportive services, DHS anticipates much closer coordination with providers such as the Private Industry Councils, the Texas Employment Commission (TEC), and the Texas Educational Agency (TEA). Interagency coordination is also encouraged by the Family Support Act of 1988.

A new case management system is being implemented for employment services clients. DHS staff providing these services are receiving extensive training to implement this new system. Part of the case manager's responsibility to their clients is to coordinate services from all areas of the department as well as services provided by other agencies. As in all federal programs provided by DHS, the employment services clients have the right to appeal decisions made regarding their cases. DHS will continue to use the existing appeal system.

Comment: §10.2304. This section should be amended to explain when a client can request a medical examination, especially when there are difficulties with a current provider or the lack of a provider.

Response: The need for a medical examination for determination of work registration status is the responsibility of staff of income assistance services (IAS) at DHS. This determination is based on medical information from the clients' doctor or clinic.

Comment: §10.2305. This section should exclude volunteers from sanction for not accepting day care services. The regulation should spell out the severity of the sanction and define what is adequate child care, especially in terms of its proximity to the household or the job site.

Response: Voluntary clients are not subject to sanction. If voluntary clients do not believe the available day care resources are appropriate then they are not required to use them under the current employment services program. Voluntary clients may claim their exemptions from participation at any time.

Comment: §10.2305(5). This section should be amended to reduce the number of job contacts downward from 40 in eight weeks. It should also define the nature of a job contact. Does it include a formal application or a verbal inquiry? One contact per day is substantially more than other programs to our knowledge. The Texas unemployment compensation cases require little more than one contact every 10 days. *Redd v. TEC* and *TEC v. Holberg*. See also §2306(6).

Response: The type of job application submitted by a client, written or verbal, is normally dictated by the personnel policy of the potential employer. When compared on an average daily basis, the number of job contacts required by §10.2305(5) is less than the number required for the Food Stamp Employment and Training Program.

Comment: §10.2306(3). This section should be amended to preclude sanctions for not having the listed I-9 form. That United States Immigration and Naturalization Service (INS) form does not contemplate that the welfare department has already documented immigration status before referring for job placement. That INS form should accept the written TDHS referral as one proof of immigration status. It would be counter productive to require the participant to reproduce verification already provided to the AFDC financial services caseworker. Our organization has had significant problems and lost hearings when this hypothetical information was not provided to a TEC worker in food stamp job search. Our organization has no difficulty producing this information when there is a bona fide job offer, but we oppose furnishing it hypothetically to caseworkers. To hypothetically produce is inappropriate and provides information the department has already.

Response: It is standard operating procedure for DHS to verify immigration status for receipt of benefits if a client claims to be a legally admitted alien. Birth certificates are required only for children who receive AFDC, not for caretakers who are normally employment services clients. The governor has designated TEC as the agency responsible for INS documentation for employers. TEC cannot provide services to an individual who does not have the required documentation as defined in INS regulations. It is the understanding of DHS that TEC staff must review the documentation and cannot accept a statement from DHS in lieu of required documents.

Comment: §10.2308. This section should be amended to include a definition of how many DHS or job search appointments may be missed before sanction begins. The old DHS work incentive (WIN) rule of one missed appointment, three month sanction, violated federal policy. The current work program should not be similarly hampered. We have had clients who went to self-initiated job interviews instead of caseworker interviews and were sanctioned. This should not happen. Otherwise we support the section as a reasonable list of excuses.

The rule should also provide notice of right to cure sanction and some examples of how, especially as to how and as to whom to contact regarding the change in intent: the financial caseworker, the DHS family support services (FSS) manager, who?

Response: Mandatory AFDC clients are instructed by income assistance services (IAS) staff of DHS to keep appointments with TEC staff or FSS staff. If a client does not respond to two consecutive call-in letters from FSS, a sanction is recommended to IAS. IAS must then notify the client of adverse action and the client may then appeal. If the client had good cause for not keeping the appointment, the sanction request is withdrawn.

Under regulations for Title IV-A of the Social Security Act, a sanction cannot be cured. AFDC recipients are instructed to notify the IAS worker to appeal the sanction.

**Comment:** §10.2308(9). The wage limit should not be arbitrarily set at minimum wage. An amount, which is the operating minimum wage, should be set for each area (not each DHS region). I would argue that most urban areas have an operating minimum wage between \$3.75 and \$4.00 an hour. Teenage workers are about the only workers receiving minimum wage in urban areas.

**Response:** §10.2308 provides a list of reasons why employment services clients may be excused from participation. DHS recognizes that recipients of AFDC have difficulty maintaining self-sufficiency when employed at minimum wage. The provision in this section that is being questioned states that an AFDC recipient cannot be required to accept a job which pays a wage that is less than the federal minimum wage.

• 40 TAC §§10.2301-10.2307

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

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

Issued in Austin, Texas, on July 10, 1989.

TRD-8906019 Charles Stevenson  
Acting Commissioner  
Texas Department of  
Human Services

Effective date: July 31, 1989.

Proposal publication date: May 16, 1989.

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

• 40 TAC §§10.2301-10.2308

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

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

Issued in Austin, Texas, on July 10, 1989.

TRD-8906020 Charles Stevenson  
Acting Commissioner  
Texas Department of  
Human Services

Effective date: July 31, 1989.

Proposal publication date: May 16, 1989.

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

## Chapter 48. Community Care for Aged and Disabled

The Texas Department of Human Services (DHS) adopts the repeal of §§48.2201 and 48.2202 and adopts new §§48.2201-48.2207, without changes to the proposed text as published in the May 19, 1989, issue of the *Texas Register* (14 TexReg 2457). The undesignated head has been changed to Home and Community-based Services.

The new sections replace and supplement the repealed sections to define eligibility for home and community-based services (HCS) and to establish requirements for provider reimbursement for the HCS program for mentally retarded individuals funded through a Medicaid waiver in accordance with of the Social Security Act §1915(c).

The new sections will function by providing HCS benefits to eligible clients through a protective status provided by Congress and by expanding eligibility to children under 18 who reside with parents or spouses.

No comments were received regarding adoption of the repeals and new sections.

### Home and Community-based Services

• 40 TAC §48.2201, §48.2202

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

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

Issued in Austin, Texas, on July 10, 1989.

TRD-8906009 Charles Stevenson  
Acting Commissioner  
Texas Department of  
Human Services

Effective date: August 1, 1989.

Proposal publication date: May 19, 1989.

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

• 40 TAC §§48.2201-48.2207

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

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

issued in Austin, Texas, on July 10, 1989.

TRD-8906010 Charles Stevenson  
Acting Commissioner  
Texas Department of  
Human Services

Effective date: August 1, 1989.

Proposal publication date: May 19, 1989.

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

## Chapter 85. General Licensing Procedures

### Subchapter III. Social Work Certification

• 40 TAC §85.6003, §85.6009

The Texas Department of Human Services adopts amendments to §85.6003 and §85.6009, without changes to the proposed text as published in the January 6, 1989 issue of the *Texas Register* (14 TexReg 106). Because of public comment against §85.6025, the department is not adopting this section at this time. Sections 85.6003 and 85.6009 are adopted to delete obsolete information.

The adoption of the amendments are justified because it provides clearer and more accurate agency rules.

The amendments will function by promoting a better understanding of the agency's rules concerning social work certification.

No comments were received regarding adoption of the amendments.

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

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

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

TRD-8905918 Charles Stevenson  
Acting Commissioner  
Texas Department of  
Human Services

Effective date: August 14, 1989.

Proposal publication date: January 6, 1989.

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

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 action 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 amendments to the Texas Automobile Manual.

The board has adopted physical damage rating symbols for certain 1990 model private passenger automobiles. The symbols adopted were developed from manufacturers list price data and adjusted in accordance with the prescribed vehicle series rating rule contained in the Symbol and Identification Section of the Texas Automobile Manual for 1990 models and subsequent models. The amendments are effective at 12:01 on August 1, 1989.

This notification is made pursuant to the 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 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 July 6, 1989.

TRD-8905972 Nicholas Murphy Chief Clerk State Board of Insurance

Effective date: August 1, 1989

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

The State Board of Insurance has approved two filings by Insurance Services Offices, Inc. for the following.

- 1) BM88-088MF and BM88-088MF (supplement). This filing proposed various changes to the simplified boiler and machinery forms and endorsements.
2) BM88-R88RU and BM88-R88RU (amendment). This filing proposed a new rating procedure for use with the simplified boiler and machinery forms.

The revisions are approved to become effective November 1, 1989, in accordance with 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 notification is made pursuant to the 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 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 July 7, 1989.

TRD-8905968 Nicholas Murphy Chief Clerk State Board of Insurance

Effective date: November 1, 1989

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

The State Board of Insurance has adopted amendments to the Texas Automobile Manual.

The board has adopted adjusted physical damage ratings symbols for certain 1989 model private passenger automobiles. The symbols adopted were developed from manufacturers list price data and adjusted in accordance with the prescribed vehicle series rating rule contained in the Symbol and Identification Section of the Texas Automobile Manual. The amendments are effective at 12:01 on the 60th day after notice of this action is published in the Texas Register.

This notification is made pursuant to the Insurance Code, Article 5.97, which exempts it from the requirements of the Administrative Procedure and Texas Register Act.

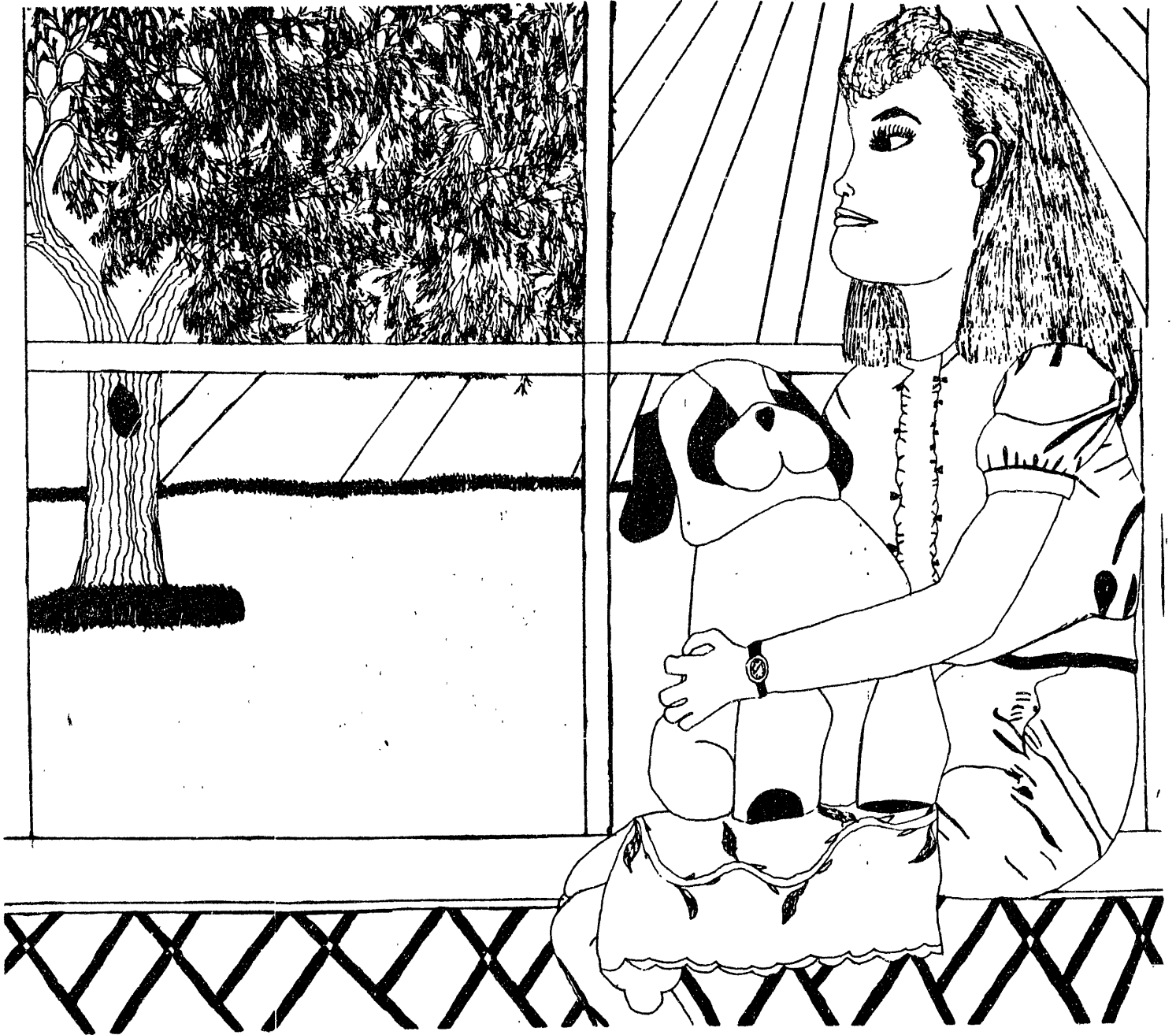
This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas on July 7, 1989.

