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# Texas Register

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40 TAC §27.9801—5492

40 TAC §29.310—5613

40 TAC §§31.1, 31.3, 31.5, 31.7, 31.9, 31.11, 31.13—5626

40 TAC §50.1902—5486

40 TAC §75.1001, §75.1002—5630

40 TAC §§79.1608, 79.1610, 79.1611—5349

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

40 TAC §§151.31, 151.33, 151.34—5466, 5487

**Part IV. Texas Commission for the Blind**

40 TAC §§169.3-169.6—5363

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

40 TAC §189.18—5562

**Part IX. Texas Department on Aging**

40 TAC §259.39—5413

**Part XI. Texas Commission on Human Rights**

40 TAC §321.1—5614

40 TAC §327.1—5615

40 TAC §327.8—5615

40 TAC §327.9—5615

40 TAC §327.10—5615

40 TAC §327.11—5616

40 TAC §327.13—5616

40 TAC §327.14—5616

## TITLE 43. TRANSPORTATION

*Part I. State Department of Highways and Public Transportation*

43 TAC §§1.100-1.111—5350





Phumine Bounkevanavithay

# The Governor

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

## Appointments Made October 16, 1989

To be a member of the West Texas State University Board of Regents for a term to expire August 31, 1995: Nona Les Barnett, 1515 South Lamar, Amarillo, Texas 79102. Mrs. Barnett will be replacing Mrs. Lennie Sims of Wellington, whose term expired.

To be a member of the West Texas State University Board of Regents for a term to expire August 31, 1995: John Chandler, 6407 Claremont, Amarillo, Texas 79109. Mr. Chandler will be replacing Nolan Henson, Jr. of Happy, whose term expired.

To be a member of the West Texas State University Board of Regents for a term to expire August 31, 1995: Hazel Duniven Kelley Wilson, 550 South Avondale, Amarillo, Texas 79106. Mrs. Wilson will be replacing Leo Forrest of Amarillo, whose term expired.

To be a member of the Finance Commission of Texas for a term to expire February 1, 1992: John C. Dawson, Jr., 2418 Del Monte, Houston, Texas 77019. Mr. Dawson is being appointed to a new position pursuant to Senate Bill 607, 71st Legislature, Regular Session.

To be a member of the Finance Commission of Texas for a term to expire February 1, 1994: Milton H. Thomas, Jr., 6666 Lakewood Boulevard, Dallas, Texas 75214. Mr. Thomas is being appointed to a new position pursuant to Senate Bill 607, 71st Legislature, Regular Session.

To be a member of the Texas State Board of Examiners of Psychologists for a term to expire October 31, 1995: Jerome N. Sherman, 14811 Cindywood, Houston, Texas 77079. Dr. Sherman will be replacing Dr. Laurence Abrams of Houston, whose term expired.

To be chairman of the State Finance Commission of Texas to serve at the pleasure of the Governor: R. Day Stone of Dallas.

To be a member of the Texas Council on Alzheimer's Disease and Related Disorders for a term to expire September 1, 1991: Dr. Donald E. Moss, 717 Kern Drive, El Paso, Texas 79902. Dr. Moss is being reappointed.

To be a member of the Interagency Council on ICF-MR Facilities for a term to expire February 1, 1991: Dennis Carl Henegar, 11801 Three Oaks Trail, Austin, Texas 78759. Mr. Henegar is being appointed to a new position pursuant to Senate Bill 1426, 71st Legislature, Regular Session.

Issued in Austin, Texas on October 17, 1989.

TRD-8909917

William P. Clements, Jr.  
Governor of Texas





# 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 20 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 16. ECONOMIC REGULATION

### Part IV. Texas Department of Licensing and Regulation

#### Chapter 69. Manufactured Housing

#### Standards and Requirements

#### • 16 TAC §§69.51, 69.53, 69.54

The Department of Licensing and Regulation adopts on an emergency basis amendments to §§69.51, 69.53, and 69.54, concerning manufactured housing. The amendments will provide installation requirements for the many different types of new and used homes that are installed in Texas. The original installation instructions supplied by the manufacturers are no longer in the used homes. The amendments are adopted on an emergency basis because installation standards are needed to fit the requirements of new homes.

The amendments are adopted on an emergency basis pursuant to the Texas Civil Statutes, Article 5221f which gives the Department of Licensing and Regulation rulemaking authority.

**§69.51. Mobile Home and HUD-code Manufactured Home Installation Requirements.** All mobile homes and HUD-code manufactured homes are required to be installed as follows.

(1) All new and used HUD-code manufactured homes, mobile homes, and rebuilt salvaged homes shall be installed in accordance with the manufacturer's installation instructions or the generic standards approved and promulgated by the department. [All HUD-Code manufactured homes manufactured on or after June 15, 1976, shall be installed in accordance with the manufacturer's instructions.] Manufacturers shall file with the department installation instructions approved by the manufacturer's design approval primary inspection agency and shall provide changes, modifications, and updates as they occur in order that each manufacturer's current installation instructions may be on file with the department.

(2) All mobile homes manufactured on or after March 20, 1974, and prior to June 15, 1976, shall be installed in accordance with:

[(A) the standards approved and promulgated by the department; or

[(B) the manufacturer's installation instructions as may be filed with the department.

(3) All mobile homes manufactured prior to March 20, 1974, shall be installed in accordance with the standards approved and promulgated by the department.]

(2)[(4)] Mobile homes and HUD-code manufactured homes may be installed in conformance with a custom designed stabilization system drawing for a specific site that is stamped by a licensed professional engineer or architect. A copy of the custom designed stabilization system drawing must be forwarded to the department. A custom designed stabilization system may or may not meet the definition of a permanent foundation.

(3) [(5)] All materials, stabilizing [anchoring] devices, and components used for the installation of a manufactured home shall be in conformance with standards promulgated by the department.

[(6) In the event that the manufacturer of a HUD-code manufactured home is out of business and the manufacturer's home is out of business and the manufacturer's installation instructions are not available, the home may be installed pursuant to the standards approved and promulgated by the department.]

**§69.53. Provisions for Stabilizing Systems [Anchoring Systems].**

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

(e) The manufacturer shall provide printed instructions with each home specifying the location, orientation and required capacity of stabilizing devices [anchoring equipment] on which the design is based. The installer must use stabilizing devices that have the required capacity. Some home instructions require support devices to have capacities greater than 5,000 pounds.

(f) (No change.)

(g) Ties shall be as evenly spaced as practicable along the length of the home, and the distance from each end of the home and the tie nearest that end shall not exceed

four [eight.] feet for diagonal frame ties and eight feet for vertical over-the-top ties.

(h)-(l) (No change.)

(m) Anchoring equipment exposed to weathering shall have a resistance to weather deterioration at least equivalent to that provided by a coating of zinc on steel of not less than 0.30 ounces per square foot of surface coated.

(1) (No change.)

(2) Type 1, Finish B, Grade 1 steel strapping, 1 1/4 inches wide and 0.035 inches thick, conforming with federal specification for strapping, steel, [federal specification for strapping, steel] and seals (FS QQ-S-781[-] H-1974 with 1977 Amendment 2 and Notice I), is judged to conform with the provisions of this section and paragraph (1) of this subsection.

(n) All stabilizing [anchoring] systems must be installed in accordance with the manufacturer's installation instructions when the instructions are available, or [and] in accordance with the [applicable sections of these] generic standards [when such instructions are not available.] approved and promulgated by the department.

**§69.54. Generic Installation Requirements [Mobile Home Requirements].**

(a) All new and used HUD-code manufactured homes, mobile homes, and rebuilt salvaged homes shall be anchored in accordance with the manufacturer's installation instructions or these generic standards approved and promulgated by the department. [All mobile homes and HUD-code manufactured homes for which there exists no manufacturer's instructions for anchoring procedures, shall be anchored to the following requirements:]

(1) Ground anchors [used] shall be approved [of an "approved design"] in compliance with the requirements of these standards [,] and shall be used in [a] soil types [type] for which the ground anchors are designed [and approved]. The anchors shall be installed in accordance with the anchor manufacturer's instructions.

(2)-(5) (No change.)

(6) Ties shall be as evenly spaced as practicable along the length of the home, and the distance from each end of the home and the tie nearest that end

shall not exceed four feet for frame ties and eight feet for vertical ties [The diagonal and over-the-top ties nearest the end of the unit shall be placed no further than eight feet from the end of the mobile home, and no closer than the third truss/stud space from the end of the home].

