

Texas Register

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Pages 3553-3587

In This Issue...

Proposed Sections

Public Utility Commission of Texas

3563-Practice and Procedure

Texas Higher Education Coordinating Board

3563-Administrative Council

Texas Department of Human Services

3565-Dry Care Licensing

3578-Texas Department of Labor and Standards

3578-Lamar University System

3578-Texas State Board of Medical Examiners

3579-Texas State Board of Public Accountancy

3579-Texas Department of Public Safety

3579-Public Utility Commission of Texas

3579-Texas Savings and Loan Department

3579-Texas State Soil and Water Conservation Board

3580-Texas Water Commission

3580-Regional Meetings

Withdrawn Sections

Texas Education Agency

3569-Curriculum

In Addition

Texas Department of Banking

3583-Notice of Hearing

Texas Department of Community Affairs

3583-Request for Proposals

Adopted Sections

Texas Education Agency

3571-Proprietary Schools and Veterans Education

3571-Curriculum

3572-Public School Finance-Personnel

Texas Water Commission

3572-Water Districts

Texas Department of Mental Health and Mental Retardation

3584-Correction of Error

Texas Parks and Wildlife Department

3584-Notice of Public Hearing

Texas Department of Pharmacy

3584-Correction of Error

Open Meetings

3577-Texas Adult Probation Commission

3577-Texas Department of Agriculture

3577-State Bar of Texas

3577-Texas Commission for the Blind

3577-Texas Department of Commerce

3577-Consumer Credit Section of the Finance Commission

3577-State of Texas/Governor's Office

3577-Texas Commission on Human Rights

Public Utility Commission of Texas

3585-Notices of Application to Amend Certificate of Convenience and Necessity

Travis County and District Retirement System

3586-Correction of Error

Texas Water Commission

3586-Enforcement Orders

Texas Register

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Withdrawn Sections—sections withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date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

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

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TAC Titles Affected

TAC Titles Affected—July

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

TITLE 1. ADMINISTRATION

Part I. Office of the Governor

1 TAC §3.812—3329

1 TAC §3.821—3329

1 TAC §3.841—3330

1 TAC §3.843—3330

Part XIII. State Employee Incentive Commission

1 TAC §271.1—3399

1 TAC §273.1—3399

1 TAC §275.1—3399

1 TAC §277.1—3399

1 TAC §279.1—3400

1 TAC §§281.1, 281.3, 281.5—3400

1 TAC §§283.1, 283.3, 283.5—3400

1 TAC §285.1, §285.3—3400

1 TAC §287.1—3401

TITLE 4. AGRICULTURE

Part I. Texas Department of Agriculture

4 TAC §5.11—3330

4 TAC §19.4—3331

TITLE 7. BANKING AND SECURITIES

Part VI. Credit Union Department

7 TAC §91.1—3332

7 TAC §91.203—3332

7 TAC §91.206—3333

7 TAC §91.207—3334

7 TAC §91.506—3334

7 TAC §91.507—3334

7 TAC §95.311—3335

7 TAC §97.112—3335

TITLE 10. COMMUNITY DEVELOPMENT

Part I. Texas Department of Community Affairs

10 TAC §1.21—3383

10 TAC §1.23—3449

10 TAC §1.25—3449

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

Part II. Texas Department of Commerce

10 TAC §§165.1-165.9—3347

10 TAC §§165.1-165.8—3347

10 TAC §§176.1-176.9—3350

10 TAC §§178.10-178.12, 178.14, 178.17—3450

Part IV. Texas Housing Agency

10 TAC §§149.1, 149.2, 149.4-149.9, 149.11—3381

TITLE 13. CULTURAL RESOURCES

Part VII. State Preservation Board

13 TAC §111.13—3345

TITLE 16. ECONOMIC REGULATION

Part I. Railroad Commission of Texas

16 TAC §5.535—3283

Part II. Public Utility Commission of Texas

16 TAC §21.106—3563

16 TAC §23.25—3463

16 TAC §31.1, §31.3—3464

Part IV. Department of Labor and Standards

16 TAC §75.20—3445

16 TAC §§79.1, 79.3, 79.5, 79.9, 79.13, 79.21, 79.25, 79.29, 79.33, 79.37, 79.39, 79.41—3235, 3273

16 TAC §§79.1, 79.10, 79.20, 79.30, 79.40, 79.50, 79.60, 79.70, 79.71, 79.72, 79.73, 79.80, 79.90, 79.100, 79.101—3235, 3273

Part IV. Texas Department of Labor and Standards

16 TAC §75.20—3453

Part VII. Texas Racing Commission

16 TAC §301.1—3238, 3273
16 TAC §303.42—3240
16 TAC §303.84, §303.85—3240, 3274
16 TAC §303.102—3283
16 TAC §303.151—3240
16 TAC §305.6—3241
16 TAC §305.13—3241
16 TAC §305.33—3241
16 TAC §305.35—3241
16 TAC §305.36—3245, 3274
16 TAC §305.47, §305.48—3245, 3274
16 TAC §305.247—3245, 3275
16 TAC §309.12—3245
16 TAC §309.26—3246, 3275
16 TAC §309.32—3246
16 TAC §309.53—3246, 3275
16 TAC §309.56—3246
16 TAC §309.63—3283
16 TAC §309.66—3247
16 TAC §309.67—3247, 3275
16 TAC §309.102—3247, 3276
16 TAC §309.114—3247
16 TAC §309.116—3247
16 TAC §309.155—3248, 3276
16 TAC §309.181—3248, 3276
16 TAC §309.193—3249, 3276
16 TAC §309.196—3249
16 TAC §§309.198-309.201—3249
16 TAC §309.351—3277
16 TAC §309.362—3284
16 TAC §309.363—3277
16 TAC §311.153—3284
16 TAC §311.155—3250
16 TAC §311.156—3250, 3277
16 TAC §311.172—3284

16 TAC §§313.1-313.5—3250
16 TAC §313.6—3251, 3278
16 TAC §§313.21-313.25—3251
16 TAC §313.26—3252, 3278
16 TAC §§313.41-313.52—3253
16 TAC §§313.53-313.61—3254, 3278
16 TAC §§313.101-313.110—3255,
16 TAC §§313.310-313.314—3279
16 TAC §313.111—3256, 3278
16 TAC §§313.131-313.136—3256
16 TAC §§313.161-313.168—3257
16 TAC §§313.301-313.309—3259
16 TAC §§313.310-313.314—3259
16 TAC §§313.401-313.409—3260
16 TAC §313.410—3262, 3279
16 TAC §§313.421-313.425—3263
16 TAC §§313.441-313.450—3263
16 TAC §319.13, §319.14—3264, 3279
16 TAC §§319.109-319.112—3265, 3280
16 TAC §§321.1-321.7—3265
16 TAC §§321.21-321.39—3266
16 TAC §§321.61-321.69—3267
16 TAC §§321.101-321.112—3268

TITLE 19. EDUCATION

Part I. Texas Higher Education Coordinating Board

19 TAC §25.33—3563
19 TAC §25.49—3564
19 TAC §25.72—3564

Part II. Texas Education Agency

19 TAC §69.127, §69.129—3571
19 TAC §75.2—3569, 3571
19 TAC §75.151—3569, 3571
19 TAC §121.31.2—3572

TITLE 22. EXAMINING BOARDS

Part IX. State Board of Medical Examiners

22 TAC §161.1—3280

22 TAC §181.1—3280

22 TAC §187.24—3337

22 TAC §193.7—3351, 3401

Part XV. Texas State Board of Pharmacy

22 TAC §283.2—3337

22 TAC §291.72, §291.74—3338

Part XXIV. Board of Veterinary Medical Examiners

22 TAC §571.10—3401

Part XXV. Structural Pest Control Board

22 TAC §§593.1, 593.3, 593.5, 593.7—3505

Part XXIX. Texas Board of Land Surveying

22 TAC §663.3—3345

Part XXXII. State Committee of Examiners for Speech-Language Pathology and Audiology

22 TAC §741.162, §741.163—3454

22 TAC §741.181, §741.182—3455

22 TAC §§741.193, 741.194, 741.198, 741.199—3454

TITLE 25. HEALTH SERVICES

Part I. Department of Health

25 TAC §37.193—3464

25 TAC §§115.1-115.6, 115.8, 115.12-115.14, 115.17—3465

25 TAC §§157.41-157.50—3457

25 TAC §157.110—3458

25 TAC §181.22—3458

25 TAC §301.101-301.109—3467

Part II. Texas Department of Mental Health and Mental Retardation

25 TAC §§401.48, 401.50, 401.51, 401.52—3351

25 TAC §§401.585, 401.588, 401.589—3387

25 TAC §403.74—3388

25 TAC §405.53—3389

Part VII. Texas Medical Disclosure Panel

25 TAC §601.1—3531

Part VIII. Interagency Council on Early Childhood Intervention

25 TAC §621.23—3506

25 TAC §621.24—3459, 3506

TITLE 28. INSURANCE

Part I. State Board of Insurance

28 TAC §§3.3306, 3.3308, 3.3313—3401

28 TAC §7.57—3327

28 TAC §7.73—3327

28 TAC §9.1—3327, 3340

28 TAC §21.102—3351

28 TAC §§3.3306, 3.3308, 3.3313—3381, 3401

Part II. Industrial Accident Board

28 TAC §42.110—3506

28 TAC §43.20—3509

28 TAC §45.10—3510

28 TAC §45.13—3510

28 TAC §45.15—3511

28 TAC §65.10—3511

TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part II. Parks and Wildlife Department

31 TAC §65.261—3389

31 TAC §§65.352, 65.354-65.359, 65.361, 65.363, 65.364, 65.368—3284

Part III. Texas Air Control Board

31 TAC §101.1—3285

31 TAC §§111.1, 111.2, 111.3, 111.4—3286

31 TAC §§111.11, § 111.12—3286

31 TAC §§111.21, 111.22, 111.23, 111.24, 111.25, 111.26, 111.27, 111.28—3287

31 TAC §§111.41, 111.42, 111.43, 111.44, 111.45—3287

31 TAC §§111.51, 111.52, 111.53—3287

31 TAC §§111.71, 111.72, 111.73, 111.74, 111.75, 111.76—3287

31 TAC §§111.81, 111.82, 111.83—3288

31 TAC §111.91, §111.92—3288

31 TAC §§111.101, 111.103, 111.105, 111.107—3288

31 TAC §111.111, §111.113—3290

31 TAC §111.121—3292

31 TAC §§111.141, 111.143, 111.145, 111.147,
111.149—3293

31 TAC §§111.151, 111.153, 111.155—3296

31 TAC §§111.171, 111.173, 111.175—3296

31 TAC §§111.181, §111.183—3297

31 TAC §§114.4, §114.5—3340

31 TAC §115.1—3511

31 TAC §§115.11-115.14—3512

31 TAC §115.21, §115.22—3512

31 TAC §115.31, §115.32—3513

31 TAC §115.41, §115.45—3513

31 TAC §115.61, §115.62—3514

31 TAC §115.81—3514

31 TAC §115.91—3515

31 TAC §§115.101-115.106—3515

31 TAC §§115.111-115.113—3516

31 TAC §§115.121-115.123—3516

31 TAC §§115.131, 115.132, 115.134, 115.135—3517

31 TAC §§115.141-115.144—3517

31 TAC §§115.151-115.153—3518

31 TAC §§115.161-115.164—3518

31 TAC §§115.171-115.176—3519

31 TAC §§115.191-115.194—3519

31 TAC §§115.201-115.203—3520

31 TAC §§115.221-115.223—3520

31 TAC §§115.231-115.233—3521

31 TAC §§115.251-115.255—3521

31 TAC §§115.261-115.264—3522

31 TAC §§115.271-115.275—3522

31 TAC §§115.281-115.285—3523

31 TAC §§115.291, 115.293, 115.294—3523

31 TAC §115.401—3524

31 TAC §115.412, §115.413—3524

31 TAC §§115.421-115.424—3525

Part IX. Texas Water Commission

31 TAC §293.59—3572

31 TAC §505.50—3531

31 TAC §305.64—3297

31 TAC §§321.131-321.138—3525

31 TAC §331.3—3531

31 TAC §335.1—3532

31 TAC §335.112—3532

31 TAC §§335.152, 335.155, 335.164, 335.165—3533

Part X. Texas Water Development Board

31 TAC §367.1, §367.2—3390

31 TAC §§367.21, 367.23-367.27, 367.29—3391

TITLE 34. PUBLIC FINANCE

Part I. Comptroller of Public Accounts

34 TAC §3.289—3327

34 TAC §3.298—3327

34 TAC §3.372—3391

34 TAC §3.391—3328, 3341

34 TAC §3.393—3328

34 TAC §3.399—3342

34 TAC §3.405—3328

34 TAC §3.415—3328

34 TAC §3.416—3342

34 TAC §3.545—3445

34 TAC §3.548—3446

Part II. State Treasurer

34 TAC §§15.1-15.8—3392

Part IV. Employees Retirement System

34 TAC §81.7—3446, 3459

34 TAC §§85.1, 85.3, 85.5—3459

Part V. Texas County and District Retirement System

34 TAC §103.2, §103.3—3352

Part VII. State Property Tax Board

34 TAC §153.2—3503, 3528

**TITLE 37. PUBLIC SAFETY AND
CORRECTIONS**

Part I. Texas Department of Public Safety

37 TAC §15.58—3460

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Department of Human Services