TRD-8905969 Nicholas Murphy Chief Clerk State Board of Insurance

Effective date: September 12, 1989

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



Name: Jennifer Murley

Grade: 9

School: McKinney High, McKinney

# 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

Wednesday, July 12, 1989, 9 a.m. The Public Hearing Board will hold an emergency meeting in Suite 340, 1033 La Posada, Austin. According to the agenda, the board will hear a complaint on No. 87-01-15L. The emergency status was necessary because it was the only time hearing officer and complainant could meet.

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

Filed: July 10, 1989, 2:21.

TRD-8906036

Friday, July 14, 1989, 9 a.m. The Technical Standards Review Committee will meet at Suite 340, 1033 La Posada, Austin. According to the agenda summary, the board will give the status report for May & June; recommendations regarding specific complaints; licensees; discussion items, review of backlog of complaints; a new system to monitor status of peer review cases; proposed schedule of information available over the telephone regarding licensees and exam candidates, and change in enforcement procedures regarding initial inquiry letters and information supplied to complainants.

Contact: Bob E. Bradley, 1033 La Posada, Suite 340, Austin, Texas 78753-3892, (512) 451-0241.

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

TRD-8905925

Friday, July 14, 1989, 1 p.m. A public hearing will be held at Suite 340, 1033 La Posada, Austin. According to the agenda, a hearing on complaint number 88-03-02L will be heard.

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

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

TRD-8905926

Thursday, July 20, 1989, 9:30 a.m. A public hearing will be held at Suite 340, 1033 La Posada, Austin. According to the agenda, a hearing on complaint number 86-12-04L will be heard.

Contact: Bob E. Bradley, 1033 La Posada, Suite 340, Austin, Texas 78753-3892, (512) 451-0241.

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

TRD-8905927

## Texas Department of Agriculture

Thursday, July 20, 8:30 a.m. The Peanut Producers Board will meet at College Station Hilton Hotel, 801 University Drive East, College Station. According to the agenda, the Board will draft project proposals for funding by the Texas Department of Agriculture; meet with State ASCS Committee to discuss regulations; review audit report and other business.

Contact: Mary Webb, P.O. Box 398, Gorman, Texas 76454, (817) 734-2853.

Filed: July 10, 1989, 2:45 p.m.

TRD-8906037

## Texas Bond Review Board

Friday, July 14, 1989, 10 a.m. A staff planning emergency meeting met in Sergeant's Committee Room, State Capitol, Austin; According to the agenda, the board will consider proposed issues: Texas Air Control Board - lease, purchases, computer system to support vehicle tail pipe inspection and maintenance program, computer system to support regional automation project and other business. The emergency status was necessary to allow board staff members adequate time for consideration of proposed applications prior to regular monthly meeting of the board.

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

Filed: July 6, 1989, 10:20 a.m.

TRD-8905920

Thursday, July 20, 1989, 10 a.m. The board will meet in the Sergeant's Committee Room, State Capitol in Austin. According to the agenda, the board will consider proposed issues: Texas Air Control Board - lease, purchases, computer system to support vehicle tail pipe inspection and maintenance program, computer system to support regional automation project and other business.

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

Filed: July 6, 1989, 10:20 a.m.

TRD-8905919

## Texas State Soil & Water Conservation Board

Wednesday, July 19, 1989, 8 a.m. The board will meet at 311 North Fifth Street, Temple. According to the agenda, the board will review and take appropriate action of the following: minutes of May 24 1989 board meeting; district director appointments, division of Dos Rios SWCD #322; subdivision boundary changes for Lower Sabine Neches SWCD #446; 1990 fiscal year operating budget; allocation of grant funds; 1989 fiscal year technical assistance funds; 1989 fiscal year conservation assistance funds; 1990 fiscal year technical assistance funds; 1990 fiscal year conservation assistance funds; 1989 annual meeting of Soil and Water Conservation District directors; NACD South Central meeting; policy for a drug free workplace; nonpoint source management; status of assessment and management program; fiscal year 19889 progress report; annual management program update; PL 83-566 application - Upper North Bosque River; Gulf of Mexico program; legislative report; extension of the Great Plains Conservation Program; reports from agencies and guests; aboard member travel; public information/education report; next regular board meeting - September 10, 1989.



Contact: Robert G. Buckley, P.O. Box 658, Temple Texas 76503, (817) 773-2250. (STS 820-1250)

Filed: July 6, 1989, 3:44 p.m.

TRD-8905957

## Texas Commission for the Deaf

Saturday, July 15, 1989, 9 a.m. The Board for Evaluation of Interpreters (BEI) will hold an emergency meeting in the Conference Room, 510 South Congress, Austin. According to the agenda, the Board will elect chairperson and officers, discuss new rules proposal, BEI budget, BEI calendar, and the role of intermediary certificate holders. An executive session will review certificate recommendations, evaluations and revocations and discuss evaluation team assignments/re-assignments. Final open session items will be voting on board recommendations, staff report and chairperson's report. The emergency status was necessary because all members can meet on this date and need to complete business for presentation to Commissioners at the upcoming Commissioners' meeting.

Contact: Larry D. Evans, 500 South Congress, #300, Austin, Texas 78704, (512) 469-9891.

Filed: July 10, 1989, 1:44 p.m.

TRD-8906035

## Texas Employment Commission

Tuesday, July 18, 1989, 2 p.m. The Commission will hold a meeting in Room 644, TEC Building, 101 East 15th Street, Austin. According to the agenda summary, the Commission will consider and possible adopt final rules of timeliness, internal procedures of commission appeals, consideration and action of tax liability cases and higher level appeals in unemployment compensation cases listed on Commission Docket 29; set date of next meeting.

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

Filed: July 10, 1989, 4:12 p.m.

TRD-8906058

## Texas State Board of Registration for Professional Engineers

Wednesday, July 19, 1989, 4:30 p.m. The Ad Hoc Committee will meet in the Board Room, 1917 IH 35 South, Austin. According to the agenda, the committee convene the meeting, recognize and welcome visitors, discuss disciplinary actions and results.

Contact: Charles E. Nemir, 1917 IH 35 South, Austin, Texas 78741, (5112) 440-7723.

Filed: July 7, 1989, 4:22 p.m.

TRD-8906007

Wednesday and Thursday, July 19-20, 8:30 a.m. The Board will meet in the Board Room, 1917 IH 35 South, Austin. According to the agenda summary, the board will receive reports; interview applicants; take action on applications for registration; and read communications.

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

Filed: July 7, 1989, 4:21 p.m.

TRD-8906006

## Texas Historical Commission

Thursday, July 20, 1989, 4 p.m. The Executive Committee will meet at the CHC Library, 1511 Colorado, Austin. According to the agenda, the Committee will consider THC Committees; Preservation Trust Fund Committee; judges for publication's contest; September retreat; Texas awards for historic preservation; governor's mansion, legion building space.

Contact: Cindy Dally, 1511 Colorado, Austin, Texas 78701, (512) 463-6100.

Filed: July 10, 1989, 4:09 p.m.

TRD-8906061

Friday, July 21, 1989, 7:30 a.m. The CHC & Museum Services Committee will meet at the Coffee shop in Guest Quarters Hotel, 303 West 15th Street, Austin. According to the agenda, the Committee will update 1990 Annual Historic Preservation Conference and the Future Annual Historic Preservation Conference locations and invitations.

Contact: Cindy Sherrell-Leo, 1511 North Colorado, Austin, Texas 78701, (512) 463-6100.

Filed: July 11, 1989, 9:23 a.m.

TRD-8906068

Friday, July 21, 1989, 9 a.m. The Quarterly Board Meeting will meet in the Lt. Governor Committee Room, State Capitol Building, Austin. According to the agenda summary, the Board will consider the chairman's report, Texas Antiquities Committee Report, National Register Programs Committee Report, Main Street Committee Report, Publications Committee Report, State Marker Committee Report, Archaeology Committee Report, Archaeological Planning & Review Committee Report, Architecture Committee Report and the CHC and Museum Services Committee Report.

Contact: Cindy Dally, 1511 Colorado, Austin, Texas 78701, (512) 463-6100.

Filed: July 10, 1989, 4:09 p.m.

TRD-8906060

## Texas Housing Agency

Friday, July 14, 1989, 10 a.m. The Ad Hoc Personnel Procedures Committee will meet in the El Paso Housing Authority board room, 1600 Montana, El Paso. According to the agenda summary, the committee will consider and possible act on proposed modifications to personnel policy and procedures manual.

Contact: Timothy R. Kenny, P.O. Box 13941, Austin, Texas 78711, (512) 474-2974

Filed: July 6, 1989, 4:11 p.m.

TRD-8905959

Friday, July 14, 1989, 11 a.m. The Ad Hoc Housing Proposal Review Committee will meet in the El Paso Housing Authority board room, 1600 Montana, El Paso. According to the agenda summary, the committee will consider and possibly act on the design of a Housing Proposal Evaluation Instrument and Housing Proposal Procedures, consider and possibly act on selected housing proposals.

Contact: Timothy R. Kenny, P.O. Box 13941, Austin, Texas 78711, (512) 474-2974.

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

TRD-8905958

Tuesday, July 18, 1989, 9 a.m. The Ad Hoc Credit Committee will meet in Suite 300, THA Conference Room, 811 Barton Springs, Austin. According to the agenda summary, the committee will consider the following items: June 21, 1989 minutes, review of 1989 allocation request chart, applications for the 1989 Low Income Tax Credit Program, and requests for commitment extensions for 1989.

Contact: Timothy R. Kenny, P.O. Box 13941, Austin, Texas 78711, (512) 474-2974.

Filed: July 7, 1989, 4:33 p.m.

TRD-8906003

Tuesday, July 18, 1989, 11 a.m. The Ad Hoc Committee will meet in Suite 300, THA Conference Room, 811 Barton Springs, Austin. According to the agenda summary, the committee will consider and discuss Texas Housing Agency board's committee structure and standing advisory committees' function and membership for agency operations for preparation of report to board.

Contact: Timothy R. Kenny, P.O. Box 13941, Austin, Texas 78711, (512) 463-2974.

Filed: July 7, 1989, 4:33 p.m.

TRD-8906002

Tuesday, July 18, 1989, 1 p.m. The Board of Directors will meet in Suite 300, THA Conference Room, 811 Barton Springs,

Austin. According to the agenda summary, the board will consider and possible act on the following items: June 21, 1989 minutes; report of board committee structures; committee appointments; request for proposals (RFP) for real estate owned (REO); low income tax credit applications; personnel policy and procedures manual; housing proposals, evaluation instrument, and procedures; housing resource center; and while in executive session and pursuant to §§2(e) and 2(g), Texas Civil Statutes, Article 6252-17, consider and possible act on pending or potential litigation. Act on executive session items as required in open session.

Contact: Timothy R. Kenny, P.O. Box 13941, Austin, Texas 78711, (512) 474-2974.

Filed: July 7, 1989, 4:34 p.m.

TRD-8906004

Tuesday, July 18, 1989, 1 p.m. The Board of Directors will have a revised agenda meeting in Suite 300, THA Conference Room, 811 Barton Springs, Austin. According to the agenda summary, the Board will consider and possibly act on report on San Jacinto garden project.

Contact: Timothy R. Kenny, P.O. Box 13941, Austin, Texas 78711, (512) 474-2974.

Filed: July 10, 1989, 4:30 p.m.

TRD-8906062

## Texas Department of Human Services

Wednesday, July 19, 1989, 8 a.m. The Board of Human Services will meet in the Public Hearing Room, 1st Floor, East Tower, 710 West 51st Street, Austin. According to the agenda, the Board will brief on operating plan for fiscal year 1990; appointment of a commissioner of Human Services; inpatient hospital reimbursement.

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

Filed: July 11, 1989, 9:34 a.m.

TRD-8906069

## Department of Information Resources (formerly, AITC)

Friday, July 21, 1989, 9 a.m. The Open Council will meet in Room 106, John H. Reagan Building, Austin. According to the agenda summary, the Open Council will consider the following: plan certifications, procurement certifications, executive director's report, fiscal year 1990 operating budget approval, disaster recovery operations center RFP; SPSC-automated services division presentation, staff reports, and new business.

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

Filed: July 11, 1989, 9:37 a.m.

TRD-8906070

## State Board of Insurance

Tuesday, July 18, 1989, 9 a.m. The Hearing Section will meet in Room 353, 1110 San Jacinto, Austin. According to the agenda, the Hearing Section will conduct a public hearing to consider whether disciplinary action should be taken against Guadalupe Gonzalez, Edcouch, Texas, who holds a Local Recording Agent's license.

Contact: Wendy L. Ingham, 110 San Jacinto, Austin, Texas, 78701-1998, (512) 463-6526.

Filed: July 10, 1989, 12:53.

TRD-8906034

Tuesday, July 18, 1989, 9 a.m. The Hearing Section will meet in Room 342, 1110 San Jacinto, Austin. According to the agenda, the Hearing Section will conduct a public hearing to consider whether disciplinary action should be taken against Donald Irwin Crowder, Arlington and Fort Worth, Texas, who holds a Group I, Legal Reserve Life Insurance agent's license and a Group II, Life, Health, and Accident agent's license issued by the State Board of Insurance.

