

Texas Register

Volume 14, Number 58, August 11, 1989

Pages 3953-4016

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

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

Governor—appointments, executive orders, and proclamations

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

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

Proposed Sections—sections proposed for adoption

Withdrawn Sections—sections withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date

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

Open Meetings—notices of open meetings

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

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

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

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

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

Texas Administrative Code

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

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

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

TAC stands for the *Texas Administrative Code*;

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



Texas Register Publications

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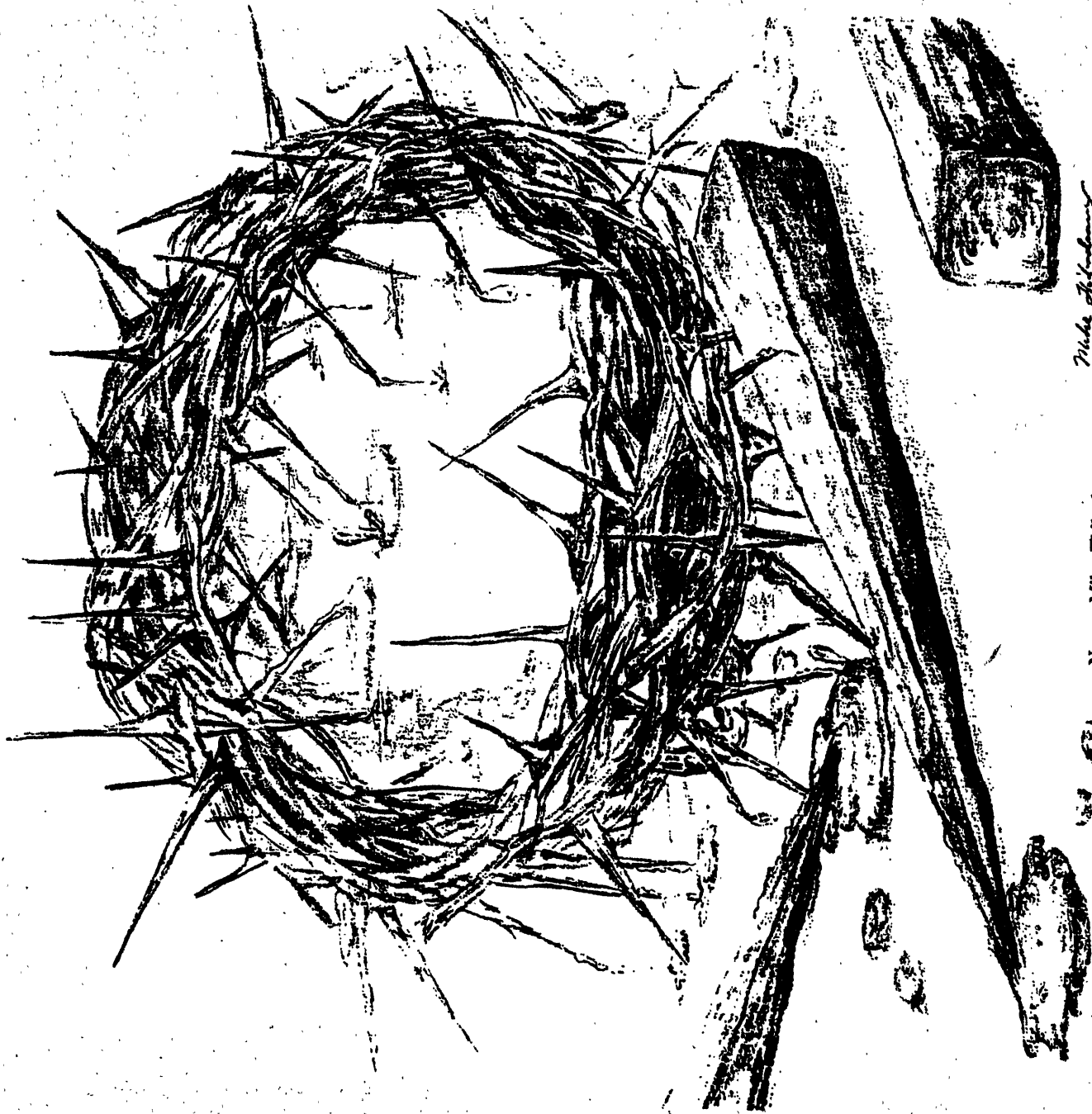
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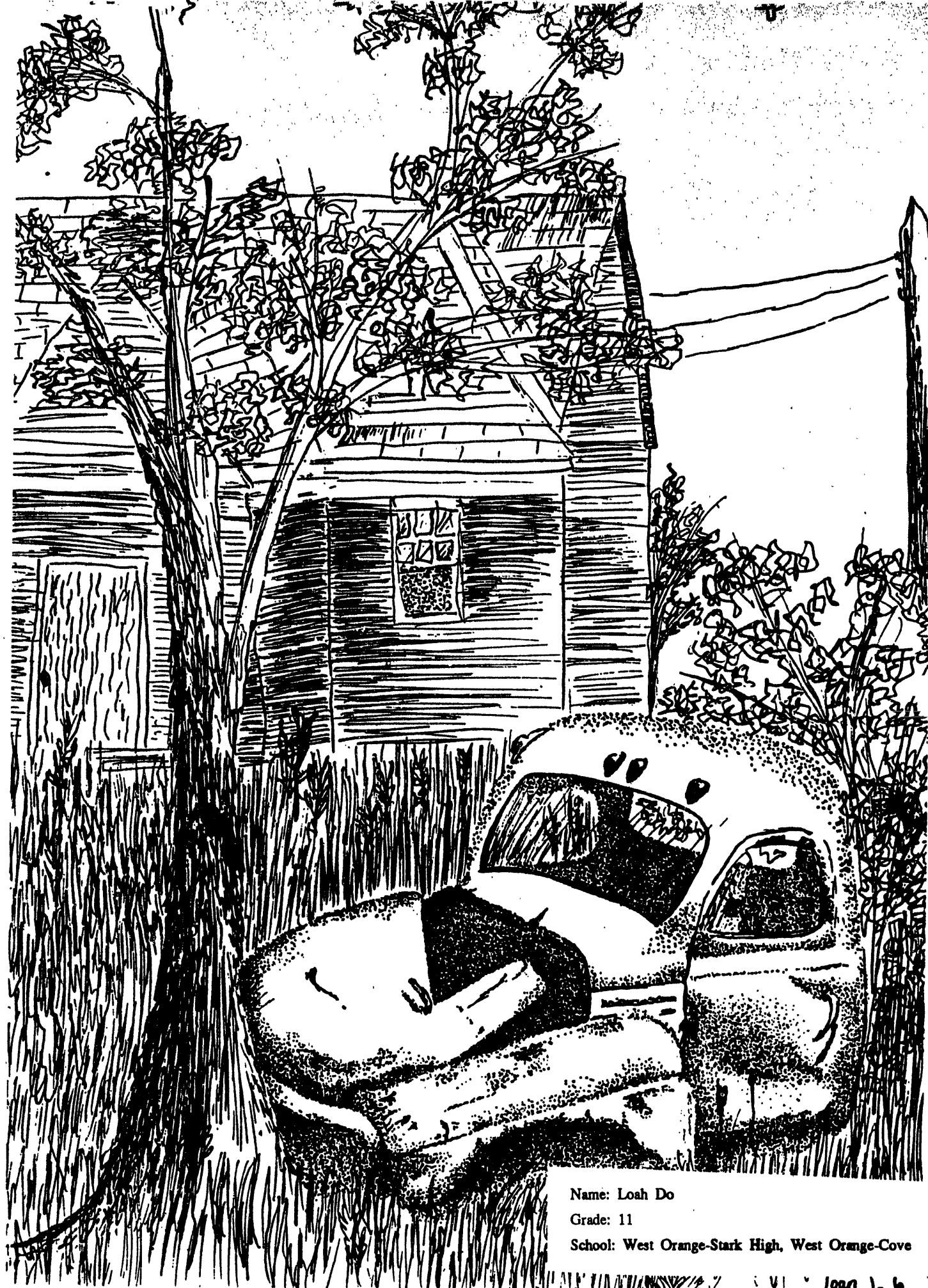
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The Governor

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

Appointments Made August 3, 1989

To be a member of the Texas State Board of Public Accountancy for a term to expire January 31, 1993: Ladelle M. Hyman, 3502 Saratoga Drive, Houston, Texas 77088. Dr. Hyman is being appointed to a new position.

To be a member of the Trinity River Authority Board of Directors for a term to expire March 15, 1993: C. L. McCuiston, Jr., 400 Crestview, Forney, Texas 75126. Mr. McCuiston will be filling the unexpired term of Ray H. Myers of Forney, who resigned.

To be a member of the Polygraph Examiners Board, for a term to expire June 18, 1991: Emie Hulsey, 11907 Corona, Houston, Texas 77072. Mr. Hulsey will be filling

the unexpired term of William Fisher of Houston, who is deceased.

To be a member of the Texas Juvenile Probation Commission for a term to expire August 31, 1993: Kimball T. Hillencamp, 627 El Paso, Jacksonville, Texas 75766. Mr. Hillencamp will be filling the unexpired term of Antonio O. Garza of Brownsville, who resigned.

To be a member of the Home Health Services Advisory Council for a term to expire January 31, 1991: Mary Charles Steele Suther, 10702 Stone Canyon, #217, Dallas, Texas 75230. Ms. Suther is being reappointed.

To be a member of the Family Practice Residency Advisory Committee for a term to expire August 29, 1992: Georgia Hawks Swift, 2401 West 26th Street, Amarillo, Texas 79109. Mrs. Swift is being reappointed.

To be a member of the Texas Higher Education Coordinating Board for a term to expire August 31, 1995: Charles C. Sprague, M.D., 6636 Longfellow, Dallas, Texas 75230. Dr. Sprague will be replacing John Samuel Carroll, III of El Campo, who resigned.

To be a member of the State Depository Board for a term to expire August 22, 1991: Robert Lee Monaghan, 2007 Country Club, Midland, Texas 79701. Mr. Monaghan is being reappointed.

To be a member of the Lower Concho River Water and Soil Conservation Authority for a term to expire February 1, 1995: Alton R. Taylor, P.O. Box 331, Eden, Texas 76837. Mr. Taylor is being reappointed.

Issued in Austin, Texas on August 3, 1989.

TRD-8906996

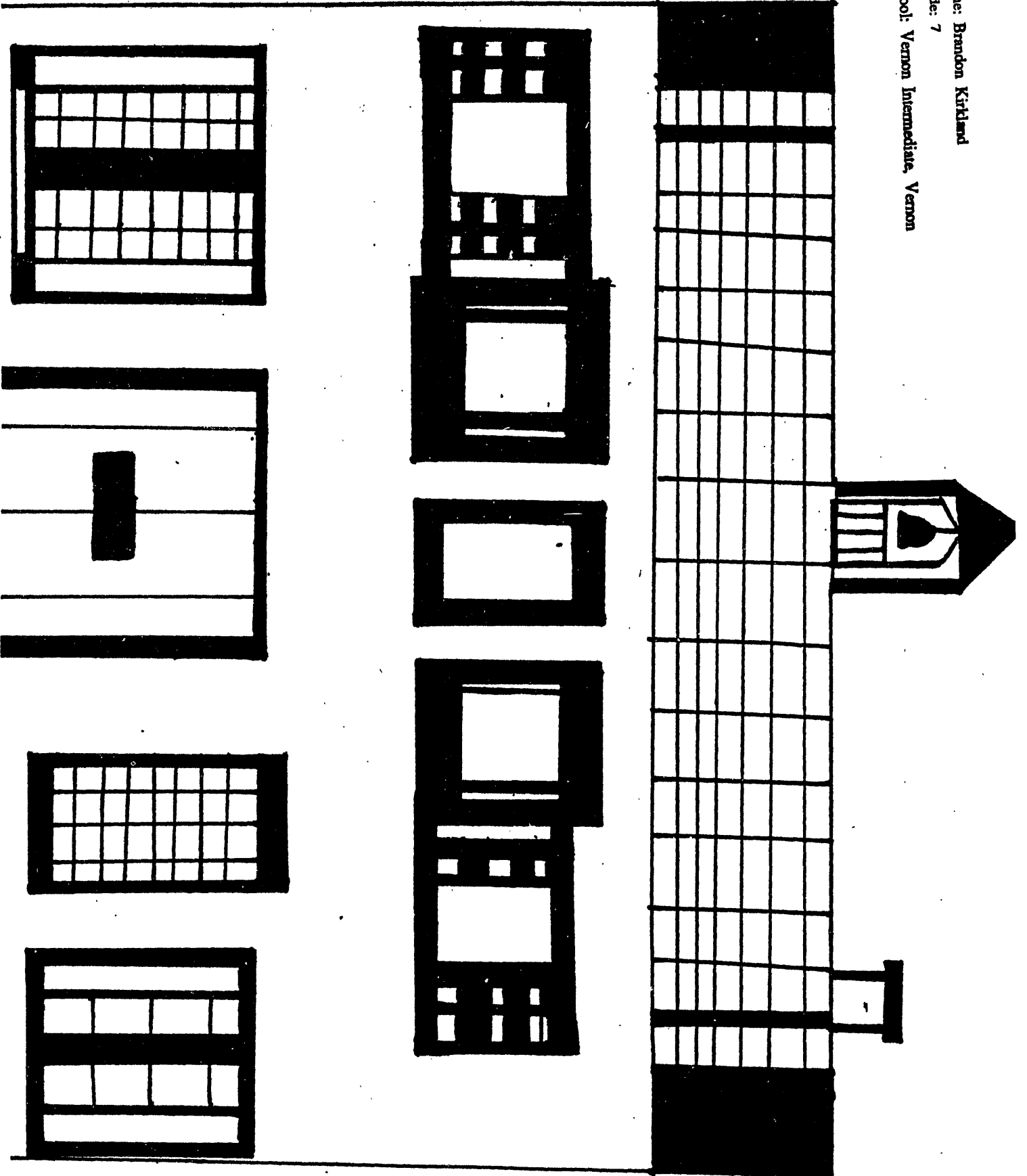
William P. Clements, Jr.
Governor of Texas



Name: Brandon Kirkland

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Attorney General

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

Open Records Decision

ORD-526(RQ-1736). Request from Wayne Belvins, Superintendent, Alief Independent School District, Alief, concerning public availability of education transcripts of professional public school employees under Senate Bill Number 404 of the 71st Texas Legislature.

Summary of Decision Senate Bill Number 404 of the 71st Texas Legislature created a new statutory exception to the Texas Open Records Act, Texas Civil Statutes, Article 6252-17a, to protect certain portions of professional public school employees' college transcripts from required public disclosure. Governmental bodies that hold such transcripts from institutions of higher education in the personnel files of professional public school employees must edit from the transcripts all information other than the employee's name, the courses taken, and the degree(s) obtained.

TRD-8906895

Opinions

JM-1074 (RQ-1541). Request from Mike Driscoll, Harris County Attorney, 1001 Preston, Suite 634, Houston, concerning

whether the establishment of a separate payroll department by a commissioners court impermissibly infringes on duties assigned to the county treasurer.

Summary of Opinion. The commissioners court of Harris County has no independent general authority to establish a payroll department. The creation of a county payroll department under the circumstances considered in this opinion would impermissibly usurp the statutory authority of the county treasurer under the Local Government Code, §§113.047, 151.903, 154.043, and 155.021. County officers in Harris County are authorized, but not required to delegate the preparation of employees' paychecks to the county treasurer. The county treasurer is the official responsible for disbursing paychecks to county officers and employees.

TRD-8906893

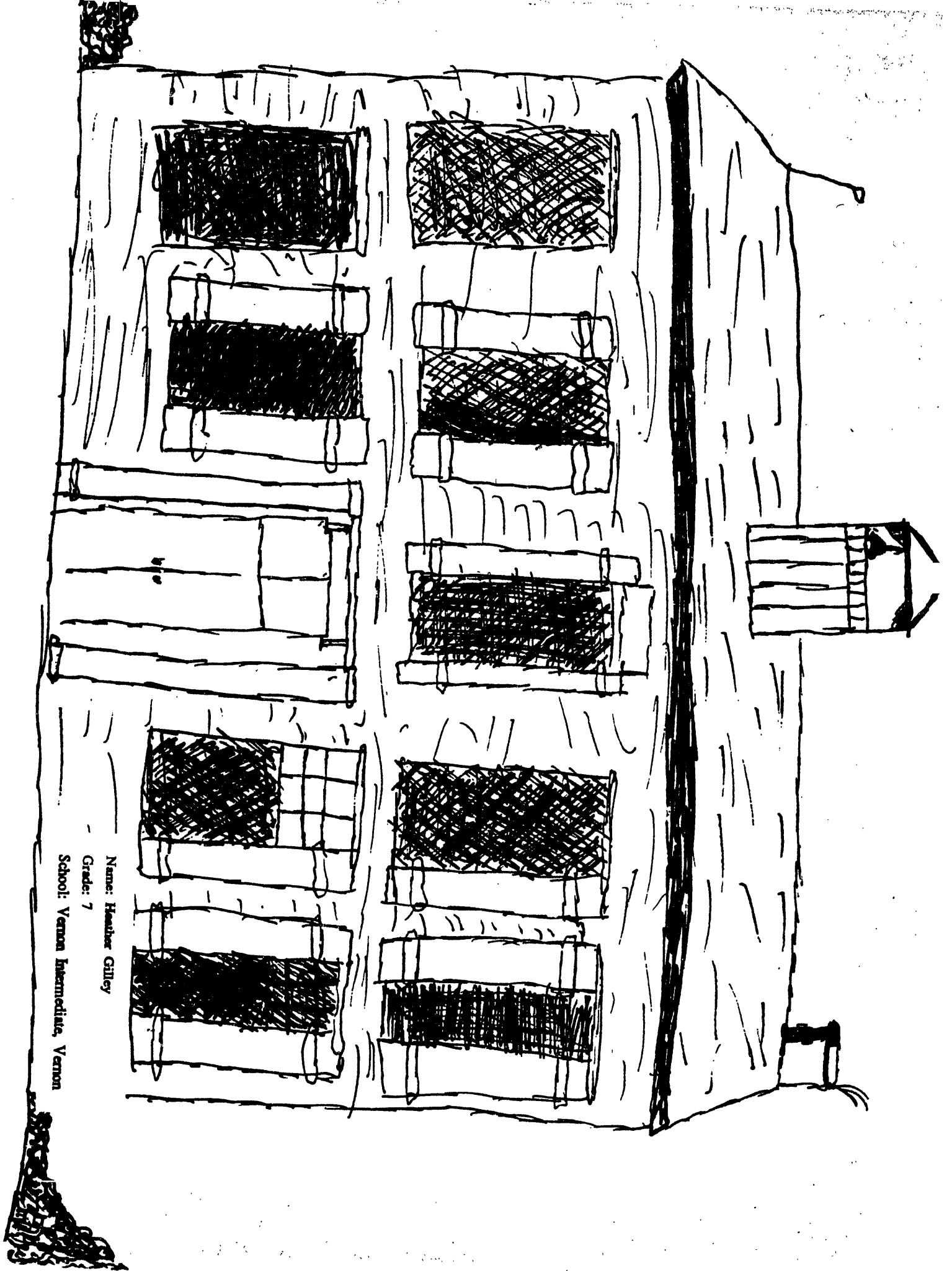
JM-1075 (RQ-1716). Request from Dennis R. Jones, Commissioner, Texas Department of Mental Health and Mental Retardation, Austin, concerning effect of an amendment to rules of criminal evidence in production of clinical records.

Summary of Opinion. Rule 509 of the Texas Rules of Criminal Evidence repeals Texas Civil Statutes, Article 5561h, insofar

as it relates to any information in the clinical records relating to the diagnosis or evaluation of mental or emotional condition of a patient heretofore deemed confidential under the physician-patient privilege in criminal cases and criminal law matters. Texas Civil Statutes, Article 5547-300, §57(a) (which provides for the confidentiality of clinical records relating to the identity, diagnosis, evaluation, and treatment of a mentally retarded person) is repealed by Rule 509 of the Texas Rules of Criminal Evidence in criminal cases and criminal law matters to the extent that such records may have heretofore been deemed confidential under the physician-patient privilege.

A subpoena issued in accordance with the provisions of the Code of Criminal Procedure, Article 24.02 is sufficient to require the production of clinical records in a state criminal proceeding. A grand jury investigation is a criminal proceeding in both state and federal courts. Rule 509 of the Texas Rules of Criminal Evidence is not applicable to criminal proceedings in federal courts. Texas Civil Statutes, Articles 5561h and 5547-300, §57, are not applicable in criminal proceedings in federal courts.

TRD-8906894



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Emergency Sections

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

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

TITLE 34. PUBLIC FINANCE

Part IV. Employees Retirement System of Texas

Chapter 73. Benefits

• 34 TAC §73.27

The Employees Retirement System of Texas (ERS) adopts on an emergency basis an amendment to §73.27, concerning benefits. This emergency amendment is necessary to implement the provisions of Senate Bill 58, 71st Legislature, 1989, which amended Texas Civil Statutes, Title 110B, §24.105(b), to require the Board of Trustees of ERS to promulgate a section which shall, for the purpose of computing standard service retirement annuities, increase to 2.0% the value of each of a person's first 10 years of service credit in the employee class of membership of ERS, unless the actuary for ERS certifies that the adoption of the section will cause the time required to amortize the unfunded actuarial liabilities of ERS to be increased to a period that exceeds 31 years.

The ERS is in receipt of a report from the ERS actuary which certifies that the adoption of a rule as required by Texas Civil Statutes, Title 110B, §24.105(b), as amended by Senate Bill 58, 71st Legislature, 1989, will not cause the time required to amortize the unfunded actuarial liabilities of ERS to be increased to a period that exceeds 31 years.

The amendment is adopted on an emergency basis under Texas Civil Statutes, Title 110B, §24.105(b) and 25.102, which provide the Board of Trustees of the Employees Retirement System with the authority to promulgate a section which shall, for the purpose of computing standard service retirement annuities, increase from 1.8% to 2.0% the value of a person's first 10 years of service credit in the employee class of membership of ERS, unless the actuary for the retirement system certifies that the adoption of the section will cause the time required to amortize the unfunded actuarial liabilities of the retirement system to be increased to a period that exceeds 31 years.

§73.27. Percentage Value of a Member's First 10 Years of Service.

(a) The percentage value of each person's first 10 years of service credit in the employee class of membership of the Employees Retirement System of Texas, for the purpose of computing standard service retirement annuities for retirements with effective dates of January 31, 1988 [, and later,] through August 31, 1989, shall be 1.8% per year.

(b) The percentage value of each person's first 10 years of service credit in the employee class of membership of the Employees Retirement System of Texas, for the purpose of computing standard service retirement annuities for retirements with effective dates of September 30, 1989, and later, shall be 2.0% per year.

Issued in Austin, Texas on August 3, 1989.

TRD-8908968

Clayton T. Garrison
Executive Director
Employees Retirement
System of Texas

Effective date: September 1, 1989

Expiration date: December 30, 1989

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

TITLE 34. PUBLIC FINANCE

Part IV. Employees Retirement System

Chapter 81. Insurance

• 34 TAC §81.7

The Employees Retirement System is renewing the effectiveness of the emergency adoption of amended §81.7, for a 60-day period effective August 10, 1989. The text of amended §81.7 was originally published in the June 13, 1989, issue of the *Texas Register* (14 TexReg 52).

Issued in Austin, Texas on August 3, 1989.

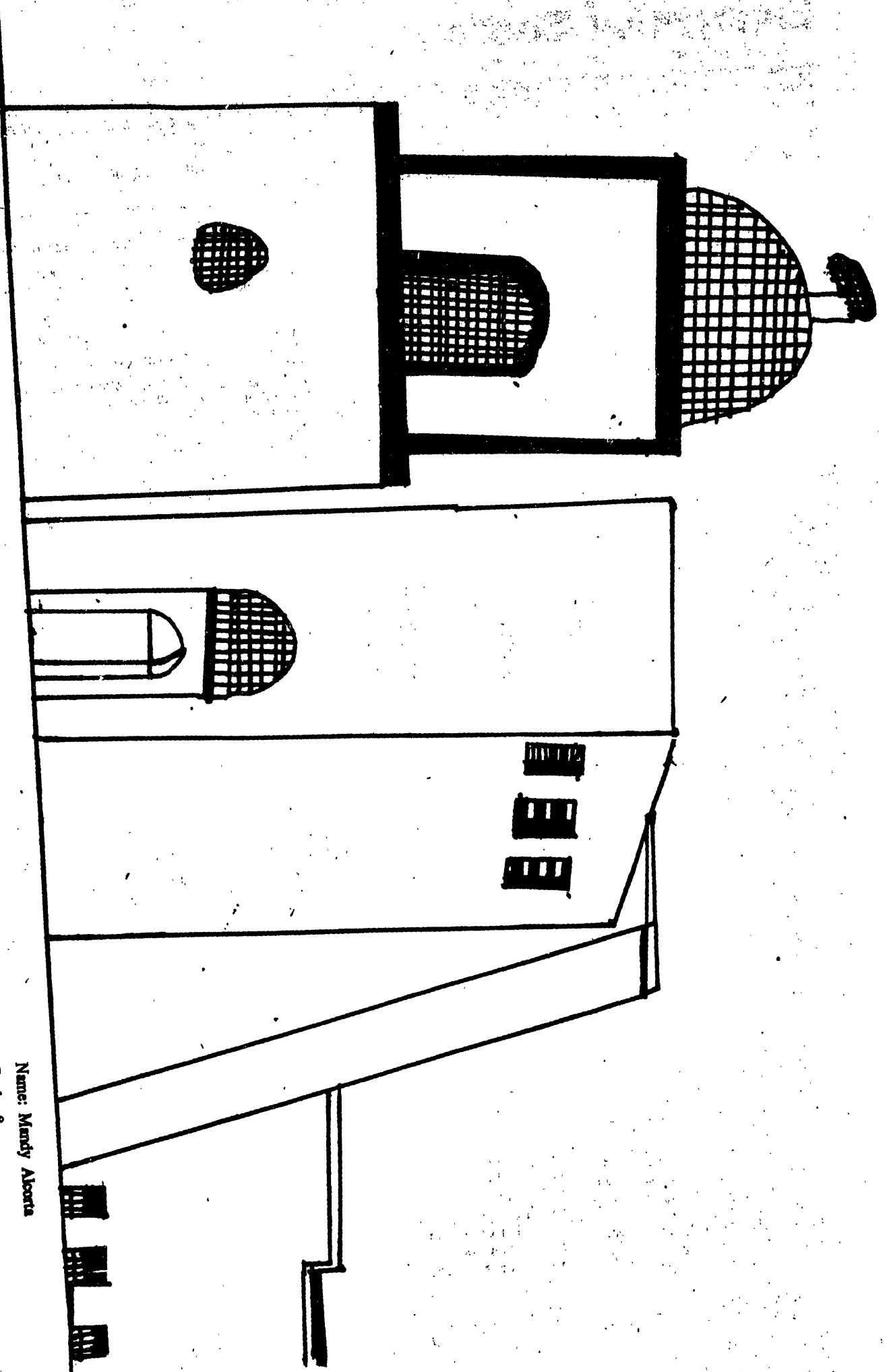
TRD-8908968

William S. Nail
General Counsel
Employees Retirement
System

Effective date: August 10, 1989

Expiration date: October 9, 1989

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



Name: Mandy Alcott

Grade: 8

School: Vernon Intermediate, Vernon

Proposed Sections

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

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

TITLE 16. ECONOMIC REGULATION

Part IV. Texas Department of Labor and Standards

Chapter 78. Talent Agencies

- 16 TAC §§78.1, 78.10, 78.20, 78.30, 78.40, 78.60, 78.70-78.74, 78.80-78.82, 78.90, 78.100

The Texas Department of Labor and Standards proposes new §§78.1, 78.10, 78.20, 78.30, 78.40, 78.60, 78.70-78.74, 78.80-78.82, 78.90, and 78.100, concerning authority, definitions, registration requirements, exemptions, bond requirements, department and registrant responsibilities, fees, sanctions, and technical requirements as they relate to talent agencies. These sections are new rules necessary to administer the Texas Talent Agency Act passed by the 71st Legislature.