40 TAC §3.902—3299

40 TAC §7.302—3528

40 TAC §9.204—3533

40 TAC §9.301—3533

40 TAC §9.401, §9.403—3533

40 TAC §9.501—3534

40 TAC §33.14—3474

40 TAC §33.306—3474

40 TAC §§10.2301-10.2307—3410

40 TAC §§10.2301-10.2308—3410

40 TAC §29.112—3299

40 TAC §48.2201, §48.2202—3410

40 TAC §§48.2201-48.2207—3410

40 TAC §48.2501—3396

40 TAC §48.2931—3461

40 TAC §§49.337, 49.339, 49.341, 49.342, 49.344—3529

40 TAC §§49.346—3529

40 TAC §§81.101-81.107—3565

40 TAC §85.1407—3461

40 TAC §85.2047—3461

40 TAC §85.6003, §85.6009—3410

40 TAC §85.6025—3397

Part VII. Texas Commission for the Deaf

40 TAC §§181.1-181.5—3352

40 TAC §181.19—3352

40 TAC §181.915—3352

40 TAC §181.917—3353

TITLE 43. TRANSPORTATION

Part II. Texas Turnpike Authority

43 TAC §51.6—3343





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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 16. ECONOMIC REGULATIONS

Part II. Public Utility Commission of Texas

Chapter 21. Practice and Procedure

Hearings

• 16 TAC §21.106

The Public Utility Commission of Texas proposes an amendment to §21.106, concerning interim orders, to clarify procedures relating to interim orders, to add a response period for appeals of interim orders, and to prohibit applications for rehearing of rulings by commissioners on appeals from interim orders.

Martin Wilson, assistant general counsel, has determined that for the first five-year period the sections are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the sections.

Mr. Wilson, also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the section will be streamlined administrative procedures and more certainty for parties to proceedings before the commission. There is no anticipated economic cost to individuals who are required to comply with the sections as proposed.

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

The amendment is proposed under Texas Civil Statutes, Article 1448c, §16(a), which provide the Public Utility Commission of Texas with the authority to make and enforce rules reasonably required in the exercise of its powers and jurisdiction.

§21.106. *Interim Orders and Appeals of Interim Orders.*

(a) Relief through [written] interim order. Prior to any final order of the commission, a party or the staff may seek, through an examiner, relief through [a written] interim order, but that order shall not be considered of the same nature as a final decision. [Furthermore,] An [an] interim order shall not be subject to exceptions or applications [application] for rehearing, but any party aggrieved by the interim order may [file an] appeal that order [from the

examiner's ruling] to the commissioners by filing a written appeal [notice] within 10 days of the rendition of the interim order. Any response to an appeal must be filed within 15 days of the rendition of the order. The commissioners shall rule on the interim order within 20 [15] days of the filing of the appeal [, and pending such ruling may grant a stay of the interim order]. Pending such ruling by the commissioners, the examiner or the commissioners may grant a stay of the interim order. If the commissioners do not rule on the appeal within 20 [15] days of its filing, or extend the time for ruling, the interim order is deemed approved and any granted stay is lifted. Any ruling by the commissioners on an appeal from an interim order shall not be subject to applications for rehearing.

(b) (No change.)

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

Issued in Austin, Texas on July 14, 1989.

TRD-8908315

Mary Ross McDonald
Secretary of the
Commission
Public Utility Commission
of Texas

Earliest possible date of adoption: August 25, 1989

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

TITLE 19. EDUCATION

Part I. Texas Higher Education Coordinating Board

Chapter 25. Administrative Council

Subchapter B. Administration of the Texas State College and University Employees Uniform Insurance Benefits Program

• 19 TAC §25.33

The Texas Higher Education Coordinating Board proposes an amendment to §25.33, concerning basic coverage standards. The amendment would require institutions to in-

crease the number of days allowable in their health insurance plans for inpatient psychiatric treatment and permit institutions to decrease benefits for outpatient treatment of psychiatric disorders or mental illness.

Kathy Lewis, director, Higher Education Insurance Program, has determined that for the first five-year period the section is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the section.

Ms. Lewis, also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section is to provide in institutional health insurance programs benefits for psychiatric treatment that are comparable to benefits included in the group insurance program for other state employees.

Comments on the proposal may be submitted to Kathy Lewis, Director, Higher Education Insurance Program, Texas Higher Education Coordinating Board, P.O. Box 12788, Austin, Texas 78711.

The amendment is proposed under the Texas Insurance Code, Article 3.50-3, which provides the Administrative Council with the authority to adopt rules and regulations consistent with the provision of the Act to carry out its statutory responsibilities.

§25.33. *Basic Coverage Standards.*

(a) Each institution shall provide in its program of group insurance a basic plan for active employees and retired employees that includes at least the following minimum coverage standards.

(1) Hospital care expense. The plan shall cover the reasonable charges for the following hospital services:

(A) room allowance of semi-private rate for 365 days per year, except for the treatment of mental or emotional illness or disorder, which may be limited to 90 [30] days per calendar year, and the treatment of drug addiction, which may be limited to 15 days per calendar year. The plan may require that payment of the charges for treatment of mental or emotional illness or disorder and drug addiction not apply towards satisfying the annual maximum out-of-pocket expenses; and

(B) all other care in the nature of usual hospital services necessary and consistent with the condition of the patient .[; and]

[(C) non-residential day treatment programs for the treatment of mental or emotional illness or disorder and drug addiction, which may be limited to 80% of the established day treatment rate and 80% of the charges for other services necessary and consistent with the condition of the patient. The benefit may be limited to no less than 30 days for mental or emotional illness or disorder and to no less than 15 days for drug addiction. The plan may allow for trading one day of hospital confinement in this subsection for two days of non-residential day treatment in addition to the minimum benefits provided in this subsection. The plan may require that payment of the charges for non-residential day treatment programs not apply towards satisfying the annual maximum out-of-pocket expenses.]

(2) Other medical expense. The plan shall cover the reasonable charges for the following items of services or supplies furnished by or at the direction or prescription of a physician. If any of the following services or supplies are used while the participant is confined as a hospital bed patient, other than professional services of a physician, psychologist, or certified registered nurse anesthetist, the charges will be considered as hospital care expenses rather than other medical expenses:

(A)-(P) (No change.)

[(Q) services of a psychologist, a psychiatrist, or a certified social worker-advanced clinical practitioner during the first 90 [30] days of hospital confinement for mental or emotional illness or disorder and during the first 15 days of hospital confinement for drug abuse. The institution may require a professional recommendation from a doctor of medicine or doctor of osteopathy for services provided by a certified social worker-advanced clinical practitioner. The plan may require that payment of these charges not apply towards satisfying the annual maximum out-of-pocket expenses]; and

(R) annual screening by low-dose mammography for the presence of occult breast cancer for women 35 years or older. [; and]

[(S) services of a psychologist, a psychiatrist, or a certified social worker-advanced clinical practitioner in conjunction with non-residential day treatment programs for mental or emotional illness or disorder and drug addiction. The institution may require a professional recommendation from a doctor of medicine or doctor of osteopathy for services provided by a certified social worker-advanced clinical practitioner. The benefit may be limited to no less than 30 days for mental or emo-

tional illness or disorder and to no less than 15 days for drug addiction. If the institution's plan allows the trading of non-residential treatment days for hospital confinement as described in subsection (c) of this section, then the same trade-off for physician services may be provided in the plan. The benefit percentage may not be less than 80% of the usual, customary, and reasonable charges. The plan may require that payment of these charges not apply towards satisfying the annual maximum out-of-pocket expenses.]

(3) Out-patient expenses of a psychiatrist, psychologist, or certified social worker-advanced clinical practitioner. The plan shall provide for the services of a psychologist, services of a psychiatrist, or services of a certified social worker-advanced clinical practitioner for the treatment of mental or emotional illness or disorder while the participants are not hospital confined. The institution may require a professional recommendation from a doctor of medicine or doctor of osteopathy for services provided by a certified social worker-advanced clinical practitioner. Benefits may not be limited to less than \$1,200 [\$1,500] per benefit year. The benefit percentage may not be less than 50% [80%] of usual, customary, and reasonable charges. The plan may require that the deductible be satisfied prior to availability of benefits and that payment of these charges not apply towards satisfying the annual maximum out-of-pocket expenses.

(4)-(9) (No change.)

(b) (No change.)

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

Issued in Austin, Texas on July 14, 1989

TRD-8906298

Kathy Lewis
Director
Higher Education Insurance
Program

Earliest possible date of adoption: August 25, 1989

For further information, please call: (512) 462-6420

◆ ◆ ◆
• 19 TAC §25.49

The Texas Higher Education Coordinating Board proposes an amendment to §25.49, concerning automatic coverage. This amendment will bring the rules and regulations into conformance with legislation enacted during the 71st Legislature, 1989.

Kathy Lewis, director, Higher Education Insurance Program, has determined that for the first five-year period the section is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the section.

Ms. Lewis 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 as proposed will be to permit institutions of higher education to use any available funds to provide premium sharing for graduate student employees.

Comments on the proposal may be submitted to Kathy Lewis, Director, Higher Education Insurance Program, Texas Higher Education Coordinating Board, P.O. Box 12788, Austin, Texas: 78711.

The amendment is proposed under the Texas Insurance Code, Article 3.50-3, which provides the Administrative Council with the authority to adopt rules and regulations consistent with the provision of the Act to carry out its statutory responsibilities.

◆ ◆ ◆
§25.49. Automatic Coverage.

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

(e) This subsection applies to persons who are employed at least 20 hours per week at institutions of higher education but who are not permitted to be members of the Teacher Retirement System of Texas because they are solely employed by an institution of higher education that as a condition of employment requires them to be enrolled as a student in the institution in graduate-level courses. Effective September 1, 1989, the institution of higher education may use any available funds in assisting such employees in purchasing any insurance coverages made available by the Act. Insurance coverages made available to employees covered by this subsection shall be made available on a year-round basis at a premium rate equal to premiums paid for insurance coverage by other employees, including state contributions, covered by other provisions of the Act.

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

Issued in Austin, Texas on July 14, 1989.

TRD-8906297

Kathy Lewis
Director
Higher Education Insurance
Program

Earliest possible date of adoption: August 25, 1989

For further information, please call: (512) 462-6420

◆ ◆ ◆
Subchapter C. Administration
of Retirement Annuity
Programs

◆ ◆ ◆
• 19 TAC §25.72

The Texas Higher Education Coordinating Board proposes an amendment to §25.72, concerning ORP standards. This amendment will bring the rules and regulations into conformance with legislation enacted during the 71st Legislature, 1989.

Kathy Lewis, director, Higher Education Insurance Program, has determined that for the

first five-year period the section is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the section.

Ms. Lewis 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 as proposed will be to provide in the rules and regulations a reference that Optional Retirement Program companies are responsible for qualifying domestic relations orders and paying benefits in accordance with state law.

Comments on the proposal may be submitted to Kathy Lewis, Director, Higher Education Insurance Program, Texas Higher Education Coordinating Board, P.O. Box 12788, Austin, Texas 78711.

The amendment is proposed under the Texas Insurance Code, Article 3.50-3, which provides the Administrative Council with the authority to develop policies, practices, and procedures as necessary in accordance with applicable statutes to provide for greater uniformity in the administration of retirement annuity insurance programs available under the Optional Retirement Program.

§25.71. ORP Standards.

(a)-(1) (No change.)

(m) Contracts issued under the ORP shall include a provision that the ORP carrier is responsible for qualifying domestic relations orders and paying benefits in accordance with Chapter 76, Title 110B.

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 14, 1989.

TRD-8906296

Kathy Lewis
Director
Higher Education Insurance
Program

Earliest possible date of adoption: August 25, 1989

For further information, please call: (512) 462-6420

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Services

Chapter 81. Day Care Licensing

Subchapter B. Standards for Registered Family Homes

• 40 TAC §§81.101-81.107

The Texas Department of Human Services proposes new §§81.101-81.107, concerning the registered family home, in its day care licensing chapter. These sections are proposed new to comply with state law, which requires the department to review the minimum standards for registered family homes every six years and to revise them, if necessary. These proposed standards were developed by the Department of Human Services with input from more than 2,000 registered caregivers, registered family home associations, and an ad hoc committee of 15 caregivers and parents.