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

Filed: July 10, 1989, 12:54 p.m.

TRD-8906029

Tuesday, July 18, 1989, 10 a.m. The Board will meet in Room 414, State Insurance Building, 1110 San Jacinto, Austin. According to the agenda summary, the Board will propose 28 TAC §21.123 concerning replacement/duplication of medicare supplement policies. Emergency amendment to Symbol or Identification Section of Texas automobile manual. Proposed amendments to the General Basis Schedules & the Key Rate Schedule concerning the draft extension device. Proposed amendments to the General Basis Schedules to implement House Bill 2017 concerning fringe area rating. Proposed endorsement forms for property insurance policies to implement Senate Bills 1080 and 410. Appointment of advisory committee on simplified homeowners policies. Board orders on several different matters as itemized on the complete agenda. Personnel matters, pending & contemplated litigation, land solvency matters.

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

Filed: July 10, 1989, 2:50 p.m.

TRD-8906040

Tuesday, July 18, 1989, 1:30 p.m. The Hearing Section will meet in Room 353, 1110 San Jacinto, Austin. According to the agenda, the Hearing Section will conduct a public hearing to consider the application of Columbia Universal Life Insurance Company, Houston, Texas, to acquire control of Hill Country Life Insurance Company, Austin, Texas; to approve the issuance of a surplus debenture in the amount of \$1.8 million by Hill Country Life Insurance Company of Montana. A wholly owned subsidiary of Hill Country Life Insurance Company, to Columbia Universal Life Insurance Company and to approve the issuance of a surplus debenture in the amount of \$15,720,000 by Columbia Universal Life Insurance Company to its parent, Columbia Universal Corporation, Houston, Texas.

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

Filed: July 10, 1989, 12:54.

TRD-8906028.

Tuesday, July 18, 1989, 3:30 p.m. The Board will meet in Room 414, State Insurance Building, 1110 San Jacinto, Austin. According to the agenda, the board or a representative designated by the board will hold a public hearing to consider a motion by Marcelino Rocha to suspend effectiveness of Commissioner's Order 89-0414 pending appeal.

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

Filed: July 7, 1989, 2:52 p.m.

TRD-8905998

Wednesday, July 19, 1989, 9 a.m. The Hearing Section will meet in Room 353, 1110 San Jacinto, Austin. According to the agenda, the Hearings Section will conduct a public hearing to consider disciplinary action against Leonard Murray Randall DBA Len Randall Insurance Agency, Austin/Lumberton, Texas, who holds a Group I, Legal Reserve Life Insurance agent's license, and a local recording agent's license issued by the State Board of Insurance.

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

Filed: July 10, 1989, 12:49 p.m.

TRD-8906027

Wednesday, July 19, 1989, 1:30 p.m. The Hearing Section will meet in Room 353, 1110 San Jacinto, Austin. According to the agenda, the Hearings Section will reopen a public hearing to consider whether disciplinary action should be taken against William Timmons Harrison, Houston, Texas, who holds a Local Recording Insurance Agent's license issued by the State Board of Insurance.

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

Filed: July 10, 1989, 12:50 p.m.

TRD-8906033

Friday, July 21, 1989, 9 a.m. The Hearing Section will meet in Room 353, 1110 San Jacinto, Austin. According to the agenda, the Hearing Section will conduct a public hearing to consider whether disciplinary action should be taken against William Casey Broughman, Jr., Arlington, Texas and Dallas, Texas, who holds a Group I, Legal Reserve Life Insurance agent's license.

Contact: Earl Corbitt, 1110 San Jacinto, Austin, T.MDBU/e.MDNM/xas 78701-1998, (512) 463-6526.

Filed: July 10, 1989, 12:51 p.m.

TRD-8906032

Friday, July 21, 1989, 9 a.m. The Hearing Section will meet in Room 342, 1110 San Jacinto, Austin. According to the agenda, the Hearing Section will conduct a public hearing to consider whether disciplinary action should be taken against Ferrel T. Riley, Houston, Texas, who holds a Group I, Legal Reserve Life Insurance agent's license, a Group II, Life, Health and Accident agent's license and a Local Recording Agent's license issued by the State Board of Insurance.

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

Filed: July 10, 1989, 12:51 p.m.

TRD-8906031

Friday, July 21, 1989, a.m. The Hearing Section will meet in Room 353, 1110 San Jacinto, Austin. According to the agenda, the Hearing Section will conduct a public hearing to consider whether disciplinary action should be taken against Rudie Anthonie Tilleman, W. Hollywood, California and Hurst/Bedford, Texas, who holds a Group I, Legal Reserve Life Insurance agent's license and a Group II, Life, Health and Accident Insurance agent's license.

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

Filed: July 10, 1989, 12:52 p.m.

TRD-8906030

## Texas Commission on Jail Standards

Wednesday, July 19, 1989, 9 a.m. The commission will meet in Room 100, Employees Retirement Building, Austin. According to the agenda summary, the commission will discuss old business: Camp County. Variance: Galveston County.

Contact: Jack E. Crump, P.O. Box 12985, Austin, Texas 78711, (512) 463-5505.

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

TRD-8906008

## School Land Board

Tuesday, July 18, 1989, 10 a.m. The Board will meet in the General Land Office, Stephen F. Austin Building, 1700 North Congress, Austin. According to the agenda summary, the Board will discuss pooling application; applications to lease highway right-of-way for oil & gas; public hearing on and consideration of changes in the form of lease for leases to be issued to the October 3, 1989 sealed bid lease sale. The proposed changes are attached, repeal of 31, TAC, Chapters 2, 3, & 9; §§11.11-11.17; §§153.11-153.15, 153.21-153.34; 153. 37; 153.61-153.66; and 153.71, and final adoption of proposed rules, 31 TAC, Chapter 9; final adoption of amendment to 31 TAC, § 1.91; report on force majeure by Mitchell Energy Corporation; direct land sales; preliminary approval of land trade; Loving County; approval of letter concerning the request of the John G. & Maria Stella Kennedy Memorial Foundation; coastal public lands-easement applications; lease applications; structure permit renewals; structure permit assignments; structure permit terminations, new structure permit requests; commercial lease application and commercial easement application, commercial lease renewals, pending litigation including proposed settlement, summit energy; consideration of inclusion of proportionate reduction provision, temporary unit. Discussion & inspection of permanent School Fund lands in El Paso area. The board will recess and reconvene to travel to El Paso and inspect permanent school fund lands in that area.

Contact: Linda K. Fisher, 1700 North Congress, Room 836, Austin, Texas 78701, (512) 463-5016.

Filed: July 10, 1989, 4:20 p.m.

TRD-8906059

## Board of Nurse Examiners

Tuesday, July 25, 1989, 8 a.m. The Finance Committee will meet in the Doubletree Hotel, 6506 North IH-35, Austin. According to the agenda summary, the committee will review the minutes of the May meeting, receive the financial statements from April & May and review the 1990-91 budget request.

Contact: Louise Waddill, P.O. Box 140466, Austin, Texas 78714, (512) 835-4880.

Filed: July 6, 1989, 3:47 p.m.

TRD-8905956

Tuesday, July 25, 1989, 8:30 a.m. or upon adjournment of Finance Committee The Planning and Performance Committee

will meet in the Doubletree Hotel, 6506 North IH-35, Austin. According to the agenda summary, the committee will review the minutes of the May meeting, and receive a final report on the advisory committee evaluation and review the time line.

Contact: Louise Waddill, P.O. Box 140466, Austin, Texas 78711, (512) 835-4880.

Filed: July 6, 1989, 3:47 p.m.

TRD-8905955

Tuesday, July 25, 1989, 9 a.m. The Legislative/Public Relations Committee will meet in the Doubletree Hotel, 6505 North IH-35, Austin. According to the agenda summary, the committee will receive the minutes from the May meeting, review the legislation from the 71st Legislative session, and review public relation functions of the committee.

Contact: Louise Waddill, P.O. Box 140466, Austin, Texas 78714, (512) 835-4880.

Filed: July 6, 1989, 3:47.

TRD-8905954

Tuesday, July 25, 1989, 9:30 a.m. or upon adjournment of Legislative/Public Relations Committee The Practice Committee will meet in the Doubletree Hotel, 66505 North IH-35, Austin. According to the agenda summary, the committee will review the minutes of the May meeting, receive an update on the evaluation of mandatory reporting, review the analysis of Senate Bill 622 which pertains to continuing education, consider exam retakes and receive an update on the speaking calendar.

Contact: Louise Waddill, P.O. Box 140466, Austin, Texas 78714, (512) 835-4880.

Filed: July 6, 1989, 3:48 p.m.

TRD-8905953

Tuesday, July 25, 1989, 10 a.m. or upon adjournment of Practice Committee The Education Committee will meet in the Doubletree Hotel, 6505 North IH-35, Austin. According to the agenda summary, the committee will consider the minutes of the May meeting; review two survey visit reports; consider a request from Lamar University at Orange, ADN with an extended campus at Port Arthur; consider a request for a new program at Pan American University, BSN, Edinburg; review the evaluation of accreditation process and time line and consider the use of teacher assistants.

Contact: Louise Waddill, P.O. Box 140466, Austin, Texas 78714, (512) 835-4880.

Filed: July 6, 1989, 4:48 p.m.

TRD-8905952

Tuesday-Thursday, July 25-27, 11 a.m. on July 25, or upon adjournment of Education Committee meeting on July 26 &

27. The board will consider the minutes of the May meeting; consider possible action on disciplinary hearings and other action as recommended by the executive secretary in relation to hearings and consider seven reinstatement hearing requests. The board will also receive reports from the committees and hold an open forum on July 27, 1989, from 8-9:00 a.m. to receive input from interested parties.

Contact: Louise Waddill, P.O. Box 140466, Austin, Texas 78714, (512) 835-4880.

Filed: July 6, 1989, 3:48 p.m.

TRD-8905951

Tuesday-Thursday, July 25-27, 1989, 11 a.m. on July 25 and 8 a.m. on July 26 & 27. The Board will meet at the Doubletree Hotel, 6505 North IH-35, Austin. According to the agenda summary, the board will take up advanced nurse practitioner, request for family planning nurse practitioner category.

Contact: Lousie Waddill, P.O. Box 140466, Austin, Texas 78714, (512) 835-4880.

Filed: July 10, 1989, 10:25.

TRD-8906023

## Board of Pardons and Paroles

Monday-Friday, July 17-21, 1989, 1:30 p.m. except Friday which will be 11 a.m. A Panel Board (3 board members) will meet at 8610 Shoal Creek Boulevard, Austin. According to the agenda summary, the panel will meet to receive, review and consider information and reports concerning prisoners/inmates and administrative releases subject to the board's jurisdiction and initiate and carry through with appropriate action.

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

Filed: July 7, 1989, 10:30 a.m.

TRD-8905967

Tuesday, July 18, 1989, 1:30 p.m. The board will meet at 8610 Shoal Creek Boulevard, Austin. According to the agenda, the board will meet to consider executive clemency recommendations and related actions (other than Out of Country Condition Pardons), including: full pardons/restoration of civil rights of citizenship; emergency medical reprieves; commutations of sentence; other reprieves, remissions and executive clemency actions.

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

Filed: July 7, 1989, 10:30 a.m.

TRD-8905966

## State Purchasing and General Services Commission

Tuesday, July 18, 1989, 9 a.m. The Commission will meet in Conference Room 402, Central Services Building, 1711 San Jacinto, Austin. According to the agenda summary, the Commission will present certificates of appreciation; consideration of final adoption of amendments to §§113.1, 113.2, 113.5, and 113.6, consideration of final adoption of new §§ 125.41-125.53; consideration of proposed amendments to §125.1; consideration of adoption of approval for additional funds to eliminate PCBs from transformers; consideration of adoption of revised Internal Audit Policy Statement; consideration of adoption of Audit Committee Policy statement; discussion of real estate consulting services; long range planning committee report; monthly operating budget report; monthly 3.09 report; monthly construction project report; monthly division activity report; discussion of 1990 fiscal year operating budget; executive session to consider status of potential purchase of property pursuant to Article 601b; executive session concerning pending litigation.

Contact: John R. Neel, 1711 San Jacinto, Austin, Texas 78701, (512) 463-3446.

Filed: July 10, 1989, 10:18 a.m.

TRD-8906025

## Texas Racing Commission

Sunday, July 16, 1989, 8 a.m. The Commission will meet on the 3rd Floor Auditorium, First State Bank Building, 400 West 15th, Austin. According to the agenda summary, the Commission will meet to consider the following rules for adoption and/or publication in the Texas Register: Section(s) 303.35, 303.42, 305.34, 305.12, 305.34, 305.68-305.69, 305.6, 305.13, 305.33, 305.35, 305.44, 305.62, 305.70, 307.221, 307.241, 307.247, 309.25, 309.61, 309.68, 309.69, 309.108, 309.112, 309.115, 309.195, 309.12, 309.32, 309.56, 309.66, 309.114, 309.116, 109.196, 109.198-309.201, 311.12, 311.14, 311.155, Chapter 311. Subchapter C., Chapter 313. Subchapters A, B, C and D, Chapter 321. Subchapters A and B. The commission will also meet to consider the allocation of race dates for Class II horse racetracks.