(7) The number of over-the-top vertical [and diagonal] ties used to anchor a

home [under this section.] shall be in accordance with the home manufacturer's installation instructions or the following hurricane and non-hurricane zone charts, showing installation instructions for many types of homes [tables]. The following counties are in the hurricane zone: Aransas, Bee, Brazoria, Brooks,

Calhoun, Cameron, Chambers, Colorado, Fort Bend, Galveston, Goliad, Hardin, Harris, Hidalgo, Jackson, Jasper, Jefferson, Jim Wells, Kenedy, Kleberg, Lavaca, Liberty, Live Oak, Matagorda, Montgomery, Newton, Nueces, Orange, Refugio, San Patricio, Victoria, Waller, Wharton, and Willacy.

**HURRICANE ZONE**

Length of Home Box Excluding Hitch	HOME BOX Width (Ft.)				Number of Vertical Ties Per side
	10 or less	12	14	16 or more	
46 or more			80		5
45 to 35			79 to 60		4
34 to 32		56 or more	59 to 40	80 to 40	3
		37 to 32	39 to 32	39 to 32	2



**NON-HURRICANE ZONE**

HOME BOX WIDTH (Ft.)	Number of Vertical Ties Per Side
All Widths	
40 or more	3
39 to 32	2

**HURRICANE ZONE**

	Home Box Width (Ft.)			No. Vertical Ties Per Side
	10	12	14	
Length of Home Box Excluding Hitch	65 to 57			6
	56 to 46	80 to 75	80	5
	45 to 35	74 to 56	79 to 60	4
	34 to 33	55 to 38	59 to 40	3
		37 to 33	39 to 33	2

	No. of Diagonal Ties Per Side (All Widths)				
	4	5	6	7	8
Length of Box	33 to 42	43 to 52	53 to 63	64 to 73	74 to 80

NON-HURRICANE ZONE

Length of Home Box Excluding Hitch	Home Box Width (Ft.)			No. Vertical Ties Per Side
	10	12	14	
		80 to 40	80 to 40	3
	65 to 40			3
	39 to 33	39 to 33	39 to 33	2

Length of Box	No. of Diagonal Ties Per Side (All Widths)				
	3	4	5	6	7
	33 to 37	38 to 49	50 to 62	63 to 74	75 to 80

Many homes are designed with built-in over-the-top vertical ties or are designed without the need for any over-the-top vertical ties. Additional over-the-top vertical ties will not be necessary for homes with all of the following characteristics: 13.67 feet or more in width; 10 feet or less in wall height (including chassis height); the diagonal frame ties extend from under the side wall to the nearest longitudinal beam; the longitudinal beams are eight feet or more apart; and there is no evidence that vertical ties have been cut and removed. Over-

the-top vertical ties that are built-in and are still present shall be connected to anchors. Special column ties, if present, shall be connected to anchors. If an over-the-top vertical tie has been cut and removed on a used home and an additional over-the-top vertical tie can not be added because of the eaves (or other condition), piers can be added to increase stability. Piers under the longitudinal beams shall be placed in accordance with subsection (b) of this section. The diagonal frame ties must extend from under the side wall to the nearest longitudinal beam. Piers shall also be placed

under the perimeter walls at the locations of the cut straps. The original chassis to floor joist fasteners shall be intact. The diagonal frame ties used to anchor a home shall be spaced in accordance with the home manufacturer's installation instructions or shall be spaced no more than six feet apart on a side in the hurricane zone and no more than 10 feet apart on a side in the non-hurricane zone. The spacing of ties may be adjusted for obstructions, but the number of ties for a side for a length of home shall be a whole number or next highest whole number calculated by:

$$\left( \frac{\text{Length} - 8 \text{ feet}}{\text{required tie spacing}} \right) + 1$$

(b) All mobile homes [and], HUD-code manufactured homes, rebuilt salvaged homes, and used HUD-code manufactured homes [for which there exists no manufacturer's instructions for support procedures,] shall be supported in accordance with the home manufacturer's installation instructions or [to meet] the following requirements:

(1) Piers for single section homes are to be placed under each longitudinal [the] main frame[,] member not to exceed eight [10] feet on-center spacing[,] for homes that are 14 feet wide or less and six feet on-center spacing for homes that are over 14 feet wide. Where practical, end piers shall be placed within one foot of the ends of the main frame. When the location and spacing of wheels and axles or other structural members of the home frame or undercarriage prevent [prevents] spacing of piers on eight or six [10] feet centers, the spacing shall be as near eight or six [10] feet maximum spacing as practicable [practical] in the area of the obstruction. Exterior doors must have piers directly under the sides of the opening. The minimum footing area shall be 240 square inches.

(2) Piers for multi-section homes are to be placed under each longitudinal [the] main frame[,] member not to exceed six feet on-center spacing. Where practical, end piers shall be placed within one foot of the ends [end] of the main frame. When the location and spacing of wheels and axles or other structural members of the home frame or undercarriage prevent [prevents] spacing of piers on six

feet centers, the spacing shall be six feet maximum spacing in all other areas[,] and shall be as near [close to] six feet maximum spacing as practicable [practical] in the area of the obstruction. Piers are to be placed under the center marriage line within one foot at each end, under support columns, and under both sides of openings greater than 12 feet. [walls and are not to exceed six feet on-center spacing. Where practical, end piers shall be placed within one foot of the ends of the home. Piers are to be placed under the perimeter walls with six feet on-center spacing.] Exterior doors [and marriage wall openings larger than 36 inches wide] must have piers directly under the sides of the opening. The minimum footing area shall be 240 square inches.

Issued in Austin, Texas on October 10, 1989.

TRD-8909941

Larry E. Kosta  
Assistant Commissioner  
Texas Department of  
Licensing and  
Regulation

Effective date: October 17, 1989

Expiration date: February 14, 1990

For further information, please call: (512) 483-0859

## TITLE 28. INSURANCE Part I. State Board of Insurance

### Chapter 5. Property and Casualty Insurance

#### Subchapter E. Texas Catastrophe Property Insurance Association

##### • 28 TAC §5.4602

The State Board of Insurance adopts on an emergency basis an amendment to §5.4602, concerning fees charged for inspections for compliance with building specifications on structures that are constructed or repaired or to which additions are made that are to be considered insurable property as defined in the Insurance Code, Article 21.49, for wind-storm and hail insurance written by the Texas Catastrophe Property Insurance Association (the TCPA).

An imminent peril to the public welfare requires adoption of the amendment on an emergency basis in order to protect the insurance consuming public from lapse of coverage by waiving inspection fees for repair work caused directly by hurricane damage. The amendment is necessary to allow the repair work to be done quickly and recertification to be given so that no lapse of insurance coverage by the TCPA occurs. The amendment waives the required inspection fee on all repairs made necessary directly by hurricane occurring in October, 1989.

The amendment is adopted on an emergency basis under the Insurance Code, Article 1.04 which authorizes the State Board of Insurance to determine rules in accordance with the laws of this state and Article 21.49, §6A,

which authorizes the State Board of Insurance to promulgate rules and forms to effect inspections for windstorm and hail insurance and certifications of insurability for coverage by the Texas Catastrophe Property Insurance Association.

**§5.4602. Windstorm Inspection Manual.** The following paragraphs are applicable to inspections for compliance with building specifications on all structures that are constructed or repaired, or to which

additions are made, on or after January 1, 1988, and that are to be considered insurable property as defined in the Insurance Code, Article 21.49, for windstorm and hail insurance written by the Texas Catastrophe Property Insurance Association (the association).

(1)-(7)(No change.)

(8) Waiver of fees. For a period from 9 a.m. on October 17, 1989, to 9 a.m. on February 13, 1990, the inspection fee

required by this section for inspections for certificate of compliance is waived for inspection of any repairs caused directly by hurricane occurring in October, 1989.

Issued in Austin, Texas on October 16, 1989.

TRD-8909914

Nicholas Murphy  
Chief Clerk  
State Board of Insurance

Effective date: October 16, 1989

Expiration date: February 13, 1990

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





# Proposed Sections

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

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

## TITLE 10. COMMUNITY DEVELOPMENT

### Part V. Texas Department of Commerce

#### Chapter 182. Small Business Assistance

##### Subchapter B. Disadvantaged Businesses

###### • 10 TAC §§182.50-182.56

The Texas Department of Commerce (Commerce) proposes new §§182.50-182.56, concerning the certification of disadvantaged businesses and the development of a disadvantaged business directory in accordance with the 1990-1991 General Appropriations Act, §118, Article V (the Act). The directory is used by state agencies to meet the percentage procurement goals set forth by the Act, §118(4) (a-o), Article V. §118 states legislative intent that for each type of service rendered under a contract or subcontract payable from the appropriation made by the Act to a state agency, the agency or the general contract or employed by the agency shall award to disadvantaged businesses a number of contracts, the dollar value of which equals the percentage that disadvantaged businesses comprise of the total number of businesses offering the service.