Burton F. Ralford, deputy commissioner for support operations, has determined that for the first five-year period the proposed sections will be in effect there will be no fiscal implications for state or local governments or small businesses as a result of enforcing or administering the sections. Registered family homes, however, may incur minimal expense to comply with these proposed standards. The department contends that there will be no fiscal implications because there is no change in the required fees.

Mr. Ralford 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 improved quality of care provided in registered family homes. These proposed sections emphasize the competency and training of the caregiver. Anticipated economic cost to individual providers who are required to comply is addressed above.

Comments on the proposal may be submitted to Cathy Rossberg, Administrator, Policy Development Services Division-410, Texas Department of Human Services 222-E, P.O. Box 149030, Austin, Texas 78714-9030, within 30 days of publication in the *Texas Register*.

The new sections are proposed under the Human Resources Code, Title 2, Chapters 22 and 42, which provides the department with the authority to administer public assistance and day care licensing programs.

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

Own children—The caregiver's children by birth, adoption, marriage, or conservatorship.

Parent—A biological or adopted mother or father, legal guardian, or a managing conservator.

School-age children—Children who are ages five-13 and who regularly attend school in addition to the registered family home.

Training—Time spent in workshops; conferences of registered family homes; early childhood, or education associations; formal schooling; self-instructional material; or planned learning opportunities provided by consultants.

§81.102. Caregiver Qualifications.

(a) After July 1, 1990, a caregiver requesting registration must be at least 21 years old. A person who is 18-20 years old may be the caregiver if she has:

- (1) a child development associate credential;
- (2) an associate of arts degree in child care;
- (3) a community or junior college certificate in child care;
- (4) an accreditation or credential recognized by the licensing branch; or
- (5) documentation of satisfactory completion of a course of study recognized by the licensing branch. The course may be correspondence, self-instructional material, workshop, college hours, home economics cooperative education in child development. People qualifying according to this paragraph, however, must also have at least nine months experience in registered or licensed day care.

(b) By July 1, 1990, the caregiver must have a:

- (1) current certificate indicating successful completion of a course in first aid;
- (2) current certificate indicating successful completion of a course in cardiopulmonary resuscitation of infants and children; and

(3) certificate of completion of the department's orientation in health, safety, and sanitation related to preventing risk to children in care.

(c) After July 1, 1990, caregivers requesting registration must have a high school diploma or Texas Certificate of High School Equivalency (GED) or similar credential.

(d) Each year the caregiver must obtain 20-clock hours of training chosen from the following fields:

- (1) child development, discipline and guidance, nutrition, and age and developmentally appropriate activities;
- (2) sanitation, health, and safety; and
- (3) business management, risk reduction/risk management, communication with peers and other professionals, parent involvement, and utilizing community resources.

(e) A person who takes care of the children when the caregiver is gone must be 18 years old and able to ensure the safety of the children. A person who is 14 through 17 years old may help the caregiver but must never be left alone with the children.

§81.103. People in the Home.

(a) When children are present, people whose behavior or health endangers the health, safety, or well-being of the children must not be in the registered family home. Caregivers, family members, visitors, parents, or other people with symptoms of a contagious disease, a physical or mental condition that would be harmful to the children, or who appear to be under the influence of alcohol or other drugs must not be in the home when children are present.

(b) When children are present, a person who is convicted of any of the following offenses is not allowed in the home and must not be in contact with the children while in care (see Appendix VIII, relating to Criminal Offenses from the Texas Penal Code, in the *Minimum Standards for Registered Family Homes*):

(1) felony or misdemeanor classified as an offense against the person or the family;

(2) felony or misdemeanor classified as public indecency; or

(3) felony violation of any law intended to control the possession or distribution of any substance included as a controlled substance in the Texas Controlled Substances Act.

(c) Until charges are dropped, a person who is indicted of any of the offenses listed in §85.103(b) of this section or who is the subject of an official criminal complaint (related to those offenses) that has been accepted by a county or district attorney must not be in the home or have contact with the children while the children are in care. The department must be notified of the indictments or complaints within 24 hours of awareness or by the next workday.

(d) The caregiver must submit a criminal history check information form for any new caregiver, substitute caregiver, or adult resident of the home within two weeks after that person begins the new role.

(e) When children are present, a person who is over 14 years old and in the home must have a record of a tuberculosis examination. The examination must have occurred within 12 months before the date the home was first registered with the department or within 12 months before the

person comes to the home. If the Texas Department of Health recommends further examinations, the Texas Department of Human Services requires the caregiver to comply. The caregiver must keep a copy of the examination records in the home.

(f) People must not smoke in the home during hours of operation.

§81.104. The Number of Children in Care.

(a) The maximum number of children the caregiver may care for in a registered family home is determined by the ages of the children. The caregiver must count all children present, including her own.

(b) If more than six children are present in the home, the children in excess of six must be school-age children in care. After school hours also include school holidays, summer vacations, and periods during which the school is in operation, but students are not expected to attend.

(c) School-age children are those who are ages five-13 and who regularly attend school in addition to the registered family home.

(d) There must not be more children in the home at the same time than is shown in one of the lines across the chart:

Limits on Numbers of Children in Care by Age

Infants 0-17 mos.	Preschoolers 18 mos. and older	School Age Children 5-13 yrs.	Maximum Allowed
0	6	6	12
0	5	7	12
0	4	8	12
0	3	9	12
0	2	10	12
0	1	11	12
0	0	12	12
1	5	4	10
1	4	5	10
1	3	6	10
1	2	7	10
1	1	8	10
1	0	9	10
2	4	2	8
2	3	3	8
2	2	4	8
2	1	5	8
2	0	6	8
3	3	1	7
3	2	2	7
3	1	3	7
3	0	4	7
4	2	0	6
4	1	1	6
4	0	2	6

§81.105. Admission Requirements. When accepting a child for care, the caregiver

must comply with the following admission requirements.

(1) The caregiver must obtain and keep:

(A) current immunization records and tuberculosis test reports for each child in the home including her own children's records;

(B) telephone numbers at which parents may be reached while children are in care; and

(C) emergency medical authorization.

(2) The caregiver must review with and give parents a copy of the Texas Department of Human Services *Parents' Guide to Registered Family Homes* and obtain a signed receipt. The caregiver keeps the receipt as long as that child is in her care.

(3) The caregiver must not refuse to care for a child because of race.

(4) On a 24-hour basis, care for a child must not exceed 30 days at any one time and no more than 45 days per year.

§81.106. Health and Safety.

(a) Fire prevention, sanitation, and safety. The following requirements pertain to fire prevention, sanitation, and safety of the family home.

(1) The caregiver must keep the home, indoors and out, free of hazards and otherwise safe and healthy for children.

(2) If there is a swimming pool, wading pool, pond, creek, or other body of water on or near the premises of the home, the caregiver must ensure that children are protected from unsupervised access to the water. If the caregiver allows children in care to participate in water activities, she must follow the requirements in Appendix V (relating to Water Activities, in the *Minimum Standards for Registered Family Homes*).

(3) If providing transportation, the caregiver must transport each child in an infant carrier, a child seat, or a seat belt as appropriate to the child's age and size.

(4) When taking the children away from the home, the caregiver must take the children's emergency medical forms and emergency contact information, and first aid supplies.

(b) Nutrition. The caregiver must ensure that children in care have nutritious meals and snacks in adequate amounts as shown in Appendix VII (relating to Kinds and Amounts of Foods To Be Served To Meet Nutritional Needs, in the *Minimum Standards for Registered Family Homes*).

(c) Telephones. The registered family home must have:

- (1) a working telephone; and
- (2) the following telephone numbers posted near the phone:

(A) ambulance service or emergency medical services (EMS);

(B) local police or sheriff's department;

(C) fire department;

(D) local poison control center;

(E) local DHS licensing office;

(F) telephone number where parents or other designated person can be reached in case of an emergency; and

(G) address and telephone number of caregiver.

(d) Accidents and illnesses. The following requirements pertain to the prevention of accidents in the registered family home.

(1) Effective July 1, 1990, if the caregiver is not present while children are in care, an adult certified in CPR must be at the home and available to intervene in an emergency.

(2) The caregiver must keep first aid supplies readily available in a designated location but out of the children's reach. She must keep a guide to first aid emergency care accessible at all times.

(3) The caregiver is allowed to give medicine to a child in care only if a physician or the child's parents have given written permission and instructions.

(4) If a child gets sick or is injured, the caregiver must notify the child's parents at once. If the illness or injury is serious, the caregiver must call the physician listed on the emergency care form, take the child for emergency care, or call for emergency transportation.

§81.107. Child Care.

(a) Supervision. Children must be supervised:

(1) at all times by an adult who is able to take care of them; and

(2) in a way that ensures that the caregiver is aware of what the children are

doing at all times and can assist or redirect activities when necessary. In deciding how closely to supervise the children, the caregiver must think about the following points:

(A) age of the children;

(B) individual differences and abilities;

(C) layout of the house and play area (floor plan, arrangement, intercoms, established boundaries); and

(D) neighborhood circumstances, hazards, and risks.

(b) Abuse or neglect of children in care. Children must not be abused or neglected while in the registered family home. If a child appears to be abused or neglected when he comes to the home, the caregiver must call the nearest Department of Human Services Child Protective Services office or the local or state law enforcement agency immediately as required in the Texas Family Code, Chapter 34, (Reporting of Child Abuse). This law provides immunity to anyone who makes a good faith report.

(c) Activities. The caregiver must provide regular indoor and outdoor activities appropriate to the developmental needs of the children. The caregiver must include quiet and active play and make available sufficient toys and equipment. The caregiver must allow infants outside their cribs for activities.

(d) Discipline. Children in care must not be punished cruelly, harshly, or in an unusual way. A child of any age must never be shaken or hit. A child under five years old must never be spanked. If the child's parents give signed permission, the caregiver is allowed to spank only a child five years old or older. Only an open hand may be used to spank, and the caregiver may spank only the child's buttocks.

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 19, 1989.

TRD-8906358

Charles Stevenson
Acting Commissioner
Texas Department of
Human Services

Proposed date of adoption: October 25, 1989.

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



Name: Eric Dietson
Grade: 10
School: McKinney High, McKinney

Withdrawn Sections

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

TITLE 19. EDUCATION

Part II. Texas Education

Agency

Chapter 75. Curriculum

Subchapter A. General Provisions

• 19 TAC §75.2

The Texas Education Agency has withdrawn from consideration for permanent adoption a proposed §75.2 which appeared in the May 30, 1989, issue of the *Texas Register* (14 TexReg 2565). The effective date of this section is August 8, 1989.

Issued in Austin, Texas, on July 17, 1989

TRD-8906343 Oscar A. Rodriguez
Planner I
Texas Education Agency

Effective date: August 8, 1989

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

Subchapter F. Graduation Requirements

• 19 TAC §75.151

The Texas Education Agency has withdrawn from consideration for permanent adoption a proposed §75.151 which appeared in the May 30, 1989, issue of the *Texas Register* (14 TexReg 2565). The effective date of August 8, 1989.

Issued in Austin, Texas, on July 17, 1989

TRD-8906344 Oscar A. Rodriguez
Planner I
Texas Education Agency

Effective date: August 8, 1989

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





Name: Brian Scarsburgh

Grade: 9

School: McKinney High, 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 19. EDUCATION Part II. Texas Education Agency

Chapter 69. Proprietary Schools and Veterans Education

Subchapter E. Guidelines and Minimum Standards for Operation of Texas Proprietary Schools

• 19 TAC §69.127, §69.129

The Texas Education Agency adopts amendments to §69.127 and §69.129, without changes to the proposed text as published in the June 8, 1989, issue of the *Texas Register* (14 TexReg 2489).

The amendments concern the transferability of credit hours and degree granted by proprietary schools. The amendments require that prospective students of Texas proprietary schools be notified that credit hours and degrees are not transferable to a college or university unless the school has such an arrangement.

Comments regarding adoption of these amendments were received from the Texas Association of Private Schools and the Hallmark Institute of Technology. The association suggested that limitations on transferability be explained at the time of a student's enrollment and stated in the school's printed catalog, rather than be stated in advertisements. The institute voiced its opposition to stating the limited transferability of courses in advertisements. The State Board of Education rejected these arguments, responding that an advertisement was an endorsement for a student to enroll and that a student had the right to know about any limitations prior to enrollment in a program.

The amendments are adopted under the Texas Education Code, §32.22, which authorizes the State Board of Education to adopt policies, regulations, and rules necessary for carrying out the provisions of the Texas Proprietary School Act after consultation with the Proprietary School Advisory Commission.

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

Issued in Austin, Texas on July 14, 1989.

TRD-8908347 W. N. Kirby
Commissioner of Education

Effective date: August 8, 1989

Proposal publication date: June 8, 1989

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

Chapter 75. Curriculum

Subchapter A. General Provisions

• 19 TAC §75.2

The Texas Education Agency adopts an amendment to §75.2, without changes to the proposed text as published in the May 30, 1989, issue of the *Texas Register* (14 TexReg 2598).