Joseph L. Huertas, program manager, 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. Huertas 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 increased disclosure as to the true nature and substance of the services offered by a talent agency and disclosure of rights to consumers transacting business with a talent agency. There is no anticipated economic cost to individuals who are required to comply with the sections as proposed.

Comments on the proposal may be submitted to Joseph L. Huertas, P.O. Box 12157, Austin, Texas 78711.

The new sections are proposed under the Texas Talent Agency Act, which provides the department with the authority to adopt rules as necessary to implement this Act.

§78.1. Authority.

These rules are promulgated under the authority of the Texas Talent Agency Act.

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

The Act—The Texas Talent Agency Act, relating to talent agencies.

Artist—Includes an actor who performs or seeks to perform in a motion picture, theatrical, radio, television, or other entertainment production; a musician or musical director; a director of a motion picture, theatrical, radio, television, or other entertainment production; a writer; a cinematographer; a composer, lyricist, or arranger of musical compositions; a model; or any other individual who renders analogous professional services in a motion picture, theatrical, radio, television, or other entertainment production.

Commission—The Texas Commission of Licensing and Regulation.

Commissioner—The commissioner of licensing and regulation.

Department—The Texas Department of Licensing and Regulation.

Fee—Includes any of the following:

(A) any money or other valuable consideration paid or promised to be paid for services rendered by any person conducting the business of a talent agency;

(B) any money received by a talent agency in excess of the amount paid by the talent agency for transportation, transfer of baggage, or board and lodging for any applicant for employment;

(C) the difference between the amount of compensation received by a talent agency that furnishes, or causes to be furnished, an artist for an entertainment production, exhibition, or performance and the amount paid by the talent agency to the artist;

(D) anything of value, including money or other valuable consideration or services, or the promise of any of the foregoing, received by a talent agency from or on behalf of any person seeking employment or employees, in payment for any service rendered, either direct or indirect.

Model—An individual who renders or seeks to render professional services as a fashion model, as a model for commercial photography or demonstration of products for advertising purposes, or as a host for a convention or other special event.

Person—An individual, corporation, organization, business trust, estate, trust, partnership, association, or any private

legal entity.

Talent agency—A person that, with or without charging a fee, engages in the business of directly or indirectly obtaining or attempting to obtain employment for artists. This term includes an entity that counsel or directs an artist in the development of the artist's professional career. This term does not include a person who, without assessing a fee, operates a talent agency, in conjunction with the person's own business or as the authorized representative for a bona fide employer, for the exclusive purpose of employing artists for use in or for that business or by that employer.

§78.20. Registration Requirements.

(a) To obtain an initial certificate of registration, a talent agency must complete a registration statement on a form provided by the department. This statement shall contain:

(1) the name under which the talent agency is operated;

(2) the talent agency's street address, including the county in which it is located;

(3) the talent agency's mailing address if different from its street address;

(4) the talent agency's telephone number;

(5) the address of each location at which the applicant for registration proposes to operate a talent agency;

(6) the names of all persons owning 10% or more of the talent agency. If the talent agency is a partnership, the names of all partners must be included. If the talent agency is a limited partnership, the names of all general and limited partners must be included. If the talent agency is a corporation, the names of the corporate president, vice president, secretary, and treasurer must be included. The percent ownership interest must be indicated in all cases;

(7) each owner's social security number;

(8) each listed owner's address, including county;

(9) each owner's telephone number;

(10) names of any talent agency owners who have a financial interest in any company involved in the casting, production, and/or distribution of motion pictures or television motion pictures, independent video production companies, recording studios, photography studios, or any other companies or firms which would hire artists from time to time. This disclosure shall include the company or companies in which he or she has a financial interest, and the percent of ownership in each company listed. Such an interest shall not, in and of itself, be grounds for registration denial, suspension, or revocation;

(11) names of any talent agency owners who have a financial interest in any school or course of instruction which is primarily intended for the professional study of acting and/or modeling. This disclosure shall include the school or course name and the percent of ownership held;

(12) a description of the type of services offered;

(13) full and complete disclosure of any litigation relating to the operation of a talent agency brought against the talent agency, or any owner, officer, or director, that was completed within three years before the date the application is mailed to the department or that is pending as of the date the application is mailed;

(14) a certification that the corporation is in good standing with the secretary of state's office if the talent agency is a corporation;

(15) if the talent agency is operated under an assumed name, a certification from the clerk of the county in which the assumed name record is filed. The certification shall state the exact assumed name and the date it was filed;

(16) if the talent agency is a corporation, the name and address of the registered agent.

(b) The registration statement shall be accompanied by a copy of the talent agency's schedule of commissions and fees, the required \$10,000 surety bond (See §78.40 of this title (relating to Bond Requirements)) and the required registration fee (See §78.80 of this title (relating to Fees-Original Registration)).

(c) Each location of the talent agency must be registered separately.

(d) Each certificate of registration issued under this Act shall be valid for one year from the issue date. If the talent agency continues to do business, the certificate must be renewed for subsequent one-year periods.

(e) To obtain a renewal certificate of registration, a talent agency must submit the required renewal fee and a renewal application form provided by the department which contains:

(1) any changes to the information contained in the talent agency's registration statement;

(2) a certification of continued good standing with the secretary of state if the talent agency is a corporation.

(f) If a renewal application is not postmarked before midnight of the 30th day after a certificate of registration expires, the certificate may not be renewed. Immediate reapplication may be made through the original application process, except as provided by subsection (g) of this section. If a renewal application is postmarked before midnight of the 30th day after a certificate of registration expires, it will be processed.

(g) A person whose certificate of registration has been revoked may not apply for a new certificate of registration until one year after the date of the revocation.

§78.30. Exemptions. A person who, without assessing a fee, operates a talent agency in conjunction with the person's own business, or as the authorized representative for a bona fide employer, for the exclusive purpose of employing artists for use in or for that business, or by that employer, is not required to be registered as a talent agency.

§78.40. Bond Requirements.

(a) Each application for registration as a talent agency must be accompanied by a surety bond in the amount of \$10,000, payable to the State of Texas and conditioned on faithful compliance with the Act.

(b) The bond shall be continuous and shall provide for the issuing company to give the department 30 days' written notice of cancellation.

(c) The registrant shall maintain the bond until the expiration of two years after the date on which the registrant ceases to operate as a talent agency in this state.

(d) The surety bond shall be issued by a company authorized to do business in the State of Texas, conform to the Texas Insurance Code, and be on a form provided by the department.

§78.60. Responsibilities of the Department-Notification of Pending Expiration. The department shall notify each registrant in writing of the pending expiration of its certificate of registration not later than the 30th day before the date on which the certificate of registration expires.

§78.70. Responsibilities of the Registrant-Schedule of Commissions and Fees.

(a) Every talent agency shall file with the department a schedule of all commissions and/or fees they charge and collect from artists.

(b) If any information on the schedule changes, the talent agency must forward

a new schedule to the department within five working days of the change. In no event may a change in fees or commissions be effective until it has been forwarded as required.

(c) Every talent agency shall keep a current copy of its fee and commission schedule available in its place of business. The talent agency shall allow an artist who uses the services of the talent agency, or is considering using the services of the talent agency, to inspect the fee and commission schedule on request. The talent agency shall also make the schedule available to the department on request from the department.

§78.71. Responsibilities of Registrant-Treatment of Monies.

(a) A talent agency which receives any payment of monies on behalf of an artist shall immediately deposit that amount in an account maintained by the talent agency in a federally insured financial institution.

(b) The talent agency shall maintain records of all funds received. These records shall include the date of receipt, the remitter's name, on whose behalf the funds are received, dates when funds were disbursed, and names of all persons, including the talent agency itself, to whom those funds were disbursed.

§78.72. Responsibilities of the Registrant-Recordkeeping. Every talent agency shall adopt either an artist-based or a client-based recordkeeping system. A talent agency may not use an artist-based recordkeeping system for some files and a client-based recordkeeping system for others. A talent agency may, however, use both systems so long as all files are kept in both the artist-based system and the client based system.

(1) If a talent agency uses an artist-based recordkeeping system, it shall keep the following information on each of its artists:

(A) artist's name;

(B) artist's address;

(C) dates and amounts of all fees received on behalf of the artist, as well as from whom the funds were received;

(D) all amounts earned by the talent agency from the artist, including the dates each amount is earned and received;

(E) a copy of each contract and/or agreement between the talent agency and the artist;

(F) the clients for whom the artist has worked while represented by the talent agency.

(2) If a talent agency uses a client-based recordkeeping system, it shall keep the following information on each of its clients:

(A) client's name;

(B) client's address;

(C) dates and amounts of all fees received and on whose behalf they are received;

(D) a copy of each contract and/or agreement between the artists working for the client and the talent agency;

(E) the artists who have worked for the client while represented by the talent agency;

(F) all amounts earned by the talent agency from the client, including the dates each amount is earned and received.

(3) All records kept under this section shall be kept for a period of at least two years.

§78.73. Responsibilities of the Registrar—Inspection of Records. A talent agency must make its records available to the department during regular business hours if the department makes a request to inspect those records pursuant to receipt of a specific complaint against the talent agency which is not invalid on its face. The department may ask to inspect all books, records and other papers pertaining to the talent agency's operation.

§78.74. Responsibilities of the Registrar—Registration Statement.

(a) The talent agency shall update its registration statement whenever a change occurs in the information on file.

(b) The talent agency shall notify the department if a legal action relating to the operation of the talent agency is brought against the talent agency or an owner, offi-

cer, or director. The talent agency shall notify the department in writing not later than the 10th day after the date on which the defendant talent agency receives notice of the action.

(c) Each talent agency shall maintain a copy of its registration statement in the records of the talent agency. The talent agency shall allow an artist who uses the services of the talent agency, or is considering using the services of the talent agency, to inspect the registration statement on request.

§78.80. Fees—Original Registration. The fee for an original talent agency certificate of registration is \$100. This fee is not refundable.

§78.81. Fees—Renewal Registration.

(a) The annual renewal fee for a talent agency certificate of registration is \$50. This fee is not refundable.

(b) A late fee of \$25 will be charged for renewal applications post-marked between 12 a.m. of the day the current certificate of registration expires and midnight of the 30th day after the expiration. This fee is not refundable.

§78.82. Fees—Duplicate Registration. A \$25 fee will be charged for issuing a duplicate certificate of registration. This fee is not refundable.

§78.90. Sanctions.

(a) The commission may deny, suspend, or revoke a talent agency certificate of registration if it is determined that:

(1) the talent agency, or a talent agency employee, engages in any act or omission in violation of the Texas Deceptive Trade Practices Act;

(2) the talent agency has published, or caused to be published, any false, fraudulent, or misleading information, notice, or advertisement;

(3) the talent agency has engaged in any false, fraudulent, or misleading activity;

(4) the talent agency has failed to meet any requirements set forth in the

department's rules promulgated under the Act;

(5) the talent agency, or a talent agency employee, has violated the Act or any department rule promulgated under the Act;

(6) the talent agency, or a talent agency employee, has violated any statute administered or rule promulgated by the department;

(7) the talent agency's place of business unduly endangers the health, safety, or welfare of the artist;

(8) the talent agency supplied false or incomplete information on the registration statement;

(9) an owner, officer, or director of the talent agency has been convicted of a felony, or a misdemeanor for which the maximum punishment is confinement in jail or a fine exceeding \$500, which directly relates to the operation of a talent agency.

(b) Proceedings relating to the denial, suspension, or revocation of a certificate of registration are subject to the Administrative Procedure and Texas Register Act (Texas Civil Statutes, Article 6252-13a).

§78.100. Technical Requirements.

(a) A talent agency may not charge, as a condition of registering any applicant or representing any artist, a registration or advance fee and may not require the applicant or artist to subscribe to or use the service of any specific publication, video or audio tape producer, post card service, advertisement service, resume service, photographer, or acting or modeling school or workshop.

(b) A talent agency may not split or share fees with any person who is not registered under the Act as a talent agency.

(c) A talent agency may not, regardless of its refund policy, assess an artist any fee before the artist has accepted an offer of employment resulting from an employment referral made by the talent agency.

(d) Every talent agency shall post the following notice in a conspicuous public place in the office where it conducts business. The notice must be printed on paper stock at least 5" by 7" with the word "notice" printed in letters at least 3/4" high.

NOTICE

This talent agency is registered with the Texas Department of Licensing and Regulation in accordance with the Texas Talent Agency

Licensing and Regulation in accordance with the Texas Talent Agency Act. Registration with the Department does not imply approval or endorsement by the State of Texas of the competence of the talent agency or of the specific terms and/or conditions of its contract(s). If you have questions about this talent agency's registration, or wish to file a complaint, you may contact the Texas Department of Licensing and Regulation at P.O. Box 12157, Austin, Texas, 78711; telephone (512) 463-2906.

There are true and complete copies of the Texas Talent Agency Act and Department of Licensing and Regulation rules and this talent agency's registration statement and fee/commission schedule on the premises. This information is available for you to review on request.

(e) Each talent agency shall display its certificate of registration in a conspicuous public place in the office in which it conducts business.

(f) A certificate of registration, or an application for a certificate of registration, is not transferable.

(g) All talent agency publications (including, but not limited to, advertisements in circulars, newspapers, periodicals, brochures, and receipts) shall be printed and contain the registered name, address, and registration number of the talent agency.

(h) If any section, paragraph, sentence, clause, or word of these rules is held to be invalid, the invalidity does not affect other provisions of these rules which can be given effect without the invalid portion.

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 August 3, 1989.

TRD-8908941

Joseph L. Huertas
Program Manager
Texas Department of Labor
and Standards

Earliest possible date of adoption: September 11, 1989

For further information, please call: (512) 463-2907

TITLE 34. PUBLIC FINANCE

Part I. Comptroller of Public Accounts

Chapter 3. Tax Administration

Subchapter W. Amusement Machine Regulation and Tax

• 34 TAC §3.603

The Comptroller of Public Accounts proposes an amendment to §3.603, concerning denials; suspensions; revocations; violations; hearings. The amendment takes into account recent legislative changes concerning the suspension or revocation of a license or registration certificate.

Ben Lock, associate deputy comptroller for fiscal management, has determined that for the first five-year period the proposed section will be in effect there will be no significant revenue impact on the state or local government or on small businesses as a result of enforcing or administering the section.

Mr. Lock also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be continued regulation of amusement machines in the state. There is no anticipated economic cost to individuals who are required to comply with the proposed section.

Comments on the proposal may be submitted to Claudia Stravato, Deputy for Tax Enforce-

ment, Regulatory Taxes Division, P.O. Box 13528, Austin, Texas 78711.

The amendment is proposed under Texas Civil Statutes, Article 8807(1), which provide the comptroller with the authority to prescribe, adopt, and enforce rules relating to the administration and enforcement of the Coin-Operated Services Law, Texas Civil Statutes, Articles 8801-8817.

§3.603. Denials; Suspensions; Revocations; Violations; Hearings.

(a) If the comptroller determines an applicant is not eligible for a new or renewal license, or if the comptroller proposes to impose sanctions, suspend, or revoke a license or registration certificate, the comptroller will notify the applicant or licensee in writing of the proposed action [the comptroller will notify the applicant in writing that the application has been denied,] and will state the reasons for such action [the denial]. The applicant, licensee, or certificate holder may make a written request for a hearing within 15 [10] days of the date of service of the notice.

(b) The hearing will be conducted in accordance with the relevant portions of §§1.1-1.42 of this title (relating to Rules of Practice and Procedure). The burden of proof is upon the applicant, licensee, or registration certificate holder to establish its position by a preponderance of the evidence [to establish by a preponderance

of the evidence its eligibility for a license].

[(c) Proceedings to impose sanctions, suspend, or revoke a license or registration certificate will be initiated by the comptroller by serving a notice requiring the licensee, or owner of the registration certificate, to show cause at a hearing why its license or registration certificate should not be suspended, revoked, or have other sanctions imposed. Ten days notice shall be given:

[(1) after an original license application has been refused;

[(2) before the application for a renewal of a license may be refused;

[(3) before the comptroller may file a recommendation of revocation or other sanctions with the attorney general; or

[(4) before the comptroller may impose other sanctions allowed by the Coin-Operated Services Law.]

[(c)[(e)] The notice will be served personally by the comptroller or an authorized representative upon an applicant or licensee or owner of a registration certificate or sent by United States certified mail addressed to the applicant or licensee or owner of a registration certificate at its last known address. In the event that notice [of a hearing to recommend suspension, revocation or the imposition of other sanctions] cannot be effected by either of these methods after due diligence, notice will be effective by publishing notice of the proposed action [hearing] in a newspaper of general circulation in the area in which the licensee, applicant, or owner of the registration certificate conducts its business activities.

[(d)[(e)] The notice will state the alleged violation or violations which constitutes grounds for a denial, suspension, revocation, or other sanctions. The notice will include [the recommendation to the attorney general, if any, and] the proposed final action of the comptroller.

[(e)[(f)] If a hearing is requested by the applicant, it may be held within 20 days from the date the comptroller receives the request.] If the applicant, licensee, or registration certificate holder does not request a hearing within 15 [10] days after the date of service of the notice of the comptroller's proposed action [denial], the hearing is waived and the comptroller's proposed action shall be considered the final order or ruling of the comptroller [a final order will be issued].

[(f)[(g)] Any order refusing an application or renewal application, or revoking or suspending [recommending revocation or suspension of] a license or registration certificate or imposing other sanctions shall state the reasons therefore, and a copy of the order shall be delivered immediately to the applicant, licensee, or registration certificate holder.

[(g)[(h)] A court reporter shall be

present at every hearing involving an applicant, licensee or registration certificate holder. The cost of transcribing the hearing by the reporter shall be assessed against the applicant, licensee, or registration certificate holder following the hearing. Should the comptroller determine a transcript of the hearing is required, the cost of the original transcript shall be assessed to the applicant, licensee, or registration certificate holder. They may purchase a copy of the transcript for their own use directly from the court reporter. Should the comptroller determine a transcript is not required, the applicant, licensee, or registration certificate holder may purchase a copy of the transcript for its own use directly from the court reporter. If they purchase a copy of the transcript, they shall provide, at their own cost, the original transcript to the comptroller.

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 August 2, 1989.

TRD-8906930 Bob Bullock
Comptroller of Public
Accounts

Earliest possible date of adoption: September 11, 1989

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

◆ ◆ ◆
• 34 TAC §3.606

The Comptroller of Public Accounts proposes an amendment to §3.606, concerning record keeping requirements. The amendment takes into account recent legislative changes concerning the period for which records must be retained and eliminating the requirement that every change of machine location be shown on the records.

Ben Lock, associate deputy comptroller for fiscal management, 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.

Mr. Lock also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be continued regulation of amusement machines in the state. There is no anticipated economic cost to individuals who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Claudia Stravato, Deputy for Tax Enforcement, Regulatory Taxes Division, P.O. Box 13528, Austin, Texas 78711.

The amendment is proposed under Texas Civil Statutes, Article 8807(1), which provide the comptroller with the authority to prescribe, adopt, and enforce rules relating to the administration and enforcement of the Coin-Operated Services Law, Texas Civil Statutes, Articles 8801-8817.

§3.606. Record Keeping Requirements.

(a) In addition to all other record keeping requirements, each licensee shall maintain at the designated address, for inspection at all times by the comptroller, a [complete and separate] record of each and every amusement machine purchased, received, possessed, controlled, handled, exhibited, or operated by him in this state as long as the licensee owns the machine and for two years after the date the licensee ceases to own the machine [for a period of two years]. Under this section the following information shall be shown in the licensee's records:

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

[(7) every change of location of each machine;

[(8) the name and address of each location operator to whom an amusement machine is bailed or leased;]

[(7)[(9)] every change in ownership of each machine;

[(8)[(10)] the distribution of the gross receipts for each location that a machine is located and the receipts from each machine;

[(9)[(11)] the date each machine was taken out of operation, the reason the machine was taken out of operation, and the location of a machine taken out of operation or the description of the final disposition of a machine; and

[(10)[(12)] all contracts made with location owners.

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

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

Issued in Austin, Texas on August 2, 1989.

TRD-8906933 Bob Bullock
Comptroller of Public
Accounts

Earliest possible date of adoption: September 11, 1989

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

◆ ◆ ◆
• 34 TAC §3.607

The Comptroller of Public Accounts proposes an amendment to §3.607, concerning tax permits. The amendment takes into account a recent legislative change which states that tax permits may not be affixed to machines which have not been registered with the Comptroller of Public Accounts.

Ben Lock, associate deputy comptroller for fiscal management, 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.

Mr. Lock also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be continued regulation of amusement machines in the state. There is no anticipated economic cost to individuals who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Claudia Stravato, Deputy for Tax Enforcement, Regulatory Taxes Division, P.O. Box 13528, Austin, Texas 78711.

The amendment is proposed under Texas Civil Statutes, Article 8807(1), which provide the comptroller with the authority to prescribe, adopt, and enforce rules relating to the administration and enforcement of the Coin-Operated Services Law, Texas Civil Statutes, Articles 8801-8817.

§3.607. Tax Permits.

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

(c) Attachment of tax permits. Tax permits shall be securely affixed to any permanent surface on a machine in such a manner that the tax permits may be clearly seen by the public and cannot be removed without the continued application of steam and water. Tax permits shall not be attached to a machine which has not been registered with the comptroller.

(d) (No change.)

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

Issued in Austin, Texas on August 2, 1989.

TRD-8906932 Bob Bullock
Comptroller of Public
Accounts

Earliest possible date of adoption: September 11, 1989

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

• 34 TAC §3.611

The Comptroller of Public Accounts proposes an amendment to §3.611, concerning refund on licenses, registration certificates, or occupation tax permits. The amendment takes into account recent legislative changes concerning fees for registration certificates

Ben Lock, associate deputy comptroller for fiscal management, 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.

Mr. Lock also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be continued regulation of amusement machines in the state. There is no anticipated economic cost to individuals who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Claudia Stravato, Deputy for Tax Enforcement,

Regulatory Taxes Division, P.O. Box 13528, Austin, Texas 78711.

The amendment is proposed under Texas Civil Statutes, Article 8807(1), which provide the comptroller with the authority to prescribe, adopt, and enforce rules relating to the administration and enforcement of the Coin-Operated Services Law, Texas Civil Statutes, Articles 8801-8817.

§3.611. Refund on Licenses, Registration Certificates, or Occupation Tax Permits.

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

(e) For all original 1989 registration certificates for which the applications are made in the months of September, October, November, and December of 1989, an automatic refund of \$25 will be made from the application fee to the taxpayer, to reflect the decrease in the fee for that four-month period.

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 August 2, 1989.

TRD-8906931 Bob Bullock
Comptroller of Public
Accounts

Earliest possible date of adoption: September 11, 1989

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

Part IV. Employees Retirement System of Texas

Chapter 73. Benefits

• 34 TAC §73.27

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

The Employees Retirement System of Texas (ERS) proposes an amendment to §73.27, concerning benefits. The proposed section will increase from 1.8% to 2.0% the value of each of a person's first 10 years of service credit in the employee class of membership. This will be effective for those persons retiring September 30, 1989, and later.

William S. Nail, general counsel, 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. The cost of increased annuities will be borne by the ERS trust fund.

Mr. Nail also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be that ERS employee class service retirees, with effective dates of retirement of September 30, 1989 and later, will receive a larger annuity than they otherwise would have received.

Comments on the proposal may be submitted to William S. Nail, General Counsel, Employees Retirement System of Texas, P.O. Box 13207, Austin, Texas 78711-3207.

The amendment is proposed under Texas Civil Statutes, Title 110B, §24.105(b), which provide the Board of Trustees of the Employees Retirement System with the authority to promulgate a section which shall, for the purpose of computing standard service retirement annuities, increase from 1.8% to 2.0% the value of a person's first 10 years of service credit in the employee class of membership of ERS, unless the actuary for the retirement system certifies that the adoption of the section will cause the time required to amortize the unfunded actuarial liabilities of the retirement system to be increased to a period that exceeds 31 years.

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 August 3, 1989.

TRD-8906967 Clayton T. Garrison
Executive Director
Employees Retirement
System of Texas

Earliest possible date of adoption: September 11, 1989

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

Chapter 121. Practice and Procedures regarding Claims

• 34 TAC §121.6

The Texas Municipal Retirement System proposes an amendment to §121.6, concerning time for filing retirement applications. The amendment would delete the current requirement that the effective date of retirement may not be earlier than one year after the effective date of membership and would specify the point in time at which an application for retirement is filed with the system.

Jimmie L. Mormon, director of the system, 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.

Mr. Mormon also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be the elimination of a provision in the section that no longer is required by law and the clarification of when applications are considered to have been filed. There is no anticipated economic cost to individuals who are required to comply with the section.

Comments on the proposal may be submitted to Jimmie L. Mormon, Director, Texas Municipal Retirement System, P.O. Box 2225, Austin, Texas 78769.

The amendment is proposed under the Texas Government Code, §855.102, which provides the board of trustees of the Texas Municipal Retirement System with the authority to adopt rules necessary or desirable for effective administration of the system.

§121.6. Time for Filing of Retirement Applications. All applications for retirement, whether for service or for disability, must be filed not less than 30 nor more than 90 days prior to the date specified by the member as the effective date of his or her retirement; the date specified as the effective date for retirement must be the last day of a calendar month, [...] [may not be earlier than one year after the effective date of membership,] and may not be a date preceding the termination of the member's employment with the participating municipality. An application is filed when it is actually received at the office of the director of the system, in Austin.

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 August 4, 1989.

TRD-8907027

Jimmie L. Mormon
Director
Texas Municipal
Retirement System

Earliest possible date of adoption: September 11, 1989

For further information, please call: (512) 476-7577

Chapter 123. Calculations or Types of Benefits

• 34 TAC §§123.1-123.3, 123.5

The Texas Municipal Retirement System proposes amendments to §§123.1-123.3, and new §123.5, concerning calculation or types of benefits. The amendment to §123.1 would adjust the tables upon which disability retirement benefits are calculated to more closely reflect the anticipated future mortality experience of future disability retirees. The amendment to §123.2 would change the statutory reference in that section as a result of the codification, transfer, and renumbering of Texas Civil Statutes, Title 110B. The amendment to §123.3 would change the statutory reference in that section as a result of the same codification and renumbering, would delete the description of optional benefits which now are defined by statute, and would provide for a new Option 5A benefit. New §123.5 is also added, which requires spousal consent in the selection of certain types of benefits.

Jimmie L. Mormon, director of the system, 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. Mormon also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be the improved correlation of benefits paid to the anticipated experience of the system. There is no anticipated economic cost to individuals who are required to comply with the sections as proposed.

Comments on the proposal may be submitted to Jimmie L. Mormon, Director, Texas Municipal Retirement System, P.O. Box 2225, Austin, Texas 78769.

The amendments and new sections are proposed under the Texas Government Code, §855.102, which provides the board of trustees of the Texas Municipal Retirement System with the authority to adopt rules necessary or desirable for effective administration of the system.

§123.1. Actuarial Tables.

(a) (No change.)

(b) Disability retirement benefits on disability retirements, on which the first benefit is payable on or after October 2, 1989 [January 1, 1982], shall be calculated on the basis of 70% of the attained age rates in [80% of] the 1965 Railroad Retirement Board disabled annuitants mortality table, and on the basis of the UP-1984 table with an age set back of eight years for beneficiaries of disabled annuitants.