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

Mr. Anderson 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 greater participation by disadvantaged businesses in the state procurement process and the accurate identification of disadvantaged businesses in Texas. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the sections as proposed.

Comments on the proposal may be submitted to Bruce W. Anderson, General Counsel, P.O. Box 12728, Austin, Texas 78711, within 30 days of the date of the publication.

The new sections are proposed under the Texas Government Code, §481.021, which provides Commerce with the authority to and enforce necessary rules.

###### §182.50. General Provisions.

(a) Introduction. Pursuant to the General Appropriations Act for the 1990-1991 biennium, §118, these sections establish the process by which businesses receive certification as disadvantaged businesses for the purposes of §118.

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

(1) Applicant—A corporation, sole-proprietorship, partnership, or joint venture that applies to the department or a state designee to be certified as a disadvantaged business.

(2) Application—A written request for certification as a disadvantaged business in the required format submitted to either the department or the state designee.

(3) Department—The Texas Department of Commerce.

(4) Directory—The Texas Certified Disadvantaged Business Directory.

(5) Disadvantaged business—

(A) a corporation formed for the purpose of making a profit in which at least 51% of all classes of the shares of stock or other equitable securities are owned by one or more persons who are socially disadvantaged because of their identification as members of certain groups, including Black Americans, Hispanic Americans, women, Asian Pacific Americans, and American Indians, who have suffered the effects of discriminatory practices or similar insidious circumstances over which they have no control;

(B) a sole proprietorship for the purpose of making a profit that is 100% owned, operated, and controlled by a person described by subparagraph (A) of this paragraph;

(C) a partnership for the purpose of making a profit in which 51% of the assets and interest in the partnership is owned by one or more persons described by subparagraph (A) of this paragraph. Those persons must have a proportionate interest in the control, operation, and management of the partnership's affairs;

(D) a joint venture in which each entity in the joint venture is a disadvantaged business under this paragraph; or

(E) a supplier contact between a disadvantaged business under this paragraph and a prime contractor under which the disadvantaged business is directly involved in the manufacture or distribution of the supplies or materials or otherwise warehouses and ships the supplies.

(6) State—The State of Texas.

(7) State agency—An agency or institution of state government that receives an appropriation for the 1990-1991 biennium.

(8) State designee—A municipal program that certifies disadvantaged businesses under substantially the same definition as in subsection (b)(5) of this section, and that is approved by the department to certify businesses as disadvantaged businesses under this subchapter.

###### §182.51. Certification Process.

(a) A business seeking certification as a disadvantaged business must first submit an application to the state designee, in the form specified by the state designee, within whose corporate limits the business has its principal place of business. If there is no state designee in the jurisdiction in which an applicant has its principal place of business, the applicant must submit an application, as provided by the department, to the department.

(b) A state designee must provide an applicant with written notification of its approval or denial of the business application within 60 days after the date the state designee received a satisfactorily completed application from the applicant. Upon approval of the application by the state designee, an applicant sends the state designee's approval notification and department application to the department for review and certification. The department either certifies the applicant as a disadvantaged business or provides the applicant with written justification of its denial within 60 days after the date the department either received the state designee's approval notification or a satisfactorily completed application from the applicant.

(c) An applicant shall not be certified by the department if:

(1) the application is not satisfactorily completed;

(2) the application contains false information without which the applicant would not receive certification;

(3) a protest filed under §182.54 of this title (relating to Protests) has not been finally resolved; or

(4) a state designee has revoked its local certification or approval made under this subchapter of an applicant as a disadvantaged business.

**§182.52. Revocation.** The department shall revoke its certification of a disadvantaged business upon receipt of written notice from a state designee that it has revoked its local certification or its approval made under this subchapter of the disadvantaged business.

**§182.53. Recertification.**

(a) An initial certification is valid for a one year period beginning on the date the department certified the applicant as a disadvantaged business.

(b) Upon termination of the one year period, a disadvantaged business that desires recertification must provide the department with the following documents:

(1) a satisfactorily completed recertification form as provided by the department; and

(2) if requested by the department, proof of recertification from its state designee.

(c) The timeframes and standards specified in Section 182.51(b) and (c) apply to the recertification process.

**§182.54. Protests.**

(a) An applicant may protest a state's designee's disposition of its application by filing a protest with the state designee in accordance with the state designee's protest procedures. If an applicant is not satisfied with the state designee's final decision, the applicant may submit a record of the protest to the department for review within 30 days after the date of the state designee's final decision. The decision of the executive director of the department is final.

(b) If an applicant first filed its application with the department, the applicant may protest the department's disposition of its application by filing a protest with the department within 30 days after the date the department sent notice to the applicant of its certification decision. Department staff will then prepare a protest file for review by the executive director of the department. The decision of the executive director is final.

**§182.55. Texas Disadvantaged Business Certification Directory.**

(a) The department will compile a directory of businesses certified as disadvantaged businesses pursuant to this subchapter.

(b) The department will update the directory at least every September and March and provide a copy to the State Purchasing and General Services Commission and each state agency.

**§182.56. State Agency Reporting Requirements.**

(a) Each state agency shall report to the department the total number and dollar amount of contracts awarded to disadvantaged businesses by the agency. The report must be made no later than the 10th of January and the 10th of July each year and must contain information on the previous six-month period.

(b) The report must be made on the form specified by the department and contain the following information:

(1) the total number of contracts and dollars amount of contracts awarded by the agency;

(2) the total number of contracts and dollar amount of contracts awarded by the agency to disadvantaged businesses;

(3) the total number of contracts and dollar amount of contracts awarded by the agency to the following groups:

- (A) Black Americans;
- (B) Hispanic Americans;
- (C) women;
- (D) Asian Pacific Americans; and
- (E) American Indians.

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 October 17, 1989.

TRD-8909949

William D. Taylor  
Executive Director  
Texas Department of  
Commerce

Earliest possible date of adoption: November 24, 1989

For further information, please call: (512) 320-9666

**TITLE 16. ECONOMIC REGULATION**

**Part I. Railroad Commission of Texas**

**Chapter 5. Transportation Division**

**Subchapter W. Registration of Commercial Carriers**

**• 16 TAC §5.501**

The Railroad Commission of Texas proposes an amendment to §5.501, concerning definitions. The amendment would implement language in Senate Bill 1204 which was passed by the 71st Legislature in 1989. The amendment would restrict the definition of commercial motor vehicles to those vehicles with a gross vehicular weight or an actual weight of more than 26,000 pounds, but would apply the provisions of the subchapter to all motor vehicles requiring hazardous materials placarding.

Jackye Greenlee, assistant director-central operations, has determined that for each year of the first five year period the section as proposed will be in effect there will be fiscal implications as a result of enforcing and administering the section. The effect on state government for the first five-year period the section will be in effect is an estimated loss of revenue of \$50,000 per year.

Gary W. Elkins, hearings examiner, 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 commercial carriers will no longer be required to register motor vehicles weighing between 10,000 and 26,000 pounds, with the exception of vehicles that require hazardous material placarding. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Gary W. Elkins, Hearings Examiner, Legal Division, and Raymond A. Bennett, Director, Transportation/Gas Utilities Division, Railroad Commission of Texas, P.O. Drawer 12967, Austin, Texas 78711. Comments will be accepted for 30 days after publication in the *Texas Register*.

The amendment is proposed under the Texas Motor Carrier Act, Texas Civil Statutes, Article 911b, which provide the commission with the authority to register commercial motor vehicles, and Article 6701d, §139, which provides the commission with the authority to require proof of insurance from motor carriers.

**§5.501. Definitions.**

(a) For the purposes of this subchapter, commercial motor vehicle shall mean any motor vehicle transporting property in furtherance of any commercial enterprise, which motor vehicle has a gross vehicular weight or an actual weight (including any trailer or towed vehicle) of more than 26,000 [10,000] pounds[.], in-



cluding all motor vehicles requiring hazardous materials placarding, regardless of weight.

(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 September 25, 1989.

TRD-8909957

Cril Payna  
Assistant Director, Legal  
Division-General Law  
Railroad Commission of  
Texas

Earliest possible date of adoption: November 24, 1989

For further information, please call: (512) 463-7095

## Part IV. Texas Department of Licensing and Regulation

### Chapter 69. Manufactured Housing

#### Standards and Requirements

- 16 TAC §§69.51, 69.53, 69.54

*(Editor's Note: The Texas Department of Licensing and Regulation 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 Texas Department of Licensing and Regulation proposes amendments to §§69.51, 69.53, 69.54, concerning installation requirements for manufactured homes. The amendments are needed to provide installation standards for the many different types of used homes being installed. Installers also need the opportunity to install new or used homes in accordance with the home manufacturer's installation instructions or standards promulgated by the department. The cost of compliance for small businesses will be the same as the cost for the largest businesses affected by the rule.