The amendment concerns high school graduation requirements and was amended to require school districts to inform students and their parents or guardians annually of courses recommended for students preparing to attend college.

No comments were received regarding adoption of the amendment.

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

This agency hereby certifies that the 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 14, 1989.

TRD-8908342 W. N. Kirby
Commissioner of Education

Effective date: August 8, 1989

Proposal publication date: May 30, 1989

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

Subchapter F. Graduation Requirements

• 19 TAC §75.151

The Texas Education Agency adopts an amendment to §75.151, with changes to the proposed text as published in the May 30, 1989, issue of the *Texas Register* (14 TexReg 2598).

The amendment concerns high school graduation requirements. The amendment prescribes specific courses in the core areas of English language arts, mathematics, science, social studies, and foreign languages for students planning to attend college. In addition,

they require a board of trustees in a school district that offers more than one unit of reading improvement for state graduation credit to adopt policies to identify students in need of remedial reading instruction.

The language in subsection (d) regarding foreign languages was changed to clarify the suggested level of proficiency. One-half unit in fine arts also was added to the list of recommended courses. Subsection (f) was changed in order to clarify which students may receive the maximum of three units of reading improvement for state graduation credit.

No comments were received regarding adoption of the amendment.

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

§75.151. High School Graduation Requirements.

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

(d) Courses recommended for college-bound students shall include English I-IV, Algebra I-II, Geometry, Precalculus, foreign languages through proficiency Level III, Physical Science, Biology I, Chemistry I, world history studies, world geography studies, United States History, United States Government, economics with emphasis on the free enterprise system and its benefits, one-half unit in fine arts or courses of equal or greater levels of difficulty selected from the courses listed in Subchapter D of this chapter (relating to Essential Elements-Grades Nine-12).

(e) A maximum of two of the four units of English required for graduation may be English as a second language (ESL). All credit earned in ESL which is not counted toward the graduation requirement in English may be counted as electives in meeting state graduation requirements.

(f) A maximum of three units of reading improvement may be offered by districts for state graduation credit for identified students under the following conditions. The school district board of trustees shall adopt policies to identify students in need of remedial reading instruction; and district procedures shall include assessment of individual student needs, ongoing evaluation of each student's progress, and monitoring of instructional activities to ensure that student needs are addressed.

(g) Provisions concerning graduation for special education students may be found in §89.235(h) of this title (relating to General Program Requirements).

(h) Districts which elect to offer coordinated vocational academic education (CVAE), vocational adjustment cooperative (VAC), and vocational education for the handicapped (VEH) in grades nine-12 may request the commissioner of education to approve modification of the unit requirements for high school graduation for students participating in CVAE, VAC, and VEH programs and shall demonstrate the methods by which the appropriate vocational and academic essential elements are to be coordinated.

(i) Out-of-state transfer students and transfer student from Texas nonpublic school shall complete all requirements of this section to be eligible to satisfy state graduation requirements. Units required in this section not completed by such students prior to enrolling in a Texas school district may be satisfied through the provisions of §75.172 of this title (relating to Advanced Placement Examinations); §75.166 of this title (relating to Credit by Examination); §75.163 of the title (relating to Correspondence Courses); or by completing the course pursuant to the provisions of §75.169 of this title (relating to the Award of Credit, Grades Nine-12).

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 14, 1989.

TRD-8906345 W. N. Kirby
Commissioner of Education

Effective date: August 8, 1989

Proposal publication date: May 30, 1989

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

Chapter 121. Public School Finance-Personnel

Subchapter C. Years of Service for Salary Increment Purposes

• 19 TAC §121.31

The Texas Education Agency adopts an amendment to §121.31, with changes to the proposed text as published in the May 30, 1989, issue of the *Texas Register* (14 TexReg 2599).

The amendment concerns valid certification as a prerequisite for creditable service under certain circumstances. The amendment allows an individual who was employed outside of Texas when the testing requirement was initiated in the 1986-1987 school year or thereafter to be granted credit for service outside the state as long as the service was in an entity recognized for creditable service

and the testing requirement was successfully completed within six months of being employed in a Texas public elementary or secondary school.

The language in the new subsection (e) was changed to emphasize that the years of experience that may be granted must be earned outside the state.

No comments were received regarding adoption of the amendment.

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

§121.31. General Provisions Concerning Years of Service.

(s)-(d) (No change.)

(e) For persons who held a Texas certificate and were employed during the 1986-1987 school year or any year thereafter in an entity outside the State of Texas that is recognized for creditable service, such years of experience outside the State of Texas may be recognized for salary increment purposes provided the person performed satisfactorily on the Texas examination of current administrators and teachers within six months of employment in a Texas public elementary or secondary school.

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 14, 1989.

TRD-8906348 W. N. Kirby
Commissioner of Education

Effective date: August 8, 1989

Proposal publication date: May 30, 1989

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

TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part IX. Texas Water Commission

Chapter 293. Water Districts

Economic Feasibility of Projects

• 31 TAC §293.59

The Texas Water Commission (TWC) adopts new §293.59, with changes to the proposed text as published in the May 19, 1989, issue of the *Texas Register* (14 TexReg 2451). Emergency Section 293.59, is now in effect and was adopted by the TWC on January 27, 1989, as it appears in February 7, 1989, (14 TexReg 652). As proposed, §293.59, was published in May 19, 1989, issue of the *Texas Register* (14 TexReg 2451), identical to the emergency rule. Permanent §293.59 is

adopted with two non-substantive changes to the text of the proposed section resulting from staff review (as set forth below).

The new section defines economic feasibility of a project as the determination of whether the land values, existing improvements, and projected improvements in the district will be sufficient to support a reasonable tax rate for debt service payments for existing and proposed bonded indebtedness while maintaining competitive utility rates. It requires the staff of the commission to address economic feasibility in all staff recommendations concerning bond proceeds use. The section provides that before the bonds of the district are approved, the developer of the project is required to have in place the streets, utilities, and vertical development adequate to support an assessed valuation which will produce the projected tax revenues necessary to support the bonds. Maximum tax rates are placed on both the combined projected debt service tax rates and combined no-growth debt service tax rates according to the feasibility history of districts in different areas of the state as identified by county. Surcharge revenues required in city consent agreements will be required to be integrated into and considered as a part of the district's tax structure. Developers and other land owners and their lenders must permanently waive by written agreement with the district any claims to agricultural, open space, timberland or inventory valuation of any land, homes or buildings which they own in the district. The effect of the section will be to provide guidelines for the staff and the commission to make sure that projected tax revenues anticipated for district development will be sufficient to pay both the districts' existing and proposed bonded indebtedness. The new section will require a district to submit sufficient data to enable the commission, as well as the district itself to determine whether a proposed bond issue is feasible and will enable the district to realistically assess the feasibility of a bond issue before it commits itself to the risk of selling bonds.

New §293.59, is adopted with changes made for the purpose of clarifying the intent of the section as follows.

The introductory paragraph to subsection (1) is modified to specify with clarity which of the numbered paragraphs of the subsection (1) apply to a district's second and subsequent bond issues and to add a clause which provides that numbered paragraphs (2), (3), (4), and (5) of subsection (1) apply to districts which fail to meet the criteria set out in subsection (k)(1) of §293.59.

Also, a change in new §293.59 as adopted is made in numbered paragraph (4) of subsection (1) for the non-substantive purpose of terminological clarity. The term "projected build-out" replaces the term "value of houses and/or buildings" and the second sentence of the paragraph is combined with the first sentence by the word "and" and the deletion of the words "The equivalent of 5% value". No change in meaning results.

No comments were received regarding adoption of the new section.

The new section is adopted under the Texas Water Code, §§.103 and §5.105, which provides the Texas Water Commission with the authority to adopt any rules necessary to

carry out its powers and duties under the Texas Water Code and other laws of the State of Texas, to establish and approve all general policy of the commission, and to collect statutory fees from persons filing various applications with the commission.

§293.59. Economic Feasibility of Project.

(a) In addition to determining the engineering feasibility of a project, the commission shall also determine the economic feasibility of each proposed bond issue, bond amendment, and extension of time application for a bond issue. The staff of the commission shall use the following sections in making its economic feasibility analysis. In its written recommendations to the commission which analyzes the particular application, the staff shall always address the economic feasibility.

(b) Economic feasibility is the determination of whether the land values, existing improvements, and projected improvements in the district will be sufficient to support a reasonable tax rate for debt service payments for existing and proposed bond indebtedness while maintaining competitive utility rates. Utility rates which do not exceed the rates of the largest city in the geographic area in which the district is located are conclusively deemed to be competitive. Economic feasibility is influenced by many factors and varies widely depending on economic conditions, the real estate market, the number of competing projects, and geographic location.

(c) Projected debt service tax rate is the tax rate required to meet projected annual debt service requirement using projected assessed valuations and an appropriate tax collection rate. The pro-

jected annual debt service requirement shall include the previous and proposed debt. The projected debt service tax rate for any bond issue shall be shown in the cash flow table as a level or decreasing tax rate.

(d) No-growth debt service tax rate is the tax rate required to meet projected annual debt service requirements using the current assessed value and a 100% tax collection rate. The current value is determined by either:

(1) the most recent certificate of assessed valuation from the central appraisal district; or

(2) a certificate of estimated assessed valuation from the central appraisal district. Projected annual debt service requirements shall include the previous and proposed debt. The no-growth debt service tax rate for any bond issue shall be shown on the cash flow table as a level or decreasing tax rate.

(e) Combined no-growth debt service tax rate is the sum of the following:

(1) no-growth debt service tax rate of the district;

(2) projected no-growth debt service tax rate of all overlapping entities specifically attributable to water, sewer, drainage, and for roads if the entity is a road district or road utility district smaller in size than a county commissioner's precinct. In other words for road districts or road utility districts that are as large as one county commissioner's precinct, the road district tax is not counted;

(3) an equivalent surcharge tax rate for water and sewer surcharge, if any;

(4) city tax rate specifically at-

tributable to water, sewage, and drainage if the district is located within a city:

(5) current or proposed maintenance tax levy, if any;

(6) less any equivalent tax rebates or other payments.

(f) Combined projected debt service tax rate is the sum of the following:

(1) projected debt service tax rate of the district;

(2) projected debt service tax rate of all overlapping entities specifically attributable to water, sewer, and drainage, and for roads if the entity is a road district or road utility district smaller in size than a county commissioner's precinct;

(3) an equivalent surcharge tax rate for water and sewer surcharge, if any;

(4) city tax rate specifically attributable to water, sewage, and drainage if the district is located within a city;

(5) current or proposed maintenance tax levy, if any;

(6) less any equivalent tax rebate or other payment.

(g) A surcharge is a flat charge in addition to rates imposed on residents receiving water and/or sewer service from resources of a city or other entity and supplied through district facilities. Surcharge revenues are placed in the district's debt service fund and are intended to be used to meet the debt service requirement on the district's bonds.

(h) For districts collecting surcharge revenues, the equivalent surcharge tax rate shall be calculated as follows:

(1) For residential development with similar house prices:

$$\text{equivalent tax rate} = \frac{\text{monthly surcharge} \times 12 \times 100}{\text{average house price}}$$

(2) For mixed-use development and diverse house prices:

$$\text{equivalent tax rate} = \frac{\text{total annual surcharge revenues at projected build out} \times 100}{\text{total assessed value of district at buildout}}$$

(3) For purposes of this calculation, no adjustments shall be made for projected collection rate of the surcharge, interest earnings on the surcharge account or other factors.

(i) For districts receiving a rebate for taxes paid to a city or other entity for water, sewer, drainage, or road service, the equivalent tax rebate shall be calculated as follows: (total amount rebated by entity to district) X 100 certified assessed value of district.

(j) The assessed value is the appraised value after considering exemptions and special valuations and is the amount to which the tax rate is applied to determine the total tax levy.

(k) For a district's first bond issue, the following paragraphs apply except that paragraphs (5), (6), (7), (8), and (10) are only applicable to a district that has a developer as defined by the Texas Water Code, Texas Civil Statutes, §50.026(d).

(1) The district shall provide the current and projected tax rates of all entities levying or proposing to levy taxes on land within the district and a comparison of such taxes with the total tax levy on all competing projects in the same market area, as defined in the market study, if applicable, shall be provided.

(2) A cash flow analysis to determine the projected debt service revenue and projected tax rate shall be provided. It should include the following assumptions.

(A) Each ending debt service balance in the cash flow analysis will be not

less than 25% of the following year's debt service requirement.

(B) Interest income will only be shown on the ending debt service balance for the first two years.

(C) A 90% tax collection rate shall be used in all the projected tax rate calculations and a 100% tax collection rate shall be used in the no-growth tax rate calculations.

(D) The projected tax rate shall be level or decreasing for the life of the bonds.

(3) The combined projected debt service tax rate shall not exceed the following:

(A) \$1.50 in Harris, Galveston, Montgomery, Fort Bend, Waller, and Brazoria Counties;

(B) \$1.20 in Dallas, Denton, Collin, Tarrant, Travis, Hays, Williamson, Comal, and Guadalupe Counties;

(C) \$1.00 in all other counties.