Contact: Paula Cochran Carter, P.O. Box 12080, Austin, Texas 78701, (512) 476-7223.

Filed: July 7, 1989, 4:07 p.m.

TRD-8906001

## Railroad Commission of Texas

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

The commission will consider and act on the Executive Director's report on commission budget and fiscal matters, administrative and procedural matters, personnel and staffing, state and federal legislation, and contracts and grants. Consider reorganization of various commission divisions; consolidation of positions; and appointment, reassignment and/or termination of various positions, including division directors. Consideration of reorganization of the well plugging program. The commission will meet in executive session to consider the appointment, employment, evaluation, reassignment, duties, discipline and/or dismissal of personnel.

Contact: Office of the Executive Director, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-7274.

Filed: July 7, 1989, 12:38 a.m.

TRD-08905984

Monday, July 17, 1989, 9 a.m. The Commission will meet in Room 126, 12th Floor, William B. Travis Building, 1701 North Congress, Austin. According to the agenda summary, to consider category determinations under §§102(c)(1)(B), 102(c)(1)(C), 103, 107, and 108 of the Natural Gas Policy Act of 1978.

Contact: Margie Osborn, P.O. Drawer 12967, Capitol Station, Austin, Texas 78711, (512) 463-6755.

Filed: July 7, 1989, 11:38 a.m.

TRD-08905985

Monday, July 17, 1989, 9 a.m. The Commission will meet in Room 12-126 of the William B. Travis Building, 1701 North Congress, Austin. According to the agenda, the commission will consider and act on the division director's report on division administration, budget, procedures and personnel matters. The commission will meet in executive session to consider the appointment, employment, evaluation, re-assignment, duties, discipline and/or dismissal of personnel.

Contact: Mark Bogan, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6981.

Filed: July 7, 1989, 11:37 a.m.

TRD-08905986

Monday, July 17, 1989, 9 a.m. The commission will meet in Room 12-126, 1701 North Congress, Austin. According to the agenda, the commission consider and act on the Division Director's report on division administration, budget, procedures and personnel matters.

Contact: Brian W. Schaible, Railroad Commission Austin, Texas 78704, (512) 463-6710.

Filed: July 7, 1989, 11:37 a.m.

TRD-08905987

**Monday, July 17, 1989, 9 a.m.** The commission will meet in the 12th Floor Conference Room, 1701 North Congress, Austin. The Administrative Services Division will consider and act on the Division Director's report on division administration, budget procedures and personnel matters. Discussion of the development of a natural gas clearing house that would match companies that need gas to fuel new plants with producers that have gas to sell-possible action.

Contact: Roger Dillon, P.O. Drawer 12967, Capitol Station, Austin, Texas 78711, (512) 463-7257.

Filed: July 7, 1989, 11:37 a.m.

TRD-08905988

**Monday, July 17, 1989, 9 a.m.** The Commission will meet on the 12th Floor Conference Room (12-126) of the William B. Travis Building, 1701 North Congress, Austin. According to the agenda, the commission will consider and act on the division director's report on division administration, budget, procedures, equipment acquisitions and personnel matters.

Contact: Bob Kmetz, P.O. Drawer 12967, Capitol Station, Austin, Texas 78711, (512) 463-7251.

Filed: July 7, 1989, 11:37 a.m.

TRD-08905989

**Monday, July 19, 1989, 9 a.m.** The Commission will meet in the 12th Floor Conference Room 12-126, William B. Travis Building, 1701 North Congress, Austin. The commission will consider and act on the Legal Division report on division administration, budget, procedures, and personnel matters. Consideration of tariffs that reflect new contracts between United Texas Transmission Co. and Entex: transition sales, agreement, peaking gas sales agreement, gas transportation agreement. The commission will meet in executive session to receive legal advice regarding pending and/or contemplated litigation including the following matters: cause 465,506 Parkway Transport Inc., et al vs Railroad Commission of Texas.

Contact: Cue Boykin, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6921

Filed: July 7, 1989, 11:37 a.m.

TRD-08905990

**Monday, July 17, 1989, 9 a.m.** The Commission will meet in the 12th Floor Conference Room 12-126, William B. Travis Building, 1701 North Congress, Austin. According to the agenda summary, the The division will consider various matters within the jurisdiction of the Railroad Com-

mission as more fully stated on the attached agenda. In addition, the commission will consider items previously posted for open meeting and at such meeting verbally postponed or continued to this date. With regard to any item, the commission may take various action, including but not limited to scheduling an item in its entirety for particular action at a future time or date.

Contact: Raymond Bennett, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-7122.

Filed: July 7, 1989, 11:37 a.m.

TRD-08905991

**Monday, July 17, 1989, 9 a.m.** The Commission will meet in the 12th Floor Conference Room 12-126, William B. Travis Building, 1701 North Congress, Austin. The Oil and Gas Division will consider various matters within the commission, as more fully stated on the attached agenda. In addition, the commission will consider items previously posted for open meeting and at such meeting verbally postponed or continued to this date. With regard to any item, the commission may take various actions, including but not limited to scheduling an item in its entirety or for particular action at a future time of date.

Contact: Andy Taylor, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6924.

Filed: July 7, 1989, 11:39 a.m.

TRD-08905979

**Monday, July 17, 1989, 9 a.m.** The Commission will meet in Room 12-126, William B. Travis Building, 1701 North Congress, Austin. According to the agenda, the flight division will consider and act on the division director's report on division administration, budget, procedures and personnel matters.

Contact: Ken Fossler, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6787

Filed: July 7, 1989, 11:39 a.m.

TRD-08905980

**Monday, July 17, 1989, 9 a.m.** The Commission will meet in the 12th Floor Conference Room (12-126), William B. Travis Building, 1701 North Congress, Austin. According to the agenda, the commission will consider and act on the division director's report on division administration, investigations, budget, and personnel matters.

Contact: Mary Arne Wiley, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6828.

Filed: July 7, 1989, 11:39 a.m.

TRD-8905981

**Monday, July 17, 1989, 9 a.m.** The Commission will meet in the 12th Floor Conference Room 12-126, 1701 North Congress, Austin. According to the agenda, the commission will consider and act on the Division director's report on division administration, budget, procedures, and personnel matters. Consideration of proposal for public comment amendment to §13.13 and proposed new §13.100 pertaining to the regulations for compressed natural gas of the liquefied petroleum gas division of the Railroad Commission of Texas.

Contact: Meredith Kawaguchi, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-7009

Filed: July 7, 1989, 11:39 a.m.

TRD-08905982

**Monday, July 17, 1989, 9 a.m.** The Commission will meet in the 12th Floor Conference Room 12-126. According to the agenda summary, the commission will consider various matters falling within the regulatory jurisdiction of the commission, as more fully stated on the attached agenda. In addition, the commission will consider items previously posted for open meeting and at such meeting verbally postponed or continued to this date. With regard to any item, the commission may take various actions, including but not limited to scheduling an item in its entirety or for particular action at a future time of date.

Contact: J. Randel (Jerry) Hill, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6900.

Filed: July 7, 1989, 11:38 a.m.

TRD-08905983

## Texas Real Estate Commission

**Monday, July 19, 1989, 9:30 a.m.** The Commission will meet in TEC Headquarters Office Conference Room, 1101 Camino La Costa, Austin. According to the agenda summary, the commission will read minutes of June 14, 1989, commission meeting staff reports for month of May 1988, consider of petition for adoption on an emergency basis of proposed 22 TAC §§535.166-535.168, relating to disclosure required by §15(c) and 15C of Article 6573a; education matters; executive session to discuss pending litigation and appointment of public officers pursuant to §2(e) and (g), Article 6252-17, Texas Civil Statutes, consideration of: appointments to the Texas Real Estate Broker-Lawyer Committee, and to the Real Estate Appraiser Certification Committee; claims against the Real Estate Recovery Fund; complaint information concerning Barry S. Gillingwater; motions for rehearing and/or probation; entry of orders in contested cases; rehearing in Hearing No. 89-69-87785 in the matter of Ronald Edgar Savage.

Contact: Camilla S. Shannon, P.O. Box 12188, Austin, Texas 78711-2188, (512) 465-3900.

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

TRD-8905960

### State Rural Medical Education Board

Sunday, July 23, 1989, 1 p.m. The Board will meet in the Board Room of the Doubletree Hotel, 6505 North IH 35, Austin. According to the agenda, the Board will review financial and statistical reports, and review problem files.

Contact: J.C. Kandolph, Room B1-B, Austin, Texas 78701, (512) 463-1108.

Filed: July 10, 1989, 9:53 a.m.

TRD-8906018

### Texas State Technical Institute

Tuesday, July 11, 1989, 3 p.m. The Board of Regents-Executive Committee had an emergency meeting via a teleconference call at the TSTI-System Building, Waco. According to the agenda, the Board discussed policies relating to long term commercial leases to be put in place Wednesday, July 12, 1989.

Contact: Theodore A. Talbot, 3801 Campus Drive, Waco, Texas 76705, (817) 799-3611 ext. 3909.

Filed: July 10, 1989, 8:50 a.m.

TRD-8906015

Saturday, July 15, 1989, 11 a.m. The Board of Regents will meet at Texas Power & Light Lake, Waco. According to the agenda, the board will establish a vision statement for Texas State Technical Institute and reassess missions and goals.

Contact: Theodore A. Talbot, 3801 Campus Drive, Waco, Texas 76705, (817) 799-3611, ext. 3910.

Filed: July 7, 1989, 8:42 a.m.

TRD-8905976

Sunday, July 16, 1989, 10 a.m. The Board of Regents will meet at the TSTI Student Center, Waco. According to the agenda, the Board will discuss reduction in force, planning, market research study, and legislative update.

Contact: Theodore A. Talbot, 3801 Campus Drive, Waco, Texas 76705, (817) 799-3611, ext. 3910.

Filed: July 7, 1989, 8:42 a.m.

TRD-8905975

Monday, July 17, 1989, 9 a.m. The TSTI Board of Regents will meet in the TSTI-Waco System Administration Building,

Waco. According to the agenda, the Board will discuss public comments on agenda, tour of TSTI-Waco campus, and presentations by Don E. Goodwin, President.

Contact: Theodore A. Talbot, 33802 Campus Drive, Waco, Texas 76705, (817) 799-3611, ext. 3910.

Filed: July 7, 1989, 8:41 a.m.

TRD-8905977

### The University System of South Texas

Thursday, July 6, 1989, 6 p.m. Board of Directors met in emergency meeting in the Founders' Room, Lewis Hall, Texas A&I University, Kingsville. According to the agenda summary, the board considered the appoint of a President at Texas A&I University. The emergency status was necessary because it is mandatory that a President of Texas A&I University be named at the July 6, 1989, board meeting so that the new president be in place to implement the merger with the Texas A&M University System, and submit the budgets for the next fiscal year for approval by the University System of South Texas Board of Directors at its next meeting in August, 1989.

Contact: Dr. Alan Sugg, P.O. Box 1238, Kingsville, Texas 78363, (512) 595-2208.

Filed: July 6, 1989, 2:45 p.m.

TRD-8905936

### Texas State University System

Thursday, July 27, 1989, 8 a.m. The Board of Regents will meet in the Court Room, Criminal Justice Center, Sam Houston State University, Huntsville. According to the agenda, the board will review matters of the board and four universities in the system including: awarding of a contract for reroofing the Education Fine Arts Building at Angelo State University, approval of a contract with the Texas Special Olympics, Inc., at Southwest Texas State University, approval of land exchange with the City of Alpine at Sul Ross University and consideration and discussion of all matters and candidates relating to employment of a president for Sam Houston State University, including those candidates recommended by the Presidential Selection Advisory Committee, Dr. Martin J. Anisman, Dr. Sam E. Curl and Dr. Glenn A. Goerke. (where appropriate and permitted by law, executive sessions may be held for the above listed subjects.)

Contact: Lamar Urbanovsky, (512) 463-1808.

Filed: July 7, 1989, 1:03 a.m.

TRD-8905971

### Public Utility Commission of Texas

Monday, July 17, 1989, 10 a.m. The Hearings Board will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin. According to the agenda, the board will have a prehearing conference at the above date and time in Docket No. 8880 - Petition of Texas-New Mexico Power Company for approval of Deferred accounting treatment for TNP One, Units 1 and 2, and adjustment to PCRF calculation.

Contact: Mary Ross McDonald, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 4558-0100.

Filed: July 6, 1989, 2:42 p.m.

TRD-8905939

Thursday, July 20, 1989, 9 a.m. The Hearing Division will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin. According to the agenda, the division will have a prehearing conference at the above date and time in Docket No. 8896-Joint Petition of Houston Lighting & Power Company and Central Power & Light Company for declaration of South Texas Project Unit 2-commercial operation date.

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

Filed: July 6, 1989, 2:45 p.m.