Mr. Christensen, program manager, Manufactured Housing Division, 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. Christensen 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 stability of used manufactured homes after installation. There will be no effect on small businesses. The anticipated economic cost to persons who are required to comply with the sections as proposed will be an increased amount in the number of devices determined by the slope of the ground for any particular home installation site.

Comments on the proposal may be submitted to Harry Christensen, Director, Manufactured Housing Division, Texas Department of Li-

censing and Regulation, 920 Colorado Street, Austin, Texas, 78701 or P.O. Box 12157, Austin, Texas 78711.

The amendments are proposed under Texas Civil Statutes, Article 5221f, which provide the commissioner with the authority to adopt rules and regulations, to take all action necessary to assure compliance with the intent and purpose of Article 5221f, and to provide for uniform enforcement of all provisions of the Texas Manufactured Housing Standards Act.

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

Issued in Austin, Texas on October 10, 1989.

TRD-8909942

Larry E. Keata  
Assistant Commissioner  
Texas Department of  
Licensing and  
Regulation

Earliest possible date of adoption: December 19, 1989

For further information, please call: (512) 463-0859

## TITLE 22. EXAMINING BOARDS

### Part XII. Board of Vocational Nurse Examiners

#### Chapter 231. Administration

#### Disciplinary Action

- 22 TAC §231.81

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

The Board of Vocational Nurse Examiners proposes to repeal §231.81, concerning disciplinary action. The section is being repealed in order to adopt a new section that will more clearly delineate the violations which can result in disciplinary action being taken against a licensee. Furthermore, the new section will define crimes which the board considers to be directly related to the duties and responsibilities of a licensed vocational nurse.

Marjorie A. Bronk, executive director, has determined that for the first five-year period the proposed repeal will be in effect, there will be no fiscal implications for state or local government as a result of enforcing or administering the section.

Mrs. Bronk also has determined that for each year of the first five years the repeal is in effect the public benefit anticipated as a result of enforcing the section will not be applicable, as the public is relatively unaffected by this particular proposed section. There will be no effect on small business as a result of enforcing the section. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Marjorie A. Bronk, Executive Director, Board of Vocational Nurse Examiners, 9101 Burnet Road, Suite 105, Austin, Texas 78758 (512) 835-2071.

The repeal is proposed under Texas Civil Statutes, Article 4528c, §5(g), which provide the Board of Vocational Nurse Examiners with the authority to make such rules and regulations as may be necessary to govern its procedures and to carry in effect the purposes of the law.

#### §231.81. Disciplinary Action.

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 October 12, 1989.

TRD-8909889

Marjorie A. Bronk, R.N.,  
M.S.H.P.  
Executive Director  
Board of Vocational Nurse  
Examiners

Earliest possible date of adoption: November 24, 1989

For further information, please call: (512) 835-2071

The Board of Vocational Nurse Examiners proposes new §231.81 concerning disciplinary action. New §231.81 will more clearly delineate the violations which can result in disciplinary action being taken against a licensee. Furthermore, the new section will define those crimes which the board considers to be directly related to the duties and responsibilities of a licensed vocational nurse.

Marjorie A. Bronk, executive director, has determined that for the first five-year period the proposed sections will be in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the sections.

Mrs. Bronk 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 not be applicable, as the public is relatively unaffected by this particular section. There will be no effect on small businesses. There is no additional economic cost to individuals who are required to comply with the section as proposed.

Comments on the proposals may be submitted to Marjorie A. Bronk, Executive Director, Board of Vocational Nurse Examiners, 9101 Burnet Road, Suite 105, Austin, Texas 78758, (512) 835-2071.

The new section is proposed under Texas Civil Statutes, Article 4528c, §5(g), which provide the Board of Vocational Nurse Examiners with the authority to make such rules and regulations as may be necessary to govern its procedures and to carry in effect the purposes of the law.

**§231.81. Disciplinary Action.** The board may refuse to admit persons to its examinations; may refuse to issue or renew a license; may refuse to issue a temporary permit; may issue a warning or reprimand;

may place on probation a person whose license has been suspended; or may suspend or may revoke the license of any practitioner of vocational nursing for any of the following reasons:

(1) violation of the Act or any rule, regulation, or order issued under the Act;

(2) commission of fraud or deceit;

(A) in procuring or attempting to procure a license to practice vocational nursing or in renewal of such license;

(B) by false representation of facts on an application for licensure by examination or licensure by endorsement without examination or an application for renewal;

(C) impersonation or acting as a proxy for another in any examination required by law to obtain a license to practice vocational nursing;

(D) use of any nursing license, certificate, diploma, or permit or transcript of the license, which has been fraudulently purchased, issued, counterfeited, or materially altered.

(3) conviction of a crime of the grade of felony or a crime of a lesser grade which involves moral turpitude;

(4) revocation, suspension, or denial of a license to practice vocational or practical nursing in another jurisdiction or revocation, suspension, or denial of a license to practice professional nursing in this state or in another jurisdiction; certified copy of the order of denial, suspension, or revocation shall be conclusive evidence of that fact;

(5) intemperate use of alcohol or drugs;

(6) unprofessional or dishonorable conduct that, in the opinion of the board, is likely to deceive, defraud, or injure the public. Unprofessional conduct shall include but not be limited to:

(A) misappropriating supplies, equipment, or medications or personal items of the patient/client, employer, or any other person or entity;

(B) administering medications and treatments in a negligent manner;

(C) inaccurately recording, falsifying, or otherwise altering patient or employee records;

(D) discriminating in the rendering of nursing service as it relates to

patient treatment care, safety of the dignity of the individual patient;

(E) practicing vocational nursing in this state without a current Texas license;

(F) practicing as a vocational nurse while the ability to practice is impaired by alcohol, drugs, or physical disability;

(G) aiding and abetting the practice of vocational nursing of any person not licensed to practice;

(H) impersonating another licensee, or permitting another person to use his/her license for the purpose of nursing for compensation;

(I) failing to report, through the proper channels, facts known to the individual regarding the incompetent, unethical, or illegal practice of any licensed health care professional;

(J) failing to conform to the minimal standards of acceptable prevailing practice, regardless of whether or not actual injury to a patient was sustained, including but not limited to:

(i) failing to assess and evaluate a patient's/client's status or failing to institute nursing intervention which might be required to stabilize a patient's/client's condition or prevent complications;

(ii) performing or attempting to perform nursing techniques or procedures or both in which the nurse is untrained by education or experience;

(iii) expressly delegating nursing care functions or responsibilities to a person who lacks the ability or knowledge to perform the function or responsibility in question;

(iv) to cause, suffer, permit, or allow physical or emotional injury to the patient/client, or failing to report same in accordance with the incident reporting procedure in effect where the nurse is employed or working;

(v) knowingly or consistently failing to follow the policy and procedure for the wastage of medications in effect at the facility at which the nurse is employed or working;

(vi) leaving a nursing assignment without notifying appropriate personnel;

(vii) unnecessary violence towards any person in any connection with the practice of vocational nursing;

(viii) negligent or intentional violation of a physician's order dele-

gating patient care or treatment;

(ix) failing to comply with supervisor's valid directives.

(K) has been convicted of a crime which relates to the practice of vocational nursing. Those crimes which the board considers to be directly related to the duties and responsibilities of a licensed vocational nurse shall include, but are not limited to:

(i) any felony or misdemeanor which involves an act of fraud, dishonesty, or deceit;

(ii) any criminal violation of the Vocational Nurse Act or other statutes regulating or pertaining to nursing or the medical profession;

(iii) any crime involving moral turpitude;

(iv) murder;

(v) assault;

(vi) burglary;

(vii) robbery;

(viii) theft;

(ix) rape or sexual abuse;

(x) patient abuse;

(xi) injury to an elderly person;

(xii) child molestation, abuse endangerment, or neglect;

(xiii) felony conviction for driving while intoxicated, driving under the influence of alcohol or drugs, or driving while the ability is impaired;

(xiv) sale, distribution, or illegal possession of narcotics, controlled substances, or dangerous drugs.

(L) violating state or federal laws relative to drugs, to wit:

(i) the Texas Controlled Substance Act, Texas Civil Statutes, Article 4476-15;

(ii) the Texas Dangerous Drugs Act, Texas Civil Statutes, Article 4476-14;

(iii) the Texas Food, Drug, and Cosmetic Act, Texas Civil Statutes, Article 4476-5;

(iv) dispensing of dangerous drugs by licensed physicians practicing in rural areas, Texas Civil Statutes, Article 4542a-1, §33;

(v) convalescent and nursing homes—medications administration, Texas Civil Statutes, Article 4442c; or

(vi) the Federal Comprehensive Drug Abuse Prevention and Control Act of 1970, Public Law 91-513, or its successor.