§123.2. Supplemental Disability Benefits Not Reduced by Certain Increases in Base Benefit. Where current service annuities and prior service annuities being paid to employees retired for service-connected disability are increased by the participating municipality pursuant to the Texas Government Code, §854.203 [Texas Civil Statutes, Article 6243h, §XVIII, as amended 1975], such increase in the current service annuity and/or prior service annuity shall not operate to reduce the supplemental retirement benefit, if any, payable to such member, and such supplemental benefit shall continue to be paid in the same monthly amount as was being paid such member prior to such increase in the basic benefit amount.

§123.3. Additional Optional Benefits.

(a) A member entitled to service retirement may elect to receive, in lieu of the standard service retirement benefit, one of the optional benefits described in the Texas Government Code, §854.104, which optional benefits shall be designated as Options 1, 2, 3, 4A, and 4B, respectively, or the optional benefit described in subsection (c) of this section. [defined as options 1, 2, and 3 in subsection 3, section seven of the Act, or one of the following benefits, which shall be designated as:]

(b) A member entitled to disability retirement may elect to receive, in lieu of the standard disability retirement benefit, one of the optional benefits described in the Texas Government Code, §854.305, which optional benefits shall be designated as Options 1, 2, 3, and 4A, respectively, or the optional benefit described in subsection (c) of this section.

(c) Option 5A is a reduced monthly allowance that is the actuarial

equivalent of the standard annuity to which the member otherwise would be entitled, payable during the lifetime of the member, but after the member's death, two-thirds of the reduced annuity is payable throughout the life of a person designated by the member.

[(1) Option 4A. A reduced allowance that is the actuarial equivalent of the standard service retirement benefit, payable during the lifetime of the annuitant but with 180 monthly payments guaranteed.

[(2) Option 4B. An increased monthly benefit that is the actuarial equivalent of the standard service retirement benefit, but is payable only during the lifetime of the member-annuitant, and which ceases upon his death.]

§123.5. Requirement of Spousal Consent.

(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.

(b) The consent of a spouse required by subsection (a) of this section must be in writing and either witnessed by an officer or employee of the system or acknowledged by a notary public.

(c) The consent required by subsection (a) of this section is not required if it is established to the satisfaction of the system that:

(1) there is no spouse;

(2) the spouse cannot be located;

(3) the spouse has been judicially declared incompetent in which case the consent may be given by the guardian or other ad litem;

(4) the spouse and the member have been married for less than one year as of the date the annuity first becomes payable; or

(5) a former spouse is entitled to receive a portion of the member's retirement benefit under a qualified domestic relations order.

(d) For the purposes of this section, the term "joint-and-survivor annuity that pays benefits to the member's spouse on the death of the member" means a retirement annuity for the life of the member with a survivor annuity for the life of the spouse which is not less than 50% of the amount of the annuity which is payable during the joint lives of the member and the spouse.

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 August 4, 1989.

TRD-8907028 Jimmie L. Mormon
Director
Texas Municipal
Retirement System

Earliest possible date of adoption: September 11, 1989

For further information, please call: (512) 476-7577

Part VI. Texas Municipal Retirement System

Chapter 125. Actions of Participating Municipalities

• 34 TAC §125.7

The Texas Municipal Retirement System proposes an amendment to §125.7, concerning limitations on buy-back ordinances. The amendment would change the statutory reference in that section as a result of the codification, transfer, and renumbering of Texas Civil Statutes, Title 110B.

Jimmie L. Mormon, director of the system, 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.

Mr. Mormon also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be the correction of the reference, which will facilitate locating the correct statute. There is no anticipated economic cost to individuals who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Jimmie L. Mormon, Director, Texas Municipal Retirement System, P.O. Box 2225, Austin, Texas 78769.

The amendment is proposed under the Texas Government Code, §855.102, which provides the board of trustees of the Texas Municipal Retirement System with the authority to adopt rules necessary or desirable for effective administration of the system.

§125.7. Limitations on Buy-Back Ordinances. Ordinances of participating municipalities agreeing to underwrite and assume the obligations arising out of the granting under the Texas Government Code, §853.003 [subsection 8 of section VI of the Texas Municipal Retirement System Act as amended] of creditable service to persons who had terminated a previous membership, shall be limited to persons in the employment of the consenting municipality at the date specified in the ordinance, which date shall not be subsequent to the effective date of the ordinance.

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 August 4, 1989.

TRD-8907028 Jimmie L. Mormon
Director
Texas Municipal
Retirement System

Earliest possible date of adoption: September 11, 1989

For further information, please call: (512) 476-7577

Chapter 127. Miscellaneous Rules

• 34 TAC §127.2

The Texas Municipal Retirement System proposes an amendment to §127.2, concerning definition of periods of organized conflict or crisis. The amendment would provide that the section is applicable only as to actions taken prior to the statutory redefinition of military service.

Jimmie L. Mormon, director of the system, 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.

Mr. Mormon also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be the clarification of the actions to which the section relates. There is no anticipated economic cost to individuals who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Jimmie L. Mormon, Director, Texas Municipal Retirement System, P.O. Box 2225, Austin, Texas 78769.

The amendment is proposed under the Texas Government Code, §855.102, which provides the board of trustees of the Texas Municipal Retirement System with the authority to adopt rules necessary or desirable for effective administration of the system.

§127.2. Definition of Periods of Organized Conflict or Crisis. Military service performed between April 6, 1917, and November 11, 1919, or between October 16, 1940, and October 31, 1974, shall be recognized as military service performed during periods of organized conflict or crisis within the meaning of Public Retirement Systems, Title 110B, Subtitle G, prior to its amendment effective September 1, 1989, [Texas Civil Statutes, Article 6243h, as amended (Public Retirement Systems, Title 110B, Subtitle G.)].

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 August 4, 1989.

TRD-8907028 Jimmie L. Mormon
Director
Texas Municipal
Retirement System

Earliest possible date of adoption: September 11, 1989

For further information, please call: (512) 476-7577

• 34 TAC §129.2, §129.12

The Texas Municipal Retirement System proposes an amendment to §129.2 and new §129.12, concerning domestic relations orders. The amendment to §129.2 would change the statutory reference in that section as a result of the codification, transfer, and renumbering of Texas Civil Statutes, Title 110B, and would redefine the term "alternate payee". New §129.12 is added, which provides that payments to alternate payees except under certain previously-approved domestic relations orders will be a straight life annuity based on the life of the alternate payee.

Jimmie L. Mormon, director of the system, 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. Mormon also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be the reduced administrative cost to the system. There is no anticipated economic cost to individuals who are required to comply with the sections as proposed.

Comments on the proposal may be submitted to Jimmie L. Mormon, Director, Texas Municipal Retirement System, P.O. Box 2225, Austin, Texas 78769.

The amendment and new sections are proposed under the Texas Government Code, §855.102, which provides the board of trustees of the Texas Municipal Retirement System with the authority to adopt rules necessary or desirable for effective administration of the system.

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

Act—Texas Government Code, Title 8, Subtitle G [Texas Civil Statutes, Title 110B, Subtitle G], as amended.

Alternate payee—A spouse, former spouse, child, or other dependent of a member or retiree who is recognized by a domestic relations order as having a right to receive all or a portion of the benefits payable by the system with respect to such member or retiree [A person who is so designated in a domestic relations order, or who is shown in a domestic relations order as being entitled to receive any portion of a participant's accumulated deposits or retirement benefits of any nature].

Domestic relations order—Any judgment [judgement], decree, or order (including one which approves a property settlement agreement) which:

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

§129.12. Payments to Alternate Payees.

(a) In the event that the participant terminates membership in the system and applies for a refund of the participant's accumulated deposits and interest, the system will make a lump-sum payment to the alternate payee if the domestic relations order so provides and the order has been determined to be a qualified domestic relations order.

(b) In the event that the participant (or the participant's designated beneficiary or estate) begins receiving an annuity after the date that a qualified domestic relations order is received by the system, and the order provides for a division of the annuity in that event, the payment to the alternate payee will be a monthly allowance payable during the lifetime of the alternate payee, which payment is the actuarial equivalent of the portion of the participant's benefit that was awarded to the alternate payee under the domestic relations order.

(c) Subsection (b) of this section will apply to all domestic relations orders approved in accordance with this chapter after September 9, 1989, and to such domestic relations orders approved prior to that date as are construed to provide for such an annuity.

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 August 4, 1989.

TRD-8907024

Jimmie L. Mormon
Director
Texas Municipal
Retirement System

Earliest possible date of adoption: September 11, 1989

For further information, please call: (512) 476-7577

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**TITLE 37. PUBLIC
SAFETY AND
CORRECTIONS**

**Part X. Texas Adult
Probation Commission**

Chapter 323. Fund Distribution

• **37 TAC 323.5**

The Texas Adult Probation Commission proposes new §323.5, concerning discretionary grants. The section provides direction to local jurisdictions in areas of grant allocations and use of funds.

Edmond J. Peterson, director of fiscal services, 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.

Mr. Peterson also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be that it will provide additional funds to local jurisdictions to assist in overcrowding of local jails. There is no anticipated economic cost to individuals who are required to comply with the sections as proposed.

Comments on the proposal may be submitted to Virginia Grote, Texas Adult Probation Commission, 8100 Cameron Road, Suite 600, Building B, Austin, Texas, 78753.

The new section is proposed under the Texas Code of Criminal Procedure, Article 42.121, §3.01, which provides the Texas Adult Probation Commission with the authority to promulgate reasonable rules.

§323.5. Discretionary Grants.

(a) Purpose. The purpose of discretionary grants is to provide state aid to jurisdictions to increase their involvement and responsibility in the establishment, expansion, and improvement of community based correctional programs for felony and misdemeanor offenders.

(b) Eligibility. Judicial district adult probation departments, counties, and municipalities are eligible to submit applications to the Community Justice Assistance Division for discretionary grants. Jurisdictions from which fewer persons are sentenced to the institutional division of the Texas Department of Criminal Justice than permitted by the allocation formula will receive preference in consideration for grant awards as they would be demonstrating their reduction on the reliance of incarceration as a correctional option.

(c) Review and comment. All applications submitted to the division must be consistent with the community justice plan, if an approved plan exists. All applications are to be accompanied by written review and comment by the district judges, or the administrative district judge, and the judges of the statutory county courts trying criminal cases if the proposed program is to provide services or supervision for misdemeanor, offenders. The comments are to include a recommendation for funding and a statement as to the impact of this program on sentencing.

(d) Programs. Programs funded through discretionary grants may include but not be limited to:

- (1) community service restitution programs and restitution to victim programs;
- (2) contract services for felony probationers;
- (3) controlled substances testing programs;
- (4) presentence investigation services which include proposed client supervision plans describing programs and sanctions that the probation department

would provide the defendant if the defendant were granted probation;

- (5) pretrial intervention services;
- (6) programs addressing unique problems such as family violence and the mentally retarded, developmentally disabled, and mentally ill offenders;
- (7) programs designed to increase the literacy of probationers or persons receiving pretrial intervention services;
- (8) research projects to evaluate the effectiveness of community corrections programs, if the research is conducted in cooperation with the Criminal Justice Policy Council;
- (9) residential services for misdemeanor probationers who exhibit levels of risk or needs indicating a need for confinement and treatment;
- (10) surveillance probation programs;
- (11) treatment alternatives to street crime (TASC);
- (12) work probation programs; and
- (13) other purposes identified by the jurisdiction as necessary, determined appropriate by the division, and approved by the board.

(e) Application procedure. Application forms are available from the director of program services of the Community Justice Assistance Division. Three copies of the completed application are to be submitted to the division at least two months prior, to the board meeting at which the application is to be considered.

(f) Application content. The application content should assist the grantee in the management of the program. At a minimum goals and measurable objectives should be enumerated, budget detail presented, and an evaluation process described. Documentation is to be included demonstrating that the grant funds are not supplanting funds which currently support the proposed program. Documentation is also to be provided indicating how the program will be funded in subsequent years given that discretionary grants are for only one year and that all programs, either new or continued, must compete yearly for the funds.

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 August 1, 1989.

TRD-8906896

Edmond J. Peters
Director of Fiscal Services
Texas Adult Probation
Commission

Earliest possible date of adoption: September 11, 1989

TITLE 40. SOCIAL SERVICE AND ASSISTANCE

Part I. Texas Department of Human Services

Chapter 3. Income Assistance Services

Subchapter E. Household Determination

• 40 TAC §3.501

The Texas Department of Human Services (DHS) proposes an amendment to §3. 501, concerning AFDC and food stamp household determination. The amendment limits the inclusion of stepparents on the AFDC case. DHS now includes the stepparent if he wants to be included and he is the only parent in the home, or if both the legal parent and stepparent are in the home and the legal parent cannot care for the child because of disability.

Burton F. Raiford, deputy commissioner for support operations, has determined that for the first five-year period the proposed section will be in effect there will be fiscal implications as a result of enforcing or administering the section. The effect on state government for the first five-year period the section will be in effect is an estimated cost reduction of \$74,073 for fiscal year 1990; \$83,752 for fiscal year 1991; \$86,084 for fiscal year 1992; \$91,865 for fiscal year 1993; and \$100,085 for fiscal year 1994. There is no anticipated effect on local government or small businesses for the first five-year period the section will be in effect.

Mr. Raiford also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be to limit AFDC and food stamp benefits to those most in need. There is no anticipated economic cost to individuals who are required to comply with the proposed section.

Comments on the proposal may be submitted to Cathy Rossberg, Administrator, Policy Development Services Division-434, Texas Department of Human Services 222-E, P.O. Box 149030, Austin, Texas 78714-9030, within 30 days of publication in the *Texas Register*.

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

§3.501. AFDC and Food Stamp Household Determination.

(a) Aid to families with dependent children. The following persons are included in an AFDC certified group.

(1) (No change.)

(2) Second parent. This is the [spouse of a] child's natural or adoptive

parent [or stepparent]. Inclusion of a second parent in the grant is based on the need and incapacity of either parent [spouse]. The second parent must meet all AFDC eligibility requirements.

(3)-(4) (No change.)

(5) Stepparent. This the spouse of a child's parent. Inclusion of a stepparent in the grant is based on need and incapacity of [either] the child's parent [or stepparent].

(6) (No change.)

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

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

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

TRD-8907063

Charles Stevenson
Acting Commissioner
Texas Department of
Human Services

Proposed date of adoption: October 1, 1989

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

Chapter 16. Intermediate Care Facilities/Skilled Nursing Facilities (ICF/SNF)

Special Programs

• 40 TAC §16.1601

The Texas Department of Human Services (DHS) proposes new §16.1601, concerning a rural hospital swing-bed program, in a new subchapter for special programs in its Intermediate Care Facilities/Skilled Nursing Facilities (ICF/SNF) chapter. The purpose of the new section is to establish a Medicaid swing-bed program for rural hospitals. The program will permit participating hospitals to use their beds interchangeably to furnish both acute hospital care and long-term nursing facility care to Medicaid recipients, as needed. The department's requirements for participation in this program conform to the requirements of the Social Security Act, §1913, and the Omnibus Budget Reconciliation Act of 1987, §4005(b)(2).

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

Mr. Raiford also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be to provide nursing facility care to Medicaid recipients through hospitals in rural areas where recipients cannot easily obtain such care from nursing facilities. There is no anticipated economic cost to individuals who are required to comply with the proposed section.

Comments on the proposal may be submitted to Cathy Rossberg, Administrator, Policy

Development Services Division-363, Texas Department of Human Services 222-E, P.O. Box 149030, Austin, Texas 78714-9030, within 30 days of publication in the *Texas Register*.

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

§16.1601. Medicaid Swing-bed Program for Rural Hospitals.

(a) The Texas Department of Human Services (DHS) operates a Medicaid swing-bed program for rural hospitals. The program permits participating hospitals to use their beds interchangeably to furnish either acute hospital care or long-term nursing-facility care, as needed, to Medicaid recipients. When a participating hospital furnishes long-term nursing care to Medicaid recipients, DHS makes payment to the hospital using the same procedures, the same case-mix methodologies, and the same Texas index for level of effort (TILE) rates that the Texas Board of Human Services authorizes for reimbursing intermediate care facilities (ICFs) and skilled nursing facilities (SNFs) participating in the Texas Medicaid Nursing Home Program.

(b) Rural hospitals apply to DHS to participate in the Medicaid swing-bed program. Applicants must meet the qualifying requirements of the Medicare swing-bed program. Hospitals approved for participation enter into a swing-bed provider agreement with DHS.

(c) Each participating hospital must:

(1) also participate in the Medicare swing-bed program; and

(2) have a Medicare hospital provider agreement.

(d) Each participating hospital must satisfy all the requirements of the Medicare swing-bed program, except for Medicare's five-weekday transfer requirement and 15% payment limitation.

(e) Participating hospitals must also meet all the requirements set forth in this chapter for ICFs and SNFs, with the following exceptions.

(1) As long as it is licensed and Medicare-certified as a hospital, the hospital is not required to be licensed and certified as a nursing facility as specified in §16.1502 of this title (relating to Licensure).

(2) The hospital is not required to maintain a minimum percentage of Medicare-certified beds as specified in §16.1503(b) of this title (relating to Participation Requirements).

(3) The hospital's governing body is not required to appoint a qualified nursing facility administrator as its official

representative as specified in §16.1902 of this title (relating to Governing Body).

(4) The hospital is not required to be under the supervision of a licensed nursing facility administrator as specified in §16.1905 of this title (relating to Administration).

(5) The hospital is not required to develop and maintain a staff development program that conforms to the Texas Department of Health's minimum licensing standards for nursing homes as specified in §16.1908 of this title (relating to Staff Development).

(6) The hospital is not required to have a hospital transfer agreement as specified in §16.1909 of this title (relating to Transfer Agreement with Hospitals).

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

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

TRD-8907046

Charles Stevenson
Acting Commissioner
Texas Department of
Human Services

Proposed date of adoption: October 1, 1989

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



Chapter 48. Community Care for Aged and Disabled

Pilot Project for Persons with AIDS

• 40 TAC §§48.2301-48.2305

The Texas Department of Human Services (DHS) proposes new §§48.2301-48.2305, concerning the pilot project for persons with acquired immune deficiency syndrome (AIDS), in its Community Care for Aged and Disabled chapter. The purpose of the project is to allow DHS to provide home and community-based services to individuals who would otherwise require the level of care provided in a Medicaid nursing facility. DHS will use the data collected through implementation of this two-year project to provide documentation for a home and community-based waiver for persons with AIDS. Once implemented, the project will continue in effect until the home and community-based waiver program is implemented or until the Board of Human Services determines the pilot project is no longer an effective or efficient program alternative.

The AIDS pilot project is the responsibility of DHS, the single state agency for administering the Texas Title XIX Medical Assistance Program. Optional targeted case management services for persons with AIDS is a Medicaid state plan amendment and is authorized by the Consolidated Omnibus Budget Reconciliation Act (COBRA), Public Law 99-272. All services covered under this pilot are provided under the aegis of a DHS-enrolled

case management provider. The services covered by the pilot are case management, homemaker, skilled nursing, and outpatient narcotic and drug abuse treatments; certain private insurance premium payments are also covered. Pilot services are available to a limited number of individuals who are deemed eligible by DHS and who reside in the following six counties: Bexar, Dallas, El Paso, Harris, Tarrant, and Travis.

Burton F. Raiford, deputy commissioner for support operations, has determined that for the first five-year period the proposed sections are in effect there will be fiscal implications for state government as a result of enforcing or administering the section. The effect on state government for the first five-year period the sections are in effect is an estimated additional cost of \$1,790,221 in fiscal year 1990; \$2,247,249 in fiscal year 1991; and \$0 in fiscal years 1992-1994. There is no anticipated effect on local government or small businesses as a result of enforcing or administering the sections.

Mr. Raiford also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the section will be that appropriate services for people with AIDS will be available. There is no anticipated economic cost to individuals who are required to comply with the proposed sections.

Comments on the proposal may be submitted to Cathy Rossberg, Administrator, Policy Development Services Division-399, 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 32, which provides the department with the authority to administer public and medical assistance programs.

§48.2301. Client Eligibility Criteria. To be determined eligible by the Texas Department of Human Services (DHS) for the pilot project for persons with AIDS, an applicant must satisfy the following requirements:

(1) meet financial eligibility requirements. An eligible client must be either

(A) categorically eligible for supplemental security income (SSI) benefits in the community, as determined by the Social Security Administration, and thus eligible for Medicaid benefits; or

(B) optionally eligible as determined by DHS to meet institutional income and resource requirements;

(2) be diagnosed as having acquired immune deficiency syndrome (AIDS) and meet SSI disability criteria;

(3) meet the level of care criteria as determined at least annually by the Texas Department of Health according to 40 TAC §41.801 and §41.802, nursing facility administration, and as verified on the level of care assessment form;

(4) have a DHS-approved individual plan of care for services.

(A) The plan of care must be developed by an enrolled case management provider, and services must be authorized by a licensed physician as appropriate to meet the client's needs and medically necessary to prevent institutionalization.

(B) The estimated annual cost of the applicant's individual plan of care for pilot services is an average determined by DHS, and it must reasonably be expected to be equivalent to or less than the costs of institutional care.

(5) reside in one of the following counties: Bexar, Dallas, El Paso, Harris, Tarrant, or Travis;

(6) not be an inpatient or resident in a hospital, nursing, or other institutional facility.

§48.2302. Availability of Project Slots. Based on available funding, the department establishes a specific number of pilot program slots. When the slots are filled, a waiting list of individuals determined to be eligible for pilot services is established. As program slots become available, the case manager must determine who is to fill the vacancy, based on criteria developed by the department.

§48.2303. Right to Appeal. Any applicant or client who is denied services through the AIDS pilot project is entitled to a fair hearing conducted by the Texas Department of Human Services according to Chapter 79 of this title (relating to Legal Services).

§48.2304. Case Management Provider Standards for Participation.

(a) Case management providers are required to:

(1) assess and periodically reassess the client's need for services;

(2) develop and implement a plan of care that includes pilot services, Medicaid services, and voluntary services;

(3) secure and submit all requested documentation to DHS for eligibility determination of applicant and approval of the plan of care before implementing the plan of care services;

(4) provide or subcontract for all services available under the project;

(5) monitor service delivery and evaluate service effectiveness; and

(6) manage for cost effectiveness.

(b) To contract with DHS to provide services under the pilot project for persons With AIDS, a case management

provider must:

(1) meet the application requirements to be a case management provider, as prescribed by DHS;

(2) agree to provide or subcontract with other licensed providers to provide all services available through this pilot;

(3) have a minimum of two years experience in providing case management activities and coordinating services for the AIDS population in the residing county;

(4) meet the legal and/or licensure requirements to provide pilot services and/or ensure that subcontractors meet the legal requirements to provide pilot services;

(5) be authorized to do business in the State of Texas by the secretary of state if the entity is organized as a corporation or has nonprofit status;

(6) agree to comply with all the provisions of the contract; the pilot project for persons With AIDS operations plan and revisions; policy clarifications and information letters, federal laws, and regulations; and all applicable DHS rules in the Texas Administrative Code;

(7) have sufficient operating funds, or have written agreements with service providers, to allow delivery of services under the terms of its contract while awaiting reimbursement from the department;

(8) enroll during a time period specified by DHS.

§48.2305. Reimbursement.

(a) The Texas Department of Human Services (DHS) reimburses enrolled providers for services provided to clients based on a DHS-approved plan of care. The provider agency must accept the department's payment as payment in full.

(b) The department determines a unit rate reimbursement for each of the following pilot services: case management, homemaker, skilled nursing, outpatient drug treatment services, and group insurance premiums.

(c) The provider agency must neither charge or take other recourse against Medicaid clients, their family members, or their representatives for any claim denied or reduced by the department because of the provider agency's failure to comply with any department rule, regulation, or procedure.

(d) Provider agencies are not entitled to payment for services if:

(1) the client is not an eligible participant as determined by DHS;

(2) the client is an inpatient of a hospital, ICF, SNF, or ICF-MR facility;

(3) services are not approved in advance by DHS on the individual plan of care form;

(4) the number of units of service delivered and billed exceeds the number of units authorized on the individual plan of care form;

(5) the claim exceeds the actual number of units delivered;

(6) services are ordered by a physician who has been excluded from the Medicare and/or Medicaid programs.

(e) The provider agency is responsible for the accuracy of the claim submitted for payment. If the department rejects a claim because of errors, the provider agency must research the errors, initiate appropriate corrective action, and resubmit a corrected claim to the department with supporting documentation.

(f) The department establishes reimbursement rates based on acceptable and reasonable rate methodology practices. The determination of appropriate rates for pilot services is a function of the pilot. Therefore, reimbursement rates are determined in two phases.

(1) Initial reimbursement rates are based upon the best available cost data from currently existing programs or from charges existing in the marketplace for similar services.

(2) Subsequent rates are established based on historical costs of providing the services under the pilot. Financial and statistical information is collected from each provider through cost report forms.

(g) Provider agencies must submit financial and statistical information at least annually on reporting forms provided by DHS or on facsimiles which are formatted according to DHS specifications and are preapproved by DHS staff.

(h) If a provider agency fails to file a report according to all applicable rules and instructions, the department may withhold all provider payments until the provider agency submits an acceptable report.

(i) Provider agencies must prepare the cost report to reflect the activities of the provider agency during its previous fiscal year. The cost report is due to DHS no later than 90 days following the end of the provider's fiscal year. Cost reports may be required for other periods at the discretion of the department.

(j) The department may perform on-site audits of all provider agencies that participate in the program.

(k) Each provider agency or its designated agent(s) must allow access to any and all records necessary to verify information submitted to DHS on cost reports. This requirement includes records pertaining to related-party transactions and other business activities engaged in by the provider agen-

cy. If a provider agency does not allow inspection of pertinent records within 30 days following written notice from DHS, a hold is placed on vendor payments until access to the records is allowed. If the provider agency continues to deny access to records, the department may cancel the provider agency's contract.

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 August 3, 1989.

TRD-8906951

Charles Stevenson
Acting Commissioner
Texas Department of
Human Services

Proposed date of adoption: November 1, 1989

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

Part VII. Texas Committee on Purchases of Products and Services of Blind and Severely Disabled Persons

Chapter 189. Purchases of Products and Services of Blind

• 40 TAC §189.18

(Editor's note: The text of the following section proposed for repeal will not be published. The section may be examined in the offices of the Texas Committee on the Purchases of Products and Services of Blind and Severely Disabled Persons or in the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brazos Street, Austin.)

The Texas Committee on Purchases of Products and Services of Blind and Severely Disabled Persons proposes the repeal of §189.18, concerning the reporting of funding and budgeting. The repeal is proposed to clarify the funding and budgeting procedure and to provide timelines for the budgeting process.

Joellen F. Simmons, chairperson, subcommittee on budget, 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. Simmons also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be to clarify for the public the funding and budgeting procedure of the Texas Committee on Purchases of Products and Services of Blind and Severely Disabled Persons and to provide timelines for the funding and budgeting process. There is no anticipated economic cost to individuals who are required to comply with the sections as proposed.

Comments on the proposal may be submitted to Joellen F. Simmons, Chairperson, Sub-

committee on Budget, Assistant Deputy Commissioner for Programs, Texas Rehabilitation Commission, 4900 North Lamar Boulevard, Suite 5401, Austin, Texas 78751-2126.

The repeal is proposed under the Texas Human Resource Code, Title 8, Texas Civil Statutes, §122.010, which provides the committee with the authority to adopt rules for the implementation, extension, administration, or improvement of the program authorized by this chapter. Rules adopted under this section do not take effect unless approved by the Texas Commission for the Blind and the Texas Rehabilitation Commission; each commission has approved the repeal of this section.

§189.18. Reports.

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 August 7, 1989.

TRD-8907041

Charles W. Schiesser
Assistant Commissioner
Texas Committee on
Purchases of Products
and Services of Blind
and Severely Disabled
Persons

Earliest possible date of adoption: September 11, 1989

For further information, please call: (512) 483-4101

The Texas Committee on Purchases of Products and Services of Blind and Severely Disabled Persons proposes new §189.18, concerning the reporting of funding and budgeting. The new section is proposed to clarify the funding and budgeting procedure and to provide timelines for the budgeting process.