TRD-8905937

Monday, July 24, 1989, 10 a.m. The Hearings Divisions will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin. According to the agenda, the Hearing Division will hold a prehearing conference for Docket No., 8910, application of AT&T for depreciation rates.

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

Filed: July 7, 1989, 10:13 a.m.

TRD-8905974

Monday, July 24, 1989, 10 a.m. Rescheduled from Monday, July 17, 1989 10 a.m. The hearings division will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin. According to the agenda, a hearing on the merits has been rescheduled in Docket No. 8702--Application of Gulf States Utilities Company for authority to change rates.

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

Filed: July 6, 1989, 2:42.

TRD-8905940

Wednesday, August 2, 1989, 1:30 p.m. The Hearings Division will meet at Suite 450N, 7800 Shoal Creek Boulevard, Austin. According to the agenda, the Hearings Division will hold a meeting rescheduled from

Tuesday, July 18, 1989, 1:30 p.m. on the merits in Docket No. 8665, application of Southwestern Bell Telephone Company for revisions to the customer specific pricing plan.

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

Filed: July 10, 1989, 2:46 p.m.

TRD-8906041

Tuesday, August 15, 1989, 1 p.m. Rescheduled from July 13, 1989, at 10 a.m. The Hearings Division will meet in Suite 459N, 7800 Shoal Creek Boulevard, Austin. According to the agenda, a prehearing conference has been scheduled at the above date and time in Docket No. 8813--complaint of Erickson Refining Corporation against Gulf States Utilities regarding billing disputes.

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

Filed: July 6, 1989, 2:43 p.m.

TRD-8905938

Thursday, September 21, 1989, 9 a.m. The Hearings Division will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin. According to the agenda, the hearings division will have a hearing on the merits in Docket No. 8885--application of Stamford Electric Cooperative for authority to change line extension policy.

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

Filed: July 6, 1989, 2:45 p.m.

TRD-8905941

Monday, September 25, 1989, 10 a.m. The Hearings Division will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin. According to the agenda, the Hearings Division will conduct a hearing on merits at the above date and time in Docket No. 8667, application of GTE Southwest Incorporated for approval of 911 tariff amendments, including adoption of customer specific rates.

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

Filed: July 10, 1989, 2:46 p.m.

TRD-8906038

## Texas Water Commission

Monday, July 10, 1989, 10 a.m. The Commission met in Room 118, Stephen F. Austin Building, 1700 North Congress, Austin for an emergency revised agenda meeting. According to the agenda summary, the commission considered various matters within the regulatory jurisdiction of the commission, as more fully stated on the

attached agenda. In addition, the Commission considered items previously posted for open meeting and meetings verbally postponed or continued. With regard to any item, the Commission may take various actions, including but not limited to scheduling an item in the entirety of for particular action at a future date of time. The emergency status was necessary because Item 57: firm unable to operate facility, #58 due to flooding, emergency situation exists for the protection of human safety and property.

Contact: Beverly D. LaZerda, P.O. Box 13087, Austin, Texas 78711, (512) 475-2161.

Filed: July 7, 1989, 1:35 p.m.

TRD-8905996

Friday, August 4, 1989, 11 a.m. The Office of Hearings Examiners will meet in Room 1149A, Stephen F. Austin State Office Building, 1700 North Congress, Austin. According to the agenda summary, the hearings examiners will consider the notice of hearing on standby fee rate increase of Northwest Harris County MUD No. 24.

Contact: Sally Colbert, P.O. Box 13076, Austin, Texas 78711, (512) 463-7875.

Filed: July 7, 1989, 1:37 p.m.

TRD-8905995

Monday, August 7, 1989, 10 a.m. The Office of Hearings Examiners will meet in Room 1149A, Stephen F. Austin State Office Building, 1700 North Congress, Austin. According to the agenda summary, the board will hear an application to amend water certificate of Convenience and Necessity No. 11795 of James E. Laubach DBA G & S Utilities Company.

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

Filed: July 7, 1989, 1:38 p.m.

TRD-8905994

Monday, August 7, 1989, 1 a.m. The Office of Hearings Examiners will meet in Room 119, Stephen F. Austin State Office Building, 1700 North Congress, Austin. According to the agenda summary, the board will hear an application for a water certificate of convenience and necessity by Sandoval Water Supply Corporation, Docket No. 8066-C and is to be consolidated with Docket No. 7736-C and 8060-C of Southwest Milam Water Supply Corporation.

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

Filed: July 7, 1989, 1:38 p.m.

TRD-8905993

Tuesday, September 26, 1989, 10 a.m. The Commission will meet in Room 118, Stephen F. Austin Office Building, 1700 North Congress, Austin. According to the

agenda summary, the Commission will hold a revised agenda to consider Frank F. Bolf, Application No. 5243, applicant, seeks to divert 54 acre-feet of water per annum from the San Antonio River, San Antonio River Basin, to irrigate 27 acres of land out of a 44.46-acre tract in the heirs of Simon & Juan Arocha Grant, Abstract No. 1, approximately one mile west of Floresville, Wilson County, Texas.

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

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

TRD-8906048

Tuesday, September 26, 1989, 10 a.m. The commission will meet in Room 118, Stephen F. Austin Office Building, 1700 North Congress, Austin. According to the agenda summary, the commission will consider Alvin Pruski, Application No. 19-1162A, applicant seeks to amend Certificate No. 19-1162 by increasing the amount of water authorized for diversion and use from Cibolo Creek, tributary of the San Antonio River, San Antonio River Basin, from 2 to 80 acre-feet per annum and to increase the maximum amount of land authorized for irrigation per annum within the described 108 acre tract in Wilson County, approximately 11.5 miles southeast of Floresville, Texas, from 4 to 100 acres.

Contact: Mark Evans, P.O. Box 13087, Austin, Texas 78711, (512) 463-8263.

Filed: July 6, 1989, 1:33 p.m.

TRD-890593

Tuesday, September 26, 1989, 10 a.m. The Commission will meet in Room 118 of the Stephen F. Austin Office Building, 1700 North Congress, Austin. According to the agenda summary, the commission will consider Frank F. Bolf, Application No. 5243, seeking to divert 54 acre-feet of water per annum from the San Antonio River, San Antonio River Basin, to irrigate 27 acres of land out of a 44.6-acre tract in the heirs of Simon & Juan Arocha grant, Abstract No. 1, approximately one mile west of Floresville, Wilson County, Texas.

Contact: Rick Airey, P.O. Box 133087, Austin, Texas 78711, (512) 463-8151.

Filed: July 6, 1989, 1:32 p.m.

TRD-8905935

Tuesday, October 3, 1989, 10 a.m. The commission will meet in Room 118, Stephen F. Austin Office Building, 1700 North Congress, Austin. According to the agenda summary, the commission will consider Texas Parks and Wildlife Department, Application No. 5244, applicant seeks to construct a dam and an 84 acre-foot reservoir with a surface area of 260 acres on Redfish Bayou, tributary of the San Bernard River, Brazos-Colorado Coastal Basin, Brazoria County, Texas, for a game preserve (wetland habitat) at applicant's Peach Point Wildlife Management Area, approxi-

mately 18 miles south of Angleton, Texas.

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

Filed: July 6, 1989, 1:33 p.m.

TRD-8905934

## Regional Meetings

### Meetings Filed July 5, 1989.

The Jasper County Appraisal District The Appraisal Review Board met at 121 North Austin, Jasper, July 7, 1989, at 9 a.m. Information may be obtained from David W. Luther, County Courthouse Annex, Jasper, Texas 75951, (409) 384-2544.

### Meetings Filed July 6, 1989.

The Concho Valley Council of Governments The Executive Director met at 5014 Knickerbocker Road, San Angelo, July 12, 1989, at 3 p.m. Information may be obtained from Robert R. Weaver, P.O. Box 60050, San Angelo, Texas 76906, (915) 944-9666.

The Concho Valley Council of Governments The executive Committee met at 5014 Knickerbocker Road, San Angelo, July 12, 1989, at 7 p.m. Information may be obtained from Robert R. Weaver, P.O. Box 60050, San Angelo, Texas 76906, (915) 944-9666.

The Gray County Appraisal District, The Appraisal Review Board met at 815 North Sumner, Pampa, July 11, 1989, at 1:30 p.m. Information may be obtained from W. Pat Bagley, P.O. Box 836, Pampa, Texas 79066-0836, (806) 665-0791.

The Hockley County Appraisal District The

The Scurry County Appraisal District The Appraisal Review Board of Directors met at 1103-C Houston Street, Levelland, July 10, 1989 at 7 p.m. Information may be obtained from Nick Williams, P.O. Box 1090, Levelland, Texas 79336, (806) 894-9654. met at 2612 College Avenue, Snyder, on July 11-13, 1989, at 8:30 a.m. Information may be obtained from L. R. Peveler, 2612 College Avenue, Snyder, Texas 79549, (915) 573-8549.

The Wise County Appraisal District The Appraisal Review Board met at 206 South State Street, Decatur, July 17, 1989, at 9 a.m. Information may be obtained from Ms. Freddie Dempsey, 206 South State Street, Decatur, Texas 76234, (817) 627-3081.

The Wise County Appraisal District The Appraisal Review Board will meet at 206

The Wise County Appraisal District The Appraisal Review Board will meet at 206

South State Street, Decatur, July 21, 1989, at 9 a.m. Information may be obtained from Ms. Freddie Dempsey, 206 South State Street, Decatur, Texas 76234, (817) 627-3081.

TRD-8905924

### Meetings Filed July 7, 1989.

The Austin Transportation Study The Planning Process Subcommittee met in the 4th floor auditorium, Austin Public Library, 810 Guadalupe, Austin, July 12, 1989, at 3 p.m. Information may be obtained from Joseph P. Gieselman, 811 Barton Springs Road, Suite 700, Austin, Texas 78767, (512) 472-7483.

The Austin Transportation Study The Policy Advisory Committee met in Room 2.102 of the Joe C. Thompson Conference Center, 2405 East Campus Drive, Austin, July 11, 1989, at 6 p.m. Information may be obtained from Joseph P. Gieselman, 811 Barton Springs, Suite 700, Austin, Texas 78767, (512) 472-7483.

The Barton Springs/Edwards Aquifer Conservation District The regular monthly Board of Directors met at 1124-A Regal Row, Austin, July 10, 1989, at 7 p.m. Information may be obtained from Bill Couch.

The Bosque County Appraisal District The Appraisal Review Board met at the Bosque County Appraisal District Office, 104 West Morgan, Meridian, July 12-14, 1898, at 9 a.m. Information may be obtained from Billye McGehee, P. O. Box 393, Meridian Texas 76665, (812) 435-2305.

The Brazos River Authority The Water Utilization Committee met at 4400 Cobles Drive, Waco, July 10, 1989, at 10 a.m. Information may be obtained from Mike Bukala, P.O. Box 7555, Waco, Texas 76714-7555, (817) 776-1441.

The Capital Area Rural Transportation System The Board of Directors met in the Conference Room at 5111 East 1st Street, Austin, July 13, 1989, at 9:30 a.m. Information may be obtained from Ms. Edna Burroughs, 5111 East 1st Street, Austin 78702, (512) 389-1011.

The Central Appraisal District of Rockwall County The Appraisal Review Board met at the Rockwall County Appraisal Office, 106 North San Jacinto, Rockwall, July 13, 14, and 17, 1989, at 8:30 a.m. Information may be obtained from Ray Helm, 106 North San Jacinto, Rockwall, Texas 75087, (214) 771-2034.

The Colorado River Municipal Water District The Board of Directors met at Stacy Dam Field Office, Coleman County, July 13, 1989, at 10:30 a.m. Information may be obtained from O. H., Ivie, Box 869, Big Spring, Texas, (915) 267-6341.

The Comal Appraisal District The Ap

raisal Review Board will meet at 430 West Mill Street, New Braunfels, July 25-27, 1989, at 9 a.m. Information may be obtained from R. Richard Rhodes, Jr., P.O. Box 311222, New Braunfels, Texas 78131-1222, (512) 625-8597.

The Dallas Area Rapid Transit The Procurement Ad Hoc Committee met at 601 Pacific Avenue, Dallas, July 11, 1989, at 4 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237.

The Dallas Area Rapid Transit The Minority Affairs Committee met at 601 Pacific Avenue, Dallas, July 11, 1989, at 4 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas Texas, 75202, (214) 658-6237.

The Dallas Central Appraisal District The Board of Directors met in Suite 500, 1420 Mockingbird Lane, Dallas, July 12, 1989, at 7:30 a.m. Information may be obtained from Rick L. Kuehler, 1420 Mockingbird Lane, Suite 500, Dallas, Texas 75247, (214) 631-0520.

The El Oso Water Supply Corporation The Board of Directors met in their office in Karnes City, July 11, 1989 at 7:30 p.m. Information may be obtained from Hilmer Wagener, P.O. Box 309, Karnes City, Texas 78118, 780-3539.

The Golden Crescent Service Delivery Area The Private Industry Council, Inc. met at 2705 Houston Highway, Victoria, July 12, 1989, at 6:30 p.m. Information may be obtained from Charley Steele, P.O. Box 164, Victoria, Texas 77902-0164.