(4) The combined no-growth debt service tax rate shall not exceed the following:

(A) \$2.50 in Harris, Galveston, Montgomery, Fort Bend, Waller, and

Brazoria Counties;

(B) \$2.20 in Dallas, Denton, Collin, Tarrant, Travis, Hays, Williamson, Comal, and Guadalupe Counties;

(C) \$2.00 for all other counties.

(5) The following applies to the tax assessor's certificate.

(A) If the valuations contained in the certificate of certified assessed valuation are at least 25% higher than those contained in the previous year's certified valuation, a written explanation from the district of such increase and a detailed calculation demonstrating how the value was derived shall be provided.

(B) In determining the projected or no-growth debt service tax rates, a certificate of estimated assessed valuation may be used under the following conditions.

(i) The developer or landowner to receive bond proceeds shall certify, represent, and agree that it will not challenge and attempt to reduce its valuations below the values shown on the certificate for the life of the bonds.

(ii) If the valuation contained in the certificate of estimated taxable valuation is at least 25% higher than that contained in the most recent certified valuation, a written explanation from the district of such increase shall be provided.

(iii) If the estimated taxable valuation results in an exemption from §293.47 of this title (relating to Thirty Percent of District Construction Costs To Be Paid by Developer) and the final certificate of taxable value is not sufficient for an exemption from that section, the developer will be obligated to refund to the district the difference in the bond issue requirement without developer contribution and with developer contribution plus interest at the bond interest rate to the district.

(iv) Developed land value will not be used in the commission's analysis for lots which do not have completed water, sewer, and drainage facilities and roads constructed to county or city standards, as applicable, at the time of development.

(6) At the time of approval of the bond sale, the following shall apply.

(A) All underground water, sewer, and drainage facilities to be financed with proceeds from the proposed bond issue shall be at least 95% complete as certified by the district's engineer.

(B) All groundwater, surface water, waste discharge permits, or other permits needed to secure capacity to support the projected buildout shall have been obtained.

(C) Sufficient lift station, water plant and sewage treatment plant capacity, as applicable depending on the type of district, to serve the connections projected for a period of not less than 18 months shall be either 95% complete as certified by the district's engineer or available in existing plants pursuant to executed contracts for capacity in plant(s) owned by other entities (but in no event less than 50,000 gallons per day water plant and sewage treatment plant capacity).

(D) Water supply, lift station, and wastewater treatment capacity needed to support the projected buildout used to support the feasibility of the subject bond application shall be existing or funds for that capacity shall be included in the bond issue or secured by a letter of credit or other acceptable guarantees approved by the commission.

(E) All street and road construction to provide access to the areas provided with utilities to be financed with proceeds from the proposed bond issue shall be 95% complete as certified by the district's engineer. All streets and roads shall be constructed in accordance with county standards, as appropriate.

(7) At least 25% of the projected value of houses, buildings and/or other improvements shown in the projected

tax rate calculations shall be completed prior to advertising for the bond issue. The projections used to satisfy this section shall also be used in the calculations required by subsection (k) (2) and (3) of this section.

(8) A written agreement must be executed between the district and the developer and any other landowner and their respective lenders receiving proceeds of the bonds which permanently waives the right to claim agricultural, open-space, timberland or inventory valuation for any land, homes, or buildings which they own in the district with respect to taxation by the district. The agreement shall be permanently binding on such developer, other landowners, their respective lenders, any related or affiliated entities and their successors and assignees, unless such exemptions were in effect at the time of the commission's approval of the bond issue and such exemptions were shown in the projected tax rate calculations. Such developer, landowners, and lenders shall record covenants running with the land to such effect, which shall not be modified or released without written authorization of the commission, and shall provide recorded copies to the commission prior to the approval of the bond issue.

(9) One or more of the foregoing requirements may be waived for good cause by commission order if all of the facilities proposed under a bond issue application are essential because of valid orders, permits or actions against the district by a governmental agency or court. If only a portion of the bond issue is for facilities essential because of valid orders, permits, or actions against the district by a governmental agency or court and if a waiver of any of the foregoing requirements is requested, all nonessential projects may be deleted from the bond issue if not feasible under the other provisions of these rules.

(10) A current market study is required for districts using growth projections to support the feasibility of the bond issue. The market study will meet the guidelines set out in the bond application report format. The market study provided will specifically address the projected building program for the three years subsequent to filing of the bond application and the period of projected build-out shown in the bond application and the competing projects in the surrounding market area. The study shall contain a detailed description of the proposed development and the houses, buildings, and other improvements which are proposed.

(11) Requirements of subsection (k) (6) and (7) of this section shall not apply in the following cases.

(A) The no-growth debt service tax rate for a district containing 2,000 acres or more providing only drainage facilities does not exceed \$1.30, or the no-growth debt service tax rate of a district

providing major water and sewage facilities which it finances by the issuance of its bonds to an area containing 2,000 acres or more does not exceed \$1.30, and the combined no-growth debt service tax rate does not exceed \$2.00, and, with respect to each of the described cases, the developer has completed a substantial amount of major thoroughfare or other infrastructure to serve the district.

(B) The district has an acceptable credit rating as defined in §293.47(b)(4) (relating to Thirty Percent of District Construction Costs To Be Paid by Developer) or a credit enhanced rating as defined in Paragraph (5).

(C) The district is providing water, sewer, and drainage facilities and the combined no-growth debt service tax rate of all overlapping entities specifically attributable to water, sewage and drainage, and roads if the entity is a special district encompassing less than one county commissioner's precinct, if any, does not exceed the following:

(i) \$1.50 in Harris, Galveston, Montgomery, Fort Bend, Waller, and Brazoria Counties;

(ii) \$1.20 in Dallas, Denton, Collin, Tarrant, Travis, Hays, Williamson, Comal, and Guadalupe Counties;

(iii) \$1.00 in all other counties.

(D) For the immediately preceding exceptions in paragraph 11 (A), or (C) of this subsection, the developer shall provide a guarantee for its 30% share, if required pursuant to §293.47 (relating to Thirty Percent of District Construction Costs To Be Paid by Developer), in the form and manner required by subsection (g). For the immediately preceding exceptions in paragraph (11) (B) or (C) of this subsection, the developer shall provide a paving guarantee pursuant to §293.48 (relating to Street and Road Construction by Developer).

(1) For a district's second and subsequent bond issues, all of the foregoing of subsection (k) of this section shall apply, and the following shall apply except that paragraphs (2), (3), (4), and (5) of this subsection only apply to districts that have a developer as defined by the Texas Water Code, Texas Civil Statutes, §50.026(d), or to districts which fail to meet the criteria set out in subsection (k) (11) of this section.

(1) A 90% tax collection rate shall be used in the projected tax rate calculations unless the district demonstrates that its historical collection rate is higher, and a 100% tax collection rate shall be used in the no-growth tax rate calculations.

(2) The water, sewer, and drain-

age facilities financed by the district under previous bond issues and all road and street construction to serve such connections shall be at least 95% complete as certified by the district's engineer.

(3) Sufficient lift station, water plant, and sewage treatment plant capacity to serve the connections shown in the tax rate calculations submitted in prior bond issues shall be at least 95% complete as certified by the district's engineer, unless the district is a participant in a regional surface water or wastewater plant, a permit sufficient for the expansion has been issued, and either:

(A) funds are available to finance such capacity and any additional capacity necessary for a feasible expansion;

(B) sufficient capacity is contractually available to serve all such prior connections; or

(C) the plant is under construction with sufficient capacity to serve all such prior connections.

(4) Houses and/or buildings equal to 75% of the projected build-out used in the projected tax rate calculations contained in all prior bond issues shall be completed and may be located on either:

(A) the area developed from the proceeds of the prior bond issues; or

(B) a combination of the area developed from the proceeds of prior bond issues, the proposed bond issue, and future bond issues.

(5) The requirements of subsection (k)(10) of this section shall apply, unless the district requests and the commission, in its discretion waives such requirement for one of the following reasons:

(A) the value of the houses and/or buildings within the areas to be served by the proposed bond issue is 50% of the proposed value of the houses and/or buildings shown in the projected tax rate calculations;

(B) the district has an acceptable credit rating as defined in §293.47(b)(4) (relating to Thirty Percent of District Construction Costs To Be Paid by Developer) or a credit enhanced rating as defined in paragraph (5); or

(C) the district has ratio of debt to assessed valuation as provided in §293.47(a)(1) (relating to Thirty Percent of District Construction Costs To Be Paid by Developer).

(m) A district may request a variance if it does not meet the guidelines contained in subsection (k) and (1) of this section, and a majority of the district's board of directors finds by resolution that the district would be justified in requesting a variance. The district will be responsible for providing sufficient documentation to justify any request for a variance. The commission will only grant variances in exceptional cases and may deny any request for a variance. In determining whether to grant a variance, the following factors shall be considered:

(1) the degree of variation from the guidelines;

(2) the past history of the district with respect to its projections versus actual build-out and compliance with commission rules;

(3) the past history of the developer and related or affiliated entities with respect to its projections versus actual build-out and its compliance with commission rules and agreements with the district and other districts in which it developed land;

(4) other factors peculiar to the district, such as the area in which situated, economic factors, the adjoining competitive developments and their status;

(5) the financial resources of the developer and its lender and any special commitments, obligations or expenditures for the project;

(6) past history of the market area in which the project is located; and

(7) other factors which may affect the feasibility of the project.

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 12, 1989

TRD-8908350

Jim Heley
Director, Legal Division
Texas Water Commission

Effective date: August 9, 1989

Proposal publication date: May 19, 1989

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

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 Adult Probation Commission

Thursday, July 27, 1989, 1:30 p.m. The Audit Review Committee will meet in Building B, Suite 600, 8100 Cameron Road, Austin. According to the agenda, the Committee will consider audit reports; final reviews on the following counties: Baylor, Bexar, Ellis, Falls, Hardin, Hopkins, Jim Wells, Jones, Kaufman, McLennan, Milam and Nacogdoches.

Contact: Virginia Grote, 8100 Cameron Road, Suite 600, Building B, Austin 78753, (512) 834-8188.

Filed: July 18, 1989, 10:49 a.m.

TRD-8906332

Texas Department of Agriculture

Tuesday, August 1, 1989, 1 p.m. and Wednesday, August 2, 1989, 8 a.m. The Texas Wheat Producers Board will meet in the Potter-Randall Room, Kingston Inn, I-40 at Lakeside, Amarillo. According to the agenda, the board will seat new officers, review and approve 1988-89 outside audit, review new research and education proposals, budget amendment, and executive session regarding personnel matters.

Contact: Bill Nelson, Suite 600, Texas Commerce Bank, 2201 Civic Circle, Amarillo, Texas 79109, (806) 352-2191.

Filed: July 18, 1989, 10:52 a.m.

TRD-8906330

State Bar of Texas

Thursday, July 28, 1989, 9 a.m. The Executive Committee will meet in the Nautilus Room, Radisson Hotel, South Padre Island. According to the agenda summary, the committee will hear reports from the chairman, president, executive director, general counsel, president elect, TYLA president, immediate past president, immediate past chairman, and 1989 convention report.

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

Filed: July 19, 1989, 9:31 a.m.

TRD-8906364

Texas Commission for the Blind

Friday, August 11, 1989, 8:30 a.m. the Consumer Advisory Committee will meet at CCRC, 4800 North Lamar and Saturday, August 12, 1989, 8:30 a.m. at the Embassy Suites North, 5901 North IH-35. According to the agenda, the committee will receive the report from CAC chairman, purchasing department subcommittee discussions and report, report from recreation department, from executive director, regional issues, subcommittee discussions and reports.

Contact: Cecilia Berrios, 4800 North Lamar, Suite 320, Austin, Texas 78705, (512) 459-2611.

Filed: July 18, 1989, 10:51 a.m.

TRD-8906331

Texas Department of Commerce

Friday, July 28, 1989, 9:30 a.m. The Texas Literacy Council will meet in Room 309, State Capitol Building, Austin. According to the agenda summary, the council will call to order, approve minutes, have public comment, give legislative update, consider JTPA literacy assistance funding; briefing on the Texas centers for adult literacy and learning (TCALL) at Texas A & M; hear remarks from interagency work group; general discussion, and set date for next meeting.

Contact: Marth Alworth, 8317 Cross Park, Austin, Texas, (512) 834-6291.

Filed: July 20, 1989, 9:18 a.m.

TRD-8906391

Consumer Credit Section of the Finance Commission

Thursday, July 26, 1989, 8:30 a.m. The Credit Section will meet at 2601 North Lamar, Austin. According to the agenda, the Section will discuss agency operation, personnel, and employee compensation.

Contact: Al Endsley, 2601 North Lamar, Austin, Texas 78705, (512) 479-1280.

Filed: July 18, 1989, 11:46 a.m.