(M) determining whether a crime not listed above relates to vocational nursing, the board will consider:

(i) the nature and seriousness of the crime;

(ii) the relationship of the crime to the purposes for requiring a license to practice vocational nursing;

(iii) the extent to which a license might offer opportunities to engage in further criminal activity of the same type as that in which the person was previously engaged; and

(iv) the relationship of the crime to the ability, capacity, or fitness required to perform the duties and discharge the responsibilities of a vocational nurse.

(N) connection with a complaint alleging conviction of a crime which directly relates to the duties and responsibilities of a licensed vocational nurse, the board shall consider the following evidence as to present fitness to practice vocational nursing:

(i) the extent and nature of the person's past criminal activity;

(ii) the age of the person at the time of commission of the crime;

(iii) conduct and work activity of person prior to and after criminal activity;

(iv) evidence of rehabilitation while incarcerated or following release;

(v) letters of recommendation from prosecution, law enforcement, and correctional officers who prosecuted, arrested, or had custodial responsibility for the person; letters from the sheriff or chief of police where the person resides; and other persons having the contact with convicted person;

(vi) records of steady employment, provision for dependents, any payment of all court costs, supervision fees, fines, and restitution if ordered as a result of the person's conviction; and

(vii) the burden to provide the foregoing data to the board lies with the person seeking licensure.

(O) for a licensee, upon conviction of a felony, revocation of felony probation, revocation of parole, or revocation of mandatory supervision, the person's license shall be revoked or suspended.

(7) adjudication of mental incompetency;

(8) lack of fitness to practice by reason of mental or physical health that may result in injury to patients or the public.

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 October 12, 1989.

TRD-890880

Marjorie A. Bronk, R.N.,  
M.S.H.P.  
Executive Director  
Board of Vocational Nurse  
Examiners

Earliest possible date of adoption: November 24, 1989

For further information, please call: (512) 835-2071

◆ ◆ ◆  
**Part XV. Texas State  
Board of Pharmacy**  
**Chapter 281. General  
Provisions**

• 22 TAC §281.24

The Texas State Board of Pharmacy proposes an amendment to §281.24, concerning grounds for discipline of a pharmacist license. The amendment would more clearly define the act of dispensing prescription drugs not in the usual course of professional practice, and include additional actions which would constitute "unprofessional conduct".

Fred S. Brinkley, Jr., executive director/secretary, 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. Brinkley 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 defining acts which would constitute grounds for discipline of a pharmacist license. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the sections as proposed.

Comments on the proposal may be submitted to Fred S. Brinkley, Jr., Executive Director/Secretary, Texas State Board of Pharmacy, 8505 Cross Park Drive, Suite 110, Austin, Texas 78754-4533.

The amendment is proposed under Texas Civil Statutes, Article 4542a-1, §§16, 26, and 27, which provide the Texas Board of Pharmacy with the authority to adopt rules for the proper administration and enforcement of the Texas Pharmacy Act.

*§281.24. Grounds for Discipline for a Pharmacist License.*

(a) For the purposes of the Act, §26(a), "unprofessional conduct" shall include, but not be limited to:

(1) (No change.)

(2) dispensing a prescription drug pursuant to a prescription from [of] a practitioner as follows.

(A) The dispensing of a prescription drug order not issued for a legitimate medical purpose or in the usual course of professional practice shall include the following: [:]

(i) dispensing controlled substances to a person known to be habitual user of controlled substances or to a person who the pharmacist should have known was habitual user of controlled substances;

(ii) dispensing controlled substances or dangerous drugs to the same individual for a period of time which exceeds the recommended time periods in professional literature or exceeds standards of practice;

(iii) continuing to dispense controlled substances or dangerous drugs to an individual when such dispensing would subject the individual to hazards and risks, including addiction;

(iv) dispensing controlled substances to an individual in amounts which exceeds dosages approved by the Federal Food and Drug Administration or exceeds standards of practice;

(v) grossly over dispensing dangerous drugs or controlled substances;

(vi) dispensing controlled substances or dangerous drugs which are not necessary or required for the patient's valid medical needs or for a valid therapeutic purpose; or

(vii) dispensing controlled substances or dangerous drugs to a person who is not authorized or eligible to receive a prescription drug.

(B) The provisions of subparagraph (A)(i)-(vii) of this paragraph are not applicable for prescriptions issued to drug dependent persons or to persons with intractable pain in accordance with the requirements of Title 21, Code of Federal Regulations, §1306.07.

(3)-(22) (No change.)

(23) failure to establish or maintain effective controls against the diversion or loss of controlled substances or dangerous drugs, loss of controlled substance or dangerous drug records, or failure to ensure that controlled substances or dangerous drugs are dispensed in compliance with state and federal laws or rules, by a pharmacist who is:

(A) (No change.)

(B) a [an] sole proprietor or individual owner of a pharmacy;

(C) (No change.)

(D) a managing officer of a corporation, association, or joint-stock company owning a pharmacy. A pharmacist, as set out in subparagraphs (B)-(D) of this paragraph, is equally responsible with an individual designated as pharmacist-in-charge of such pharmacy to ensure that employee pharmacists and the pharmacy are in compliance with all state and federal laws or rules relating to controlled substances or dangerous drugs;

(24)-(25) (No change.)

(26) being the subject of civil fines imposed by a federal or state court as a result of violating the controlled substances act or dangerous drug act; [or]

(27) buying, selling, trading, bartering, or exchanging;

(A)-(E) (No change.)

(F) prescription drugs beyond the manufacturer's expiration date; [.]

(28) participating in conspiracy to procure by corruption, fraud, cheating, misrepresentation, bribery or each, a pharmacist or pharmacy license for an unqualified person;

(29) aiding, procuring, or abetting in violation of criminal statute; or

(30) failure to establish or maintain effective controls that ensure an employee is not making false or fraudulent claims to third parties for reimbursement for pharmacy services, by a pharmacist who is:

(A) a sole proprietor or individual owner of a pharmacy;

(B) a partner in the ownership of a pharmacy; or

(C) a managing officer of corporation, association, or joint-stock company owning pharmacy. A pharmacist, as set out in subparagraphs (A)-(C) of this paragraph, is equally responsible with an individual designated as pharmacist-in-charge of such pharmacy to ensure that employee pharmacists and the pharmacy are in compliance with all state and federal laws or rules pertaining to the practice of pharmacy.

(b) For the purposes of the Act, §26(a)(3), the term "gross [Gross] immorality" shall include, but not be limited to:

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

(c) For the purposes of the Act, §26(a) (5), the terms "fraud", "deceit", or "misrepresentation" in [In] the practice of pharmacy or in seeking a license to act as a pharmacist:

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

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

Issued in Austin, Texas on October 17, 1989.

TRD-8909954

Fred S. Brinkley, Jr., R.Ph.  
Executive  
Director/Secretary  
Texas State Board of  
Pharmacy

Earliest possible date of adoption: November 24, 1989

For further information, please call: (512) 832-0661

◆ ◆ ◆  
• 22 TAC §281.49, §281.50

The Texas State Board of Pharmacy proposes amendments to §281.49 and §281.50, concerning final decisions and motion for rehearing. The amendments update the current sections to be consistent with changes made to the Administrative Procedure and Texas Register Act (APTRA) by passage of Senate Bill 1197 by the 71st Legislature.

Fred S. Brinkley, Jr., executive director/secretary, 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. Brinkley also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be that the procedures of the board relating to final decisions and orders in a contested case are in compliance with APTRA. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the sections as proposed.

Comments on the proposal may be submitted to Fred S. Brinkley, Jr., Executive Director/Secretary, Texas State Board of Pharmacy, 8506 Cross Park Drive, Suite 110, Austin, Texas 78754-4533.

The amendments are proposed under Texas Civil Statutes, Article 4542a-1, §16 and §27, which provide the Texas State Board of Pharmacy with the authority to adopt rules for the proper enforcement and administration of the Texas Pharmacy Act, and to take disciplinary action in conformance with APTRA.

*§281.49. Final Decisions and Orders.*

(a) Any final decision or order adverse to a party in a contested case shall be in writing. Such final decision shall include findings of fact and conclusions of law, separately stated. Parties shall be notified either personally or by first class mail of any decision or order. When the board issues a final decision or order ruling on a motion for rehearing, the board shall send a copy of that final decision or order by first class mail to the attorneys of record and keep an appropriate record of that mailing. If a party is not repre-

ented by an attorney of record, then the board shall send a copy of a final decision or order ruling on a motion for rehearing by first class mail to that party, and the board shall keep an appropriate record of that mailing. A party or attorney of record notified by mail of a final decision or order as required by this subsection shall be presumed to have been notified on the date such notice is mailed.