The Grand Parkway Association The Association met at 140 East Wing, 5757 Woodway, Houston, July 12, 1989, at 8:15 a.m. Information may be obtained from Larry W. Nettles, 2823 First City Tower, 1101 Fannin, Houston, Texas, 77002-6760, (713) 654-4586.

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

The Henderson County Appraisal District The Appraisal Review Board met at 1751 Enterprise, Athens, July 10-11, 1989, at 9 a.m. Information may be obtained from Helen Marchbanks, 1751 Enterprise, Athens, Texas (214) 675-9296.

The Scurry County Appraisal District The Board of Directors met at 2612 College Avenue, Snyder, July 13, 1989, at 8 p.m. Information may be obtained from L. R. Peveler, 2612 College Avenue, Snyder, Texas 79549, (915) 573-8549.

The Sulphur-Cypress Soil & Water Conservation District #419 The Board met at 1603 North Jefferson, Mt. Pleasant, July 12, 1989, at 8:30 a.m. Information may be ob



tained from Beverly Amerson, 1603 North Jefferson, Mt. Pleasant, Texas 75445, (214) 572-5411.

TRD-8905962

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**Meetings Filed July 10, 1989**

**Archer County Appraisal District** The Appraisal Review Board will meet in the appraisal district office, 211 South Center, Archer City, July 20, 1989, at 9 a.m. Information may be obtained from Edward Trigg, III, P.O. Box 1141, Archer City, Texas, (817) 574-2172.

**Central Appraisal District of Johnson County** The Appraisal Review Board will meet in Room 202, Suite 201, North Main, Cleburne, July 24, 1989, from 9 a.m. to 4 p.m. Information may be obtained from Jackie Gunter, 109 North Main, Cleburne, Texas 76031, (817) 645-3987.

**Central Appraisal District of Johnson County** The Appraisal Review Board will meet in Room 202, Suite 201, 109 North Main, Cleburne, July 25, 1989, from 9 a.m. until all scheduled hearings are heard. Information may be obtained from Jackie Gunter, 109 North Main, Cleburne, Texas 76031, (817) 645-3987.

**Comal Appraisal District** The Appraisal Review Board met at 430 West Mill Street, New Braunfels, July 15, 1989, at 9 a.m. Information may be obtained from R. Richard Rhodes, Jr., P.O. Box 311222, New Braunfels, Texas 78131-1222, (512) 625-8597.

**Comal Appraisal District** The Board of Directors will meet at 430 West Mill Street, New Braunfels, July 17, 1878, at 7:30 p.m. Information may be obtained from R. Richard Rhodes, Jr., P.O. Box 311222, New Braunfels, Texas 78131-1222, (512) 625-8597.

**The Deep East Texas Private Industry Council, Inc.** The Worker Adjustment Committee met at the Days Inn (formerly Roadway Inn), Highway 59 South, Lufkin, July 12, 1989, at 1 p.m. Information may be obtained from Charlene Meadows, P.O. Box 1462, Lufkin, Texas 75901, (409) 634-4432.

**The East Texas Council of Governments** The Executive Committee will meet at the Roy H. Laird Country Club, Kilgore, July 13, 1989, at 1:30 p.m. Information may be obtained from Glynn Knight, 3800 Stone Road, Kilgore, Texas, (214) 984-8641.

**Eastland County Appraisal District** The Board of Directors will meet in the Commissioners' Courtroom, Eastland County Courthouse, Eastland, July 19, 1989, at 1 p.m. Information may be obtained from

Steve Thomas, P.O. Box 914, Eastland Texas 76448.

**The Eastland County Appraisal District** The Appraisal Review Board will meet at the Commissioners' Courtroom, 100 Main Street, Eastland, July 20, 1989, at 10 a.m. Information may be obtained from Steve Thomas, Box 914, Eastland Texas, 76448.

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

**The Erath County Appraisal District** The Appraisal Review Board will meet in the Board Room, 1390 Harbin Drive, Stephenville, July 17-19, 1989, at 9 a.m. Information may be obtained from Trecia Perales, 1390 Harbin Drive, Stephenville, Texas 76401, (817) 965-5434.

**The Garza County Appraisal District** The Appraisal Review Board met in the Appraisal Office, Courthouse, Post, July 13, 1989, at 1 p.m. Information may be obtained from Jean M. Westfall, P.O. Drawer F, Post, Texas 79356, (806) 495-3518.

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

**Gray County Appraisal District** The Board of Directors met at 815 North Sumner, Pampa, July 13, 1989, at 5 p.m. Information may be obtained from P.O. Box 836, Pampa, Texas 78066, (806) 665-0791.

**The Hunt County Tax Appraisal District** The Appraisal Review Board met in the Board Room, Hunt County Tax Appraisal Office, 4801 King Street, Greenville, July 13, 1989, at 6 p.m. Information may be obtained from Joe P. Davis or Shirley Smith, P.O. Box 1339, Greenville, Texas 75401, (214) 454-3510.

**The Hunt County Tax Appraisal District** The Appraisal Review Board met in the Board Room, Hunt County Tax Appraisal Office, Greenville, July 13, 1989, 7 p.m. Information may be obtained from Joe P. Davis or Shirley Smith, P. O. Box 1339, Greenville, Texas 75410, (214) 454-3510.

**The Hunt County Tax Appraisal District** The Appraisal Review Board will meet in the Board Room, Hunt County Tax Appraisal Office, 4801 King Street, Greenville, July 17, 1989, at 9 a.m. Information may be obtained from Joe Pat Davis or Shirley Smith, P.O. Box 1339, Greenville, Texas 75401, (214) 454-3510.

**Jones County Appraisal District** The Board of Directors will meet in the District's office at 1137 East Court Plaza, Anson, July 20, 1989, at 8 a. m. Information may be obtained from John Steele, 1137 East Court Plaza, Anson, Texas, (915) 823-1137.

**Liberty County Central Appraisal District** The Appraisal Review Board met at 1820 Sam Houston, Liberty, July 11, 1989, at 9 a.m. Information may be obtained from Sherry Greak, P.O. Box 10016, Liberty, Texas 77575.

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

**Nortex Regional Planning Commission** The Executive Committee will meet in the Wichita II Room, Hilton Hotel, 401 Board Street, Wichita Falls, July 20, 1989, at 12 p.m. noon. Information may be obtained from Dennis Wilde, 2101 Kemp Boulevard, Wichita Falls, Texas, (817) 322-5281.

**Palo Pinto Appraisal district** The Board of Directors will meet in the Palo Pinto County Courthouse, Palo Pinto, July 19, 1989, at 3 p.m. Information may be obtained from Jack Samford, P.O. Box 250, Palo Pinto, Texas, 76067, (817) 659-1234.

**The Rusk County Appraisal District** The Appraisal Review Board will meet in the Administrative Offices, 107 North Van Buren, Henderson, July 18, 1989, at 9 a.m. Information may be obtained from Melvin R. Cooper, P.O. Box 7, Henderson, Texas 75653-0007, (214) 657-9697.

**The San Antonio River Authority** The Board of Directors will meet at SARA General Offices, 100 East Guenther Street, San Antonio, July 19, 1989, at 2 p.m. Information may be obtained from Fred N. Pfeiffer, P.O. Box 830027, San Antonio, Texas 78283-0028, (512) 227-1373.

**The San Patricio County Appraisal District** The Board of Directors will meet at 1146 East Market, Sinton, July 20, 1989, at 9:30 a.m. Information may be obtained from Kathryn Vermillion, P.O. Box 938, Sinton, Texas 78387, (512) 364-5402.

**The Texas Municipal Power Agency,** Board of Directors, met at Gibbons Creek Steam Electric Station, Administration Building, 2 1/2 miles north of Carlos, on FM 244, Carlos, on July 13, 1989, at 10 a.m. Information may be obtained from Wanda M. Callahan, P.O. Box 7000, Bryan, Texas 77895, (409) 873-2013.

# In Addition

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

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

## Texas Commission on Alcohol and Drug Abuse

### Correction of Error

The Texas Commission on Alcohol and Drug Abuse submitted an adopted amendment in the June 23, 1989, issue of the *Texas Register* (14 TexReg 3105), the section was automatically withdrawn in the June 27, 1989, issue of the *Texas Register* (14 TexReg 3141).

The amendment was adopted to take effect on July 6, 1989.

## Texas Department of Banking

### Notice of Applications

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

On July 3, 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 July 3, 1989.

TRD-8905896 William F. Aldridge  
Director of Corporate Activities  
Texas Department of Banking

Filed: July 5, 1989

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

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

On July 6, 1989, the banking commissioner received an application to acquire control of Bonstok Corporation, Dallas, by A. G. Edwards, Inc., St. Louis, Missouri.

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

Issued in Austin, Texas on July 6, 1989.

TRD-8906014 William F. Aldridge  
Director of Corporate Activities  
Texas Department of Banking

Filed: July 6, 1989

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

## Texas Cancer Council

### Public Information, Education Outreach and Evaluation Program

In accordance with Texas Civil Statutes, Article 6252-11c, the Texas Cancer Council requests proposals for implementation of a Public Information/Education Outreach Program.

**Description of Services.** The contractor(s) will plan, develop, and implement a public information, education outreach, and evaluation program(s) containing the components recommended within the Texas cancer plan. This program or set of programs must address the following areas: a public information campaign for the general populace on cancer risks; community education targeted to rural and other medically under-served audiences; a hospital public education consortium; enhancement of cancer information resources for electronic media; and evaluation of the effectiveness of ongoing cancer control education programs. The contractor(s) must be responsive to the public education recommendations of the Texas cancer plan; implementation of an innovative public information campaign, implementation of a cancer information campaign for special audiences, expansion of the role of hospitals in community cancer risk education, and expansion of the role of the media in community cancer education. The Legislative Task Force on Cancer in Texas (LTFCT) emphasized the need for expanded community education to lower the risks for developing cancer through prevention.

**Major Tasks.** There are five overall categories of tasks to be accomplished: development and implementation of a public information campaign on cancer risks for the general population. This campaign should include the design of a cancer prevention symbol/character for use in the cancer fight. The campaign must also develop and utilize effective delivery mechanisms; development and implementation of an outreach community cancer education program for use in rural and other medically underserved areas. This program should include use of the print media among its actions and is encouraged to build upon previous efforts of the Agricultural Extension Service; design and implementation of a community cancer education consortium among hospitals. This segment of the project should include development of a model community education program in cancer prevention and risk reduction for hospitals. The hospitals involved in the consortium will target their community education according to the demographics of their region, paying particular attention to any special audiences within their area; enhancement of cancer information resources for television. This project should

include development of a cancer video series/ library for use by all TV stations in Texas. It should also design and implement a cancer information conference for electronic media reporters. The conference should feature cancer experts and provision of media cancer kits. This project should also encourage the networking of electronic health/medical reporters; design and implement an evaluation plan to assess the effectiveness of ongoing cancer control education programs. Evaluations may be programs generated through the public or private sectors. Efforts should address physician and patient compliance with cancer control efforts, and responsiveness to these programs in terms of early detection of cancer. Emphasis in accomplishing these tasks should be placed on programs targeting rural and other underserved populations.

**Eligible Organizations.** These projects can be discrete programs, each undertaken by a separate agency or organization. They can also form a unified public education outreach program, facilitated by one agency/organization with capability in each appropriate area, or a consortium of organizations/agencies, including a single proposal with a series of subcontracts.

**Proposal Format.** Each proposal will contain two parts, a technical proposal and a business proposal. The technical proposal will specify the overall program priority area, the specific problem(s) to be addressed, the scope of work to be undertaken, including major tasks and activities, a timetable with major milestones and delivery schedule, an organizational plan with manpower estimates by major task, identification of key personnel, and an evaluation plan.

The business proposal will specify the estimated cost to the Texas Cancer Council if the proposal is funded, and other terms and conditions related to the proposal. The estimated cost must be on a line-item budget basis to fully identify the type of expense anticipated and, where appropriate, to estimate these costs for each major task identified in the technical proposal.

Other terms and conditions must include the time period during which the proposal is valid, and who is authorized to negotiate any matters related to the proposal on behalf of the submitting agency or organization.

**Timetable.** The Public Information/Education Outreach Program is intended to be a five-year program. However, submitted proposals should cover only the first phase of the program in detail, ending August 31, 1990, with some general discussion of a longer term program.

**Evaluation Procedures.** The criteria used to evaluate the offers include; appropriate public information and/or cancer program background; the offeror's ability to complete the project in a quality manner and within the time frame allowed; the submission of a proposal addressing all of the required areas, with a reasonable budget to achieve the major tasks; the offeror's plan for completing the project on or before the deadline to be stipulated in the contract; and the description of the offeror's organization or agency.

The Texas Cancer Council reserves the right to accept or reject any or all proposals submitted. The Texas Cancer Council is under no legal requirement to execute a resulting contract on the basis of this advertisement, and intends that any material provided be used only as a means of identifying qualified applicants. This request does not commit the Texas Cancer Council to pay any costs incurred prior to execution of a contract.