TRD-8906328

State of Texas/Governor's Office

Friday, July 28, 1989, 10 a.m. The Governor's Office will meet in Conference Room A, Suite 1400, 14th Floor, Johnson & Gibbs, P.C., 100 Congress Avenue, Austin. According to the agenda summary, the Governor's Office will hold a public hearing on the proposed issuance by the Tarrant County Health Facilities Development Corporation of its Health facilities development Revenue Bonds, Series 1989 (3927 Foundation, Inc. project) in an amount not to exceed \$20 million. The bonds would provide funds to finance or refinance all or part of the cost of the acquisition of land and the acquisition and renovation of certain health facilities located in Corpus Christi, Grapevine, Vidor, Dallas, Austin, Mason, Poteet, Leonard and Devine, Texas, to pay capitalized interest on the bonds, to create a reserve fund for the bonds, and to pay certain costs of issuing the bonds.

Contact: Lori A. Senesac, 900 Jackson Street, Suite 100, Founders Square, Dallas, Texas 75202-4499, (214) 977-9509.

Filed: July 18, 1989, 1:44 p.m.

TRD-8906329

Texas Commission on Human Rights

Tuesday, July 25, 1989, 12 noon The Commission met in Room 119, Stephen F.

Austin Building, 1700 North Congress, Austin for an emergency meeting. According to the revised agenda, the commission discussed and voted on agenda items covered in executive session as necessary/required; welcomed guests; approved minutes; administrative reports (director's reports, complaint monitoring report, submission to HUD for substantial equivalency, gave operations report, finance report, fiscal 1989 budget update); 1990 worksharing agreement; 1990 EEOC charge resolution contract proposal; status of EEO compliance training, commissioner issues and unfinished business. The emergency status was necessary because they deleted "New TCHR Act" under item VIII from commissioner issues.

Contact: William H. Hale, P.O. Box 13493, Austin, Texas 78711, (512) 837-8534.

Filed: July 19, 1989, 10:38 a.m.

TRD-8906367

Texas Department of Labor and Standards

Thursday, July 27, 1989, 9 a.m. The Board of Boiler Rules - Task Force on Steam Traction Engines will meet in TDLS, E. O. Thompson Office Building, 920 Colorado, Austin. According to the agenda, the board will approve agenda; call roll; approve minutes of April 25, 1989, meeting; review assignments and discuss future assignments.

Contact: George Bynog, 920 Colorado, Austin, Texas, (512) 463-2904.

Filed: July 19, 1989, 9:09 a.m.

TRD-8906362

Thursday, July 27, 1989, 1 p.m. The Board of Boiler Rules-Task Force on Boiler Repairs and Alterations will meet in the E.O. Thompson Office Building, 920 Colorado, Austin. According to the agenda, the board will approve agenda; call roll; approve minutes of April 27, 1989, meeting; review assignments, and discuss future assignments.

Contact: George Bynog, 920 Colorado, Austin, Texas, (512) 463-2904.

Filed: July 19, 1989, 9:09 a.m.

TRD-8906361

Wednesday, August 2, 1989, 9 a.m. The Labor, Licensing and Enforcement Division will meet in Room 1012, E. O. Thompson Office Building, 920 Colorado, Austin. According to the agenda, the division will consider suspension, revocation, denial, or a civil penalty of Respondent's, A-1 Paint and Body, Tow Truck and Vehicle Storage License(s), for violation of the department's tow truck and vehicle storage rules and regulations.

Contact: Elvis G. Schulza, 920 Colorado, Austin, Texas 78711, (512) 463-3127.

Filed: July 19, 1989, 10:38 a.m.

TRD-8906366

Lamar University System

Thursday, July 28, 1989, 9 a.m. The Board of Regents met in the Office of the Chancellor, John Gray Institute, 955 Florida, Beaumont for an emergency meeting. According to the agenda, the board will meet in executive session to evaluate personnel under provisions of Vernon's Civil Statutes, Article 6252-17, §2, paragraphs e, legal; f, real estate; and g, personnel. The emergency status was necessary to consider appointments of personnel prior to the next regular scheduled meeting on August 10, 1989, to allow for revising of budgets for 1989-90.

Contact: George McLaughlin, P.O. Box 11900, Beaumont, Texas 77710.

Filed: July 19, 1989, 8:44 a.m.

TRD-8906360

Texas State Board of Medical Examiners

Thursday, July 27, 1989, 8 a.m. The Medical School Committee will meet at 1101 Camino LaCosta, Austin. According to the agenda summary, the board will discuss continuing medical education, visits to medical schools; executive session under authority of Article 6252-17, as related to Article 4495b, 2.07, 3.05(d), 4.05(d), 5.06(e)(1) and opinion of Attorney General 1974, No. H-484.

Contact: Jean Davis, Box 13562, Austin, Texas 78711, (512) 452-1078.

Filed: July 18, 1989, 4:23 p.m.

TRD-8906351

Thursday, July 27, 1989, 8:30 a.m. The Reciprocity Committee will meet at 1101 Camino LaCosta, Austin. According to the agenda summary, the committee will review applicants; hold executive session under authority of Article 6252-17, as related to Article 4495b, 2.07, 3.05(d), 4.05(d), 5.06(e)(1) and opinion of Attorney General 1974, No. H-484.

Contact: Jean Davis, Box 13562, Austin, Texas 78711, (512) 452-1078.

Filed: July 18, 1989 4:23 p.m.

TRD-8906349

Thursday, July 27, 1989, 8:30 a.m. The Examination Committee will meet at 1101 Camino LaCosta, Austin. According to the agenda summary, the Committee will review applicants; hold executive session under authority of Article 6252-17, as related

to Article 4495b, 2.07, 3.05(d), 4.05(d), 5.06(e)(1) and opinion of Attorney General 1974, No. H-484.

Contact: Jean Davis, Box 13562, Austin, Texas 78711, (512) 452-1078.

Filed: July 18, 1989, 4:23 p.m.

TRD-8906350

Thursday, July 27, 1989, 3 p.m. The Computer Committee will meet at 1101 Camino LaCosta, Austin. According to the agenda summary, the committee will discuss progress report of meetings; use and cost of FAX machine, executive session under authority of Article 6252-17, as related to Article 4495b, 2.07, 3.05(d), 4.05(d), 5.06(e)(1) and opinion of Attorney General 1974, No. H-484.

Contact: Jean Davis, Box 13562, Austin, Texas 78711, (512) 452-1078.

Filed: July 18, 1989, 4:22 p.m.

TRD-8906352

Thursday, July 27, 1989, 3:30 p.m. The Ad Hoc Committee on Weight Control will meet at 1101 Camino LaCosta, Austin. According to the agenda summary, the committee will initiate discussion on weight control issue' executive session under authority of Article 6252-17, as related to Article 4495b, 2.07, 3.05(d), 4.05(d), 5.06(e)(1) and opinion of Attorney General 1974, No. H-484.

Contact: Jean Davis, Box 13562, Austin, Texas 78711, (512) 452-1078.

Filed: July 18, 1989, 4:22 p.m.

TRD-8906354

Thursday, July 27, 1989, 3:30 p.m. The Disciplinary Process Review Committee will meet at 1101 Camino LaCosta, Austin. According to the agenda summary, the committee will approve minutes; receive enforcement and special statistical reports; policy regarding review of cases closed in conference; review proposed point system for review of multiple professional liability claims; scheduling of multiple investigative files for conference; conduct conference on cases reviewed by physician consultant and recommend closure; review of selected files; executive session under authority of Article 6252-17, as related to Article 4495b, 2.07, 3.05(d), 4.05(d), 5.06(e)(1) and opinion of Attorney General 1974, No. H-484.

Contact: Jean Davis, Box 13562, Austin, Texas 78711, (512) 452-1078.

Filed: July 18, 1989, 4:22 p.m.

TRD-8906353

Friday, July 28, 1989, 8 a.m. and Saturday, July 29, 1989, 8:30 a.m. The board will meet at 1101 Camino LaCosta, Austin. According to the agenda summary, the board will conduct hearings; proposal for decision; agreed orders; public hearings on clerkship rule 163; meet with medical school representatives (licensure, permits,

admissions, impaired students, visits, continuing education, residents, exams, relationship to board); executive director's report (personnel, licensure, enforcement, meetings, legislation, computer); probationers; minutes, committee meetings/reports; executive session under authority of Article 6252-17, as related to Article 4495b, 2.07, 3.05(d), 4.05(d), 5.06(e)(1), and opinion of Attorney General 1974, No. H-484.

Contact: Jean Davis, Box 13562, Austin, Texas 78711, (512) 452-1078.

Filed: July 18, 1989, 4:22 p.m.

TRD-8906355

Texas State Board of Public Accountancy

Wednesday, July 26, 1989, 1 p.m. The Executive Committee will meet for an emergency meeting, in Suite 340, 1033 La Posada, Austin. According to the agenda summary, the committee will consider the status report on staff implementation of the Act; review the board's financial matters; review status of computer purchase; personnel matters - executive session; review status of negotiations with building management company - executive session; consider substantive rules, and other matters coming before the committee. The emergency status was necessary due to urgency to take action on new rules needed to implement new revised Act.

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

Filed: July 19, 1989, 4:39 p.m.

TRD-8906385

Thursday and Friday, July 27 and July 28, 1989, 9 a.m. The Full Board Meeting will meet in Suite 340, 1033 La Posada, Austin. According to the agenda summary, the board will approve minutes of the May 19-20, 1989 meeting; report of the executive committee (June 23 and 29, 1989); review of the executive committee (July 26, 1989); report of the technical standards review committee, behavioral enforcement committee, examinations committee, licensure education committee, licensing committee and the ad hoc committee on coordination of sunset legislation with TSCPA; ratification of board orders, consent orders, and proposals for decision; review of certain board communications; review of future meeting/hearing schedules.

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

Filed: July 19, 1989, 4:40 p.m.

TRD-8906384

Texas Department of Public Safety

Thursday, July 27, 1989, 10 a.m. The Public Safety Commission will meet in the Commission Room, DPS Headquarters, 5805 North Lamar, Austin. According to the agenda, the Commission will approve minutes, discuss budget matters, personnel, real estate, pending and contemplated litigation and miscellaneous and other unfinished business.

Contact: Joe E. Milner, 5805 North Lamar, Austin, Texas, (512) 465-2000, ext. 3700.

Filed: July 18, 1989, 11:13 a.m.

TRD-8906327

Public Utility Commission of Texas

Wednesday, August 9, 1989, 1:30 p.m. The Hearings Division will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin. According to the agenda, the Hearings Division will hold a prehearing conference concerning Docket No. 8690-Complaint of United Export Trading Association against Southwestern Bell Telephone.

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

Filed: July 18, 1989 3:42 p.m.

TRD-8906335

Friday, August 11, 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 hearings on the merits scheduled in Docket No. 8418 - Application of the Lower River Authority for a Certificate of Convenience and Necessity for a proposed transmission line within Washington County.

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

Filed: July 19, 1989, 1:38 p.m.

TRD-8906377

Friday, August 18, 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 hold a prehearing conference concerning Docket No. 8898 - Complaint of Taylor Electric Cooperative, Inc. against West Texas Utilities Company.

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

Filed: July 18, 1989, 3:38 p.m.

TRD-8906334

Wednesday, September 6, 1989, 10 a.m. The Hearings Division will meet in Suite

430N, 7800 Shoal Creek Boulevard, Austin. According to the agenda, the Hearings Division will hold a prehearing conference concerning Docket No. 8783 - Complaint of Hill Top Lakes Resort City against Navasota Valley Electric Cooperative, Inc. concerning line extension charges.

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

Filed: July 18, 1989, 2:55 p.m.

TRD-8906336

Monday, October 30, 1989, 1:30 p.m. The Hearing Division will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin. According to the agenda, the Hearing Division will hold a prehearing conference concerning Docket No. 8892 - Application of El Paso Electric Company to establish performance standards for the Palo Verde Nuclear Generating System.

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

Filed: July 19, 1989, 1:38 p.m.

TRD-8906378

Texas Savings and Loan Department

Wednesday, July 26, 1989, 9 a.m. The Department will meet in Suite 201, 2601 North Lamar, Austin. According to the agenda summary, the department will consider updates on departmental operations and legislative proposals. An executive session in regard to personnel matters, supervisory matters and pending litigation will be included.

Contact: Laura M. Hale, 2601 North Lamar, Suite 201, Austin, Texas 78705, (512) 479-1250.

Filed: July 18, 1989, 10:07 a.m.

TRD-8906325

Texas State Soil and Water Conservation Board

Wednesday, July 19, 1989, 8 a.m. The board met in the Conference Room, 311 North Fifth Street, Temple, for an emergency meeting. According to the agenda, the Board will consider and take appropriate action on information received from the Attorney General's office concerning operations of Soil and Water Conservation Districts. The emergency status was necessary because it was imperative that information received be reviewed by the Board and distributed to SWCDS prior to the beginning of the new fiscal year.