Joellen F. Simmons, chairperson, subcommittee on budget, 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. Simmons also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be to clarify for the public the funding and budgeting procedure of the Texas Committee on Purchases of Products and Services of Blind and Severely Disabled Persons to provide timelines for the funding and budgeting process. There is no anticipated economic cost to individuals who are required to comply with the sections as proposed.

Comments on the proposal may be submitted to Joellen F. Simmons, Chairperson, Subcommittee on Budget, Assistant Deputy Commissioner for Programs, Texas Rehabilitation Commission, 4900 North Lamar Boulevard, Suite 5401, Austin, Texas 78751-2126.

The new section is proposed under the Texas Human Resource Code, Title 8, Texas Civil Statutes, §122.010, which provides the committee with the authority to adopt rules for the implementation, extension, administration, or

improvement of the program authorized by this chapter. Rules adopted under this section do not take effect unless approved by the Texas Commission for the Blind and the Texas Rehabilitation Commission; each commission has approved the proposed new section.

§189.18. Reports.

(a) Any nonprofit agency that desires funds shall submit annually a detailed written report of its program and budget to the committee. This report shall include:

(1) the number of disabled persons according to their type of disability who are employed in workshops participating in the program for the purchase of products and services covered by these rules;

(2) the amount of annual wages paid to a person participating in the program;

(3) a summary of sale of products offered by a workshop;

(4) a list of products and services offered by workshops;

(5) the geographic distribution of the workshops;

(6) a copy of the current budget along with measurements showing to what extent the objectives set by the agency director have been met;

(7) any other information specified by the committee for its determination of rates for marketing services to be charged the workshops by a nonprofit agency.

(b) Nonprofit agencies shall base their budget requests on the amount of funds necessary to accomplish objectives developed by the agency's director.

(c) Nonprofit agencies shall develop their budget requests in conjunction with the management of workshops in which blind or other severely disabled persons work.

(d) Nonprofit agencies must make written submissions of proposed budget requests on forms required by the committee by the first day of August each year.

(e) Nonprofit agencies and the designated subcommittee and staff shall meet and review the proposed budgets no later than the last day of August each year.

(f) The committee will make the final decisions on the proposed budgets at its September meeting and copies of approved rates will be thereafter provided to the appropriate nonprofit agencies.

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 August 7, 1989.

TRD-8907040

Charles W. Schiesser
Assistant Commissioner
Texas Committee on
Purchases of Products
and Services of Blind
and Severely Disabled
Persons

Earliest possible date of adoption: September 11, 1989

For further information, please call: (512) 483-4101

Part X. Texas Employment Commission

Chapter 301. Unemployment Insurance

• 40 TAC §301.32

The Texas Employment Commission proposes an amendment to §301.32, concerning rules for determining timeliness of appeals in unemployment insurance cases before the Texas Employment Commission.

J. Ferris Duhon, legal counsel, 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.

Mr. Duhon also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be a more secure basis for decisions on timeliness appeals in unemployment compensation benefits cases. There is no anticipated economic cost to individuals who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Carolyn Calhoun, Office of Special Counsel, TEC Building, 101 East 15th, Room 660, Austin, Texas 78778, (512) 463-2291.

The amendment is proposed under Texas Civil Statutes, Article 5221b, which provide the Texas Employment Commission with the authority to adopt, amend, or rescind such rules as it deems necessary for the effective administration of this Act.

§301.32. Timeliness.

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

(f) Sworn testimony can establish a date for an appeal being perfected which is earlier than the postmark date. Only in the face of extremely credible evidence will a party be allowed to establish an appeal date earlier than a postal meter date or the date of the document itself. When a party alleges filing an appeal by the mailing of a document which the Texas Employment Commission has never received, the party must present credible and persuasive testimony of timely filing corroborated by testimony of a disinterested party and/or physical evidence specifically linked to the appeal in question.

(g)-(i) (No change.)

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

Issued in Austin, Texas on August 3, 1989.

TRD-8908843

Carolyn Calhoun
Administrative Technician
IV
Texas Employment
Commission

Earliest possible date of adoption: September 11, 1989

For further information, please call: (512) 463-2291



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*.

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

TITLE 16. ECONOMIC REGULATION

Part IV. Texas Department of Labor and Standards

Chapter 77. Health Spas

- 16 TAC §§77.1, 77.5, 77.9, 77.13, 77.17, 77.21

The Texas Department of Labor and Standards has withdrawn from consideration for permanent adoption a repeal section which appeared in the February 10, 1989, issue of the *Texas Register* (14 TexReg 739). The effective date of this withdrawal is August 3, 1989.

Issued in Austin, Texas, on August 3, 1989

TRD-8906940

Joseph L. Huertas
Program Manager
Texas Department of Labor
and Standards

Effective date: August 3, 1989

For further information, please call: (512) 463-2907



- 16 TAC §§77.1, 77.10, 77.20, 77.30, 77.40, 77.41, 77.70-77.73, 77.80, 77.90, 77.91

The Texas Department of Labor and Standards has withdrawn from consideration for permanent adoption a new section which appeared in the February 10, 1989, issue of the *Texas Register* (14 TexReg 739). The effective date of this withdrawal is August 3, 1989.

Issued in Austin, Texas, on August 3, 1989

TRD-8906952

Joseph L. Huertas
Program Manager
Texas Department of Labor
and Standards

Effective date: August 3, 1989

For further information, please call: (512) 463-2907



TITLE 34. PUBLIC FINANCE

Part I. Comptroller of Public Accounts

Chapter 5. Funds Management (Fiscal Affairs)

Claims Processing-Purchase Vouchers

- 34 TAC §5.53

The Comptroller of Public Accounts has withdrawn from consideration for permanent adoption an amendment section which appeared in the April 25, 1989, issue of the *Texas Register* (14 TexReg 2013). The effective date of this withdrawal is August 3, 1989.

Issued in Austin, Texas, on August 3, 1989

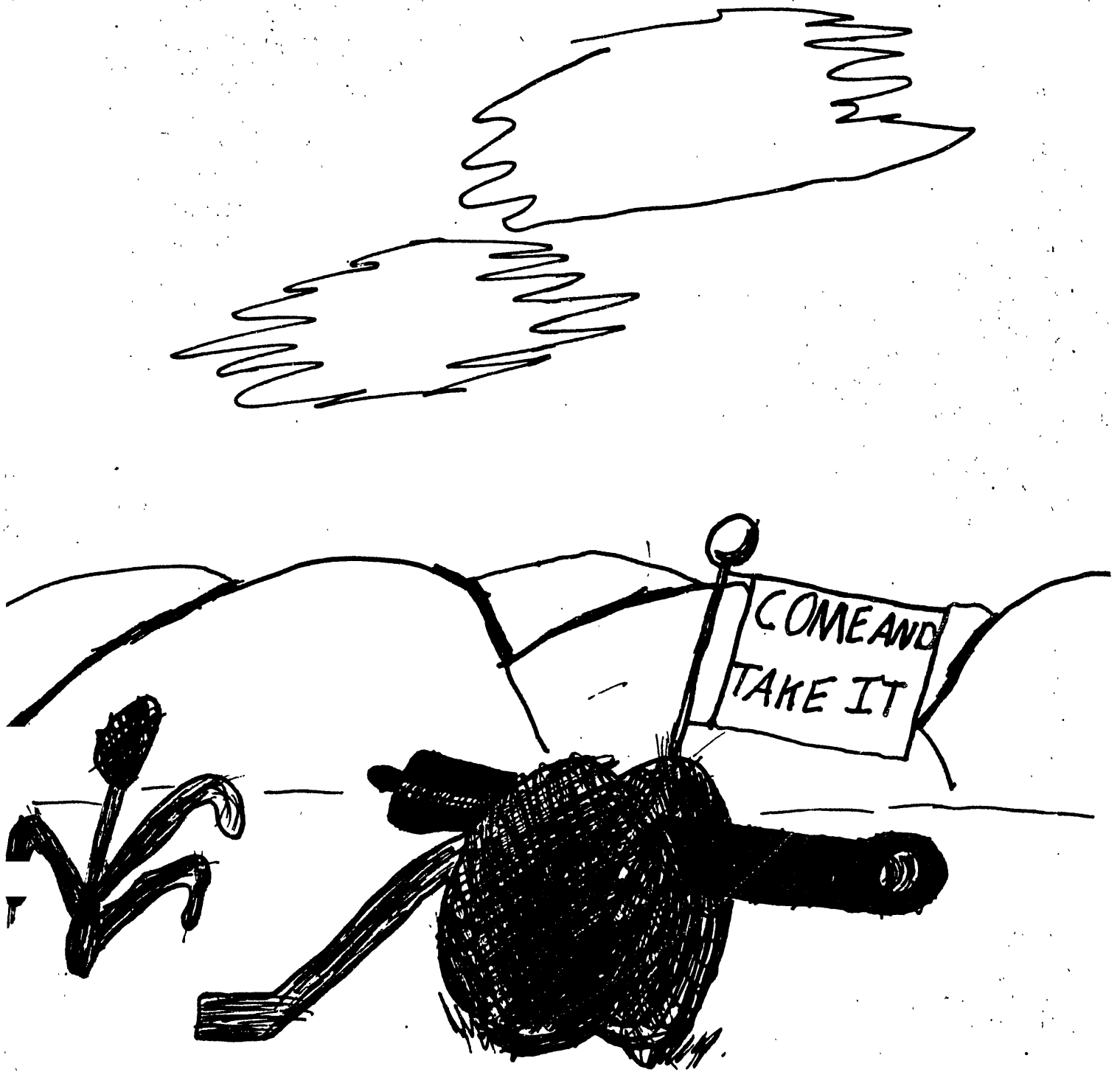
TRD-8906929

Wade Anderson
Rules Coordinator
Comptroller of Public
Accounts

Effective date: August 3, 1989

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





Name: Stephen Fieldhouse

Grade: 7

School: Vernon Intermediate, Vernon

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 22. EXAMINING BOARDS

Part XI. Board of Nurse Examiners

Chapter 219. Advanced Nurse Practitioner Program

• 22 TAC §§219.1-219.18

The Board of Nurse Examiners adopts new §§219.1-219.18. Section 219.2 is adopted with changes to the proposed text as published in the April 25, 1989, issue of the *Texas Register* (14 TexReg 1969). Sections 219.1 and 219.3-219.18 are adopted without changes and will not be republished.

The Board of Nurse Examiners is adopting the new sections relating to advanced nurse practitioner programs to provide more current and appropriate guidelines for educational institutions wishing to operate advanced nurse practitioner programs seeking state approval. The adoption of the sections follow recommendations made by an advisory committee consisting of representatives from education, practice, and employers of advanced nurse practitioners.

The new sections will provide more realistic standards for the educational institutions to meet if they wish to establish an advanced nurse practitioner program and seek state accreditation for that program.

The board received one comment from an individual suggesting that the board recognize the accreditation process of the American College of Nurse-Midwives in lieu of the state accreditation process.

The Board of Nurse Examiners did not agree nor disagree with the comment received; however, the request was referred to the advisory committee on advanced nurse practitioners for their review.

The new section is adopted under Texas Civil Statutes, Articles 4514, §1 and Article 4518, §1, which provide the Board of Nurse Examiners with the authority to make and enforce all rules and regulations necessary for the performance of its duties and conducting of proceedings before it; to establish standards of professional conduct for all persons licensed under the provisions of this law in keeping with its purpose and objectives; to regulate the practice of professional nursing; and to determine whether an act constitutes the practice of professional nursing not inconsistent with the provisions of this law. It shall be the duty of the Board of Nurse Examiners to prescribe and publish the minimum requirements and standards for a course of study in programs which prepare professional nurse practitioners.

§219.2. *New Programs.* State accreditation by the Board of Nurse Examiners for advanced nurse practitioner programs in Texas is voluntary. If state accreditation for an advanced nurse practitioner program is desired, then §§219.1-219.18 would apply.

(1) Phase I: development of a new program.

(A) An institution wishing to establish an accredited advanced nurse practitioner program shall advise the board of its intent in writing.

(B) The institution shall submit two copies of a proposal to the board's office for staff review.

(C) The proposal shall include the following information:

(i) mission of the educational institution;

(ii) accreditation status of the educational institution;

(iii) type of advanced nurse practitioner program proposed;

(iv) documentation of the need for the advanced nurse practitioner program in Texas with rationale for why the program should be established;

(v) potential effect on other advanced nurse practitioner programs in the area;

(vi) organizational structure of the educational institution showing the relationship of the proposed advanced nurse practitioner program within the organization;

(vii) tentative timetable;

(viii) tentative budget plans including evidence of financial resources adequate for planning, implementing, and continuing the advanced nurse practitioner program;

(ix) source of potential qualified director and faculty;

(x) source of anticipated student population;

(xi) description of support staff for the proposed program;

(xii) description of physical facilities; and

(xiii) description of available clinical resources.

(D) Following staff review of the proposal, the institution will be notified as to whether or not further clarification and/or revisions are necessary.

(E) At least three weeks prior to a regularly scheduled board meeting, the institution shall submit two copies of the final proposal to the board's office and one copy to each board member.

(F) The proposal will be reviewed at a regularly scheduled board meeting. The board may deny further consideration of the proposal, may defer action on the proposal, or may authorize a site visit and a public hearing.

(G) Following the site visit and public hearing, the board may approve, defer action, or deny the request.

(i) Approval of the proposal to establish an advanced nurse practitioner program will be given when the educational institution has submitted evidence that the advanced nurse practitioner program will be based upon sound educational principles; that valid rationale has been documented for the establishment of the advanced nurse practitioner program; that existing advanced nurse practitioner programs would not be adversely affected; and that the educational institution is prepared to meet the board's requirements as specified in §§219.1-219.17 of this title (relating to Definitions; New Programs; Accreditation; Philosophy and Objectives; Administration and Organization; Faculty Qualifications; Change of Director; Faculty Policies; Faculty Development and Evaluation; Program of Study; Curriculum; Curriculum Change; Students; Educational Resources and Facilities; Clinical Resources; Records and Reports; and Total Program Evaluation).

(ii) If approved, the institution will be notified in writing to proceed with the development of the advanced nurse practitioner program as described in Phase II.

(iii) If deferred, the institution will be notified in writing of the reason(s) for deferral.

(iv) If denied, the institution will be notified in writing of the reason(s) for denial.

(2) Phase II: application for initial accreditation.

(A) The director and faculty shall plan the program of learning.

(B) The director of the advanced nurse practitioner program shall submit two copies of the application for initial accreditation to the board's office for staff review.

(C) Following staff review, the director will be instructed as to whether or not further clarification and/or revisions of the application are necessary.

(D) At least three weeks prior to a regularly scheduled board meeting, the director shall submit two copies of the final application to the board's office and one copy to each board member.

(E) The board shall review the application and supporting evidence at a regularly scheduled meeting. If the program is based upon sound educational principles and is in compliance with the board's requirements as specified in §§219.1-219.17 of this title (relating to Definitions; New Programs; Accreditation; Philosophy and Objectives; Administration and Organization; Faculty Qualifications; Change of Director; Faculty Policies; Faculty Development and Evaluation; Program of Study; Curriculum; Curriculum Change; Students; Educational Resources and Facilities; Clinical Resources; Records and Reports; and Total Program Evaluation), initial accreditation may be granted.

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 31, 1989.

TRD-8906937

Louise Waddill
Executive Secretary
Board of Nurse Examiners

Effective date: August 24, 1989

Proposal publication date: April 25, 1989

For further information, please call: (512) 835-4880

TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part II. Parks and Wildlife Department

Chapter 65. Wildlife

Subchapter H. Type I Wildlife Management Areas, Hunting, and Fishing

• 31 TAC §§65.192, 65.194, 65.197, 65.201, 65.202, 65.210, 65.211, 65.215, 65.229

The Texas Parks and Wildlife Commission in a regularly scheduled public hearing June 15, 1989, adopted amendments to 31 TAC §§65.192, 65.194, 65.197, 65.201, 65.202, 65.210, 65.211, 65.215, and 65.229, without changes to the proposed text as published in the May 12, 1989, issue of the *Texas Register* (14 TexReg 2325).

The amendments as adopted will permit increased public participation for public hunts, clarify the rules, and provide appropriate means and methods to take wildlife resources.

The amendments as adopted provide for harvest of wildlife resources consistent with recognized wildlife management tenets. The amendments as adopted are based upon scientific studies and investigations which monitor the trends in relative abundance of wildlife resources and permit their optimum harvest.

No comments were received regarding adoption of the amendments.

The amendments are adopted under the Texas Parks and Wildlife Code, Chapter 81, Subchapter E, which provides the Texas Parks and Wildlife Commission with authority to regulate seasons, number, means, methods, and conditions for taking wildlife resources on wildlife management areas. With respect to designated state parks, the commission is acting under the authority of Texas Parks and Wildlife Code, Chapter 62, Subchapter D, which provides authority to prescribe seasons, number, size, kind, and sex, and the means and methods of taking any wildlife.

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 August 2, 1989.

TRD-8906913

Boyd Johnson
General Counsel
Texas Parks and Wildlife
Department

Effective date: September 1, 1989

Proposal publication date: May 12, 1989

For further information, please call: (512) 389-4770

TITLE 34. PUBLIC FINANCE

Part IV. Employees Retirement System

Chapter 81. Insurance

• 34 TAC §81.7

The Employees Retirement System of Texas adopts an amendment to §81.7, without changes to the proposed text as published in the June 13, 1989, issue of the *Texas Register* (14 TexReg 43).

The amendment will clarify the intent of the rules that a specified participant, who is enrolled in an approved HMO and permanently moves out of the HMO's service area, is eligible to enroll in the insured plan, without evidence of insurability and preexisting conditions limitation, only if the participant's new permanent residence is not located within the service area of another approved HMO. Also there is a technical correction of references in §81.7(i).

Through information furnished to Uniform Group Insurance Program participants, they will be aware of their enrollment options when they move out of the service area of the approved HMO in which they are enrolled.

No comments were received regarding adoption of the amendment.

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

This agency hereby certifies that the 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 August 3, 1989.

TRD-8906969

Clayton T. Garrison
Executive Director
Employees Retirement
System of Texas

Effective date: August 24, 1989

Proposal publication date: June 13, 1989

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

Chapter 85. Flexible Benefits

• 34 TAC §85.7

The Employees Retirement System of Texas adopts an amendment to §85.7, without changes to the proposed text as published in the June 13, 1989, issue of the *Texas Register* (14 TexReg 2946).

The amendment to the Flexible Benefits (Cafeteria Plan) Program rules is required to comply with the Internal Revenue Code, §125, proposed regulations on cafeteria plans issued on March 2, 1989.

The amendment will broaden the existing eligible family status change events to include employee or spouse change from full-time to part-time or part-time to full-time; and a significant change in the spouse's health insurance coverage attributable to the spouse's employment. The eligible family status events provide participants with greater opportunities to make changes to their Flexible Benefits Plan elections during the plan year.

No comments were received regarding adoption of the amendment.

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

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

Issued in Austin, Texas on August 3, 1989.

TRD-8908964

Clayton T. Garrison
Executive Director
Employees Retirement
System of Texas

Effective date: September 1, 1989

Proposal publication date: June 13, 1989

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

TITLE 37. PUBLIC SAFETY AND CORRECTIONS

Part X. Texas Adult Probation Commission

Chapter 321. Standards

• 37 TAC §321.12

The Texas Adult Probation Commission adopts an amendment to §321.12, with changes to the proposed text as published in the June 6, 1989, issue of the *Texas Register* (14 TexReg 2676).

The amendment will provide a more uniform enforcement of probation standards.

The amendment after approved by TAPC commission, will become part of agency standards. Copy of standard will be provided to vendors of services. Agency staff will review department and vendor records to insure compliance.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Texas Code of Criminal Procedure, Article 42.121, §3.01, which provides the Texas Adult Probation Commission with the authority to promulgate reasonable rules.

§321.12. Restitution Center.

(a)-(o) (No change.)

(p) Training. The probation depart-

ment shall require that departmentally operated restitution center personnel participate in residential services training offered by the TAPC. Probation departments contracting with private contractors for restitution center services shall ensure that services offered by the private contractors include a case management system equivalent to the system presented in the residential training modules offered by TAPC staff.

(q)-(x) (No change.)

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 August 1, 1989

TRD-8908897

Edmond J. Peterson
Director of Fiscal Services
Texas Adult Probation
Commission

Effective date: August 23, 1989

Proposal publication date: June 6, 1989

For further information, please call: (512) 834-8188

• 37 TAC §§321.13, 321.14, 321.16

The Texas Adult Probation Commission adopts amendments to §§321.13, 321.14, and 321.16 without changes to the proposed text as published in the June 6, 1989, issue of the *Texas Register* (14 TexReg 2676).

The amendments will provide a more uniform enforcement of probation standards.

After final approval by commission, the amendments will become part of agency standards. Copies will be provided to departments. Agency personnel will review department to insurance compliance.

No comments were received regarding adoption of the amendments.

The amendments are adopted under the Texas Code of Criminal Procedure, Article 42.121, §3.01, which provides the Texas Adult Probation Commission with the authority to promulgate reasonable rules.

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

Issued in Austin, Texas on August 1, 1989.

TRD-8908898

Edmond J. Peterson
Director of Fiscal Services
Texas Adult Probation
Commission

Effective date: August 23, 1989

Proposal publication date: June 6, 1989

For further information, please call: (512) 834-8188

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Services

Chapter 29. Purchased Health Services

Subchapter L. General Administration

• 40 TAC §29.1126

The Texas Department of Human Services (DHS) adopts new §29.1126, with changes to the proposed text as published in the May 30, 1989, issue of the *Texas Register* (14 TexReg 2606).

The justification for the section is to add in-home total parenteral hyperalimentation as a covered service under the Texas Medical Assistance Program.

The section will function by making total parenteral hyperalimentation services available in an in-home arrangement to recipients who require long-term support of these services.

During the comment period, the department received comments from the Alliance for Medical Nutrition and two potential providers.

Although commenters generally supported the proposed rules, clarifications were requested and suggestions made.

One commenter requested clarification regarding the ability of a supplier to provide in-home total parenteral hyperalimentation services on a statewide basis. Federal law and regulations require that Medicaid services must be made available to all eligible persons on a statewide basis. Recipients in need of hyperalimentation must have freedom of choice in selecting a qualified provider and must have access to the service regardless of their residence location in the state. For these reasons, providers must be capable of delivering hyperalimentation services statewide. This requirement will be addressed in the provider agreement which is signed by participating providers.

One commenter suggested an expanded interpretation of eligible recipients "who require long term support because of extensive bowel resection and/or severe advanced bowel disease in which the bowel cannot support nutrition." The commenter, however, did not suggest changes to the text of the section. Services will be covered if the services are determined to be reasonable and medically necessary by the department or its designee.

It was suggested that the sentence "The physician must be licensed in the state where the services are rendered" be changed to "require licensure of the physician in the state in which he/she practices." The department agrees and has revised the text of subsection (a) to reflect this change.

One commenter stated that additives, ordered by the recipient's physician, that are not integral to administration of parenteral solutions should be reimbursed separately. It is the department's intent to require only

those additives that are integral to the administration of the parenteral solutions. The department does not agree that the requirement needs to be restated.

Comments were made regarding provider reimbursement for additional nurse visits. The department disagrees that added reimbursement is appropriate for additional nurse visits to the supplier. The supplier of total parenteral hyperalimentation in-home services is contracted to supply the necessary education and ongoing supervision as to the administration of the total parenteral hyperalimentation. Any change in the situation or patient condition related to the total parenteral hyperalimentation should be communicated to the recipient's physician.

One commenter stated that the Texas Medical Assistance Program should separately cover in-home enteral nutrition services as a benefit. This recommendation is beyond the scope of the proposal. Enteral supplies that are medically necessary are to be supplied as part of the in-home total parenteral hyperalimentation service as ordered by the recipient's physician.

A comment was made that subsection (e) should be modified to indicate that the provider should exclude from its billing any hospital inpatient days beyond the first week for a given recipient. Another commenter suggested that the department pay for a two week supply of solution if the solutions are shipped and not used because of a recipient's loss of eligibility, change in treatment, or inpatient hospitalization. The department or its designee will not reimburse more than a one-week supply of solutions and additives if the solutions and additives are shipped and not used because of the recipient's loss of eligibility, change in treatment, or inpatient hospitalization. The department does not agree that the language needs to be changed. The department believes that this approach is fair as suppliers must monitor the status of patients on a frequent basis.

Two commenters stated that lab tests should be covered and reimbursed separately from the in-home total parenteral hyperalimentation services. Although the department understands the commenters' concern, the department feels that the benefit should include the required routine lab work.

One commenter suggested that it would be more appropriate to require that an eligible supplier be "a supplier of parenteral nutrition under the Medicare Program." The use of "participating in Medicare" in the section is to require that the provider be enrolled in the Medicare program as a supplier of total parenteral hyperalimentation.

One commenter suggested that the department establish its reimbursement on a 10-month basis with two free months of service. This would have the effect of increasing monthly reimbursement.

The department disagrees with this comment. There is no way to predict that the service will be needed for 12 months for each individual requiring the service.

Other comments were received, such as comments on the draft provider agreement, that did not relate directly to the proposed section and therefore are not addressed in this preamble.

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

§29.1126. In-home Total Parenteral Hyperalimentation Services.

(a) Subject to the specifications, conditions, limitations, and requirements established by the department, in-home total parenteral hyperalimentation services are available to eligible recipients who require long-term support because of extensive bowel resection and/or severe advanced bowel disease in which the bowel cannot support nutrition. Covered services must be reasonable, medically necessary, and prescribed by the recipient's physician (M.D. or D.O.). The physician must be licensed in the state in which the physician practices.

(b) The department or its designee must prior authorize the services. Prior authorization requests must include all pertinent medical records as required by the department or its designee to justify the medical necessity of the long-term total parenteral hyperalimentation. Prior authorization is a mandatory requirement for payment.

(c) Covered services include, but are not necessarily limited to:

(1) parenteral hyperalimentation solutions and additives as ordered by the recipient's physician;

(2) supplies and equipment including refrigeration, if necessary, that are required for the administration of prescribed solutions and additives;

(3) education of the recipient and/or appropriate family members/support persons regarding the in-home administration of total parenteral hyperalimentation before administration initially begins. Education must include the use and maintenance of required supplies and equipment;

(4) visits by a registered nurse appropriately trained in the administration of hyperalimentation. The nurse must visit the recipient at least once per month to monitor the recipient's status and to provide ongoing education to the recipient and/or family members/support persons regarding the administration of hyperalimentation;

(5) customary and routine lab work required to monitor the recipient's status;

(6) enteral supplies and equipment, if medically necessary, in conjunction with total parenteral hyperalimentation.

(d) Providers of in-home total parenteral hyperalimentation must:

(1) comply with all applicable federal, state, and local laws and regulations;

(2) be enrolled in and participating in Medicare as a supplier of in-home total parenteral hyperalimentation;

(3) be enrolled and approved for participation in the Texas Medical Assistance Program;

(4) sign a written provider agreement with the department or its designee. By signing the agreement, the provider agrees to comply with the terms of the agreement and all requirements of the Texas Medical Assistance Program including regulations, rules, handbooks, standards, and guidelines published by the department or its designee; and

(5) bill for covered services in the manner and format prescribed by the department or its designee.

(e) The department or its designee reimburses each provider on a monthly basis. Reimbursement is based on one-twelfth of the maximum yearly fee established by the department. The department or its designee does not reimburse more than a one-week supply of solutions and additives if the solutions and additives are shipped and not used because of the recipient's loss of eligibility, change in treatment, or inpatient hospitalization. The provider must exclude from its monthly billing any days that the recipient is an inpatient in a hospital or other medical facility or institution. Payment for partial months will be prorated based upon actual days of administration. Hospital outpatient departments furnishing in-home total parenteral nutrition must be separately enrolled as a provider meeting all requirements stipulated in subsection (d) of this section. Reimbursement to hospital outpatient departments furnishing in-home total parenteral nutrition may not exceed the maximum yearly fee established by the department.