**Contact Person.** The contact person is D. Lewis Moore, M.D., Executive Director, Texas Cancer Council, P.O. Box 12097, Austin, Texas 78711, (512) 463-3190.

**Due Date.** All proposals must be submitted by the close of business on the 30th day after the first date of publication of this notice. Proposals must be mailed by certified mail or delivered directly to the contact person by the previously referred date.

**Cost.** The proposed contract may be a cost reimbursement type contract or a grant. The Texas Cancer Council has adopted a policy to pay for the direct cost of program implementation, including fringe benefits, but excluding indirect or overhead costs. The Texas Cancer Council will assess the reasonableness of the total project cost and specific cost elements by major task. Although not necessarily the deciding factor, this criterion will be considered in the evaluation process. Some level of cost sharing by the contractor is expected. The degree of cost sharing proposed by the contractor will reflect the importance of this effort to ongoing programs of the contractor.

**Final Selection.** Final selection will be made by the Texas Cancer Council using the previously identified evaluation criteria. The award will not necessarily be made to the lowest bidder, but rather to the lowest and best bidder, considering cost and the results of the council's evaluation. Multiple awards are possible.

Issued in Austin, Texas on July 7, 1989.

TRD-890597

D. L. Moore  
Executive Director  
Texas Cancer Council

Filed: July 7, 1989

For further information, please call (512) 463-3190

## Texas Department of Commerce Announcement of Contract Awards

The Texas Department of Commerce announces that the units of general local government listed as follows have been selected as contract recipients for community development funds under the Texas Community Development Program established pursuant to Texas Civil Statutes, Article 4413 (301).

Cameron County-\$400,000; Crockett-\$250,000; Garrison-\$159,430; Goodrich-\$250,000; Newton County-\$250,000; Onalaska-\$249,545; Sabine County-\$184,229; Trinity-\$229,498.

A contract is not effective until executed by the unit of general local government and the executive director of commerce.

Issued in Austin, Texas on July 5, 1989.

TRD-8905930

J. W. Lauderback  
Executive Director  
Texas Department of Commerce

Filed: July 6, 1989

For further information, please call (512) 320-9666.

## Notice of Deadlines for Submitting Enterprise Project Designations for Fiscal Year 1990

Pursuant to the Texas Enterprise Zone Act, Texas Civil Statutes, Article 5190.7 and the Enterprise Zone Program rules (10 TAC §176.8(b)(1)), the Texas Department of Commerce hereby provides notice of deadlines for submitting applications for enterprise project designations during fiscal year 1990.

The Texas Department of Commerce will accept applications for designation of qualified businesses as enterprise projects on a bi-monthly basis. Completed applications must be received by the department no later than 5 p.m. on the day of the application deadline. The following are the application deadlines for fiscal year 1990: September 14, 1989, November 1, 1989, January 2, 1990, March 1, 1990, May 1, 1990, and July 2, 1990. Up to five projects may be designated during each period with any remaining allowable projects to be designated during subsequent application periods. Additional projects resulting from carryforward from prior fiscal years may also be designated during any application period. Applications and other written communications to the department should be addressed to: Texas Department of Commerce, Finance Division, Enterprise Zone Program, P.O. Box 12728, Austin, Texas 78711.

Issued in Austin, Texas on July 7, 1989.

TRD-8906016

J. William Lauderback  
Executive Director  
Texas Department of Commerce

Filed: July 10, 1989

For further information, please call (512) 320-9679

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**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 <sup>(3)</sup> /Agri-cultural/Commercial <sup>(4)</sup> thru \$250,000	Commercial <sup>(4)</sup> over \$250,000
Indicated (Weekly) Rate - Art. 1.04(a) (1)	01/10/89-07/16/89	18.00%	18.00%
Monthly Rate Art. 1.04(c) (1)	07/01/89-07/31/89	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 <sup>(3)</sup>	07/01/89-09/30/89	18.00%	N.A.
Lender Credit Card Quar- terly Rate - Art. 15.02(d) <sup>(3)</sup>	07/01/89-09/30/89	17.31%	N.A.
Standard Annual Rate - Art. 1.04(a) (2) <sup>(2)</sup>	07/01/89-09/30/89	18.00%	18.00%
Retail Credit Card Annual Rate - Art. 1.11 <sup>(3)</sup>	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 July 3, 1989.

For further information, please call: (512) 470-1280

TRD-8905973       Al Endsley  
Consumer Credit Commissioner

Filed: July 7, 1989

## General Land Office Consultant Contract Award

In accordance with Texas Civil Statutes, Article 6252-11c, the Texas General Land Office (GLO) furnishes this notice of consultant contract award. The consultant proposal was published in the April 28, 1989, issue of the *Texas Register* (14 TexReg 2095).

**Description of services.** The contractor will be expected to perform services including meeting with GLO staff and officials and employees of the City of Austin, drafting applications, ordinances, or other necessary documents, and any other services necessary or appropriate to secure the city's approval of a development plan for the Austin State Hospital tract pursuant to the Texas Natural Resources Code Annotated, §31.161.

**Name of Consultant.** The contract was awarded to Dick Lillie and Associates, 3501 Misty Creek Drive, Austin, Texas 78735, (512) 328-6810.

**Total value in terms of the contract.** The contract period is September 1, 1988-August 31, 1989. Payments under this contract will not exceed \$12,500.

**Study completion date.** The consultant's duties will be completed on or before August 31, 1989.

Issued in Austin, Texas on July 5, 1989.

TRD-8905923      Garry Mauro  
                         Commissioner  
                         General Land Office

Filed: July 6, 1989

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

## Governor's Office of Budget and Planning Consultant Contract Award

In compliance with Texas Civil Statutes, Article 6252-11c, the Governor's Office of Budget and Planning furnishes this notice of consultant contract award. The consultant proposal request appeared in the July 29, 1988, issue of the *Texas Register* (13 TexReg 3772). The project requires the contractor to conduct workshops and develop publications for small businesses.

The contract selected to perform these services is Planergy, Inc., 1008 West Avenue, Austin, Texas 78701.

The total value of this contract is \$50,325. The contract period extends from March 13, 1989-August 31, 1989.

Issued in Austin, Texas on June 30, 1989.

TRD-8905902      Ron Lindsey  
                         Director  
                         Governor's Office of Budget and Planning

Filed: July 5, 1989

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

## Texas Department of Health Public Hearing

The department will conduct a public hearing on the following municipal solid waste disposal site.

The City of Garland has filed Application Number 1895 with the Texas Department of Health for a permit to

operate Type I municipal solid waste disposal site to be located approximately 400 feet northwest of the intersection of Princeton Road and Yeager in the city limits of Garland in northeast Dallas County.

The site consists of approximately 373.526 acres of land, and is to daily receive approximately 1,198 tons of solid wastes under the regulatory jurisdiction of the Department of Health when disposed of or otherwise processed in accordance with the department's Municipal Solid Waste Management Regulations.

Pursuant to the provisions of the Texas Solid Waste Disposal Act (Texas Civil Statutes, Article 4477-7) the department's said regulations, and the Administrative Procedure and Texas Register Act (Texas Civil Statutes, Article 6252-13a,) a public hearing on the aforesaid application will be held at Garland City Council Chamber, First Floor, City Hall, 200 North Fifth Street, Garland, at 10 a.m. on Tuesday, August 8, 1989. The purpose of the hearing is to receive evidence for and against the issuance of a permit for the aforesaid application. The hearing will be conducted and the final decision will be rendered in accordance with the applicable rules contained in the department's said regulations, including all changes in effect as of May 10, 1988. All parties having an interest in this matter shall have the right to appear at the hearing, present evidence, and be represented by counsel. Pursuant to Texas Civil Statutes, Article 6252-13a, and the department's formal hearing procedures, the cost of a written hearing transcript may be assessed against one or more of the designated parties.

A copy of the complete application may be reviewed at the Texas Department of Health, 1100 West 49th Street, Austin, or at the department's Public Health Region 5 office located at 2561 Matlock Road, Arlington, Texas 76015-1621; (817) 460-3032.

Issued in Austin, Texas on July 6, 1989.

TRD-8905921      Robert A. MacLean, M.D.  
                         Deputy Commissioner for Professional  
                         Services  
                         Texas Department of Health

Filed: July 6, 1989.

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

The department will conduct a public hearing on the following municipal solid waste disposal site.

The City of Brenham has filed Application Number 1892 with the Texas Department of Health for a permit to operate a proposed Type I municipal solid waste site to be located approximately six miles southeast of Brenham, approximately two miles south of United States Highway 290, north of the junction of County Road 90 and County Road 89, in Washington County.

The site consists of approximately 194.925 acres of land, and is to daily receive approximately 60 tons of solid wastes under the regulatory jurisdiction of the Department of Health when disposed of or otherwise processed in accordance with the department's municipal solid waste management regulations.

Pursuant to the provisions of the Texas Solid Waste Disposal Act (Texas Civil Statutes Article 4477-7), the department's said regulations, and the Administrative Procedure and Texas Register Act (Texas Civil Statutes, Article 6252-13a), the purpose of the public hearing on the aforesaid application to amend the said permit will be held at the Commission Chamber, Third Floor, Brenham Municipal Building, 210 Park, Brenham, 10 a.m. on Tuesday,

August 15, 1989. The purpose of the hearing is to receive evidence for and against the issuance of a permit for the aforesaid application. The hearing will be conducted and the final decision will be rendered in accordance with the applicable rules contained in the department's said regulations, including all changes in effect as of May 10, 1988. All parties having an interest in this matter shall have the right to appear at the hearing, present evidence and be represented by counsel. Pursuant to Texas Civil Statutes, Article 6252-13a, and the department's formal hearing procedures, the cost of a written hearing transcript may be assessed against one or more of the designated parties.

A copy of the complete application may be reviewed at the Texas Department of Health, 1100 West 49th Street, Austin, or at the department's Public Health Region 1 office located at 2408 South 37th Street, Temple, Texas 76504-7168, (817) 778-6744.

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

TRD-8905922 Robert A. MacLean, M.D.  
Deputy Commissioner for Professional  
Services  
Texas Department of Health

Filed: July 6, 1989.

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

## Request For Proposals

The Texas department of Health (TDH) intends to implement a Vendor Drug Program (VDP) to supply needed prescription drugs to eligible clients of the Kidney Health Program on a state-wide basis and reduce operating costs. The VDP would involve working with Kidney Health Program (KHP) clients within a specific geographical area, providing for their drug needs and providing specific information to the department concerning the VDP operations to allow assessment of cost effectiveness and client need satisfaction. The project would begin in selected Public Health Regions, but it is expected that the VDP will eventually lead to statewide coverage of KHP clients. The project would involve providing the drugs from a generic-based formulary to the clients, billing the appropriate activities at the established rates and providing financial reports to the department.

**General Information.** Request for proposal information packets will be available July 17, 1989. Completed proposals must be received by the Texas Department of Health, Kidney Health Program, 1100 West 49th Street, Austin, Texas 78756, not later than the close of business on August 25, 1989.

**Length of Funding.** The initial funding for the VDP will be 12 months. Additional funding will be determined from the success of the initial funding period.

**Pre-Bid Conference.** Each applicant who desires to complete a proposal must attend a pre-bid conference to be held at the Texas Department of Health on July 24, 1989.

**Contract Award and Requirements.** Determination of funding for the VDP will be based on the accepted proposal and may be subject to reduction if budgeting limitations exist. The applicant whose proposal is approved for funding, hereinafter referred to as the provider, will be notified not later than September 29, 1989. The contract with the selected provider will include but is not limited to the following: provider requirements; evaluation/monitoring processes to be performed by both parties; provider reporting requirements; payment/reimbursement schedule;

compliance with applicable laws and regulations; procedures for maintenance of financial records and program files; auditing procedures; insurance liability/bonding requirements, if applicable; and termination process.

**Qualification of Applicant.** Potential providers must ensure that they have the capability, facilities, and all required special resources readily available within the selected geographic area to meet and to satisfactorily perform the services identified in their proposal. The potential provider must have the capability to expand the VDP to a statewide program within a two year period. The TDH will have proprietary rights to all files generated and all computer programs developed and/or used to run the VDP. The potential provider must submit: documentation of ability to perform the work specified; documentation of ability to provide acceptable accounting and financial reporting systems; evaluation mechanisms to measure quality of services provided; assurance that confidentiality of client information is protected; and a proposed plan for statewide implementation of the VDP.

**Application Procedure.** More detailed information may be obtained from Manuel Zapata, Director, Kidney Health Program, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7796.

**Review of Applicant's Proposal.** The department reserves the right to accept or reject any or all proposals submitted. The department is under no legal requirement to execute a resulting contract on the basis of this advertisement. This request does not commit the department to pay any costs incurred prior to the execution of a contract. Each proposal will be evaluated independently. Evaluation criteria will be included in the information packet.

**Results of Proposal Review.** The proposal selection results will be published in the *Texas Register* and may be obtained by sending a written request and a stamped self-addressed envelope to: Texas Department of Health, Kidney Health Program, 1100 West 49th Street, Austin, Texas, 78756.

Issued in Austin, Texas on July 7, 1989.