(b) A decision of the board is final, in the absence of a timely motion for rehearing, on the expiration of the period for filing a motion for rehearing, and is final and appealable to a district court of Travis County, on the date of rendition of the order overruling the motion for rehearing, or on the date the motion is overruled by operation of law. If the board [agency] finds that an imminent peril to the public health, safety, or welfare requires immediate effect of a final decision or order in a contested case, it shall recite the finding in the decision or order as well as the fact that the decision or order is final and effective on the date rendered, in which event the decision or order is final and appealable [on the date rendered] to a district court of Travis County, on the date rendered.

(c) (No change.)

*§281.50. Motion for Rehearing.* Other than the exception provided in §281.49 of this title (relating to Final Decisions and Orders), a motion for rehearing is a prerequisite to appeal from a board's final decision or order in a contested case. A motion for rehearing shall be filed by a party within 20 [15] days after the date the party or his attorney of record is notified [of rendition] of the final decision or order as required by §281.49 of this title (relating to Final Decisions and Orders). Replies to a motion for rehearing shall be filed with the executive director/secretary within 30 [25] days after the date the party or his attorney of record is notified [of rendition] of the final decision or order as required by §281.49 of this title (relating to Final Decisions and Orders), and board action on the motion shall be taken within 45 days after the date the party or his attorney of record is notified [of rendition] of the final decision or order as required by §281.49 of this title (relating to Final Decisions and Orders). If board action is not taken within the 45-day period, the motion for rehearing is overruled by operation of law 45 days after the date the party or his attorney of record is notified [of rendition] of the final decision or order as required by §281.49 of this title (relating to Final Decisions and Orders). The board, by written order, may extend the period of time for filing the motions and replies and taking board action, except that an extension may not extend the period of board action beyond 90 days after the date the party or his attorney of record is

notified [of rendition] of the final decision or order as required by §281.49 of this title (relating to Final Decisions and Orders). In the event of an extension, the motion for rehearing is overruled by operation of law on the date fixed by the order, or in the absence of a fixed date, 90 days after the date the party or his attorney of record is notified of the final decision or order as required by §281.49 of this title (relating to Final Decisions and Orders).

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 October 17, 1989.

TRD-8909952 Fred S. Brinkley, Jr., R.Ph.  
Executive  
Director/Secretary  
Texas State Board of  
Pharmacy

Earliest possible date of adoption: November 24, 1989

For further information, please call: (512) 832-0661

◆ ◆ ◆  
• 22 TAC §281.51

The Texas State Board of Pharmacy proposes an amendment to §281.51, concerning application for reissuance or removal of restriction of a license. The amendment adds factors which the board may consider in determining the reissuance or removal of restrictions to a license.

Fred S. Brinkley, Jr., executive director/secretary, 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. Brinkley also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be that the board will have greater latitude in considering factors applicable to the reissuance or removal of restrictions of a license. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Fred S. Brinkley, Jr., Executive Director/Secretary, Texas State Board of Pharmacy, 8505 Cross Park Drive, Suite 110, Austin, Texas 78754.

The amendment is proposed under Texas Civil Statutes, Article 4542a-1, §16 and §28, which provide the Texas State Board of Pharmacy with the authority to adopt rules for the proper administration and enforcement of the Texas Pharmacy Act (§16) and authority to impose penalties or reinstate licenses (§28).

§281.51. Application for Reissuance or Removal of Restrictions of a License.

(a) (No change.)

(b) The board may consider the following items in determining the reinstatement

of an applicant's previously revoked or canceled pharmacist license:

(1)-(9) (No change.)

(10) any physical, chemical, emotional, or mental impairment; [or]

(11) the gravity of the offense for which the applicant's license was canceled, revoked, or restricted and the impact the offense had upon the public health, safety, and welfare;

(12) the length of time since the applicant's license was canceled, revoked, or restricted, as a factor in determining whether the time period has been sufficient for the applicant to have rehabilitated himself/herself to be able to practice pharmacy in a manner consistent with the public health, safety, and welfare; or

(13) other rehabilitation actions taken by the applicant.

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 October 17, 1989.

TRD-8909953 Fred S. Brinkley, Jr., R.Ph.  
Executive  
Director/Secretary  
Texas State Board of  
Pharmacy

Earliest possible date of adoption: November 24, 1989

For further information, please call: (512) 832-0661

◆ ◆ ◆  
**TITLE 40. SOCIAL SERVICES AND ASSISTANCE**  
**Part I. Texas Department of Human Services**  
**Chapter 3. Income Assistance Services**  
**Subchapter H. Monthly Reporting**

The Texas Department of Human Services (DHS) proposes the repeal of §3. 801 and §3.1001 and proposes an amendment to §3.1004, concerning AFDC monthly reporting criteria and budgeting. The repeals and amendment are necessary because the United States Department of Health and Human Services (HHS) approved DHS's request to eliminate AFDC monthly reporting and retrospective budgeting (MRRB). DHS is eliminating MRRB to remove a barrier to client participation, simplify case budgeting, and reduce workload.

Section 3.801 is repealed because households are no longer required to report monthly. Section 3.1001 is repealed because the definitions pertain to MRRB.

Section 3.1004 is amended to delete references to retrospective budgeting. DHS now

uses a best estimate of the client's future income and circumstances to determine eligibility and benefits for all months.

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

Mr. Raiford also has determined that for each year of the first five years the repeals and amendment are in effect the public benefit anticipated as a result of enforcing the repeals and amendment will be a reduction in the number of erroneous delays and reductions in benefits that resulted from the monthly reporting requirement. There will be no effect on small businesses as result of enforcing the section. There is no anticipated economic cost to persons who are required to comply with the proposed repeals and amendment.

Comments on the proposal may be submitted to Cathy Rossberg, Administrator, Policy Development Services Division-639, Texas Department of Human Services 222-E, P.O. Box 149030, Austin, Texas 78714-9030, within 30 days of publication in the Texas Register.

◆ ◆ ◆  
• 40 TAC §3.801

*(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 Department of Human Services or in the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brazos Street, Austin.)*

The repeal is proposed under the Human Resources Code, Title 2, Chapters 22 and 31, which provides the department with the authority to administer public assistance programs.

§3.801. AFDC Monthly Reporting Criteria.

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 October 16, 1989.

TRD-8909882 Cathy Rossberg  
Administrator, Policy  
Development Services  
Division  
Texas Department of  
Human Services

Proposed date of adoption: January 1, 1990

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

◆ ◆ ◆  
**Subchapter J. Budgeting**

• 40 TAC §3.1001

*(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 Department of Human Services or in the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brazos Street, Austin.)*

The repeal is proposed under the Human Resources Code, Title 2, Chapters 22 and 31, which provides the department with the authority to administer public assistance pro-

grams.

**§3.1001. Definitions.**

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 October 16, 1989.

TRD-800883

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

Proposed date of adoption: January 1, 1990

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



• **40 TAC §3.1004**

The amendment is proposed under the Human Resources Code, Title 2, Chapters 22

and 31, which provides the department with the authority to administer public assistance programs.

**§3.1004. Budgeting**

(a) (No change.)

(b) AFDC-DHS uses a best estimate of the client's future income and circumstances to determine eligibility [for all months] and benefit amount for all [the first two] months [benefits are received]. [DHS bases the amount of benefit received in the third and following payment months on the client's income and circumstances that existed two months before the payment month.]

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 October 16, 1989.