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 August 7, 1989.

TRD-8907064

Charles Stevenson
Acting Commissioner
Texas Department of
Human Services

Effective date: September 1, 1989

Proposal publication date: May 30, 1989

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

Part X. Texas Employment Commission

Chapter 305. Interagency Matters

• 40 TAC §305.1

The Texas Employment Commission adopts new §305.1, with changes to the proposed text as published in the June 23, 1989, issue of the *Texas Register* (14 TexReg 3103).

The new section is adopted pursuant to House Bill 550 of the 70th Texas Legislature which mandates that specified state agencies adopt by rule a Memorandum of Understanding with the Texas Commission for the Deaf. The changes to the section from the language of the proposed text as published in the June 23, 1989, issue of the *Texas Register* (14 TexReg 3103) were made to correct incorrect citations to §181.913(a) and §181.914(a), and correctly cite §181.912(a) and (b).

The new section will serve to formalize the Memorandum of Understanding which allows the agencies to describe their respective responsibilities, coordinate the delivery of services to persons who are deaf, and reduce duplication of services.

No comments were received regarding adoption of the new section.

The new section is adopted under Texas Civil Statutes, Article 5221b(1) et. seq., which provide the Texas Employment Commission with the authority to adopt, amend, or rescind such rules as it deems necessary for the effective administration of this Act.

§305.1. Memorandum of Understanding with Texas Commission for the Deaf. The Texas Employment Commission hereby adopts by reference the terms of a memorandum of understanding entered into with the Texas Commission for the Deaf set out in §181.912(a) and (b) and §181.915 of this title (relating to The Texas Department of Corrections and the Texas Employment Commission. Copies of the memorandum of understanding are available at the Texas Employment Commission, 101 East 15th Street, Room 660, Austin, Texas 78778.

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 August 3, 1989

TRD-8906944

J. Ferris Duhon
Legal Counsel
Texas Employment
Commission

Effective date: August 24, 1989

Proposal publication date: June 23, 1989

For further information, please call: (512) 463-2291

State Board of Insurance Exempt Filing

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

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

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

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

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

The Board has adopted adjusted physical damage rating symbols for certain 1990 model private passenger automobiles. The symbols adopted were developed from manufacturers list price data and adjusted in accordance with the prescribed vehicle series rating rule contained in the Symbol and Identification Section of the *Texas Automobile Manual*. The amendments are effective at 12:01 on the 60th day after notice of this action is published in the *Texas Register*.

This notification is made pursuant to the Texas Insurance Code, Article 5.96, which exempts it from the requirements of the Administrative Procedure and Texas Register Act.

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

Issued in Austin, Texas on August 3, 1989

TRD-8906993

Nicholas Murphy
Chief Clerk
State Board of Insurance

Effective date: October 10, 1989

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

The State Board of Insurance has adopted an amendment to the *Texas Automobile Manual*. Rule 74., Section E.2.a. of the *Texas Automobile Manual* has been amended to read as follows:

(45) 'Texas Driver Safety Training' requires certification issued on or after June 15, 1989 by Texas Safety Training. This amendment is effective September 1, 1989.

This notification is made pursuant to the Insurance Code, Article 5.96, which exempts it from the requirements of the Administrative Procedure and Texas Register Act.

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

Issued in Austin, Texas on August 3, 1989

TRD-8906995

Nicholas Murphy
Chief Clerk
State Board of Insurance

Effective date: September 1, 1989

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

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

The State Board of Insurance has adopted an amendment to the *Texas Automobile Manual*. Rule 74., Section E.2.a. of the *Texas Automobile Manual* has been amended to include a new subsection reading as follows:

(50) Driving for Life course requires certification issued on or after September 1, 1989 by Judson Driving School. This amendment is effective September 1, 1989.

This notification is made pursuant to the Insurance Code, Article 5.96, which exempts it from the requirements of the Administrative Procedure and Texas Register Act.

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

Issued in Austin, Texas on August 3, 1989

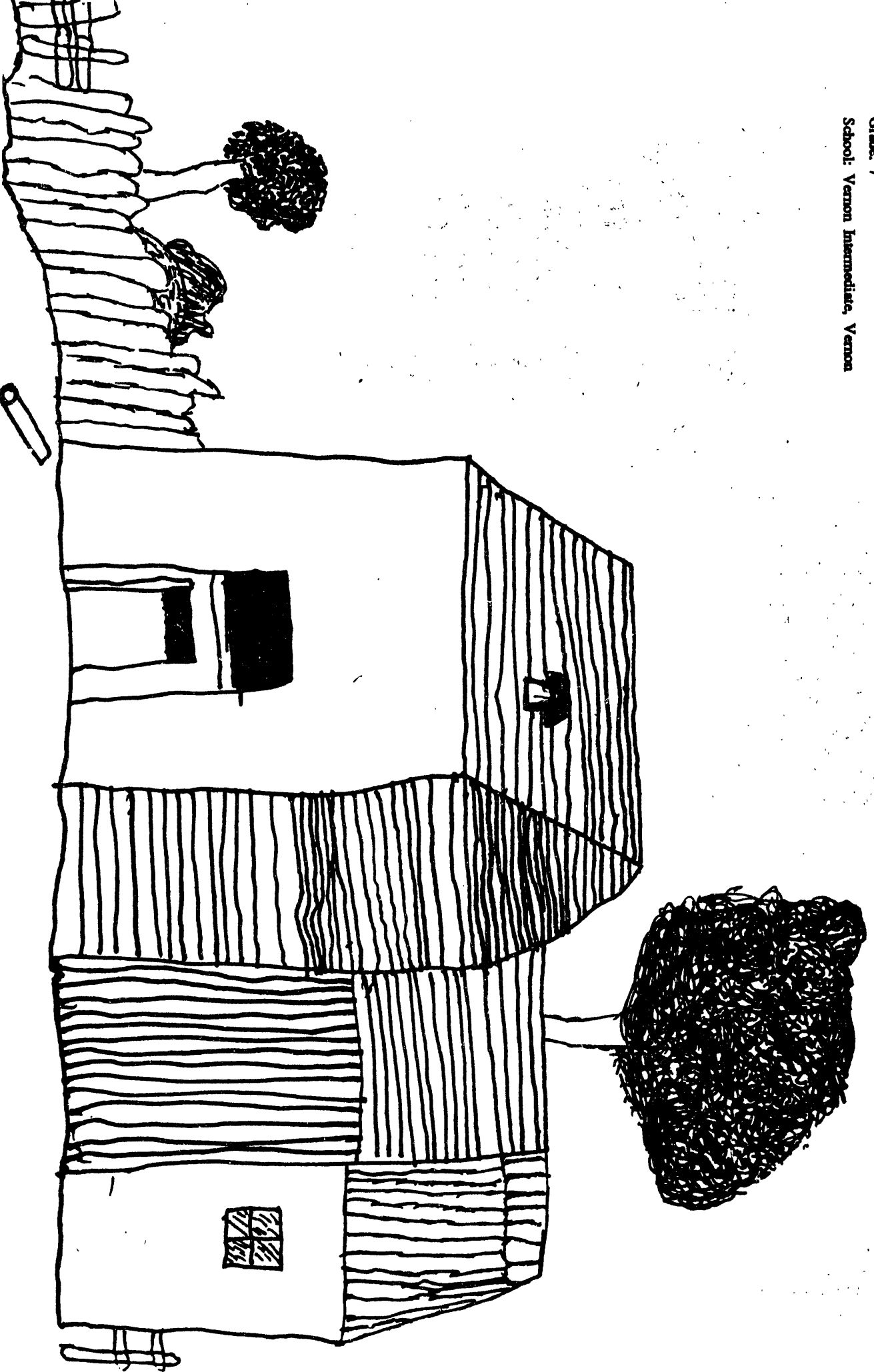
TRD-8906994

Nicholas Murphy
Chief Clerk
State Board of Insurance

Effective date: September 1, 1989

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

Name: Crystal Fox
Grade: 7
School: Vernon Intermediate, Vernon



Open Meetings

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

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

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

Texas Department on Aging

Friday, August 18, 1989, 9 a.m. The Policy Development Task Force will meet in the Third Floor Conference Room, Texas Department on Aging, 1949 South IH 35, Austin. According to the agenda, the task force will receive policy briefing by staff members; consider policies to include designated area agencies; staff area agencies on aging, alcohol and drug abuse programs and funding; give adequate proportion of priority services, direct services by area agencies on aging; TDoA's funding formula; and the task force will develop recommendations to TDoA's Citizens Advisory Council and the Texas Board on Aging.

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

Filed: August 7, 1989, 3:53 p.m.

TRD-8907072

Texas Department of Agriculture

Tuesday, August 15, 1989, 11 a.m. The Texas Grain Sorghum Producers Board will meet in the Mockingbird 1 Room, Sheraton Mockingbird West, 1893 West Mockingbird Lane, Dallas. According to the agenda, the board will hear the minutes; financial report; 1989-1990 budget planning and hiring TGSPB staff.

Contact: Elbert Harp, P.O. Box 530, Abernathy, Texas 79311-0530, (806) 298-2543.

Filed: August 4, 1989, 3:31 p.m.

TRD-8907044

Texas Commission on Alcohol and Drug Abuse

Tuesday, August 15, 1989, 1:30 p.m. The Grant and Contract Review Committee will meet in Room 618, Stephen F. Austin Building, 1700 North Congress, Austin. According to the agenda, the committee will deliberate and determine final funding deci-

sions on eligible applications received through the Comprehensive Alcohol and Drug Abuse Services request for proposals.

Contact: Reta Alexander, 1705 Guadalupe, Austin, Texas 78701, (512) 463-5510.

Filed: August 3, 1989, 3:50 p.m.

TRD-8907963

Texas Committee on Purchases of Products and Services of Blind and Severely Disabled Persons

Friday, August 25, 1989, 1 p.m. The Budget Committee will meet in the Board Room, First Floor, Texas Industries for the Blind and Handicapped, Inc. 314 Highland Mall Boulevard, Austin. According to the agenda, the board will introduce guests and subcommittee members; go into executive session pursuant to Texas Civil Statutes, Article 6252-17, §2(e), 2(g), and 2(r); discuss and recommend action on TIBH's proposed goals and objectives for fiscal year 1990; action on TIBH's proposed budget for fiscal year 1990; action on commission rate schedule for fiscal year 1990; action on the development of a contract between the Texas committee and the central nonprofit agency.

Contact: Michael T. Phillips, P.O. Box 12866, Austin, Texas 78711, (512) 459-2603.

Filed: August 7, 1989, 1:48 p.m.

TRD-8907063

Texas Board of Chiropractic Examiners

Thursday, August 17, 1989, 7:30 a.m., Friday and Saturday, August 18 and 19, 8:30 a.m. The Board will meet at D/FW Airport Marriott, 8440 Freeport Parkway, Irving. According to the agenda summary, the board will give exams at the Parker Chiropractic College and a meeting will follow the completion of exams. The board

will elect officers; give oath of office; appoint committees; approve February 23-25, 1989, board meeting minutes; schedule board meetings and peer review; discuss §§77.2, 78.2 and 77.5; doctors treating family members and charging insurance companies; certifying licenses of those qualified by exam and reciprocity; discuss testing changes; board committee reports; reciprocity interviews; executive officers report from the association; enforcement committee report, license renewal requirements; conduct of board members; discuss issuing temporary and special licenses; discuss legislative changes to the Chiropractic Act of Texas; agency operations, including 1990 budget and the need for a computer; hearing: Bobbye Ferris; and new or unfinished business.

Contact: Jennie Smetana, 8716 MoPac Expressway North, Suite 301, Austin, Texas 78759, (512) 343-1895.

Filed: August 7, 1989, 11:05 a.m.

TRD-8907057

Texas Department of Community Affairs

Thursday, August 24, 1989, 10 a.m. The Advisory Council will meet in Room 1-96, 8317 Cross Park Drive, Austin. According to the agenda, the council will approve minutes from January 20, 1989, meeting; receive the director's report on legislative, 1988 audit, 1990 community services block grant and program status.

Contact: Roger A. Coffield, 8317 Cross Park Drive, Austin, (512) 834-6016.

Filed: August 7, 1989, 10:21 a.m.

TRD-8907054

Texas Cosmetology Commission

Sunday, September 10, 1989, 9 a.m. The Commission will meet in the Radisson Plaza Hotel, 700 San Jacinto, Austin. According to the agenda, the commission will

adopt rule changes; sign inter-agency contract with barber board; update on building; redistrict inspection areas; designate dates for commission meetings and elect officers.

Contact: Laura Donges, 1111 Rio Grande, Austin, Texas 78701, (512) 463-3183.

Filed: August 7, 1989, 4:23 p.m.

TRD-8907079

Credit Union Department

Tuesday, August 15, 1989, 10 a.m. The Credit Union Commission will meet at the Dallas Parkway Hilton, 4801 LBJ Freeway, Dallas. According to the agenda, the commission will invite public input for future consideration; receive minutes of June 30, 1989, meeting; consider final revision of Rules 91.1 (Definitions), 91.203 (Incorporation Procedures), 91.206 (Amendments), 91.207, (Monthly Publication), 91.506 (Bond Requirements), 91.507 (Audits), 95.311 (Regular Assessments), 97.112 (Supervision Fees), and interagency contracts for services (Legal Services); conduct an executive session to review credit unions requiring special supervision and problem cases, to confer with legal counsel regarding field of membership guidelines and potential litigation.

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

Filed: August 7, 1989, 2:50 p.m.

TRD-8907067

Advisory Commission on State Emergency Communications

Wednesday, August 16, 1989, 10 a.m. The Public Information Committee will meet in Room 2706, 500 Throckmorton, Fort Worth. According to the agenda, the committee will review nominations and select recipients for telecommunicator awards; finalize program for 9-9-1 day 1989; consider new business and hear public comment.

Contact: Joe Kirk, 1101 Capitol of Texas Highway, South B-100, Austin, Texas 78746, (512) 327-1911.

Filed: August 4, 1989, 1:25 p.m.

TRD-8907032

Employees Retirement System of Texas

Tuesday, August 15, 1989, 8 a.m. The Board of Trustees will meet in Room 401, ERS Building, 18th and Brazos, Austin. According to the agenda, the board will consider and take action on appointment to the investment advisory committee; present

consideration concerning the Texas Employees Uniform Group Insurance Program by representatives from employee benefit consulting firms; consider and take action on presentations concerning Texas Employees Uniform Group Insurance Program; executive session; and any action resulting from the executive session.

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

Filed: August 4, 1989, 1:20 p.m.

TRD-8907030

Texas Employment Commission

Tuesday, August 15, 1989, 2 p.m. The Commission will meet in Room 644, TEC Building, 101 East 15th Street, Austin. According to the agenda summary, the commission will approve prior meeting notes; convene executive session on Texas Chapter of the Nation Staff Leasing Association, et al. vs. Mary Scott Nabers, et al.; consider and possibly adopt rule regarding staff leasing industry; discuss and amend language of minutes regarding construction of agency-owned building in Temple; discuss and approve reroofing of Brownwood facility; internal procedures of commission appeals; consider and take action on tax liability cases and higher level appeals in unemployment compensation cases listed on Commission Docket 33; and set date of next meeting.

Contact: C. Ed Davis, 101 East 15th Street, Austin, Texas 78778, (512) 453-2291.

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

TRD-8907071

Texas Department of Health

Friday, August 11, 1989, 3 p.m. The Public Health Promotion Committee met in the Bluebonnet Room, Guest Quarters Suite Hotel, 303 West 15th Street, Austin. According to the agenda summary, the committee considered signs, relating to the sale or provision of tobacco to persons under the age of 18, and public information plan.

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

Filed: August 3, 1989, 4:09 p.m.

TRD-8906978

Friday, August 11, 1989, 4 p.m. The Budget Committee met in the Bluebonnet Room, Guest Quarters Suite Hotel, 303 West 15th Street, Austin. According to the agenda summary, the committee approved fiscal year 1990 operating budgets and physician salary supplements for the San Antonio State Chest Hospital and the South Texas Hospital; and transfer of unexpended

balances to chronically ill and disabled children's services.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7236.

Filed: August 3, 1989, 4:09 p.m.

TRD-8906979

Friday, August 11, 1989, 5 p.m. The Environmental Health Committee met in the Bluebonnet Room, Guest Quarters Suite Hotel, 303 West 15th Street, Austin. According to the agenda summary, the committee considered rules concerning radiation; drinking water standards; pesticide in food; asbestos; molluscan shellfish and crab meat.

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

Filed: August 3, 1989, 4:10 p.m.

TRD-8906977

Saturday, August 12, 1989, 8 a.m. The Executive Committee will meet in Room M-749, Texas Department of Health, 1100 West 49th Street, Austin. According to the agenda summary, the committee will discuss items of procedure for the upcoming board of health meeting.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7236.

Filed: August 3, 1989, 4:11 p.m.

TRD-8906970

Saturday, August 12, 1989, 8:30 a.m. The Disease Control Committee will meet in Room M-752, Texas Department of Health, 1100 West 49th Street, Austin. According to the agenda summary, the committee will consider formation of three advisory committees; emergency and proposed rule concerning fee for providing HIV test result notification services for insurers; and distribution of general revenue funds for AIDS/HIV activities.

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

Filed: August 3, 1989, 4:11 p.m.

TRD-8906971

Saturday, August 12, 1989, 9 a.m. The Emergency and Disaster Committee will meet in Room M-721, Texas Department of Health, 1100 West 49th Street, Austin. According to the agenda summary, the committee will consider emergency and proposed amendments to the emergency medical services rules regarding fees; final adoption of rules for the media advisory board for driver licensing and the standards on motor vehicle operation division; and the appointments to the Texas Emergency Medical Services Advisory Council.

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

Filed: August 3, 1989, 4:11 p.m.

TRD-8906972

Saturday, August 12, 1989, 9 a.m. The Nursing Homes Committee will meet in Room M-741, Texas Department of Health, 1100 West 49th Street, Austin. According to the agenda summary, the committee will consider House Resolution 791 and proposed rules on certification and termination of certification on long term care facilities participating in the Title XIX medical assistance program.

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

TRD-8906973

Saturday, August 12, 1989, 9:30 a.m. The Hospitals Committee will meet in Room M-721, Texas Department of Health, 1100 West 49th Street, Austin. According to the agenda summary, the committee will consider emergency and proposed amendments to Chapter 4 of the hospital licensing standards; and emergency and proposed rules for special care facilities.

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

Filed: August 3, 1989, 4:11 p.m.

TRD-8906974

Saturday, August 12, 1989, 9:30 a.m. The Personnel Committee will meet in Room M-652, Texas Department of Health, 1100 West 49th street, Austin. According to the agenda summary, the committee will consider appointments to Texas Emergency Medical Services Advisory Council and Family Planning Interagency Council.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, 78756, (512) 458-7236

Filed: August 3, 1989, 4:10 p.m.

TRD-8906975

Saturday, August 12, 1989, 10:30 a.m. The Chronically Ill and Disabled Children's Services, Maternal and Child Health Committee will meet in Room M-721, Texas Department of Health, 1100 West 49th Street, Austin. According to the agenda summary, the committee will consider Cook-Fort Worth Children's Hospital; Driscoll Foundation Children's Hospital in Corpus Christi; final rules concerning craniofacial centers; transfer of unexpended balances to chronically ill and disabled children's services; fiscal update on chronically and disabled children's services program; and appointments to family planning interagency council.

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

Filed: August 3, 1989, 4:10 p.m.

TRD-8906976

Saturday, August 12, 1989, 11 a.m. The Board will meet in Room M-739, Texas Department of Health, 1100 West 49th Street, Austin. According to the agenda summary, the board will approve minutes of previous meetings and consider: commissioner's report on AIDS update, memorial resolution for Rod Bell, fiscal year of 1990 budget and physician salary supplements for San Antonio State Chest Hospital and South Texas Hospital, transfer of unexpended balances to chronically ill and disabled children's services; signs concerning sale or provision of tobacco to persons under age 18; formation of three HIV advisory committees House Resolution 7981; Cook-Fort Worth Children's Hospital; appointments to Texas Emergency Medical Services advisory council and family planning interagency council.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7236.

Filed: August 4, 1989, 1:47 p.m.

TRD-8907037

University of Houston System

Thursday, August 10, 1989, 12 noon. The Board of Regents met in Room S202CD, Conrad Hilton College Hotel, 4800 Calhoun, University of Houston, Houston. According to the agenda, the board acted upon and/or discussed the following: minutes, executive session, personnel-University of Houston System; chancellor and announcement of finalist for University of Houston System- chancellor.

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

Filed: August 7, 1989, 11:02 a.m.

TRD-8907056

Industrial Accident Board

Friday, August 11, 1989, 9 a.m. The board met in Room 101, John H. Reagan Building, 105 West 15th Street, Austin. According to the agenda, the board will discuss approval of board minutes; public testimony on 28 TAC §42. 110, Official Health Facility Fee Guidelines; public testimony on 28 TAC §43. 20, required information to insureds; public testimony on 28 TAC §45.10 employer's first report of Injury & Disease; public testimony on 28 TAC §45.13, Wage Statement; public testimony on 28 TAC §45.15 filing employer's first report of injury; public testimony on 28 TAC §65.10, actions by carrier claimant's attorney, and/or agent; discuss and consider establishing an advisory committee of durable medical equipment suppliers; procedure for the analysis and acquisitions of computer

resources; review of board files-closed session; review and discussion of board activities.

Contact: Inez "Tippy" Foster, 200 East Riverside Drive, First Floor, Austin, Texas 78704.

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

TRD-8907080

State Board of Insurance

Monday, August 14, 1989, 9 a.m. The Hearing Section will meet in Room 342, 1110 San Jacinto Street, Austin. According to the agenda, the hearings section will reopen a public hearing to consider the application of Timothy Jost, Cumby, Texas, for a group I, legal reserve, life insurance agent's license.

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

Filed: August 4, 1989, 2:29 p.m.

TRD-8907039

Tuesday, August 15, 1989, 10 a.m. The Board will meet in Room 414, State Insurance Building, 1110 San Jacinto, Austin. According to the agenda summary, the commission will take final action on 28 TAC §9.1 concerning title policies issued to the State Department of Highways and Public Transportation; proposed action on amendment to 28 TAC §9.1 concerning revision of formula for division of premium revenues; proposed on amendments and new sections to 28 TAC, Chapter 3, Subchapter T, concerning minimum standards for medicare supplements policies; board orders on several different matters as itemized on agenda; proposals on decision on: appeal of Calvin Douglas Baldwin, appeal of Joseph James Walker, Ocean Vista Towers; personnel matters and pending, contemplated litigation, and solvency matters.

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

Filed: August 7, 1989, 3:23 p.m.

TRD-8907070

Wednesday, August 16, 1989, 9 a.m. The Hearing Section will meet in Room 342, 1110 San Jacinto, Austin. According to the agenda, the hearing section will conduct a hearing on Docket No. 10464--to consider whether to take disciplinary action against James Robert Harrington, Austin, Texas, who holds a Group I, legal reserve life insurance agent's license issued by the State Board of Insurance.

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

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

TRD-8907078

Wednesday, August 16, 1989, 9:30 a.m. The Board will meet in Room 414, State Insurance Building, 1110 San Jacinto, Austin. According to the agenda, the board will hold a public meeting to consider an appeal by Victor C. Guajardo of Commissioner's Order 89-0770.

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

Filed: August 7, 1989, 9:44 a.m.

TRD-8907049

Thursday, August 17, 1989, 1:30 p.m. The Hearing Section will meet in Room 342, 1110 San Jacinto, Austin. According to the agenda, the hearing section will reopen Docket No. 10242--to consider whether disciplinary action should be taken against William Charles Cook, Fort Worth, Texas, who holds a Group I, legal reserve life insurance agent's license and a Group IV, variable contract insurance agent's license.

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

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

TRD-8907073

Friday, August 18, 1989, 1:30 p.m. The Hearing Section will meet in Room 342, 1110 San Jacinto, Austin. According to the agenda, the hearing section will conduct a public hearing on Docket No. 10455--to consider the renewal application of William George Benson, II, Kerrville, Texas, for a Group I, legal reserve life insurance agent's license and to consider whether disciplinary action should be taken against William George Benson, II, who holds a Group I, legal reserve life insurance agent's license.

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

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

TRD-8907074

Friday, August 18, 1989, 1:30 p.m. The Hearing Section will meet in Room 353, 1110 San Jacinto, Austin. According to the agenda, the hearing section will conduct a public hearing on Docket No. 104161--to consider whether disciplinary action should be taken against Barry Don Coleman, Comanche, Texas, who holds a local recording agent's license.

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

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

TRD-8907075

Monday, August 21, 1989, 9 a.m. The Hearing Section will meet in Room 353, 1110 San Jacinto, Austin. According to the agenda, the hearing section will conduct a public hearing on Docket No. 10448--to

consider whether disciplinary action should be taken against Texas Insurance Group Agency, Inc., Houston, Texas, who holds a local recording agent's license.

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

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

TRD-8907076

Monday, August 21, 1989, 1:30 p.m. The Hearing Section will meet in Room 342, 1110 San Jacinto, Austin. According to the agenda, the hearing section will conduct a public hearing on Docket No. 10462--to consider whether disciplinary action should be taken against Roger Leroy Armstrong, White Oak/Gladewater, Texas, who holds a Group I, legal reserve life insurance agent's license, a Group II, life, health and accident insurance agent's license and a local recording agent's license.

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

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

TRD-8907077

Tuesday, August 29, 1989, 9:30 a.m. The Board will meet in Room 101, John H. Reagan Building, 105 West 15th Street, Austin. According to the agenda summary, the board will hold a public hearing to consider revision of Fire and Allied Lines, Commercial Multi-Peril, Homeowners, and Farm & Ranch Owners insurance rates and manual rules, classification plans, forms, clauses, permits, warranties, classes, rating plans and amendments to the General Basis Schedules.

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

Filed: August 4, 1989, 10:17 a.m.

TRD-8906997

Tuesday, September 19, 1989, 9:30 a.m. The Board will meet in Room 414, State Insurance Building, 1110 San Jacinto, Austin. According to the agenda, the board will hold a public hearing to consider a proposed amendment to 28 TAC §9.1, Basic Manual or Rules, Rates, and Forms for the Writing of Title Insurance in the State of Texas, concerning amendment of Procedural Rules P-23 to revise the formula for division of premium revenues between title insurance companies and title insurance agents.

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

Filed: August 7, 1989, 3:22 p.m.

TRD-8907069



Texas Department of Labor and Standards

Monday, August 14, 1989, 10 a.m. The Labor, Licensing and Enforcement Division will meet in the Harris County Commissioner's Courtroom, 9th Floor, 1001 Preston, Houston. According to the agenda, the division will receive public comments on the new administrative rules proposed under the authority of the Texas Talent Agency Act, passed by the 71st Legislature.

Contact: Joseph Huertas, P.O. Box 12157, Texas 78711.

Filed: August 3, 1989, 3:34 p.m.

TRD-8906953

Tuesday, August 15, 1989, 9 a.m. The Labor, Licensing and Enforcement Division will meet in Room 103, Reagan Building, 105 West 15th Street, Austin. According to the agenda, the division will receive public comments on revisions to the administrative rules for professional boxing in Texas.

Contact: Joseph L. Huertas, P.O. Box 12157, Austin, Texas 78711.

Filed: August 3, 1989, 3:33 p.m.

TRD-8906961

Wednesday, August 16, 1989, 1 p.m. The Labor, Licensing and Enforcement Division will meet in Room 103, Reagan Building, 105 West 15th Street, Austin. According to the agenda, the division will receive public comments on revisions to the administrative rules for tow trucks and vehicle storage facilities.

Contact: Joseph Huertas, P.O. Box 12157, Austin, Texas 78711.