TRD-8906000 Robert A. MacLean, M.D.  
Deputy Commissioner for Professional  
Services  
Texas Department of Health

Filed: July 7, 1989.

For further information, please call: (512) 458-7796

## Texas Department of Human Services Public Notice Open Solicitation

Pursuant to 40 TAC §16.1513, the Texas Department of Human Services (TDHS) is announcing the reopening of the open solicitation period for counties identified in the April 25, 1989, issue of the *Texas Register* (14 TexReg 2042). Potential contractors desiring to construct a 90-bed nursing facility in any of the counties identified in this public notice must submit a written application (as described in 40 TAC §16.1513(j)) to TDHS, Services to Aged and Disabled, Provider Services Division, Mail Code (350-E), P.O. Box 149030, Austin, Texas 78714-9030. Upon receipt of a reply from a potential contractor, TDHS will place a notice in the *Texas Register* to announce the closing date of the reopened solicitation period.

County Number	County Name
002	Andrews
005	Archer
006	Armstrong
033	Carson
052	Crane
056	Dallam
065	Donley
083	Gaines
114	Howard
142	LaSalle
149	Live Oak
189	Presidio
196	Refugio
254	Zavala

Issued in Austin, Texas, on July 10, 1989.

TRD-8906011 Charles Stevenson  
Acting Commissioner  
Texas Department of Human Services

Filed: July 10, 1989.

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

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## State Board of Insurance Company Licensing

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

(1) Application for admission to do business in Texas of Skandia Life America Corporation, a foreign life insurance company. The home office is in Shelton, Connecticut.

(2) Application for name change by Old Reliable Life Insurance Company, a domestic life insurance company. The home office is in Houston. The proposed new name is M.A.B.S. Life Insurance Company.

Issued in Austin, Texas on July 3, 1989.

TRD-8905894 Nicholas Murphy  
Chief Clerk  
State Board of Insurance

Filed: July 5, 1989

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

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## Railroad Commission of Texas Invitation to Bid

The Railroad Commission of Texas, Surface Mining and Reclamation Division, is soliciting bids for the reclamation of approximately 350 acres at the ALCOA abandoned mine land (AML) site. Earthwork volumes are estimated at 2,650,000 cubic yards. The site is located in Milam County, 9.5 miles southwest of Rockdale. Sealed bids will be received until 2 p.m. on August 9, 1989, at which time the bids will be publicly opened and read.

Construction shall include: site preparation and grading; water and erosion control; culvert installation; and lime incorporation.

Copies of the specifications, drawings, and other contract documents are on file in Austin at the address shown as follows and at the Commission Field Office, 1419 Third Street, Floresville, Texas 78114. The complete bid package may be obtained at cost (\$75) from the mailing

address given as follows. Bid documents must be purchased prior to the pre-bid conference.

ALCOA Area 11a AML Project, Surface Mining and Reclamation Division, Railroad Commission of Texas, 1701 North Congress Avenue, Austin, Texas 78701. All interested parties are required to attend a pre-bid conference followed by an on-site inspection at 1 p.m. on July 26, 1989, at the ALCOA Lake Training Facility located approximately three miles northeast of the intersection of FM 1786 and FM 2116 on FM 2116.

The Texas AML fund currently has \$20 million dollars available (100% federal funds) solely for abandoned mine reclamation.

Issued in Austin, Texas on July 7, 1989.

TRD-8905978 Cril Payne  
Assistant Director  
Railroad Commission of Texas

Filed: July 7, 1989

For further information, please call (512) 463-6900

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## Texas Woman's University Amendment to Consultant Contract Award

After the initial study and review of the Texas Woman's University (TWU) health insurance plan design and associated premium cost, it was determined that the consultant services agreement should be amended to include additional needed services. Due to the cost of health care for TWU's employees, it was determined that we should pursue a PPO arrangement as an alternative as an alternative for health insurance. Therefore, our proposal will be amended to include these additional services.

Provider Negotiations. Based upon previous meetings, TWU representatives desire to obtain proposals from AMI Denton Regional Hospital and HCA Denton Community Hospital. The university needs to continue with per diems in the Denton service area. In addition, TWU desires to pursue a managed care program for its Dallas and Houston based employees.

Coopers & Lybrand will: meet with TWU representatives to determine provider strategies including negotiations with physician groups; meet with AMI Denton Regional Medical Center representatives and Denton Community Hospital representative to review their proposals; develop letters of agreement and submit to area providers. Letter of agreement should describe contractual arrangements, and request whether or not the physician desires to be a

network provider; if negotiations involve the Denton IPA and the North Texas Physicians and Surgeons Association, develop a proposal and initiate negotiations with representatives from these groups; contact/negotiate with existing Managed Care Programs in Dallas and Houston for coverage of TWU employees to join a PPO. Issues include plan design, hospital and physician contracts, and financial/administrative issues; develop a final draft contract with two hospitals, identified physicians, and the identified Houston and Dallas managed care programs. The final draft contract will be completed by July 28, 1989, or as soon as possible thereafter and delivered to TWU for final signing.

TWU contact: Carri Stephens, Director of Personnel, P.O. Box 22939, Denton, Texas 76204.

Issued in Denton, Texas on June 29, 1989.

TRD-8905901 John Lawhon  
Texas Register Liaison  
Texas Woman's University

Filed: July 5, 1989

For further information, please call (817) 898-3250

### University of Texas System Consultant Proposal Request

The University of Texas Medical Branch at Galveston (UTMB), in accordance with the provisions of Texas Civil Statutes, Article 6252-11c, solicits to contract with a child care consulting firm to develop and conduct a child care needs analysis for the Department of Human Resources.

**Project Description.** The contractor selected to develop and conduct the child care needs analysis for UTMB shall develop a child care needs analysis which will identify child care needs of the entire employee population. This will include sick child care and well child care; communicate the needs assessment program to employee population, including education and informing participants of results; collect and analyze survey data and make a recommendation as to child care program(s) best suited for UTMB and its employees; and gather market data to identify competitive posture in the industry.

This contract shall be for an approximate two-month period, provided the contractor fulfills all contract requirements and provides the quality of work desired. The possibility of an extension exists at the option of the purchaser.

**Contact.** The complete consultant proposal request may be obtained from Joseph Byers, director of Purchasing, Room 322, Administration Building, The University of Texas Medical Branch, Galveston, Texas 77550, (409) 761-2567.

**Due Date.** Proposals will be opened in the offices of the Director of Purchasing, Room 322, Administration Building, UTMB, Galveston, at the time and date specified in the request for proposal (RFP). It is the responsibility of the consultant to have proposals in the previously stated office at that time. Proposals received late for any reason will be returned unopened.

**Evaluation Criteria.** Proposals will be evaluated by UTMB, and selection will be based on capabilities and qualifications of consulting group which shall include: number of years in business, types of needs assessment programs implemented in the last two years, client references, particularly those comparable in size and function to UTMB; prior experience in study, analysis, develop-

ment, and implementation of child care needs assessment programs in academic/health care settings, and qualification, education, and experience of personnel to be assigned to this project.

In addition, UTMB will evaluate a work statement to be provided by the consulting group outlining the technique for gathering and analyzing data, sequence to be used and methods for managing project, total price for each phase as outlined in the RFP, and the proposed timetable in which the project will be completed.

Issued in Austin, Texas on July 6, 1989.

TRD-8905918 Arthur H. Dilly  
Executive Secretary to the Board  
University of Texas System

Filed: July 6, 1989

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

### Texas Water Commission Enforcement Order

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

An enforcement order was issued to the City of Wylie, Permit 10384-01, on July 3, 1989, assessing \$4,160 in administrative penalties, and imposing stipulated administrative penalties.

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

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

TRD-8905942 Gloria A. Vasquez  
Notices Coordinator  
Texas Water Commission

Filed: July 6, 1989

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

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

An enforcement order was issued to G. P. Plastics Corporation, SWR 34218, on June 30, 1989, assessing \$8,520 in administrative penalties.

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

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

TRD-8905943 Gloria A. Vasquez  
Notices Coordinator  
Texas Water Commission



Filed: July 6, 1989

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

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

An enforcement order was issued to the City of Bremond, Permit 10917-01, on July 3, 1989, imposing stipulated penalties.

Information concerning any aspect of this order may be obtained by contacting Michael Meyer, Enforcement Coordinator, Texas Water Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 463-8069.

Issued in Austin, Texas, on July 5, 1989

TRD-8905944 Gloria A. Vasquez  
Notices Coordinator  
Texas Water Commission

Filed: July 6, 1989

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

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

An enforcement order was issued to MTS, Inc., Permit 12140-01, on July 5, 1989, assessing \$5,500 in administrative penalties.

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

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

TRD-8905945 Gloria A. Vasquez  
Notices Coordinator  
Texas Water Commission

Filed: July 6, 1989

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

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

An enforcement order was issued to the City of Hallettsville, Permit 10013-01, on July 3, 1989, assessing \$4,500 in administrative penalties.

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

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

TRD-8905946 Gloria A. Vasquez  
Notices Coordinator  
Texas Water Commission

Filed: July 6, 1989

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

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

An enforcement order was issued to the City of Port Arthur-Port Acres Wastewater Treatment Plant, Permit 10364-02, on July 3, 1989, imposing stipulated penalties.

Information concerning any aspect of this order may be obtained by contacting Robin Shaver, Enforcement Coordinator, Texas Water Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 463-8069.

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

TRD-8905947 Gloria A. Vasquez  
Notices Coordinator  
Texas Water Commission

Filed: July 6, 1989

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

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

An enforcement order was issued to Safety-Kleen Corporation, Lubbock Facility, SWR 62018, on July 3, 1989, assessing \$5,060 in administrative penalties, \$1,360 deferred.

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

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

TRD-8905948 Gloria A. Vasquez  
Notices Coordinator  
Texas Water Commission

Filed: July 6, 1989

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

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

A revised enforcement order was issued to the City of George West, Permit 10455-01, on June 27, 1989, imposing stipulated penalties.

Information concerning any aspect of this order may be obtained by contacting Robin Shaver, Enforcement Coordinator, Texas Water Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 463-8069.

Issued in Austin, Texas, on June 30, 1989.

Filed: July 6, 1989

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

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## Notice of Application for Waste Disposal Permit

Notice is given by the Texas Water Commission of public notices of waste disposal permit applications issued during the period of June 26-June 30, 1989.

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

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

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

Quantum Chemical Corporation, USI Division-Houston Plant; Deer Park; hazardous waste management facility; on

two tracts of land totaling 470 acres, approximately one mile north of the intersection of Miller Cut-Off Road and State Highway 225, Harris County; HW50231-000, EPA ID TXD 058276130; new; 45-day notice.

BASF Corporation; Freeport; hazardous waste storage and processing facility; on a 401-acre tract of land at the junction of Texas State Highways 288 and 332, Brazoria County; HW50128-000, EPA ID TXD-008081697; amendment; 45-day notice.

Hoechst Celanese Corporation; Seabrook; hazardous waste management facility; on a 100-acre tract of land, in the Bayport Industrial District, adjacent to the Bayport Turning Basin, in Seabrook, Harris County; Permit HW50068, EPA ID TXD 000719286; new; 45-day notice.

Pennwalt Corporation, Organic Chemicals Division; Houston; hazardous waste management facility; on a 17.4-acre tract of land, in an industrial area off Haden Road in eastern Harris County; HW50214, EPA ID TXD 008090011; new; 45-day notice.

The Ranch Associates; Spicewood; wastewater treatment plant; approximately 36 miles northwest of the City of Austin and approximately two miles north of the intersection of Highway 71 and Haynie Flat Road on Haynie Flat Road in Travis and Burnet Counties; 13477-01; new.

City of Hughes Springs; wastewater treatment facility; approximately 1/4 mile south of combined State Highways 49 and 11 and 1/2 mile west of the three-way intersection of State Highways 49 and 11 and Loop 2812 in the City of Hughes Springs, Cass County; 10415-01; renewal.

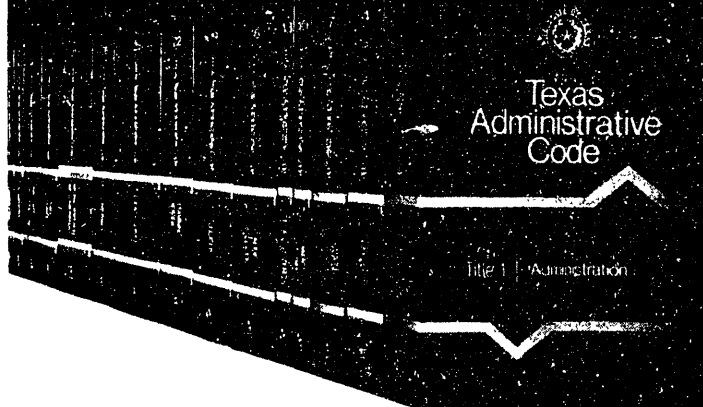
Issued in Austin, Texas, on July 3, 1989.

TRD-8905950           Brenda W. Foster  
                          Chief Clerk  
                          Texas Water Commission

Filed: July 6, 1989

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

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