Contact: Robert G. Buckley, P.O. Box 658, Temple, Texas 76501, (817) 773-2250, STS 820-1250.

Filed: July 18, 1989, 2:30 p.m.

TRD-8906333

Texas Water Commission

Monday, July 31, 1989, 10 a.m. The commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress, Austin. According to the agenda summary, the commission will consider various matters within regulatory jurisdiction of the Texas Water Commission, as more fully stated on the attached agenda. In addition, the commission will consider items previously posted for open meeting and at such meetings 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 the entirety for particular action at a future date or time.

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

Filed: July 19, 1989, 11:01 a.m.

TRD-8906370

Thursday, August 3, 1989, 10 a.m. The commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress, Austin. According to the agenda summary, the commission will consider various matters within regulatory jurisdiction of the Texas Water Commission, as more fully state on the attached agenda. In addition, the commission will consider items previously posted for open meeting and at such meeting 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 the entirety of for particular action at a future date or time.

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

Filed: July 19, 1989, 11:02 a.m.

TRD-8906369

Tuesday, August 8, 1989, 10 a.m. The Hearings Examiners will meet in the Auditorium, 2821 Washington, Greenville. According to the revised agenda summary, the Hearings Examiners will conduct a hearing on the rate increase of Tawakoni Water Utility Corporation - Docket No. 7961-R. The hearing location was changed due to increased public interest.

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

Filed: July 19, 1989, 3:12 p.m.

TRD-8906379

Tuesday, August 15, 1989, 10 a.m. The commission will meet in Room 118, Stephen F. Austin Building, 1700 North

Congress, Austin. According to the agenda summary, the commission will discuss the Rio Grande Watermaster operations: for the purpose of considering the costs for watermaster operations in the Rio Grande Basin from Dave Gill Dam at Fort Quitman downstream to the Gulf of Mexico, excluding the Pecos and Devils River watersheds, and including that portion of the Nueces-Rio Grande Coastal Basin in Hidalgo, Cameron, Willacy and Starr Counties, for fiscal year 1990, which begins September 1, 1989.

Contact: John Hinojosa IV, 811 East Pike Boulevard, Weslaco, Texas 78596-4999, (512) 968-5481.

Filed: July 19, 1989, 11:02 a.m.

TRD-8906368

Thursday, August 17, 1989, 10 a.m. The Commission will meet in Room 1-111, William B. Travis Office Building, 1701 North Congress, Austin. According to the agenda summary, the Commission will determine whether emergency order No. 89-30E issued on July 10, 1989, to Reily Land Company, 404 South Washington, Livingston, Texas 77351 should be affirmed, modified, or set aside. The order requires Reily Land Company, owner of Bear Foot Lake Dam, to lower the water surface elevation of Bear Foot Lake, located in Polk and Liberty Counties, to the invert elevation of the existing service spillway conduit within 10 days of the issuance of the order. It also requires Reily Land Company to either submit plans to modify the dam and begin work on the modification within 60 days, or submit plans to breach the dam and complete the breach within 90 days.

Contact: Wendall Corrigan, P.O. Box 13087, Austin, Texas 78711, (512) 463-8069.

Filed: July 19, 1989, 3:11 p.m.

TRD-8906381

Tuesday, August 29, 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 meet to determine whether to amend Permit No. HW-50225-001 issued to Technical Environmental Systems, Inc., 500 Battleground Road, LaPorte, Texas 77571. The amendment would authorize the addition of a separate enclosed building consisting of 3 discrete container storage units having a combined maximum storage capacity of 264,970 gallons. Wastes managed at this hazardous and non-hazardous commercial industrial solid waste storage facility include hazardous wastes which are ignitable, corrosive, toxic, EP toxic, reactive, and acutely hazardous. The drummed wastes will be collected and stored for the purpose of making full truckload shipments to an authorized disposal or treatment facility. Processing and disposal of solid waste is not authorized by this permit. The facility is

located at 500 Battleground Road in the City of LaPorte, Harris County, Texas.

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

Filed: July 19, 1989, 3:12 p.m.

TRD-8906380

Regional Meetings

Meetings Filed July 18, 1989.

The Lee County Appraisal District, Board of Directors will meet at 218 East Richmond, Giddings, July 26, 1989, at 9 a.m. Information may be obtained from Roy L. Holcomb, 218 East Richmond Street, Giddings, Texas 78942, (409) 542-9618.

The Sabine River Authority of Texas, Board of Directors will meet at Longview Guest Inn, 419 North Spur 63, Longview, July 28, 1989, at 10 a.m. Information may be obtained from Sam F. Collins, P.O. Box 579, Orange, Texas 77630 (409) 746-3200.

TRD-8906326

Meetings Filed July 19, 1989

The Ark-Tex Council of Governments, Executive Committee will meet in Vaughn's Catfish Restaurant, 8 miles north of Linden, July 27, 1989, at 5:30 p.m. Information may be obtained from Susan J. Rice, P.O. Box 5307, Texarkana, Texas 75505, (214) 832-8636.

The Austin Transportation Study, Planning Process Subcommittee will meet in the O'Henry Room, Austin History Center, 810 Guadalupe, Austin, July 26, 1989, at 3 p.m. Information may be obtained from Joseph P. Gieselman, 811 Barton Springs Road, Suite 750, Austin, Texas, (512) 472-7483.

The Austin-Travis County Mental Health Mental Retardation Center, Operations and Planning Committee met in the Board Room, 1403 Collier, Austin, July 20, 1989, at 7:30 a.m. for an emergency meeting. Information may be obtained from Sharon Taylor, 1403 Collier, Austin, Texas 78704, (512) 447-4141.

The Liberty County Central Appraisal District, Board will meet at 1820 Sam Houston, July 26, 1989 at 9:30 a.m. Information may be obtained from Sherry Greak, P.O. Box 10016, Liberty, Texas 77575.

The Lubbock Regional Mental Health Mental Retardation Center, Board of Trustees met in the Board Room, 3801 Avenue J, July 24, 1989, at 12 noon. Information may be obtained from Gene Menefee, 1210 Texas Avenue, Lubbock, Texas 79401, (806) 766-0202.

The Farmer County Appraisal District, Board of Directors will meet at 305 Third Street, Bovina, August 10, 1989 at 7:30

p.m. Information may be obtained from Ron Proctor, P.O. Box 56, Bovina, Texas 79009, (806) 238-1405.

The Pecan Valley Mental Health Mental Retardation Region, Board of Trustees will meet in the Pecan Valley MHMR Region Administrative Office, 650 West Green Street, Stephenville, July 26, 1989, at 8 a.m. Information may be obtained from Dr. Theresa Mulloy, P.O. Box 973, Stephenville, Texas 76401, (817) 965-7806.

The San Jacinto River Authority, Board of Directors, met in Milam Room, Houston Club Building, 811 Ruak, Houston, July 26, 1989, at 1 p.m. Information may be obtained from Jack K. Ayer, P.O. Box 329, Comroe, Texas 77305, (409) 588-1111.

The Texas Panhandle Mental Health Authority, Board of Trustees will meet in the Killgore Atrium, 1200 Wallace Boulevard, Amarillo, July 27, 1989, at 10 a.m. Information may be obtained from Claire Rigler, P.O. Box 3250, Amarillo, Texas 79106, (806) 353-7235.

The West Central Texas Council of Governments, Executive Committee will meet at 1025 East North 10th Street, Abilene, July 26, 1989, at 12:45 p.m. Information may be obtained from Brad Halbert, 1025 East North 10th Street, Abilene 79601, (915) 672-8544.

TRD-8906356

Meetings Filed July 20, 1989

The East Texas Council of Governments, Regional Review Committee met at the STCOG Office, Kilgore, July 25, 1989, at 2 p.m. Information may be obtained from Glynn Knight, 3800 Stone Road, Kilgore, Texas, (214) 984-8641.

The Upper Leon River Municipal Water District, Board of Directors will meet in the General Office of the Filter Plant, Proctor Lake, July 27, 1989 at 6:30 p.m. Information may be obtained from Gary D. Lacy, P.O. Box 67, Comanche, Texas 76442, (817) 879-2258.

TRD-8906390

Name: Robin Johnson

Grade: 10

School: McKinney High, McKinney



In Addition

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

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

Texas Department of Banking Notice of Hearing

The hearing officer of the Department of Banking will hear an appeal of branch approval by Caprock Savings and Loan Association, Crane, and a motion for rehearing by Security State Bank, McCamey, on Wednesday, July 26, 1989, at 8:30 a.m. The hearing will be held in the Finance Commission Building, 2601 North Lamar Boulevard, Austin.

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

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

Issued in Austin, Texas on July 17, 1989.

TRD-8906324 Ann Graham
General Counsel
Texas Department of Banking

Filed: July 18, 1989

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

Texas Department of Community Affairs

Request for Proposals

Notice of Invitation for Program Proposals. The Texas Department of Community Affairs (TDCA), administering agency for the Weatherization Assistance for Low-Income Persons (WAFLIP) Program in Texas, announces a request for proposals (RFP) to provide weatherization services in the County of Dallas.

Selected offerors will be expected to deliver weatherization services to eligible households in accordance with the regulations, 10 Code of Federal Regulations, Part 440, issued under Title IV of the Energy Conservation and Production Act, as amended, Public Law 94-385 (42 United States Code, §6861 et seq.). Services and activities solicited via this RFP are those that weatherize houses to make them more energy efficient, thereby reducing energy consumption and utility costs. Examples include weatherstripping; caulking; installation of attic insulation; and other weatherproofing as allowed by program regulations promulgated by the United States Department of Energy.

The designated service area for this solicitation is the County of Dallas. The initial proposed contract performance period is from September 1, 1989-March 1990. Funds available under this solicitation are estimated to be \$150,848 and represent seven-twelfths (seven of 12 months) of the area's 1989 program year allocation. Additional funds may be available for the selected contractor.

Offerors responding to this notice must be (or become) familiar with the WAFLIP Program regulations set forth in 10 Code of Federal Regulations Part 440 and prepare a proposal that includes planned publicity and outreach for the program, a description of the organization's financial accounting system and audit records history, the type(s) of work force (existing staff, new hire staff, subcontractors, etc.) to be used, and any other information required by the RFP packet.

Selection of an offeror(s) is to be competitive and will be based on a grading system that awards points to proposals in the following or more component areas: organization purpose(s); planned outreach methods; financial accounting system; audit history; work force and task planning; interagency coordination; and compliance with RFP submission requirements.

Qualifications. Offeror(s) eligible to respond to this request are political subdivisions of the State of Texas, or private, non-profit community-based corporations. Offerors must document their capability to accomplish the proposed services. Preference will be given to those organizations whose record demonstrates effectiveness in providing tangible assistance to low-income households or in the actual provision of weatherproofing services. Offerors will be requested to include documentation of their legal authority and eligibility to contract with TDCA.

Deadline. The deadline for TDCA's receipt of the proposals is 5 p. m. Thursday, August 17, 1989. Complete proposals may be mailed to Lucio Varela, Texas Department of Community Affairs, P.O. Box 13166, Austin, Texas 78711-3166. Proposals by special mailing or hand-carried may be delivered to 8317 Cross Park Drive, Third Floor, Austin, Texas 78754-5124.

General Information. TDCA reserves the right to accept or reject any or all proposals submitted. TDCA is under no legal requirement to execute a contract on the basis of this notice and intends this material only as a means of identifying the various contractor alternatives. TDCA intends to use responses as a basis for further negotiation of specific program details with potential contractors.

This request does not commit TDCA to pay for any costs incurred prior to the execution of a contract and is subject to the availability of sufficient WAFLIP program funds from the United States Department of Energy, the United States Department of Health and Human Services, and any other available sources.

TDCA specifically reserves the right to vary any or all provisions at any time prior to the execution of a contract(s) if the TDCA deems such variances to be in the

best interest of the state, and to otherwise act as it determines in its sole discretion.

For a request for proposals packet or additional information regarding this notice, please contact: Lucio Varela, Director of Program Support, Texas Department of Community Affairs, P.O. Box 13166, Austin, Texas 78711-3166, (512) 834-6006.

Issued in Austin, Texas on July 17, 1989.

TRD-8906348

Roger A. Coffield
General Counsel
Texas Department of Community Affairs

For further information, please call: (512) 834-6010

Texas Department of Mental Health and Mental Retardation

Correction of Error

The Texas Department of Mental Health and Mental Retardation submitted a proposed new which contained errors as published and submitted by the department in the June 23, 1989, issue of the *Texas Register* (14 TexReg 3089).

In §401.382(b)(1) and (2) it should read: "(1) when the expenditure will not exceed \$250, no bid is required";

"(2) when the expenditure will be between \$250 and \$1,000 three telephone bids are required; and"

In §401.385(b)(3) it should read: "(3) the department determines that a community center is not in compliance with the contract for services and the arrangement is terminated in accordance with applicable clauses of the contract for services and this subchapter."