Filed: August 3, 1989, 3:35 p.m.

TRD-8906958

Wednesday, August 16, 1989, 3 p.m. The Labor, Licensing and Enforcement Division will meet in Room 103, Reagan Building, 105 West 15th Street, Austin. According to the agenda, the division will receive public comments on new administrative rules proposed under the authority of the Texas Talent Agency Act passed by the 71st Legislature.

Contact: Joseph Huertas, P.O. Box 12157, Texas 78711.

Filed: August 3, 1989, 3:34 p.m.

TRD-8906959

Thursday, August 17, 1989, 1 p.m. The Labor, Licensing and Enforcement Division will meet in the Chamber of Commerce office, 316 West Main, Arlington. According to the agenda, the receive public comments on revisions to the administrative rules for professional boxing in Texas.

Contact: Joseph Huertas, P.O. Box 12157, Austin, Texas 78711.

Filed: August 3, 1989, 3:34 p.m.

TRD-8906960

Thursday, August 24, 1989, 1 p.m. The Labor, Licensing and Enforcement Division will meet in the Public Library, 504 East Tyler, Harlingen. According to the agenda, the division will receive public comments on revisions to the administrative rules for tow trucks and vehicle storage facilities.

Contact: Joseph Huertas, P.O. Box 12157, Austin, Texas 78711.

Filed: August 3, 1989, 3:35 p.m.

TRD-8906957

Friday, August 25, 1989, 9 a.m. The Labor, Licensing and Enforcement Division will meet in the County Commissioner's Courtroom, 9th Floor, 1001 Preston, Houston. According to the agenda, the division will receive public comments on revisions to the administrative rules for tow trucks and vehicle storage facilities.

Contact: Joseph Huertas, P.O. Box 12157, Austin, Texas 78711.

Filed: August 3, 1989, 3:35 p.m.

TRD-8906956

Monday, August 28, 1989, 1 p.m. The Labor, Licensing and Enforcement Division will meet at 3211 West Marshall Avenue, Longview. According to the agenda, the division will receive public comments on revisions to the administrative rules for tow trucks and vehicle storage facilities.

Contact: Joseph Huertas, P.O. Box 12157, Austin, Texas 78711.

Filed: August 3, 1989, 3:35 p.m.

TRD-8906955

Tuesday, August 29, 1989, 10 a.m. The Labor, Licensing and Enforcement Division will meet in the Chamber of Commerce office, 316 West Main, Arlington. According to the agenda, the division will receive public comments on revisions to the administrative rules for tow trucks and vehicle storage facilities.

Contact: Joseph Huertas, P.O. Box 12157, Austin, Texas 78711.

Filed: August 3, 1989, 3:33 p.m.

TRD-8906962

Thursday, August 31, 1989, 1 p.m. The Labor, Licensing and Enforcement Division will meet in the County Commissioner's Courtroom, 9th Floor, 1001 Preston, Houston. According to the agenda, the division will receive public comments on revisions to the administrative rules for professional boxing in Texas.

Contact: Joseph Huertas, P.O. Box 12157, Austin, Texas 78711.

Filed: August 3, 1989, 3:36 p.m.

TRD-8906954

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Lamar University System

Wednesday, August 9, 1989, 6:30 p.m. The Board of Regents Committee of the Whole met in the Map Room, John Gray Institute, 855 Florida, Beaumont. According to the agenda, the committee reviewed the recommended fiscal year 1990 budget.

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

Filed: August 4, 1989, 2:47 p.m.

TRD-8907043

Thursday, August 10, 1989, 9 a.m. The Board of Regents met in the Map Room, John Gray Institute, 855 Florida, Beaumont. According to the agenda summary, the board met with the academic affairs committee, building and grounds committee, personnel committee, public relations and development committee, finance and audit committee, and executive session was held under provisions of Texas Civil Statutes, Article 6252-17, §2(e); (e), legal; (f), real estate, and (g) personnel.

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

Filed: August 4, 1989, 2:47 p.m.

TRD-8907042

Thursday, August 10, 1989, 1:30 p.m. The Board of Regents met in the Map Room, John Gray Institute, 855 Florida, Beaumont. According to the agenda summary, the board received chairman's and chancellor comments; considered recommendations of the academic affairs committee, building and grounds committee, personnel committee, development and public relations committee, finance and audit committee, executive sessions, regents comments and suggestions.

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

Filed: August 7, 1989, 9:08.

TRD-8907048

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Midwestern State University

Thursday, August 10, 1989, 3 p.m. The Board of Regents, Student Affairs Committee met in the Hardin Administration Building Board Room, MSU Campus, Wichita Falls. According to the agenda, the committee recommended placement services fees and information concerning housing and cafeteria/snack bar remodeling.

Contact: Deborah L. Barrow, 3400 Taft Boulevard, Wichita Falls, Texas 76308, (817) 692-6551.

Filed: August 4, 1989, 10:49 a.m.

TRD-8906998

Thursday, August 10, 1989, 3:15 p.m.

The Board of Regents Executive Committee met in the Hardin Administration Building Board Room, MSU Campus, Wichita Falls. According to the agenda, the committee discussed the nominating committee report; board meeting dates 1989-1990; holiday scheduling 1989-1990; Texas Equal Education Opportunity Plan approval; utility easement approval; professional engineers-1989-1990; change order--Martin Building; bid information, coliseum floor, food service renovation and accept bid for Daniel Building renovation.

Contact: Deborah L. Barrow, 3400 Taft Boulevard, Wichita Falls, Texas 76308, (817) 692-6551.

Filed: August 4, 1989, 10:49 a.m.

TRD-8906999

Thursday, August 10, 1989, 3:45 p.m. The Board of Regents Finance Committee met in the Hardin Administration Building Board Room, MSU Campus, Wichita Falls. According to the agenda, the committee made recommendations on the following: financial disclosure statements; banking/investment transactions; wrote-off of outstanding checks; athletics souvenir bids; printing of Wichita; allocation for 1988-89 group insurance premium; 1989-90 group insurance; 1989-90 operating budget; and ratification of items \$15,000 and under approved by president per board authorization. (personnel matters in budget will be discussed in closed session as allowed by Texas Open Meetings Act, §2(g).

Contact: Deborah L. Barrow, 3400 Taft Boulevard, Wichita Falls, Texas 76308, (817) 692-6551.

Filed: August 4, 1989, 10:49 a.m.

TRD-8907000

Thursday, August 10, 1989, 5 p.m. The Board of Regents Personnel and Curriculum Committee met in the Hardin Administration Building Board Room, MU Campus, Wichita Falls. According to the agenda, the committee discussed position changes; last day enrollment report for spring 1989 semester; leave of absence without pay (Dr. Eldon Sund); emeritus status (Dr. D.L. Lignon); policy manual revisions; discussion of personnel matter in closed session as allowed by Texas Open Meetings Act, §2(g).

Contact: Deborah L. Barrow, 3400 Taft Boulevard, Wichita Falls, Texas 76308, (817) 692-6551.

Filed: August 4, 1989, 10:49 a.m.

TRD-8907001

Thursday, August 10, 1989, 5:15 p.m. The Board of Regents University Development Committee met in the Hardin Administration Building Board Room, MSU Campus, Wichita Falls. According to the agenda, the committee discussed summary of gifts, grants and pledges September 1, 1988-July 24, 1989, and recommended

amounts required for on-campus endowments.

Contact: Deborah L. Barrow, 3400 Taft Boulevard, Wichita Falls, Texas 76308, (817) 692-6551.

Filed: August 4, 1989, 10:49 a.m.

TRD-8907002

Thursday, August 10, 1989, 5:30 p.m. The Board of Regents Athletics Committee met in the Hardin Administration Building Board Room, MSU Campus, Wichita Falls. According to the agenda, the committee discussed an athletics update report to be presented for information only.

Contact: Deborah L. Barrow, 3400 Taft Boulevard, Wichita falls, Texas 76308, (817) 692-6551.

Filed: August 4, 1989, 10:48 a.m.

TRD-8907003

Friday, August 11, 1989, 9 a.m. The Board of Regents will meet in the Hardin Administration Building Board Room, MSU Campus, Wichita Falls. According to the agenda, the board will read and approve minutes; reviewed and accepted financial reports; recommendations from executive, finance, personnel and curriculum, student affairs and university development committees. Reports were received from athletics committee and the president; executive session was held to discuss personnel in the operating budget for 1989-90 and personnel matters as allowed by the Texas Open Meetings Act, §2(g).

Contact: Deborah L. Barrow, 3400 Taft Boulevard, Wichita Falls, Texas 76308, (817) 692-6551.

Filed: August 4, 1989, 10:47 a.m.

TRD-8907004

Board of Pardons and Paroles

Tuesday, August 15, 1989, 1:30 p.m. The Board will meet at 8610 Shoal Creek Boulevard, Austin. According to the agenda, the board will consider executive clemency recommendations and related actions (other than Out of Country Conditional Pardons) including: full pardons/restoration of civil rights of citizenship; emergency medical reprieves; commutations of sentence; other reprieves, remissions and executive clemency actions.

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

Filed: August 4, 1989, 11:27 a.m.

TRD-8907017

Monday-Friday, August 14-18, 1989, 1:30 p.m. except Friday, August 18, 1989 at 11 a.m. The Board Panel (3 board members) will meet at 8610 Shoal Creek Boulevard,

Austin. According to the agenda summary, the board will receive, review and consider information land reports concerning prisoners/inmates and administrative releasees subject to the board's jurisdiction and initiate and carry through with appropriate action.

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

TRD-8907018

Texas Public Finance Authority

Wednesday, August 16, 1989, 9:30 a.m. The Board will meet in Room 402, Central Services Building, Austin. According to the agenda, the board will approve minutes, receive overview of bond-funded projects; authorized future bond issues; consider alternative course of action regarding Series 1985 revenue bonds; discuss selection of professional services; and TPFA fiscal year 1990 budget and staffing.

Contact: Julie Jones, 201 East 14th Street, 907 Sam Houston Building, Austin, Texas 78701, (512) 463-5544.

Filed: August 7, 1989, 8:13 a.m.

TRD-8907047

Department of Public Safety

Friday, August 11, 1989, 1:30 p.m. The State Emergency Management Council will meet in the Emergency Operating Center, DPS Headquarters, 5805 North Lamar, Austin. According to the agenda, the council will receive recommendations from subcommittee on training for OSHA 29CFR 1910.120; will propose hazmat workshops in September and October, SERC procedures, LEPC changes and other council business.

Contact: David D. Haun, 5805 North Lamar, Austin, Texas, (512) 465-2138.

Filed: August 3, 1989, 2:19 p.m.

TRD-8906947

Public Utility Commission of Texas

Tuesday, August 15, 1989, 10 a.m. The Hearings Division will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin. According to the agenda, the hearings division will hold a prehearing conference on Docket No. 8911--application of Southwestern Bell Telephone Company to change tariff.

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

Filed: August 3, 1989, 2:36 p.m.

TRD-8906950

Tuesday, September 5, 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 meeting rescheduled from August 7, 1989, at 10 a.m.; they will hear the following dockets: No. 8702--application of Gulf States Utilities Company for authority to change rates; No. 8922--appeal of Gulf States Utilities Company from rate proceeding of the City of Conroe; No. 8939--appeal of Gulf States Utilities Company from rate proceeding of the City of Cut and Shoot; No. 8940--appeal of Gulf States Utilities Company from rate proceedings of the City of Orange.

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

Filed: August 4, 1989, 11:56 a.m.

TRD-8907021

Wednesday, September 27, 1989, 10 a.m. The Hearings Division will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin. According to the agenda, the conduct a hearing on the merits of the following dockets: No. 8660--application of Alenco Communications, Inc. to amend certificate of convenience and necessity within Webb County; No. 8684--application of Southwestern Bell Telephone Company to amend certificate of convenience and necessity within Webb County; No. 8719--application of Valley Telephone Cooperative, Inc. to amend certificate of convenience and necessity within Webb County.

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

Filed: August 3, 1989, 2:35 p.m.

TRD-8906949

Monday, November 6, 1989, 10 a.m. The Hearings Division will meet in 450N, 7800 Shoal Creek Boulevard, Austin. According to the agenda, the hearings division will meet for a meeting rescheduled from September 6, 1989 at 10 a.m. to conduct a prehearing conference on 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: August 3, 1989, 2:37 p.m.

TRD-8906948

Railroad Commission of Texas

Monday, August 14, 1988, 9 a.m. The Railroad Commission of Texas will meet in Room 12-126, William B. Travis Building, 1701 North Congress Avenue, Austin. Agendas follow.

The commission will consider and act on the Administrative Services Division director's report on division administration, budget, procedure, and personnel matters. Discussion of the development of a natural gas clearing house that would match companies that need gas to fuel new plants with producers that have gas to sell-possible action.

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

Filed: August 4, 1989, 11:03 a.m.

TRD-08907016

Monday, August 14, 1989, 9 a.m.

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

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

Filed: August 4, 1989, 11:05 a.m.

TRD-08907009

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

Contact: Cril Payne, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-7274.

Filed: August 4, 1989, 11:05 a.m.

TRD-08907012

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

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

Filed: August 4, 1989, 11:05 a.m.

TRD-08907014

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

meet in executive session to consider the appointment, employment, evaluation, reassignment, duties, discipline, and/or dismissal of personnel.

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

Filed: August 4, 1989, 11:04 a.m.

TRD-08907015

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

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

Filed: August 4, 1989, 11:04 a.m.

TRD-08907013

The commission will consider and act on the Legal Division report on division administration, budget, procedures, and personnel matters. The commission will meet in executive session to receive legal advice regarding pending and/or contemplated litigation including the following matters: cause #465,506 Parkway Transport Inc., et al. vs. Railroad Commission of Texas. Report to commission on gas storage.

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

Filed: August 4, 1989, 11:06 a.m.

TRD-08907008

The commission will consider and act on the LP Gas Division director's report on division administration, budget, procedures, and personnel matters. Consideration of proposal for public comment amendment to §13.13 and proposed new §13.100 pertaining to the regulations for compressed natural gas of the Liquefied Petroleum Gas Division of the commission.

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

Filed: August 4, 1989, 11:03 a.m.

TRD-08907019

The commission will consider various matters within the regulatory jurisdiction of the commission. In addition, the commission will consider items previously posted for open meeting and at such meeting verbally postponed or continued to this date. With regard to any item, the commission may take various actions, including but not limited to scheduling an item in its entirety or for particular action at a future time of date.

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

Filed: August 4, 1989, 11:06 a.m.

TRD-08907006

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

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

Filed: August 4, 1989, 11:05 a.m.

TRD-08907010

The commission will consider adoption of insurance requirements for contractors hired by the Commission to perform state-funded well pluggings.

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

Filed: August 4, 1989, 11:02 a.m.

TRD-8907020

The commission will consider various matters within the regulatory jurisdiction of the commission. In addition, the commission will consider items previously posted for open meeting and at such meeting verbally postponed or continued to this date. With regard to any item, the commission may take various actions, including but not limited to scheduling an item in its entirety or for particular action at a future time of date.

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

Filed: August 4, 1989, 11:06 a.m.

TRD-08907007

The commission will consider various matters within the regulatory jurisdiction of the commission. In addition, the commission will consider items previously posted for open meeting and at such meeting verbally postponed or continued to this date. With regard to any item, the commission may take various actions, including but not limited to scheduling an item in its entirety or for particular action at a future time or date.

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

Filed: August 4, 1989, 11:07 a.m.

TRD-08907005

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

Contact: Brian W. Schaible, P.O. Drawer 12967, Austin, Texas 78753, (512) 463-6710.

Filed: August 4, 1989, 11:05 a.m.

TRD-08907011

State Securities Board

Wednesday, August 22, 1989, 10 a.m. The Securities Commissioner will meet at 1800 San Jacinto, Austin. According to the agenda summary, the board will determine

whether a Cease and Desist Order should be issued prohibiting the sale of securities issued by Everett Wayne Howerton, also known as Wayne Howerton, and doing business as Wayne's Financial Services; and Lotapam, Inc., doing business as Lotapam Investments, Inc. and Lotapam Gold and their agents and representatives.

Contact: John Morgan, (512) 474-2233.

Filed: August 3, 1989, 12:57 p.m.

TRD-8906942

University System of South Texas

Tuesday, August 8, 1989, 10 a.m. The Board of Directors met in the Conference Room, Blucher Institute, 6300 Ocean Drive, Corpus Christi. According to the revised agenda summary, the board discuss the Hispanic Alumni of Texas A Texas & I University; and remarks from Daniel Lopez, president of A & I student association.

Contact: Frederick Bigelow, P.O. Box 1238, Kingsville, Texas 78363, (512) 595-2208.

Filed: August 4, 1989, 9:32 a.m.

TRD-8906990

University Interscholastic League

Wednesday, August 8, 1989, 1 p.m. The State Executive Committee met at Marriott Capitol, Salon F & G, 11th and IH 35, Austin. According to the agenda summary, the committee will discuss allegations of rule violations by Laredo Martin High School, Brazoswood High School and Brownfield High School.

Contact: Bonnie Noarhcutt, P.O. Box 8028, University Station, Austin, Texas 78713, (512) 471-5883.

Filed: August 3, 1989, 2:16 p.m.

TRD-8906946

University of Texas System

Thursday, August 10, 1989, 12 p.m.-Executive Session; 1 p.m. Open Session. The Board of Regents and Standing Committees met in the Regents' Meeting Room, 9th Floor, 201 West 7th Street, Austin. According to the agenda summary, the board will consider amendments to RRR; chancellor's docket' installment payment plan for tuition and fees; degree programs; UT Dallas-four year plan; capital improvement program; fees; appointments to endowed academic positions; MSRDPP/PRS bylaws; affiliation agreements; buildings and grounds matters including approval for projects, preliminary and final plans; award of

contracts; land and investment matters; acceptance of gifts, bequests and estates; establishment of endowed positions and funds; intellectual property matters, litigation; land acquisition and negotiated contracts; and personnel matters.

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

Filed: August 4, 1989, 1:22 p.m.

TRD-8907031

Texas Water Commission

Monday, August 7, 1989, 10 a.m. The Commission met in an emergency session in Room 1-111, William B. Travis Building, 1701 North Congress, Austin. According to the revised agenda summary, the commission considered various matters within the regulatory jurisdiction of the Commission. In addition, the Commission will consider items previously posted for open meeting and at such meeting verbally postponed or continued to this date. With regard to any item, the Commission may take various actions, including but not limited to scheduling an item in the entirety or for particular action at a future date or time. The emergency status was necessary to protect the public health, safety and welfare.

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

Filed: August 4, 1989, 4:32 p.m.

TRD-8907051

Tuesday, September 5, 1989, 10 a.m. The Hearings Examiners will meet in Room 1149A, Stephen F. Austin Building, 1700 North Congress, Austin. According to the agenda, the hearings examiners will conduct a public hearing on an Number 5224--application for water use permit to appropriate public waters by Johnny and Betty Kosub.

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

Filed: August 4, 1989, 1:36 p.m.

TRD-8907036

Tuesday, October 3, 1989, 10 a.m. The Commission will meet in Room 1-111, William B. Travis Building, 1701 North Congress, Austin. According to the agenda summary, the commission will conduct a hearing on Application No. 23-2657A, Mr. and Mrs. Ronald J. Persyn seek to amend Certificate No. 23-2657 to add an additional diversion point on Cienegas Creek, Rio Grande, Val Verde County.

Contact: Weldon P. Hawthorne, P.O. Box 13087, Austin, Texas 78711, (512) 463-8266.

Filed: August 4, 1989, 1:18 p.m.

TRD-8907033

Tuesday, October 24, 1989, 9 a.m. The Hearings Examiners will meet in Room 618, Stephen F. Austin Building, 1700 North Congress, Austin. According to the rescheduled agenda summary, the hearings examiner will hear the application by San Antonio Pre-Stressed Company, for proposed Permit No. 02961 authorizing disposal of process wastewater through a recycling treatment system in Bexar County, Texas. No discharge of pollutants into the waters of the state is authorized by this permit.

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

Filed: August 4, 1989, 1:37 p.m.

TRD-8907035

Regional Meetings

Meetings Filed August 3, 1989

The Concho Valley Council of Governments, Executive Committee met at the Horseshoe Bay Inn and Country Club, Marble Falls, August 9, 1989, at 7:30 p.m. Information may be obtained from Robert R. Weaver, P.O. Box 60050, San Angelo, Texas 76906, (915) 944-9666.

The Dallas Central Appraisal District, Board of Directors met in Suite 500, 1420 West Mockingbird Lane, Dallas, August 9, 1989, at 7:30 a.m. Information may be obtained from Rick L. Kuehler, 1420 West Mockingbird Lane, Suite 500, Dallas, Texas 75247, (214) 631-0520.

The Denton Central Appraisal District, Appraisal Review Board met at 3911 Morse, Denton, August 11, 1989, at 9 a.m. Information may be obtained from John D. Brown, 3911 Morse, Denton, Texas 76205, (817) 566-0904.

The Edwards County Appraisal District, Appraisal Review Board will meet in the New County Annex Building, Rocksprings, August 31, 1989, at 9 a. m. Information may be obtained from Natalie McNealy, P.O. Box 378, Rocksprings 78880, (512) 683-4189.

The Gonzales County Appraisal District, Board of Directors met at 928 St. Paul Street, Gonzales, August 10, 1989, at 5 p.m. Information may be obtained from Glenda Strackbein, P.O. Box 867, Gonzales, Texas 78629, (512) 672-2879.

The Harris County Appraisal District, Board of Directors met on the 8th Floor, 2800 North Loop West, Houston, August 9, 1989, at 10 a.m. Information may be obtained from Margie Hiliard, P.O. Box 920975, Houston, Texas 77292, (713) 957-5291.

The Hays County Appraisal District, Board of Directors met in the Municipal Building, 632 A East Hopkins, San Marcos,

August 10, 1989, at 2:30 p.m. Information may be obtained from Lynnell Sedlar, 632 A East Hopkins, San Marcos, Texas 78666, (512) 754-7400.

The Hays County Appraisal District, Board of Directors met in the Municipal Building, 632 A East Hopkins, San Marcos, August 10, 1989, 3:30 p.m. Information may be obtained from Lynnell Sedlar, 632 A East Hopkins, San Marcos, Texas 78666, (512) 754-7400.

The Region VII Education Service Center, Board of Directors will meet in the Holiday Inn, Highway 259 South, Henderson, August 17, 1989, at 7 p.m. Information may be obtained from Don J. Peters, 818 East Main, Kilgore, Texas 75662, (214) 984-3071.

TRD-8906936

Meetings Filed August 4, 1989

The Barton Springs/Edwards Aquifer Conservation District, Board of Directors met at 1124-A Regal Row, Austin, August 7, 1989 at 7 p.m. Information may be obtained from Bill E. Couch.

The Blanco County Appraisal District, Board of Directors met in the Blanco County Courthouse Annex, Johnson City, August 8, 1989, at 6 p.m. Information may be obtained from Hollis Petri, P.O. Box 338, Johnson City, Texas 78636, (512) 868-4624.

The Carson County Appraisal District, Board of Directors will meet at 102 Main, Panhandle, August 9, 1989, at 9:15 a.m. Information may be obtained from Dianne Lavake, P.O. Box 970, Panhandle, Texas 79068-0970.

The Dallas Area Rapid Transit, Procurement Ad Hoc Committee met at 601 Pacific Avenue, Dallas, August 8, 1989, at 2 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237.

The Dallas Area Rapid Transit, Minority Affairs Committee met at 601 Pacific Avenue, Dallas, August 8, 1989, at 4 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237.

The Dallas Area Rapid Transit, Board of Directors met at 601 Pacific Avenue, Dallas, August 8, 1989, at 6:30 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237.

The Golden Crescent Service Delivery Area, Private Industry Council met at the Holiday Inn, 2705 Houston Highway, Victoria, August 9, 1989, at 6:30 p.m. Information may be obtained from Charles Steele, P.O. Box 164, Victoria, Texas 77902.

The Grand Parkway Association, met at

140 East Wing, 5757 Woodway, Houston, August 9, 1989, at 8:15 a.m. Information may be obtained from Larry W. Nettles, 2823 First City Tower, 1001 Fannin, Houston, Texas 77002-6760, (713) 654-4586.

The Gray County Appraisal District, Board of Directors met at 815 North Sumner, Pampa, August 10, 1989, at 5 p.m. Information may be obtained from W. Pat Bagley, P.O. Box 836, Pampa, Texas 79066-2499, (806) 665-0791.

The Martin County Appraisal District, Board of Directors met in the appraisal office, 708 West St. Anna, Stanton, August 8, 1989, at 7 p.m. Information may be obtained from Elaine Stanley, P.O. Box 1349, Stanton, Texas 79782, (915) 756-2823.

The Nueces-Jim Wells-Kleberg-Kenedy Soil and Water Conservation District, Board of Directors will meet at the La Cupla Center, Highway 77 South, Kingsville, August 15, 1989, at 10 a.m. Information may be obtained from Joan D. Rurnfield, 710 East Main Street, Robstown, Texas 78380.

The Trinity River Authority of Texas, Executive Committee met at 5300 South Collins, Arlington, August 10, 1989, at 10:30 a.m. Information may be obtained from Jack C. Worsham, 5300 South Collins, P.O. Box 60, Arlington, Texas 76004, (817) 467-4343.

TRD-8906987

Meetings Filed August 7, 1989

The Capital Area Rural Transportation System, Executive Committee Meeting will meet at 5111 East First Street, Conference Room, Austin, August 15, 1989, at 10:10 a.m. Information may be obtained from Edna Burroughs, 5111 East First Street, Austin, Texas 78702, (512) 389-1011.

The Denton Central Appraisal District, Board of Directors will meet at 3911 Morse, Denton, August 24, 1989, at 4 p.m. Information may be obtained from Joe Rogers, 3911 Morse Street, Denton, Texas 76205, (817) 566-0904.

The Denton Central Appraisal District, Appraisal Review Board will meet at 3911 Morse Street, Denton, September 15, 1989, at 9 a.m. Information may be obtained from Joe Rogers, 3911 Morse Street, Denton, Texas 76205, (817) 566-0904.

The Education Service Center Region III, Board of Directors will meet at 1905 Leary Lane, Victoria, August 14, 1989, at 2 p.m. Information may be obtained from Dr. Julius Cano, 1905 Leary Lane, Victoria, Texas 77901.

The Education Service Center Region XIII, Board of Directors will meet in Room #205, 5701 Springdale Road, Austin, August 14, 1989, at 12:45 p.m. Information

may be obtained from Dr. Joe Parks, 5701 Springdale Road, Austin, Texas 78723, (512) 929-1313.

The Ellis County Appraisal District, met at 406 Sycamore Street, Waxahachie, August 10, 1989, at 7 p.m. Information may be obtained from Russell A. Garrison, P.O. Box 878, Waxahachie, Texas, (214) 937-3552.

The Gillespie Central Appraisal District, Board of Directors will meet at City Hall Assembly Room, Fredericksburg, August 17, 1989, at 9 a.m. Information may be obtained from Mary Lou Smith, P.O. Box 429, Fredericksburg, Texas 78624, (512) 997-9807.

The Greater Austin-San Antonio Corridor Council, Inc., Executive Committee will meet at Aquarena-Springs Restaurant, San Marcos, August 14, 1989, at 4 p.m. Information may be obtained from Dana Douglass, P.O. Box 1618, San Marcos, Texas 78667-1618.

The Greater Austin-San Antonio Corridor Council, Inc., Full Committee Meeting will meet at Aquarena-Springs Restaurant, San Marcos, August 14, 1989, at 4:30 p.m. Information may be obtained from Dana Douglass, P.O. Box 1618, San Marcos, Texas 78667-1618.

The Hansford County Appraisal District, Regular Board Meeting will meet at 709 West Seventh Street, Spearman, August 16, 1989, at 9 a.m. Information may be obtained from Alice Peddy, P.O. Box 567, Spearman, Texas 79081, (806) 659-5575.