TRD-800884

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

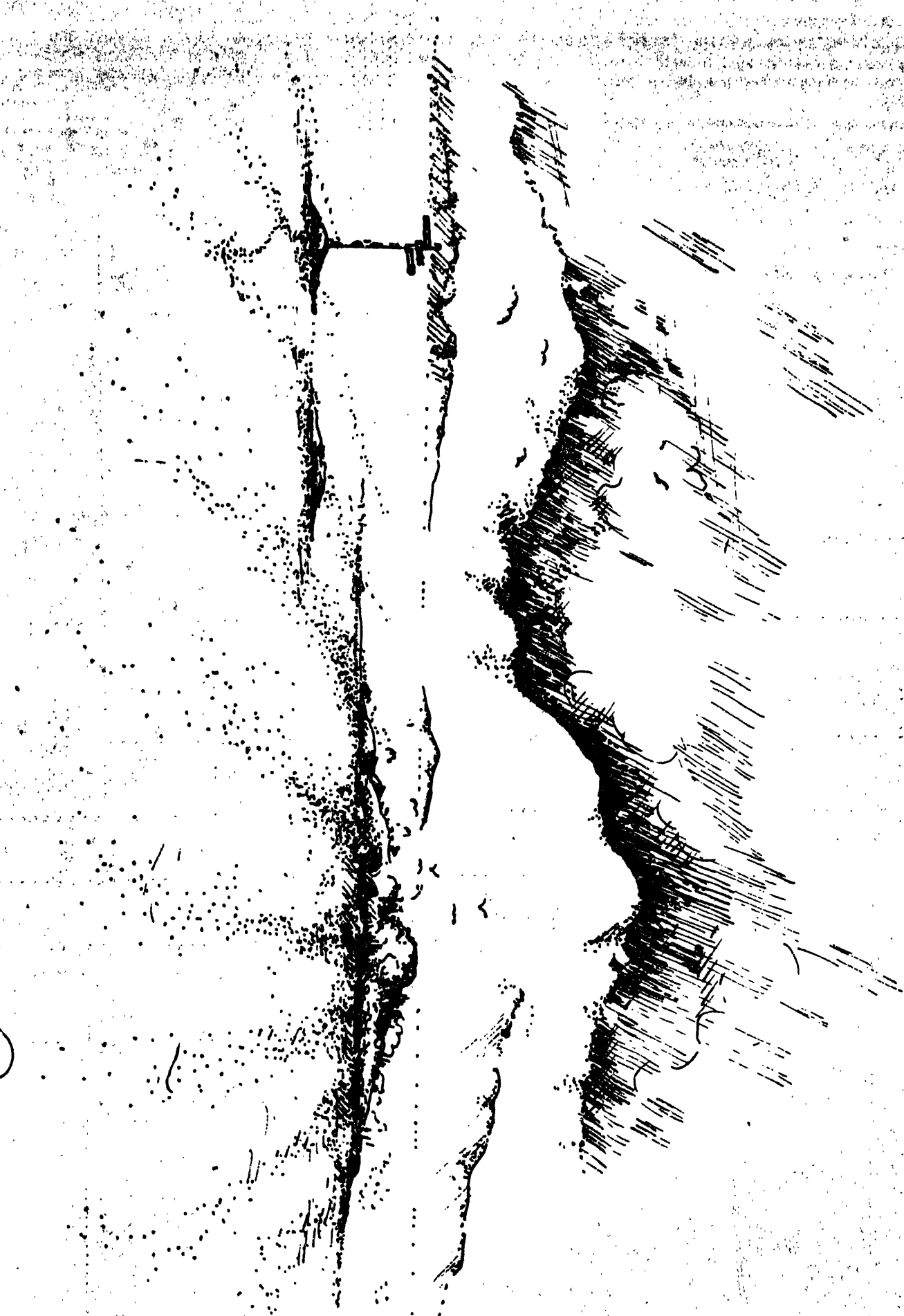
Proposed date of adoption: January 1, 1990

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



10/24/89

Murphy's 2/1/1908



# Withdrawn Sections

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

## TITLE 31. NATURAL RESOURCES AND CONSERVATION

### Part X. Texas Water Development Board

#### Chapter 363. Rules Relating to Financial Programs

##### Policy Declarations

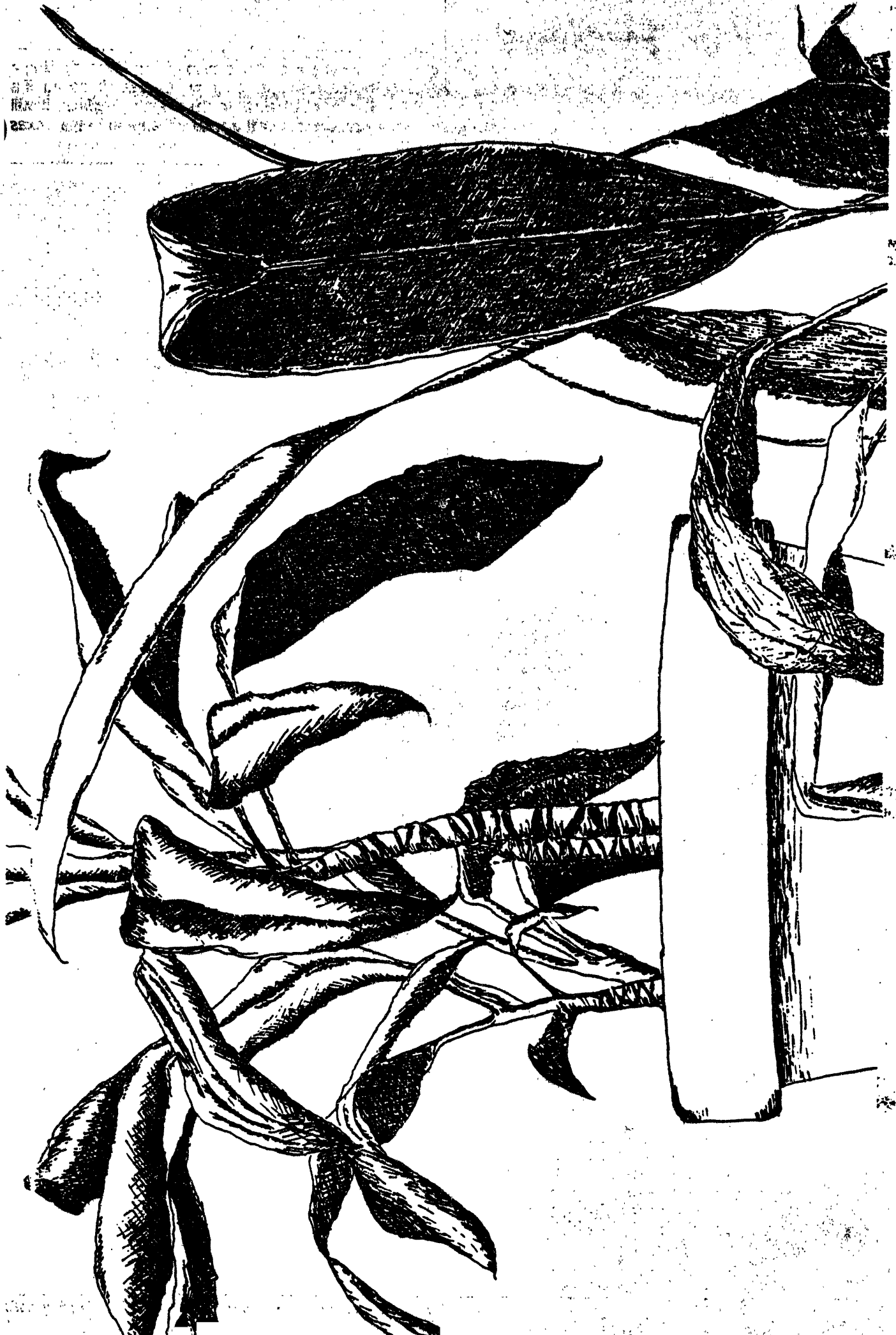
##### • 31 TAC §363.39

Pursuant to Texas Civil Statutes, Article 6252-13, §5(b), and 1 TAC §91.24(b), the proposed new §363.39, submitted by the Texas Water Development Board has been automatically withdrawn, effective October 17, 1989. The new section as proposed appeared in the April 14, 1989, issue of the *Texas Register* (14 TexReg 1816).

TRD-8909945







# 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 10. COMMUNITY DEVELOPMENT

### Part V. Texas Department of Commerce

#### Chapter 162. Texas Exporters Loan Fund

##### • 10 TAC §§162.1-162.10

The Texas Department of Commerce (Commerce) adopts new §§162.1-162.10. Sections 162.1, 162.4, 162.6, and 162.8 are adopted with changes to the proposed text as published in the August 25, 1989, issue of the *Texas Register* (14 TexReg 4289). Sections 162.2, 162.3, 162.5, 162.7, 162.9, and 162.10, are adopted without changes and will not be republished.

The new sections concern the administration and implementation of the Texas Exporters Loan Fund. The new sections cover requirements and procedures for submission of applications for a loan guarantee, as well as supporting documentation and the consideration of those applications by Commerce.

The new sections provide certain approval standards for applicants, including eligibility requirements; filing requirements; application contents; criteria for approval; and establishment of the loan review committee. The new sections also set forth the general terms and conditions for the loans guarantees.

Comments were made regarding documentation, eligibility and reporting requirements. One commenter suggested that past due notices should be sent after 10 days. Another commenter suggested that staff be allowed to approve certain applications for loan guarantees. Other comments suggested were either contrary to statute or already within the discretion of the proposed rules.

Names of organizations which suggested changes include Gulf States Utilities Company, NCNB Texas, Austin Banking Center, and Texas Industrial Development Council, Inc.