Texas Parks and Wildlife Department

Notice of Public Hearing

Notice is hereby given that the Koch Refining Company, whose address is 4111 North 37th Street East, Wichita, Kansas 67220, on July 17, 1989, filed an application with the Texas Parks and Wildlife Commission for a sand, gravel, and marl permit: to temporarily disturb approximately 300 cubic yards of sand, gravel, and marl of the Little River to install a 16" pipeline located approximately 7.2 miles downstream from State Highway 95 near Academy. Adjoining land owners are Harley C. Sullivan and Hugh K. Perkins, both in Bell County; to temporarily disturb approximately 200 cubic yards of sand, gravel and marl of the San Antonio River upstream from Labatt Road, adjacent to the San Antonio City Public Service Power Line. Adjoining landowners are Leroy Schellhase and Arnold Nitsche, Wilson County; to temporarily disturb approximately 175 cubic yards of sand, gravel and marl of the San Antonio River approximately 4.5 miles upstream from FM 541, adjacent to the San Antonio City Public Service Power Line. Adjoining landowners are Ina L. Compton and Hubert L. Bates, Wilson County; to temporarily disturb approximately 150 cubic yards of sand, gravel and marl of the San Antonio River approximately 3.8 miles upstream from FM 541, adjacent to the San Antonio City Public Service Power Line. Adjoining landowners are Hubert L. Bates and Emil A. Snoga, Wilson County; to temporarily disturb approximately 150 cubic yards of sand, gravel and marl of the San Marcos River to install a 16" pipeline located approximately midway between Fentress and Prairie Lea in the vicinity of an existing Intratex pipeline. Adjoining land owners are Wil-

liam Z. Miller, Jr. in Guadalupe County and William G. Miller in Cakiwell County; to temporarily disturb approximately 500 cubic yards of sand, gravel and marl of the Colorado River to install a 16" pipeline located approximately 1.4 miles downstream from FM 973 in the vicinity of an existing Lone Star pipeline. Adjoining land owners are Jean S. Shepard and Linda G. Prantice, Travis County; to temporarily disturb approximately 400 cubic yards of sand, gravel and marl of the Guadalupe River to install a 16" pipeline located southeasterly of Schumannville adjacent to an electric transmission line. Adjoining land owners are Grace Garza and Hunter Flores, Guadalupe County.

Pursuant to commission rule, the executive director has appointed an examiner to conduct a hearing on this application at 2 p.m., August 4, 1989, Conference Room C-200, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, at which time all interested parties may appear and be heard. Evidence or testimony may be presented orally or in writing by affidavit or deposition. All evidence offered must be subject to cross-examination or otherwise qualify as admissible evidence under the Texas Rules of Civil Evidence in order to be considered by the commission. Written evidence should be filed with the examiner prior to the hearing date.

This hearing will be held under the authority of Article 6252-13a, §18(a) and the rules of the Texas Parks and Wildlife Commission, 31 TAC §57.61 et. seq. and 31 TAC §51.21 et. seq.

The record of this proceeding will include evidence and testimony taken at the public hearing. The hearing may be continued from time to time and place to place, if necessary, to develop all relevant evidence bearing on the subject of the hearing. The examiner retains the authority to schedule or reschedule hearings as deemed necessary. Further information concerning any aspect of the application, if available, may be obtained by contacting Rollin MacRae, Wetlands Coordinator, Resource Protection Division, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, Texas 78744, (512) 389-4639. Information concerning any procedures of the hearing or scheduling may be obtained by contacting Jennifer Mallett, Hearing Examiner, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, Texas 78744, (512) 389-4867.

Issued in Austin, Texas on July 19, 1989.

TRD-8906363

Jennifer Mallett
Hearing Examiner
Texas Parks and Wildlife

Filed: July 19, 1989

For further information, please call: (512) 389-4805

Texas Department of Pharmacy

Correction of Error

The Texas Department of Pharmacy submitted a proposed amendment which contained errors as published in the July 11, 1989, issue of the *Texas Register* (14 TexReg 3338).

In §291.72 it should read: "Controlled substance—A drug, immediate precursor, or other substance listed in Schedules I-V or Penalty Groups 1-4 of the Texas Controlled Substances Act, as amended (Texas Civil Statutes, Article 4476-15), or a drug, immediate precursor, or other substance included in Schedules I-V of the Federal Comprehensive Drug Abuse Prevention and Control Act of 1970, as amended (Publication Law 91-513)."

In §291.74 (g)(2)(A)(iii) it should read: "(iii)(D) Dangerous [of drugs and/or controlled substances may only be supplied [dispensed] in prepackaged quantities not to exceed a 72-hour supply in suitable containers and appropriately pre-labeled (including necessary auxiliary labels) by the institutional pharmacy."

In §291.74 (g)(2)(B)(vi) it should read: "(vi) The dangerous drugs may only be supplied in prepackaged quantities not to exceed a 72-hour supply in suitable containers and appropriately pre-labeled (including necessary auxiliary labels) by the institutional pharmacy."

In §291.74 (g)(C) should read: "(C) Prior to implementing the procedures for supplying dangerous drugs to emergency room patients of a hospital on the telephone order of a practitioner, as specified in subparagraph (B) of this paragraph, the hospital shall notify the board of its intent to implement this policy. Such notification shall be signed by the hospital administrator, medical director, and pharmacist-in-charge and contain the following information:"

Public Utility Commission of Texas

Notices of Application to Amend Certificate of Convenience and Necessity

Notice is given to the public of the filing with the Public Utility Commission of Texas of an application on June 28, 1989, to amend a certificate of convenience and necessity pursuant to the Public Utility Regulatory Act, §§16(a), 17(e), 50, 52, and 54. A summary of the application follows.

Docket Title and Number. Application of Southwestern Bell Telephone Company (SWB) to amend certificate within Ector County, Docket Number 8906 before the Public Utility Commission of Texas.

The Application. In Docket Number 8906, SWB requests approval of its application to amend the exchange area boundary between SWB's Odessa and terminal exchanges in Ector County.

Persons who wish to intervene in the proceeding or comment upon action sought, should contact the Public Utility Commission of Texas, 7800 Shoal Creek Boulevard, Suite 400N, Austin, Texas 78757, or call the Public Utility Commission Consumer Affairs Division at (512) 458-0223, or (512) 458-0227, or (512) 458-0221 for typewriter for the deaf within 15 days of this notice.

Issued in Austin, Texas on July 17, 1989.

TRD-8906337
Mary Rose McDonald
Secretary of the Commission
Public Utility Commission of Texas

Filed: July 18, 1989

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

Notice is given to the public of the filing with the Public Utility Commission of Texas of an application on June 16, 1989, to amend a certificate of convenience and necessity pursuant to the Public Utility Regulatory Act, §§16(a), 17(e), 50, 52, and 54. A summary of the application follows.

Docket Title and Number. Application of Houston Lighting and Power Company for a certificate of convenience

and necessity within Wharton, Matagorda, and Brazoria Counties, Docket Number 8909 before the Public Utility Commission of Texas.

The Application. In Docket Number 8909, Houston Lighting and Power requests approval of its application to build approximately 21.5 miles of 138kV transmission line within Wharton, Matagorda, and Brazoria Counties.

Persons who wish to intervene in the proceeding or comment upon action sought, should contact the Public Utility Commission of Texas, 7800 Shoal Creek Boulevard, Suite 400, Austin, Texas 78757, or call the Public Utility Commission Consumer Affairs Division at (512) 458-0223, or (512) 458-0227, or (512) 458-0221 for typewriter for the deaf within 15 days of this notice.

Issued in Austin, Texas on July 17, 1989.

TRD-8906338
Mary Rose McDonald
Secretary of the Commission
Public Utility Commission of Texas

Filed: July 18, 1989

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

Notice is given to the public of a filing with the Public Utility Commission of Texas. Southwestern Bell Telephone Company filed an application on June 26, 1989, to revise a base rate area pursuant to the Public Utility Regulatory Act, §§16(a), 18(b), and 37.

Docket Title and Number. Application of Southwestern Bell Telephone Company to revise the Bastrop exchange base rate area, Docket Number 8894 before the Public Utility Commission of Texas.

The Application. In Docket Number 8894, Southwestern Bell Telephone Company filed an application to extend the base rate area in its Bastrop exchange to include 1,550 additional customers in Bastrop County.

Persons who wish to intervene in the proceeding or comment upon action sought, should contact the Public Utility Commission of Texas, 7800 Shoal Creek Boulevard, Suite 400, Austin, Texas 78757, or call the Public Utility Commission Consumer Affairs Division at (512) 458-0223, or (512) 458-0227, or (512) 458-0221 for typewriter for the deaf within 15 days of this notice.

Issued in Austin, Texas on July 17, 1989.

TRD-8906339
Mary Rose McDonald
Secretary of the Commission
Public Utility Commission of Texas

Filed: July 18, 1989

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

Notice is given to the public of the filing with the Public Utility Commission of Texas of an application on June 30, 1989, to amend a certificate of convenience and necessity pursuant to the Public Utility Regulatory Act, §§16(a), 17(e), 50, 52, and 54. A summary of the application follows.

Docket Title and Number. Application of Central Texas Telephone Cooperative, Inc. to amend its certificate of convenience and necessity within McCulloch County, Docket Number 8908 before the Public Utility Commission of Texas.

The Application. In Docket Number 8908, Central Texas Telephone Cooperative requests approval of its application

to amend service area boundaries of the Melvin Exchange in McCulloch County.

Persons who wish to intervene in the proceeding or comment upon action sought, should contact the Public Utility Commission of Texas, 7800 Shoal Creek Boulevard, Suite 400, Austin, Texas 78757, or call the Public Utility Commission Consumer Affairs Division at (512) 458-0223, or (512) 458-0227, or (512) 458-0221 for typewriter for the deaf within 15 days of this notice.

Issued in Austin, Texas on July 17, 1989.

TRD-8906340 Mary Ross McDonald
Secretary of the Commission
Public Utility Commission of Texas

Filed: July 18, 1989

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

Notice is given to the public of the filing with the Public Utility Commission of Texas of an application on June 16, 1989, to amend a certificate of convenience and necessity pursuant to the Public Utility Regulatory Act, §§16(a), 17(e), 50, 52, and 54. A summary of the application follows.

Docket Title and Number. Application of Magic Valley Electric Cooperative, Inc. for a certificate of convenience and necessity for a proposed transmission line within Cameron County, Docket Number 8888 before the Public Utility Commission of Texas.

The Application. In Docket Number 8888, Magic Valley Electric Cooperative requests approval of its application to construct approximately 26 miles of 138kV transmission line within Cameron County.

Persons who wish to intervene in the proceeding or comment upon action sought, should contact the Public Utility Commission of Texas, 7800 Shoal Creek Boulevard, Suite 400, Austin, Texas 78757 or call the Public Utility Commission Consumer Affairs Division at (512) 458-0223, or (512) 458-0227, or (512) 458-0221 for typewriter for the deaf within 15 days of this notice.

Issued in Austin, Texas on July 17, 1989.

TRD-8906341 Mary Ross McDonald
Secretary of the Commission
Public Utility Commission of Texas

Filed: July 18, 1989

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

Travis County and District Retirement System

Correction of Error

The Travis County and District Retirement System submitted a proposed amendment which contained errors as published in the May 19, 1989, issue of the *Texas Register* (14 TexReg 2455).

In §103.3(a) it should read: "(a) The selection by any member of the system on any form filed with the system of a retirement annuity in the form of an annuity other than a joint-and-survivor annuity that pays benefits to the member's spouse on the death of the member is not effective unless the member's spouse consents to the selection."

In §103.3(c)(5) it should read: "(5) a former spouse is entitled to receive a portion of the member's retirement

benefit under a qualified domestic relations order."

Also, the effective date should be "August 28, 1989."

Texas Water Commission Enforcement Orders

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

An enforcement order was issued to the City of San Antonio (Standard Industries), Permit 03025, on July 14, 1989, assessing \$6,520 in administrative penalties, and imposing stipulated 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 14, 1989.

TRD-8906316 Gloria A. Vasquez
Notices Coordinator
Texas Water Commission

Filed: July 17, 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 Keith Hutchinson, Permit SWR 65333, on July 14, 1989, assessing \$7,200 in deferred administrative penalties.

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

Issued in Austin, Texas, on July 14, 1989.

TRD-8906318 Gloria A. Vasquez
Notices Coordinator
Texas Water Commission

Filed: July 17, 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 San Angelo By-Products, Inc. Permit 01594, on July 14, 1989, assessing \$4,250 in administrative penalties, and imposing stipulated administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Wendall Corrigan, Staff Attorney,

Texas Water Commission, P.O. Box 13087, Austin, Texas
78711-3087, (512) 463-5069.

Filed: July 17, 1989

For further information, please call (512) 463-5069.

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TRD-5806817

Glenn A. Vasquez
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