The Hunt County Tax Appraisal District, Board of Directors met at 4801 King Street, Greenville, August 10, 1989, at 6 p.m. Information may be obtained from Joe Pat Davis or Shirley Smith, P.O. Box 1339, Greenville, Texas 75401, (214) 454-3510.

The Hunt County Tax Appraisal District, Board of Directors met at 4801 King Street, Greenville, August 10, 1989, at 7 p.m. Information may be obtained from Joe Pat Davis or Shirley Smith, P.O. Box 1339, Greenville, Texas 75401, (214) 454-3510.

The Hunt County Tax Appraisal District, Board of Directors will meet at 4801 King Street, Greenville, August 14-18, 1989, at 9 a.m. Information may be obtained from Joe Pat Davis or Linda S. Haynes, P.O. Box 1339, Greenville, Texas 75401, (214) 454-3510.

The Jones County Appraisal District, Board of Directors will meet at District's Office, 1137 East Court Plaza, Anson, August 17, 1989, at 8 a.m. Information may be obtained from John Steele, 1137 East Court Plaza, Anson, Texas, (915) 823-2422.

The Lower Neches Valley Authority, Board of Directors will meet at Lower Neches Valley Authority Conference Center, Sam Rayburn, August 15, 1989, at 10:30 a.m. Information may be obtained from A. T. Hebert, Jr. P.O. Drawer 3464, Beaumont,

Texas 77704, (409) 892-4011.

The Mason County Appraisal District, will meet at 206 Ft. McKavitt Street, Mason, August 16, 1989, at 7 p.m. Information may be obtained from Neal Little, P.O. Box 1119, Mason, Texas 76856, (915) 347-5989.

The Multimodal Transportation Planning Gulf Coast State Planning Region, Transportation Planning Committee will meet in Fourth Floor Conference Room, 3555 Timmons, Houston, August 18, 1989, at 9:30 a.m. Information may be obtained from LaDawn Bush, P.O. Box 1386, Houston, Texas 77251, (713) 869-4571.

The Nortex Regional Planning Commission, Executive Committee will meet at Hilton Hotel-Wichita II Room, 401 Broad Street, Wichita Falls, August 17, 1989, at 12 Noon. Information may be obtained from Dennis Wilde, 2101 Kemp Boulevard, Wichita Falls, Texas (817) 322-5281.

The North Texas Municipal Water District, Board of Directors will meet at 505 East Brown Street, Wylie, August 24, 1989, at 4 p.m. Information may be obtained from Carl W. Riehn, P.O. Drawer C, Wylie, Texas (214) 442-5405.

The Palo Pinto Appraisal District, Appraisal Review Board, will meet at Palo Pinto County Courthouse, Palo Pinto, August 15, 1989, at 1:30 p.m. Information may be obtained from Jack Samford, P.O. Box 250, Palo Pinto, Texas 76072, (817) 659-1234.

The Palo Pinto Appraisal District, Board of Directors-Budget Hearing, will meet at

Palo Pinto County Courthouse, Palo Pinto, August 16, 1989, at 3 p.m. Information may be obtained from Jack Samford, P.O. Box 250, Palo Pinto, Texas 76072, (817) 659-1234.

The Palo Pinto Appraisal District, Board of Directors, will meet at Palo Pinto County Courthouse, Palo Pinto, August 16, 1989, at 3:15 p.m. Information may be obtained from Jack Samford, P.O. Box 250, Palo Pinto, Texas 76072, (817) 659-1234.

The San Antonio River Authority, Board of Directors, will meet at 100 East Guenther Street, San Antonio, August 16, 1989, at 2 p.m. Information may be obtained from Fred N. Pfeiffer, P.O. Box 830027, San Antonio, Texas 78283-0027, (512) 227-1373.

The South East Texas Regional Planning Commission, Executive Committee will meet at City of Beaumont Council Chambers, Beaumont, August 16, 1989, at 7 p.m. Information may be obtained from Jackie Vice, P.O. Drawer 1387, Nederland, Texas 77627, (409) 727-2384.

The Trinity River Industrial Development Authority, Board of Directors met at 5300 South Collins, Arlington, August 10, 1989, 1:30 p.m. Information may be obtained from Ramona A. Winer, 5300 South Collins, P.O. Box 60, Arlington, Texas 76004, (817) 467-4343.

TRD-8907045

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Meetings Filed August 8, 1989

The Capital Area Planning Council, Executive Committee will meet at 2520 IH 35

South, Suite 100, Austin, August 15, 1989, at 2 p.m. Information may be obtained from Richard G. Bean, (512) 443-7653.

The Education Service Center, Region XII, Board of Directors and Regional Advisory Committee will meet at 401 Franklin Avenue, Waco, August 17, 1989 at 2 p.m. Information may be obtained from Weldon O. Mills, P.O. Box 1249, Waco, Texas 76703-1249, (817) 756-7494.

The Liberty County Central Appraisal District, Board of Directors, will meet at 1820 Sam Houston, Liberty, August 23, 1989, at 9:30 a.m. Information may be obtained from Sherry Greak, P.O. Box 10016, Liberty, Texas 77575.

The Liberty County Central Appraisal District, Appraisal Review Board, will meet at 1820 Sam Houston, Liberty, August 24, 1989, at 9:30 a.m. Information may be obtained from Sherry Greak, P.O. Box 10016, Liberty, Texas 77575.

The Trinity River Authority of Texas, Utility Services Committee will meet at 5300 South Collins, Arlington, August 14, 1989, at 10 a.m. Information may be obtained from Jack C. Worsham, 5300 South Collins, P.O. Box 60, Arlington, Texas 76004, (817) 467-4343.

The Trinity River Authority of Texas, Resources Development Committee will meet at 5300 South Collins, Arlington, August 15, 1989, at 10 a.m. Information may be obtained from Jack C. Worsham, 5300 South Collins, P.O. Box 60, Arlington, Texas 76004, (817) 467-4343.

TRD-8907081

In Addition

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

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

State Banking Department

Notice of Hearing

The hearing officer of the State Banking Department will conduct a hearing on an application to withdraw excess earnings from trust deposits filed by Doeppenschmidt Funeral Home, New Braunfels. The hearing will be held on August 18, 1989, at 9 a.m. at Texas Department of Banking, 2601 North Lamar Boulevard, Austin.

Any interested person wishing to appear must file a written notice of intent to appear including a brief statement of position with the Texas Department of Banking at least 10 days prior to the hearing. A copy of this notice, and all other pleadings must be sent to each party to the hearing. All parties appearing at the hearing are requested to provide the department with two copies of all exhibits as evidence, excepting poster size exhibits received 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 August 4, 1989.

TRD-8907029 Ann Graham
General Counsel
State Department of Banking

Filed: August 4, 1989

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

Texas Department of Banking

Notice of Application

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

On August 2, 1989, the banking commissioner received an application to acquire control of Fiduciary Trust Company of the Southwest, Dallas, by FTC Holding Corporation, Dallas.

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

Issued in Austin, Texas on August 2, 1989.

TRD-8906823 William F. Aldridge
Director of Corporate Activities
Texas Department of Banking

Filed: August 2, 1989

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

Comptroller of Public Accounts

Consultant Contract Award

In accordance with the provisions of Texas Civil Statutes, Article 6252-11c, the Comptroller of Public Accounts signed a contract with Gordon F. Morris & Associates to provide a computer audit menu system and all necessary enhancements.

The consultant proposal request was published in the May 16, 1989, issue of the *Texas Register* (14 TexReg 2432).

The consultant will provide a computer audit menu, all necessary hardware, all necessary software, all necessary design, and implementation. The consultant will modify any existing software to the comptroller's environment and modify any interfaces to existing comptroller systems as necessary.

The contract is awarded to Gordon F. Morris & Associates, 3563 Deerfield Drive, Birmingham, Alabama 35226.

The total cost of the consultant contract is \$30,000. Work began July 17, 1989, and is to be completed by August 31, 1989.

The completed, operational system is due on September 1, 1989.

Issued in Austin, Texas on July 16, 1989.

TRD-8906838 Bob Bullock
Comptroller of Public Accounts

Filed: August 3, 1989

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

Correction of Error

The State Comptroller of Texas submitted an emergency amendment which contained an error as submitted by the department in the July 18, 1989, issue of the *Texas Register* (14 TexReg 3445).

In §3.545, paragraph (a)(3)(A)-(D) and (b)(3) should read: "(A)-(D) (No change.)"

"(b)(3) Except as required by the Bingo Enabling Act, §13(n)(1) and (2), Texas Civil Statutes, Article 179d, the comptroller may not issue more than one license to lease bingo premises for any one location, as that term is defined in §3.544 of this title (relating to Definitions)."

Office of Consumer Credit Commissioner

Notice of Rate Ceilings

The consumer credit commissioner of Texas has ascertained the following rate ceilings by use of the formulas and methods described in Texas Civil Statutes, Title 79, Articles 1.04, 1.05, 1.11, and 15.02, as amended

Type of Rate Ceilings	Effective Period (Dates are Inclusive)	Consumer ⁽³⁾ /Agricultural/Commercial ⁽⁴⁾ thru \$250,000	Commercial ⁽⁴⁾ over \$250,000
Indicated (Weekly) Rate - Art. 1.04(a)(1)	08/07/89-08/13/89	18.00%	18.00%
Monthly Rate ⁽¹⁾ Art. 1.04(c)	08/01/89-08/31/89	18.00%	18.00%
Standard Quarterly Rate - Art. 1.04(a)(2)	07/01/89-09/30/89	18.00%	18.00%
Retail Credit Card Quarterly Rate - Art. 1.11 ⁽³⁾	07/01/89-09/30/89	18.00%	N.A.
Lender Credit Card Quar- terly Rate - Art. 15.02(d) ⁽³⁾	07/01/89-09/30/89	17.31%	N.A.
Standard Annual Rate - Art. 1.04(a)(2) ⁽²⁾	07/01/89-09/30/89	18.00%	18.00%
Retail Credit Card Annual Rate - Art. 1.11 ⁽³⁾	07/01/89-09/30/89	18.00%	N.A.
Annual Rate Applicable to Pre-July 1, 1983 Retail Credit Card and Lender Credit Card Balances with Annual Implementation Dates from:	07/01/89-09/30/89	18.00%	N.A.
Judgment Rate - Art. 1.05, Section 2	08/01/89-08/31/89	10.00%	10.00%

- (1) For variable rate commercial transactions only.
- (2) Only for open-end credit as defined in Art. 5069-1.01(f) V.T.C.S.
- (3) Credit for personal, family or household use.
- (4) Credit for business, commercial, investment or other similar purpose.

Issued in Austin, Texas, on July 31, 1989

TRD-8906922 Al Endsley
Consumer Credit Commissioner

Filed: August 2, 1989

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

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Texas Department of Health
Correction of Error

The Texas Department of Health submitted amendments which contained errors as published in the July 18, 1989, issue of the *Texas Register* (14 TexReg 3454-3458, 3464, 3465).

On the front cover under "Proposed Sections", the department's proposed chapter titles are listed under "Employees Retirement System" instead of "Texas Department of Health".

On the front cover under "Adopted Sections" and "Texas Department of Health", references for two chapter titles are missing. The missing references are as follows: "3464-Special Supplemental Food Program for Women, Infants, and Children and 3465-Home Health Care Agencies."

On pages 14 TexReg 3454-3456, under Title 22, Part XXXII, State Committee of Examiners for Speech-Language Pathology and Audiology, §741.162(f)(2), new subparagraphs (A) and (B) are new language and should be printed entirely in bold print. The new subparagraphs as published contained three different print types (normal, bold, and italics).

Concerning §741.181, paragraph (16) and paragraph (17)[16] are combined and should be separated by a line space.

Concerning the proposed amendments to §§741.193, 741.194, 741.198, and new §741.199, the subchapter title is missing. The missing subchapter title is "Subchapter K. Denial, Suspension, or Revocation of Licensure".

On pages 14 TexReg 3457-3458, the department's proposed rules on emergency medical care and vital statistics are published under the wrong title and part heading (Title 34, Public Finance, Part IV, Employees Retirement System). These proposed rules should be published under "Title 25, Health Services, Part I, Texas Department of Health".

On page 3459 of the proposed rules of the Interagency Council on Early Childhood Intervention should be published under "Title 25, Health Services, Part VIII, Interagency Council on Early Childhood Intervention."

On page 14 TexReg 3458, the undesignated head title for the proposed new §181.22 is missing. The missing title is "Vital Records."

On page 14 TexReg 3464, the adoption of §31.1 and §31.3 is published under the wrong title and part heading, and is missing the chapter title. This adoption should have been published just before the department's Chapter 37 adoption which is published on the same page. The missing chapter title is "Chapter 31, Special Supplemental Food Program for Women, Infants and Children."

On page 14 TexReg 3465, adopted §§115.1-115.6, 115.8, 115.12-115.14, and 115.17 is missing the chapter title and the undesignated head title. The missing titles are as follows: Chapter 115, Home Health Care Agencies, Licensing and Regulation.

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Texas Department of Health Request For Proposals

Purpose. The department's AIDS Division is requesting proposals to conduct HIV Education/Prevention Projects. Senate Bill 959, 71st Texas Legislature, 1989, authorizes the department to award grants to develop or continue projects which demonstrate effective health education and risk reduction (HERR) strategies to prevent infection with the Human Immunodeficiency Virus (HIV), the virus which causes Acquired Immune Deficiency Syndrome (AIDS). The department intends to fund 20-30 projects in the range of \$25,000-\$40,000 per project for an eight month period from January 1, 1990-August 31, 1990. The specific amount to be funded will depend on the merit and scope of the proposed project and the availability of funds.

Eligible Applicants. They include governmental, public, and private non profit entities located within the State of Texas. They may include, but are not limited to, city or county health departments or districts, community based organizations, public or private non-profit hospitals, organizations serving youth (both in-school and out-of-school); organizations serving the disabled population; institutions of higher learning, and consortia of organizations within a community. The department will give special consideration to non-profit community organizations whose primary purpose is serving persons under the age of 18. Individuals are not eligible to apply.

Organizations currently receiving federal funds from the department for HIV/AIDS education/prevention among ethnic/racial minorities are not eligible to apply unless their proposals clearly identifies one of the other target populations, and their objectives and workplan do not duplicate services provided under existing contracts with the department.

Under Senate Bill 959, grants may not be awarded to an entity or community organization which advocates or promotes conduct that violates Texas law. This does not prohibit the award of a grant to an entity or community

organization the provides accurate information about ways to reduce the risk of exposure to or transmission of HIV. This provision extends to the entities who participate as subcontractors to the primary contract holders.

Department review criteria. The applicant must demonstrate knowledge of the target population and the ability to direct HIV/AIDS education/prevention activities to any one of the following target populations: individuals whose behavior may place them at increased risk for HIV infection (eg, men who have sex with men, crack/cocaine and/or intravenous IV drug users; persons who exchange sex for drugs or money, persons with multiple sexual partners, and the sex and/or needle sharing partners of the persons just mentioned); racial/ethnic minority populations, which for the purpose of this proposal, are defined as blacks, hispanics, native americans and asian americans; persons under 18 years of age; women of child bearing age who may be at risk, especially those in racial/ethnic minority populations; HIV infected individuals and their sex and/or needle sharing partners, including prenatal transmission; persons who are hearing impaired, visually impaired, mobility impaired, and/or developmentally disabled.

The applicant must describe the goals and objectives for the project; provide a workplan and timeline for completion of the project; show evidence of coordination and collaboration with local health authorities and other local or regional HIV/AIDS providers; demonstrate the capacity to be a credible source of HIV/AIDS information for a target population; describe the qualifications and appropriateness of proposed program staff, both paid and voluntary, and adequacy of time allocated for them to accomplish program activities; and develop an evaluation plan that monitors activities, measures progress in meeting objectives and assesses the extent to which project has had an effect on changing the target populations behavior.

Application procedures. Ray Charo, Grants Manager, AIDS Division, Texas Department of Health, Room T-405, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7207 is the department's contact person. All requests for forms, application kits, technical or program information, etc., should be directed to Mr. Charo. Grant applications (Form USPHS 5161-1 Revised 3/89), approved state forms, accompanying guidance materials, and any additional information concerning business administration or fiscal issues related to the proposals should be directed to Mr. Charo.

The signed original and three copies of the application must be submitted to Mr. Charo. An applicant must submit a one page abstract as part of the proposal and be prepared to provide a 10 minute synopsis of the proposal at a public hearing to be held in its region. Grant applications must be received by Mr. Charo by 5 pm, Friday, September 15, 1989, in order to be considered. Applications received after this time deadline will not be considered by the department.

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

TRD-8906988 Robert A. MacLean, M.D.
Deputy Commissioner for Professional
Services.
Texas Department of Health

Filed: August 4, 1989

For further information, please call: (512) 458-7207.

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Purpose. The department's AIDS division is requesting proposals from non-profit community organizations to conduct human immunodeficiency virus (HIV) services programs. Senate Bill 959, 71st Texas Legislature, 1989,

authorizes the department to award grants to develop or expand projects which demonstrate comprehensive, cost effective, collaborative, coordinated ambulatory, and community based health care and support systems for persons infected with HIV and other conditions, often described as Acquired Immune Deficiency Syndrome (AIDS).

Eligible Applicants. They include, but are not limited to, city or county health departments or districts; public or private non-profit hospitals; consortia of health care and community based organizations which can develop or have developed comprehensive ambulatory community and home based HIV support programs offering appropriate and compassionate care at reduced costs.

An applicant may only apply for a grant within its HIV Service Delivery Area (HSDA). The maximum grant funds available for each HSDA are as follows: Abilene HSDA, Concho Plateau HSDA, Greenville HSDA, Temple/Killeen HSDA, Uvalde HSDA, Waco HSDA, and the Wichita Falls HSDA are eligible for grants in the \$5,000-\$10,000 range; Bryan HSDA, Laredo HSDA, Longview HSDA, and Victoria HSDA are eligible for grants in the \$10,000-\$24,900 range; Amarillo HSDA, Beaumont/Port Arthur HSDA, Brownsville HSDA, El Paso HSDA, Galveston HSDA, Lubbock HSDA, Lufkin HSDA, Permian Basin HSDA, Texarkana HSDA, and Tyler HSDA are eligible for grants in the \$25,000-\$65,000 range; Corpus Christi HSDA and Fort Worth HSDA are eligible for grants in the \$65,000-\$115,000 range; Austin HSDA and San Antonio HSDA are eligible for grants in the \$115,000-\$195,000 range; No HSDA is eligible for grants in the \$195,000-\$300,000 range; Dallas HSDA and Houston HSDA are eligible for grants in the \$300,000-\$750,000 range.

Under Senate Bill 959, any entity or community based organization that advocates or promotes conduct that violates Texas law is ineligible to receive funds. This does not prohibit the award of a grant to an entity or community based organization that provides accurate information about ways to reduce the risk of exposure to or transmission of HIV. This provision extends to the entities who may participate as subcontractors to the primary contract holder.

Department Review Criteria. An applicant must demonstrate the following: ability to coalesce broad based community support among appropriate agencies and programs from cities and counties within the appropriate HSDA; a thorough understanding of AIDS and the HIV epidemic; ability to address the need and demand for ambulatory, mental health, community, and home based services, including education and prevention services for individuals with high risk behaviors; knowledge of existing gaps in the continuum of care; experience and potential to provide treatment and support to the largest number of patients with AIDS and other HIV related conditions within eligible HSDAs at the least cost.

Applicants also must develop an implementation plan that includes a milestone chart or time schedule that shows the phase in of each component of the delivery system and expected completion dates of various project objectives over the course of the eight month grant period. The applicant's budget must reflect all sources of funding which support organizations that will work with the grantee. The applicant must give specific attention to the assurance of comprehensive and appropriate service and access to an affected population. Applicants from contiguous communities should undertake cooperative regional systems of care in order to avoid duplication of services.

Application Procedure. Ray Charo, Grants Manager, AIDS Division, Texas Department of Health, Room T-

405, 1100 West 49th Street, Austin, Texas 78756 (512) 458-7207 is the department's contact person. All requests for forms, application kits, technical, or program information, etc., should be directed to Mr. Charo. Grant applications (Form USPHS 5161-1 Revised 3/89), approved state forms, accompanying guidance materials, and any additional information concerning business administration or fiscal issues related to the proposals should be directed to Mr. Charo.

The signed original and three copies of the application must be submitted to Mr. Charo. An applicant must submit a one page abstract as part of the proposal and be prepared to provide a 10 minute synopsis of the proposal at a public hearing to be held in its region. Grant applications must be received by Mr. Charo by 5 pm, Friday, September 15, 1989, in order to be considered. Applications received after this time deadline will not be considered by the department.

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

TRD-8906889 Robert A. MacLean, M.D.
Deputy Commissioner for Professional
Services
Texas Department of Health

Filed: August 4, 1989

For further information, please call: (512) 458-7207.

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**Heart of Texas Council of
Governments**
Consultant Proposal Request

The Heart of Texas Council of Governments is requesting proposals for an audit of all grants and programs. This audit will serve as a basis for a three-year period beginning October 1, 1988-September 30, 1989, and the subsequent two fiscal years ending in 1990 and 1991. This request is filed under the provisions of Texas Civil Statutes, Article 6252-11c.

The audit must be conducted under the guidelines of generally accepted auditing standards and other guidelines as highlighted in the council's request for proposals. The proposals will be reviewed by the Heart of Texas Council of Governments and a contract will be awarded on the basis of the firm's experience, firm knowledge of the work to be performed, the proposed audit cost by year, and the firm size. Firms submitting proposals must be members of the quality assurance program (peer review) to be considered.

Request for proposal packages may be obtained by contacting John C. Minnix, Deputy Executive Director for Management and Budget, Heart of Texas Council of Governments, 320 Franklin Avenue, Waco, Texas 76701, (817) 756-6631. All proposals must be received no later than 5 p.m. on August 22, 1989.

Issued in Austin, Texas on August 1, 1989.

TRD-8906889 H. W. Davis
Executive Director
Heart of Texas Council of Governments

Filed: August 2, 1989

For further information, please call: (817) 756-6631

State Board of Insurance Company Licensing

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

1. Application for admission to do business in Texas of Universal of Omaha Casualty Insurance Company, a foreign life insurance company. The home office is in Omaha, Nebraska.
2. Application for admission to do business in Texas of Commercial Union Property and Casualty Insurance Company, a foreign casualty insurance company. The home office is in Boston, Massachusetts.
3. Application for incorporation in Texas of Capitation Systems, Inc., a domestic third party administrator. The home office is in Irving.
4. Application for name change by Concept Administrators, Inc., a foreign third party administrator. The home office is in Sacramento, California. The proposed new name is Concept Administrators, Inc.

Issued in Austin, Texas on August 4, 1989.

TRD-8906992 Nicholas Murphy
 Chief Clerk
 State Board of Insurance

Filed: August 4, 1989

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

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Notice of Public Hearing

Beginning at 9:30 a.m. on Tuesday, September 19, 1989, and continuing thereafter from time to time and from place to place as may be specified by the chairman, the State Board of Insurance will hold a public hearing under Docket Number 1666 in Room 101 of the John H. Reagan Building, 105 West 15th Street, Austin. The hearing will consider possible adoption of an amendment to 28 TAC §9.1, concerning adoption by reference of the *Basic Manual of Rules, Rates, and Forms for the Writing of Title Insurance in the State of Texas* (the Manual), and, more specifically, will consider a proposed amendment to Procedural Rule P-23 to revise the formula for division of premium revenues between title insurance companies and title insurance agents, and such other matters as may properly be brought before the board. This hearing will be held in accordance with the legal authority and jurisdiction provided in the Texas Insurance Code, Articles 1.02, 1.04, 9.07, 9.21, and 9.30. The hearing and procedure will be governed by the provisions of the Administrative Procedure and Texas Register Act (Texas Civil Statutes, Article 6252-13a) and the rules of practice and procedure before the State Board of Insurance (28 TAC, Chapter 1, Subchapter A). Since the proposed rule amendment could be found to have ratemaking implications, the proposal will be considered on a contested case basis, as provided in the Administrative Procedure and Texas Register Act, and all witnesses shall be subject to cross examination by any party. This hearing may involve Chapter 9 and other articles of the Texas Insurance Code and Chapter 9 and other sections of Title 28 of the Texas Administrative Code, as well as the Manual.

You may direct inquiries regarding this hearing to Gaylon Daniel, Chief Property and Casualty Actuary, Division 0130, State Board of Insurance, 1110 San Jacinto Boulevard, Austin, Texas 78701-1998, or (512) 475-3017.

Anyone desiring admission as a party should attend the

prehearing conference which will be held before the general counsel of the State Board of Insurance on Friday, August 25, 1989, at 10 a.m. in Room 414 of the State Board of Insurance Building, 1110 San Jacinto Boulevard, Austin, for agreeing to such matters as may aid in the simplification of the proceedings.

Upon petition by Title Underwriters of Texas Advisory Organization, the State Board of Insurance is considering an amendment to the Manual so that Rule P-23, concerning division of premiums between title insurance agents and title insurance companies, would read as follows:

(a) All agency contracts between title insurance companies and title insurance agents must provide for the division of premium between the title insurance company and its title insurance agent on the following basis: 85% of the Elemental Premium shall be received by the title insurance agent and 15% shall be received by the title insurance company.

(b) The Board will establish each year a separate Loss and Expense Adjustment Premium which shall be in addition to the Elemental Premium. The Loss and Expense Adjustment Premium shall be paid entirely to the title insurance company.

(c) The sum of the Elemental Premium and the Loss and Expense Adjustment Premium shall be the Basic Premium for title insurance charged to the public. Whenever the words "Basic Premium," "Basic Rate," or "Basic Premium Rate" shall appear or be referenced in any other rules, they shall mean the Basic Premium described in the preceding sentence.

(d) The amounts of the Elemental Premium and of the Loss and Expense Adjustment Premium shall be set by the Board in view of the experience of the non-affiliated title insurance agents alone considered as a group, the experience of the title insurance companies (including their affiliated agents) alone considered as a group, and the combined experience of the non-affiliated title insurance agents and the title insurance companies (including their affiliated agents) considered as a group.

(e) For the first year in which this rule shall be in effect, the Elemental Premium for any prior year shall be deemed to have been the Basic Premium in effect on July 1 of such prior year. For the first year in which this rule shall be in effect, the Loss and Expense Adjustment Premium for any prior year shall be deemed to have been zero.

Issued in Austin, Texas on August 7, 1989.

TRD-8907050 Nicholas Murphy
 Chief Clerk
 State Board of Insurance

Filed: August 7, 1989

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

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North Central Texas Council of Governments

Consultant Proposal Request

This request by the North Central Texas Council of Governments (NCTCOG) for consultant services is filed under the provision of Texas Civil Statutes, Article 6252-11c.

Background. NCTCOG and Dallas Area Rapid Transit (DART) are requesting proposals to develop a route profile data base for DART. The consultant selected for this project will develop a plan for data collection, determine

appropriate staffing levels for data collection, rent sufficient data collection devices to support the planned data collection, employ and supervise data collection personnel, conduct appropriate quality control checks, transmit data to DART's computer, and develop a recommended sampling plan for DART to undertake in order to maintain a current data base.

Contract Award Procedures. The firm selected to perform this study will be recommended by a consultant selection committee. The committee will use evaluation criteria and methodology consistent with the scope of services contained in the request for proposals. The NCTCOG Executive Board will review the selection committee's recommendation, and if it is found acceptable, will issue an award of contract.

The North Central Texas Council of Governments, in accordance with the Civil Rights Act of 1964, Title VI, 78 Statute 252, 42 United States Code 2000d to 2000d-4, and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation issued pursuant to each Act, hereby notifies all bidders that it will affirmatively insure that in regard to any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, sex, age, or national origin in consideration of an award.

Respondents must be willing to abide by all applicable regulations of the Urban Mass Transportation Administration, United States, Department of Transportation, including inspection and audit.

The contract will comply with all federal and state laws and regulations applicable to subcontractors, including, but not limited to, equal employment opportunity, Davis-Bacon Act, and records management.

Due Date. Proposals must be submitted no later than 12 noon, Friday, September 1, 1989, to Shirley Henry, North Central Texas Council of Governments, 616 Six Flags Drive, Second Floor, P.O. Drawer COG, Arlington, Texas 76005-5888. For more information and copies of the request for proposals, contact Shirley Henry, (817) 640-3330.

Issued in Austin, Texas on July 31, 1989.

TRD-8908939

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

Filed: August 3, 1989

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

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**Board of Nurse Examiners
Bids for Test Administration Service
Requested**

The Board of Nurse Examiners for the State of Texas is accepting bids for a test administration service to administer the licensing examination in February and July of 1990 and 1991.

Scope and Services. The services provided by the test administration service are as follows:

1. Work with staff of examination site regarding arrangements.

2. Transport booklets to test sites and secure test booklets in accordance with the security measures.
3. Inventory test booklets at test site.
4. Provide testing supplies not supplied by board.
5. Provide personnel to administer the examination as follows:
 - a. Examiner-one per site;
 - b. Assistant examiner-one per site;
 - c. Proctors-Total of one for every 20 candidates assigned as follows:
 - (1) one proctor for every 35 seated candidates;
 - (2) Proctor supervisors-one for every three-four sections;
 - (3) Doorkeepers and escorts to restroom.
6. Orient personnel to security measures and testing procedures.
7. Follow established security measures.
8. Check test booklets and verify that candidate identifying information is recorded correctly.
9. Prepare necessary forms.
10. Return test booklets to testing service as instructed by the board.
11. Return specified test materials to board office.

The services provided by the Board of Nurse Examiners are as follows:

1. Obtain examination sites.
2. Provide board liaison person to work with examiners at each site.
3. Notify staff of examination site regarding number of candidates expected at each site.
4. Order test booklets.
5. Inventory test booklets upon receipt in board office.
6. Provide number of candidates expected at each site approximately 30 days in advance.
7. Issue admission cards.
8. Provide alpha candidate rosters, test booklet/candidate record in alpha order-one for each proctor, seating labels.
9. Provide guidelines for emergency, late arrivals, etc.
10. Provide copy of security measures and information to orient proctors.
11. Provide one copy of test administration manual for each site (to be treated as secure material).
12. Provide dialogue of necessary information to be read to candidates (information not in manual).
13. Arrange for shipping of test books from examination site.

Deadline for Submission. Bids will be accepted through September 15, 1989.

Contact person. Should there be any questions regarding the services, please contact Dorothy Chesley, P.O. Box 140466, Austin, Texas 78714 or call (512) 835-4880, ext. 32. This contract is subject to cancellation, without penalty, either in whole or in part, if funds are not appropriated.

Issued in Austin, Texas on July 31, 1989.

TRD-8908921

Louise Waddill
Executive Secretary
Board of Nurse Examiners

Filed: August 2, 1989

For further information, please call: (512) 835-4880

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Texas Department of Public Safety
Public Hearing Notice

the Texas department of Public Safety, in accordance with the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a and Article 6701d, §139, is holding a public hearing August 29, 1989, at 10 a.m. in the Department of Public Safety Training Academy Auditorium, 5805 North Lamar Boulevard, Austin.

the purpose of the hearing is to receive testimony regarding adoption of amendments to the administrative rule regarding regulations governing transportation of hazardous materials—37 TAC §3.59 and new administrative rule regarding transportation safety— 37 TAC §3.62, promulgated pursuant to authority of Texas Civil Statutes, Article 6701d, §1139.

Interested parties may submit advanced written notice of their intent to attend the hearing and present, at the time of the hearing, any remarks they wish to make. Written comment and letters of intent to attend the hearing must be addressed to John C. West, Jr., Chief of Legal Services, Texas Department of Public Safety, P.O. Box 4087, Austin, Texas 78773-0001.

this hearing will be conducted in accordance with the Texas Department of Public Safety's general rules of practice and procedure rules, 37 TAC §§29. 1-29.49.

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

John C. West, Jr. Chief of Legal Services
Texas Department of Public Safety

Filed: August 2, 1989

For further information, please call: (512) 465-2000

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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 July 14, 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 GTE Southwest, Inc. to amend certificate of convenience and necessity within Hays County, Docket Number 8930 before the Public Utility Commission of Texas.

The Application. In Docket Number 8930, General Telephone Company of the Southwest requests approval of its application for a minor boundary change in Hays 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.

Issued in Austin, Texas on August 1, 1989.

TRD-8906909

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

Filed: August 2, 1989

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

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Notice is given to the public of the filing with the Public Utility Commission of Texas of an application on July 18, 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 Contel of Texas, Inc. to amend certificate of convenience and necessity within Milam and Bell Counties, Docket Number 8932 before the Public Utility Commission of Texas.

The Application. In Docket Number 8932, Contel of Texas requests approval of its application for a minor boundary change in Milam and Bell 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 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.

Issued in Austin, Texas on August 1, 1989.

TRD-8906910

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

Filed: August 2, 1989

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

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Notice is given to the public of the filing with the Public Utility Commission of Texas of an application on July 21, 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 Power and Light Company for a certificate of convenience and necessity for proposed transmission line within Nueces County, Docket Number 8937 before the Public Utility Commission of Texas.

The Application. In Docket Number 8937, Central Power and Light Company requests approval of its application to construct approximately 1.6 miles of 138kV transmission line in Nueces 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.

Issued in Austin, Texas on August 1, 1989.

TRD-8906911

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

Filed: August 2, 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 July 11, 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 West Texas Utilities Company to amend certificate service area boundaries within Hardeman County, Docket Number 8924 before the Public Utility Commission of Texas.

The Application. In Docket Number 8924, West Texas Utilities Company requests approval of its application for a minor boundary change in Hardeman 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.

Issued in Austin, Texas on August 1, 1989.

TRD-8908912 Mary Ross McDonald
Secretary of the Commission
Public Utility Commission of Texas

Filed: August 2, 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 July 20, 1989, to revise a base rate area pursuant to the Public Utility Regulatory Act, §16(a), and §18(b). A summary of the application follows.

Docket Title and Number. Application of Southwestern Bell Telephone Company for a Proposed Revision to the Bowie Exchange within Wise County, Docket Number 8936 before the Public Utility Commission of Texas.

The Application. In Docket Number 8936, Southwestern Bell Telephone Company filed an application to expand the Bowie Base Rate Area to include the Aljo and Royal Crest subdivisions in Wise 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.

Issued in Austin, Texas on August 1, 1989.

TRD-8908914 Mary Ross McDonald
Secretary of the Commission
Public Utility Commission of Texas

Filed: August 2, 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 July 18, 1989, to revise a base rate area pursuant to the Public Utility Regulatory Act, §16(a), and §18(b). A summary of the application follows.

Docket Title and Number. Application of Southwestern Bell Telephone Company for a Proposed Revision to the

Austin Metropolitan Exchange Bee Caves Zone Base Rate Area within Travis County, Docket Number 8931 before the Public Utility Commission of Texas.

The Application. In Docket Number 8931, Southwestern Bell Telephone Company filed an application to expand the Bee Caves Zone Base Rate Area to include the growing number of residential and business customers in the area.

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.

Issued in Austin, Texas on August 1, 1989.

TRD-8908915 Mary Ross McDonald
Secretary of the Commission
Public Utility Commission of Texas

Filed: August 2, 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 July 14, 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 Telephone Company of Texas to amend certificate of convenience and necessity within Coryell County, Docket Number 8938 before the Public Utility Commission of Texas.

The Application. In Docket Number 8938, Central Telephone Company of Texas requests approval of its application for a minor boundary change in Coryell 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.

Issued in Austin, Texas on August 1, 1989.

TRD-8908918 Mary Ross McDonald
Secretary of the Commission
Public Utility Commission of Texas

Filed: August 2, 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 July 14, 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 Contel of Texas, Inc. to amend certificate of convenience and necessity within Liberty County, Docket Number 8925 before the Public Utility Commission of Texas.

The Application. In Docket Number 8925, Contel of Texas requests approval of its application for a minor boundary change in Liberty 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.

Issued in Austin, Texas on August 1, 1989.

TRD-8906917 Mary Ross McDonald
Secretary of the Commission
Public Utility Commission of Texas

Filed: August 2, 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 July 13, 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 Brazos Electric Cooperative for a certificate of convenience and necessity for proposed transmission line within King, Haskell, and Stonewall Counties, Docket Number 8926 before the Public Utility Commission of Texas.

The Application. In Docket Number 8926, Brazos Electric Cooperative requests approval of its application to construct approximately 20 miles of 138kV transmission line in King, Haskell, and Stonewall 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 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.

Issued in Austin, Texas on August 1, 1989.

TRD-8906918 Mary Ross McDonald
Secretary of the Commission
Public Utility Commission of Texas

Filed: August 2, 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 July 27, 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 Texas Utilities Electric Company for a certificate of convenience and necessity for proposed transmission line within Tarrant County, Docket Number 8943 before the Public Utility Commission of Texas.

The Application. In Docket Number 8943, Texas Utilities Electric Company requests approval of its application to construct approximately 0.84 miles of 138kV transmission line in Tarrant 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 Public Information Division at (512) 458-0223 or (512) 458-0227, or (512) 458-0221 for typewriter for the deaf.

Issued in Austin, Texas on August 3, 1989.

TRD-8907022 Mary Ross McDonald
Secretary of the Commission
Public Utility Commission of Texas

Filed: August 4, 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 July 26, 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 & Power Company for a certificate of convenience and necessity within Harris County, Docket Number 8942, before the Public Utility Commission of Texas.

The Application. In Docket Number 8942, Houston Lighting and Power Company requests approval of its application to construct approximately 0.9 miles of 138kV transmission line in Harris 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 Public Information Division at (512) 458-0223 or (512) 458-0227, or (512) 458-0221 for typewriter for the deaf.

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

TRD-8907023 Mary Ross McDonald
Secretary of the Commission
Public Utility Commission of Texas

Filed: August 4, 1989

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



Texas Racing Commission Correction of Error

The Texas Racing Commission submitted a proposed amendment which contained errors as published in the May 30, 1989, issue of the *Texas Register* (14 TexReg 2571, 2575, 2591, 2596, 2597, 2598).

In §305.35 it should read: "**§305.35. License Fees.** The annual fee for an individual license is as follows:"

In §305.44(a)(2) it should read: "(2) satisfactorily complete a written examination prescribed by the commission;[.]"

In §313.442(b) it should read: "(b) The stewards may disqualify a horse who interferes with another horse in violation of this section and may place the horse behind the horse interfered with."

In §321.108(k) it should read: "(k) If no ticket is sold on the winning combination in a quinella race and no quinella tickets bear the number of either the winner or the second place animal, the quinella is considered "no contest" and the association shall refund all money wagered in the quinella."

In §321.109(j) it should read: "(j) If no ticket is sold that would require distribution under this section, the exacta is considered "no contest" and the association shall refund all money wagered in the exacta pool."

In §321.112(g) it should read: "(g) If the stewards or racing judges cancel or declare as a no contest three or more of the pick six races, the pick six is canceled and the association refund all pick six tickets. If one or two races in the pick six are canceled or declared as "no contest," the net amount of the pick six pools shall be distributed among the holders of the tickets that designate the most winners in the remaining races."

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Secretary of State
Correction of Error

The correct Table of Contents for the August 8, 1989, issue (Volume 14, Number 57) was omitted in error. The following Table of Contents should have appeared on the cover of the August 8 issue.

Attorney General

Requests for Opinions

- 3863-RQ-1767
- 3863-RQ-1768
- 3863-RQ-1769
- 3863-RQ-1770
- 3863-RQ-1771
- 3863-RQ-1772
- 3863-RQ-1773
- 3863-RQ-1774

Proposed Sections

Railroad Commission of Texas

3865-Transportation Division

State Board of Registration for Professional Engineers

3866-Practice and Procedure

Teacher Retirement System of Texas

- 3867-Purpose and Scope
- 3868-Administrative Procedures
- 3868-Membership Credit
- 3870-Termination of Membership and Refunds
- 3871-Benefits
- 3872-Adjudicative Hearings
- 3873-Qualified Domestic Relations Orders

Texas Department of Public Safety

- 3875-Traffic Law Enforcement
- 3876-Equipment and Vehicle Approval

Department of Human Services

3879-Intermediate Care Facilities for the Mentally Retarded (ICFs-MR)

Withdrawn Sections

Railroad Commission of Texas

3935-Transportation Division

Adopted Sections

Railroad Commission of Texas

3937-Transportation Division

Board of Nurse Examiners

- 3937-Licensure and Practice
- 3938-Advanced Nurse Practitioner Program
- 3938-Advanced Nurse Practitioners

Texas Department of Mental Health and Mental Retardation

- 3938-System Administration
- Protection of Clients and Staff

3939-Protection of Clients and Staff

Department of Human Services

- 3940-Intermediate Care Facilities/Skilled Nursing Facilities
- 3941-Primary Home Care
- 3941-Family Care Program

Open Meetings

- 3943-Texas Department on Aging
- 3943-Texas Department of Agriculture
- 3943-Texas Air Control Board
- 3943-Texas Bond Review

3944-Texas Cancer Council
3944-Texas Department of Community Affairs
3944-Texas Housing Agency
3944-State Board of Insurance
3944-Texas Department of Labor and Standards
3944-Texas State Library and Archives Commission
3944-Texas State Board of Medical Examiners
3944-Board of Pardons and Paroles
3944-Public Utility Commission of Texas
3945-Railroad Commission of Texas
3945-State Securities Board
3945-University System of South Texas
3945-Texas A & M University System
3945-Texas Water Commission
3946-Regional Meetings

Texas State Board of Pharmacy

3948-Election of Officers

Texas Department of Public Safety

3948-Notice of Amended Consultant Contract

Public Utility Commission of Texas

3948-Proposed Operator Service Provider Rulemaking

Texas State Treasury Department

3948-Notice of Public Hearing

Texas Water Commission

3949-Enforcement Order

In Addition

Texas Commission for the Blind

3947-Request for Proposals

***Governor's Office of Budget and
Planning***

3947-Notice of Contract Award for Graphic Design Assistance

Texas State Treasury Department Notice of Public Hearing

A public hearing is being held Friday, August 18, 1989, 10 a.m., at the John H. Reagan Building, Room 107, Austin. This public hearing is being held to discuss comments that have been submitted to the Texas State Treasury Department regarding the proposed sections in 34 TAC, Chapter 15, concerning electronic transfer of certain payments to state agencies. The discussion will also include comments taken from the floor. In addition, demonstrations and explanations of the procedures for payment to state agencies by electronic funds transfer will be presented.

Issued in Austin, Texas on August 7, 1989.

TRD-8907088 Anne L. Schwartz
General Counsel
Texas State Treasury Department

Filed: August 7, 1989

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

Texas Water Commission Correction of Error

The Texas Water Commission submitted a proposed new which contained errors as published in the July 21, 1989, issue of the *Texas Register* (14 TexReg 3526).

In §321.131 it should read: "Groundwater remediation-Treatment of contaminated groundwater to remove free product and to reduce or eliminate groundwater contamination."

In §321.132(b) and (c) it should read: "(b) This subchapter is applicable only to discharges into or adjacent to water in the state which was contaminated as a result of releases from above ground and/or underground gasoline, diesel fuel, fuel oil, kerosene, and jet fuel tanks, tank accessories, and/or pipelines.

In §321.135(2)(D) should read: "(D) There shall be no discharge of floating solids or visible foam in other than trace amounts, and no discharge of visible oil."

In §321.136(b)(5) it should read: "(5) The discharger shall take all steps necessary to prevent any adverse effect to human health or safety, or to the environment. Immediately upon the notification from the supervisor of TWC District Office that the discharge is presenting a hazard to the uses of the receiving water, the discharger shall terminate such discharges. The discharge shall cease immediately whenever problems associated with the discharge may endanger human health or safety, or the environment, and the problems shall be reported to the TWC Austin office and appropriate district office by telephone as soon as possible but no later than "

Notices of Application For Waste Disposal Permit

Notice is given by the Texas Water Commission of public notices of waste disposal permit applications issued during the period of July 24-28, 1989.

No public hearing will be held on these applications unless an affected person has requested a public hearing. Any such request for a public hearing shall be in writing and

contain the name, mailing address, and phone number of the person making the request; and a brief description of how the requester, or persons represented by the requester, would be adversely affected by the granting of the application. If the commission determines that the request sets out an issue which is relevant to the waste discharge permit decision, or that a public hearing would serve the public interest, the commission shall conduct a public hearing, after the issuance of proper and timely notice of the hearing. If no sufficient request for hearing is received within 30 days of the date of publication of notice concerning the applications, the permit will be submitted to the commission for final decision on the application.

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

Listed are the name of the applicant and the city in which the facility is located, type of facility, location of the facility, permit number, and type of application—new permit, amendment, or renewal.

Southwestern Electric Power Company; Longview; Service Center for non-hazardous industrial solid waste; 1221 Karnes Road on a 19.5-acre site on the west side of Karnes Road (aka FM 1845), 0.1 mile south of its intersection with FM 2205 and approximately 0.9 mile north of its intersection with Highway 259, in Longview, Gregg County; SW-39080; new.

City of Ingleside; wastewater treatment plant; at the Ingleside Warehouse site, off 8th Street, approximately 1/10 mile southwest of the intersection of 8th Street and FM Road 1069 in San Patricio County; 10422-01; amendment.

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

TRD-8906907 Brenda W. Foster
Chief Clerk
Texas Water Commission

Filed: August 2, 1989

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

Notice is given by the Texas Water Commission of public notices of waste disposal permit applications issued during the period of July 31-August 4, 1989.

No public hearing will be held on these applications unless an affected person has requested a public hearing. Any such request for a public hearing shall be in writing and contain the name, mailing address, and phone number of the person making the request; and a brief description of how the requester, or persons represented by the requester, would be adversely affected by the granting of the application. If the commission determines that the request sets out an issue which is relevant to the waste discharge permit decision, or that a public hearing would serve the public interest, the commission shall conduct a public hearing, after the issuance of proper and timely notice of the hearing. If no sufficient request for hearing is received within 30 days of the date of publication of notice concerning the applications, the permit will be submitted to the commission for final decision on the application.

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

Listed are the name of the applicant and the city in which the facility is located, type of facility, location of the facility, permit number, and type of application—new permit, amendment, or renewal.

E. I. Dupont De Nemours & Company, Inc.; La Porte; chemical manufacturing plant; approximately two miles north-northwest of LaForte, in the Enoch Brinson League, Abstract Number 5, Harris County; WDW-82, WDW-83, WDW-149; amendments.

Texas A&M University, Fire Protection Training Division; College Station; fire fighting and wastewater treatment system; on Nuclear Science Road, adjacent to Easterwood Airport and approximately two miles southwest of the main campus of Texas A&M University in the City of College Station, Brazos County; 02585; amendment.

City of Spearman; wastewater treatment facility; approximately one mile north and 3/4 mile west of the City of Spearman, Hansford County; 10977-01; renewal.

Ipollo Enterprises, Inc.; Snyder; motel, restaurant, and convenience store wastewater treatment facility; 400 feet east and 500 feet south of the intersection of U.S. Highway 180 and the service road of U. S. Highway 84, southeast of the City of Snyder, Scurry County; 02696; renewal.

Public Utilities Board of the City of Brownsville; Brownsville; Silas Ray Steam Electric Station; at Power Plant Drive and West 13th Street on the west side of the City of Brownsville, Cameron County; 03096; new.

Texas A&M University, Southside Satellite Utilities; College Station; utility plant; on Joe Routt Boulevard between Throckmorton and Coke Streets, just east of the Memorial Student Center/Rudder Tower Complex, on the south side of the main campus of Texas A&M University, Brazos County; 03084; new.

Otis Engineering Corporation; Dallas; oil field equipment manufacturing plant; on the north side of Beltline Road, about 2.3 miles east of Interstate Highway 35E in the City of Carrollton, Dallas County; 03051; new.

Arnold L. Perkins doing business as Grandpappy Point Marina; Denison; wastewater treatment facility; approximately 2,800 feet south of the northern tip of Grandpappy Point, on Lake Texoma and approximately 150 feet west of the Grandpappy Point access road, Grayson County; 13493-01; new.

Texas-New Mexico Power Company, TNP One; Fort Worth; lignite fired steam electric station; approximately one mile east of the town of Hammond and approximately eight miles north (via State Highway 6) of the City of Calvert, Robertson County; 02877; amendment.

C. W. Derrington; Liberty; wastewater treatment facility; approximately nine miles southeast of the City of Liberty, 2,000 feet northwest of the intersection of FM Road 563 and FM Road 770, adjacent to a county road, Liberty County; 11838-01; amendment.

Gifford-Hill & Company, Inc.; Dallas; crushed limestone aggregate plant; approximately 10 miles southwest of the City of New Braunfels, between FM Road 1337 and the Missouri-Pacific Railroad, Comal County; 00380; renewal.

City of Southlake; Dove Estates wastewater treatment facility; approximately 2,000 feet north-northwest of the intersection of Lonesome Dove Avenue and Burney Lane, approximately three miles north-northwest of the intersection of State Highway 114 (Northwest Parkway) and FM Road 1709, Tarrant County; 11736-04; renewal.

City of Alto; wastewater treatment facility; east of Alto near Alto Branch, approximately 0.2 mile south of State Highway 21, Cherokee County; 10546-01; amendment.

City of Borger; Rock Creek wastewater treatment facility; approximately 9,800 feet northeast of the intersection of State Highway 136 and Ranch Road 1559, southwest of the City of Borger, Hutchinson County; 10535-01; amendment.

Millsap Water Supply Corporation; Millsap; wastewater treatment facility; east of Bennett Road, approximately two miles northwest of the intersection of FM 113 and Bennett Road and three miles southwest of the City of Millsap, Parker County; 03090; new.

La India Feedlot, Rio Grande City; cattle feedlot; approximately 2.8 miles northwest of the community of San Roman in northern Starr County; 03078; new.

City of Alice; East wastewater treatment facility; on the north side of State Highway 44, approximately 1.4 miles south of FM Road 3241 and approximately 1.1 miles west of the intersection of State Highway 359 and State Highway 44, Jim Wells County; 10536-04; renewal.

Consolidated Federal Bank, FSB; Dallas; Raintree MHP wastewater treatment facility; approximately 2.3 miles west-northwest of the City of Pearland on Suburban Gardens Road and approximately one mile north of the intersection of FM Road 518 and Suburban Gardens Road, Brazoria County; 12849-01; renewal.

City of Idalou; wastewater treatment facility; approximately one mile southwest of the intersection of U.S. Highways 82 and 62 (State Highway 114) and FM Road 400; 1/2 mile south of the highway on Pecan Street, Lubbock County; 10421-01; amendment.

City of Marlin; wastewater treatment facility; approximately three miles southwest of the City of Marlin, near the east bank of the Brazos River, Falls County; 10110-01; renewal.

City of Houston; Fresh Water Supply District Number 34 wastewater treatment facility; on the south bank of Sims Bayou and approximately 800 feet west of Zavalla Street in the City of Houston, Harris County; 10495-69; renewal.

United States Army Corps of Engineers; Wylie; Pebble Beach Park wastewater treatment plant; in Pebble Beach Park, on the east side of Lake Lavon, at a point approximately 1.9 miles west of the intersection of State Highway 78 and FM Road 1778, Collin County; 12058-01; renewal.

Sandy's Restaurants, Inc.; Rosenberg; wastewater treatment facility; at the intersection of U.S. Highway 59 and State Highway 60, at a point approximately 2.5 miles north of Wharton and 2.5 miles south of Hungerford, Wharton County; 12053-01; renewal.

City of New Waverly; wastewater treatment facility; on the west bank of Chicken Creek, approximately 1,600 feet south of the crossing of Chicken Creek by State Highway 150, Walker County; 11020-01; renewal.

James River II, Inc., Advanced Film Division; Orange; wastewater treatment facility; in the southwest quadrant of the FM 1006 intersection with Foreman Road, approximately one mile north of Cow Bayou and 1,000 feet south of Round Bunch Road, or approximately 2.5 miles east-southeast of the Orange County Airport, Orange County; 02858; amendment.

Arco Chemical Company; Charnelview; petrochemical plant; on Sheldon Road, approximately 2.5 miles north of

Interstate Highway 10 in the community of Channelview, Harris County; 02927; amendment.

Kerley Agricultural Chemicals, Inc; Pasadena; fertilizer plant; at 1000 Jefferson Street, adjacent to the Houston Ship Channel in the City of Pasadena, Harris County; 01194; amendment.

Lafarge Corporation; Fort Worth; Fort Worth Cement Plant; adjacent to and west of Meacham Field (airport) at 3900 Angle Road in the City of Fort Worth, Tarrant County; 01955; amendment.

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

TRD-8907034 Brenda W. Foster
Chief Clerk
Texas Water Commission

Filed: August 4, 1989

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

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Texas Water Development Board
Request for Proposals

The Texas Water Development Board (Board) requests, pursuant to 31 Texas Administrative Code (TAC) §355.34(a), the submission of proposals for fiscal year 1989 funding leading to the possible award of a contract to develop a flood protection plan for Martin County, including Sulphur Springs Draw and area playa lakes.

In order to be eligible to receive a grant, the applicant must have the legal authority to plan for and abate flooding and must participate in the National Flood Insurance Program.

Description of Planning Objectives. The purpose of the project is to develop a flood protection plan that provides protection from flooding through structural and non-structural measures as described in 31 TAC §355.33(e). Planning for flood protection will include studies and analyses to determine and describe problems resulting from or relating to flooding and the views and needs of the affected public relating to flooding problems. Potential solutions to flooding problems will be identified, and the benefits and costs of these solutions will be estimated. From the planning analysis, feasible solutions to flooding problems will be recommended.

Description of Funding Consideration. The Board will provide funding from the research and planning fund to not exceed 50% for a state amount of up to \$50,000.

In the event that no acceptable proposal is submitted, the Board retains the right to make no award of contract funds as specified by provisions of 31 TAC §355.34(a)(3). Each applicant will have 90 days from the date of Board approval of an application to execute a contract and demonstrate to the executive administrator of the Board that it has the local matching share committed and available.

Review Criteria and Procedure. The Board's procedures for evaluating and selecting proposals for assistance awards are set forth in 31 TAC §355.35 and §355.38.

Guidelines for Proposal Contents. All proposals must conform to all of the requirements in 31 TAC §§355.31-355.40.

Deadlines and Contact Person for Additional Information. Ten copies of the flood protection planning proposal must be filed with the Board prior to 5 p.m., September 18, 1989. A contract must be completed and work must be underway no later than January 17, 1990. Work must be completed by May 31, 1990, at which time the applicant must submit to the Board a draft.

Final Report covering the work completed. A final report covering the work completed and incorporating Board review comments must be submitted to the Board by August 31, 1990, unless this requirement is extended at a later date by the Board. Flood protection planning proposals must be directed to M. Reginald Arnold II, Executive Administrator, Texas Water Development Board, P.O. Box 13231, Austin, Texas 78711-3231.

Requests for information, flood protection planning objectives, and applicable planning rules in accordance with 31 TAC §§355.31-355.40 may be directed to Bob Wear at the preceding address or (512) 463-7987.

Statement of Contract Terms and Required Completion Date. Procedures for awarding contracts shall comply with Texas Civil Statutes, Article 6252-11c, and Article 664-4, where applicable, and with 31 TAC §§355.31-355.40. Contractual agreements and associated funding will terminate on August 31, 1990. Completion date: August 31, 1990.

Issued in Austin, Texas on August 2, 1989.

TRD-8906928 Suzanne Schwartz
General Counsel
Texas Water Development Board

Filed: August 3, 1989

For further information, please call: (512) 463-7850
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