Section 162.4(c) and (d) have been changed to reflect the board of directors' delegation of authority to the executive director of commerce. Section 162.6(l) (1) and §162.8(b) have been changed to reflect that lenders will report to commerce when payments are 10 days past due. Section 162.1(a)(10) has been corrected.

The new sections are adopted under the Texas Government Code, §481.048, which provides the Texas Department of Commerce with the authority to establish criteria for determining which export businesses and lenders may participate in programs established by Commerce.

##### §162.1. General Provisions.

(a) Introduction. Pursuant to the authority granted by the Texas Department of Commerce Act, Texas Government Code, Chapter 481, and the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, the Texas Department of Commerce prescribes the following sections regarding practice and procedure before the department in the administration and implementation of the Texas Exporters Loan Fund program.

(b) Purpose. The purpose of these sections is to provide standards of eligibility and application procedures for participation in the program.

(c) Objectives. The major objectives of the Texas Exporters Loan Fund Program are to expand employment and income opportunities for Texans through increased exports of Texas manufactured goods, services, and agricultural commodities by providing actual and potential exporters, particularly small and medium-sized exporters, and agricultural enterprises, with information and technical assistance on export opportunities and exporting techniques and financial assistance in support of export transactions.

(d) Definition of terms. The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

(1) Act—The Texas Department of Commerce Act, Texas Government Code, Chapter 481.

(2) Application—A completed application, including all documents and information required by the department and submitted by the exporter or private lender for a project.

(3) Allied lenders—Financial institutions receiving approval from the department to participate in the department's export finance programs.

(4) Board—The board of directors of the department.

(5) Business day—A day on which the department is open for business. The term shall not include any Saturday, Sunday, or traditional holiday officially observed by the state. The department's normal business hours are 8 a. m. to 5 p. m. each business day.

(6) Department—Texas Department of Commerce.

(7) Equity—The exporter's contribution to a project in the form of cash, land, or depreciable property.

(8) Executive director—The executive director of the department.

(9) Eximbank—The Export Import Bank of the United States, which is the independent United States Government agency that helps to finance and facilitate the export of United States goods and services.

(10) Export business—A person engaged in the export of a Texas product or service.

(11) FCIA—Foreign Credit Insurance Association, which is Eximbank's agent responsible for insuring export transactions.

(12) Fund—Texas Export Loan Guarantee Fund.

(13) Guarantee amount—With respect to loans made by financial institutions, is a sum measured in terms of United States dollars, that in the case of default by the borrower, guarantees repayment of the loan, not to exceed 85% of the loan. The guarantee amount may not exceed \$350,000, except in those instances where the department determines that substantial job creation is a major component of the project.

(14) Lender—A lending institution, including a bank, trust company, banking association, savings and loan association, mortgage company, investment bank, credit union, life insurance company, governmental agency that customarily provides financing, or an affiliate of any of those entities. The term also applies to allied lenders.

(15) Loan review committee—A committee appointed by the board to provide advisory services on the financing of export loans guaranteed by the fund.

(16) Program—Texas Exporters Loan Fund Program.

(17) Project—The activities of an export business engaged in entering or expanding into export markets, found by the department to be required or suitable for the promotion of and for use by an export business.

(18) SBA—United States Small Business Administration.

(19) Staff—The staff of the department.

(20) State—State of Texas.

(21) Texas product—A manufactured good or service at least 25% of the total value of which is represented by Texas source components, labor, or intellectual property or the export or pre-export preparation of a Texas agricultural product or livestock.

(e) Conflicts of interest.

(1) A member of the board, committee, agent, or employee of the department, in his or her own name or in the name of a nominee, may not hold an ownership interest of more than 7 1/2% or in excess of \$50,000 of the fair market value of an association, trust, corporation, partnership, or other entity that is, in its own name or in the name of a nominee, a party to a contract or agreement under this chapter on which the member of the board, committee, agent, or employee may be called on to act or vote.

(2) With respect to a direct or indirect interest, other than an interest prohibited by paragraph (1) of this subsection, a contract or agreement under this chapter on which the member of the board, committee, agent, or employee may be called on to act or vote, the member of the board, committee, agent, or employee shall disclose the interest to the department before the taking of final action by the department concerning the contract or agreement, and shall disclose the nature and extent of the interest and his or her acquisition of it. This disclosure shall be publicly acknowledged by the department and kept a part of the loan file. A member of the board, committee, agent, or employee who holds such interest may not be officially involved in regard to the contract or agreement, may not vote on a matter relating to the contract or agreement, and may not communicate with other members, agents, or employees concerning the contract or agreement. Notwithstanding any other provision of law, a contract or agreement entered into in conformity with this subsection is not void or invalid because of an interest described by this subsection, nor is a person who complies with this subsection guilty of an offense, and the person may not be removed from office or be subjected to other penalty because of this interest.

(3) A contract or agreement made in violation of this section is null and void and does not create an action against the department.

(f) Statements and opinions. Statements and opinions expressed orally or in writing by the staff in response to inquiry or otherwise, and not specifically identified and promulgated as rules, shall not be considered regulatory standards of the department.

(g) Examination of records. Any party requesting the examination of records pursuant to the Open Records Act, Texas Civil Statutes, Article 6252-17a, shall indicate in writing the specific nature of the document to be viewed, and if photocopying is desired, the appropriate fee must accompany the request.

(h) Written communication with the department. Applications and other written communications to the department should be addressed to the attention of the Finance Division, Texas Department of Commerce, P.O. Box 12728, Austin, Texas 78711.

#### *§162.4. Filing Requirements and Consideration of Applications.*

(a) Application forms. An applicant or lender seeking a loan guarantee from the department must use the application forms provided by the department. Three copies of the completed application with all supporting documentation and required exhibits and attachments must be submitted to the department during a business day.

(b) Initial review by staff. The staff reviews the application for completeness and notifies the applicant of any additional information required. When all required information has been received, the staff determines if the project meets the approval standards set forth in §162.7 of this title (relating to Criteria for Approval of Loan Guarantee).

(c) Consideration of application. Following staff review, the loan review committee considers the application. The executive director finally considers the application taking into account the purpose of the fund and the criteria and terms of the program.

(d) Approval of application. If the executive director approves the application, the applicant is notified in writing setting forth the terms and conditions of the financial assistance approved. The department, together with the lender and any other private or governmental participants, prepares the written agreements and documents necessary to close the loan or finalize the credit, in accordance with the terms and conditions set forth in the notice of approval. The executive director may waive any requirement of any section in situations where such requirement is not necessary for the protection of the public interest.

(e) Denial of application. If the application is disapproved, the department notifies the applicant in writing of the reasons for denial.

(f) Misrepresentation by applicant. Each applicant has an affirmative and continuing duty to update and correct all information provided to the department and the lender. The department may reject any application, may revoke any notice of approval, or may refuse to close any loan in the

event that any information provided by the applicant contains a material misrepresentation or omission or false information. In addition the department may:

(1) hold the applicant ineligible to apply for an export loan guarantee for a period of two years or until any issue of restitution is resolved, whichever is longer; and

(2) terminate the applicant's guarantee if the correct information would have changed the department's guarantee decision.

#### *§162.6. General Terms and Conditions of Department's Financial Commitment.*

(a) Permissible use of financial commitment. The department's financial commitment may be used to finance the costs and expenses related to the acquisition or production, financing, and shipment of a Texas product.

(b) Minimum loan or credit guaranteed. The department shall not provide financial assistance to the exporter when the principal amount of the pre-export loan or credit needed is less than \$10,000.

(c) Maximum amount of loan guarantee. The department's net exposure for financial assistance to an exporter, including all its affiliates, may not, at any one time, exceed 85% of the loan amount. The guarantee amount may not exceed \$350,000, except in those instances where the department determines that substantial job creation is a major component of the project.

(d) Extent of participation. The department may participate in a loan guarantee to the extent necessary and appropriate to facilitate the required financing. The applicant may seek co-participation in financial assistance from other private and governmental sources, including the SBA, Eximbank, FCIA, and private insurers. In any event, the department's maximum participation in loan guarantee may not exceed 85% of the outstanding principal amount of the loan, and the lender must remain at risk for at least 10% of the outstanding principal balance amount.

(e) Maturity. The maturity of a loan guaranteed by the department may not exceed 12 months.

(f) Security. Loans must be secured by collateral of a type, amount, and value which, considered with other criteria affords reasonable assurance of repayment.

(g) Interest rates and fees. The lender may charge fees and a legal rate of interest on guaranteed loans.

(h) Fees. A guarantee fee of 1.0% of the principal balance guaranteed is payable by the lender to the department. A non-refundable application fee will also be required in the amount of \$100. The applica-

tion fee is applied towards the guarantee fee if the project is accepted.

(i) Reporting requirements.

(1) Reports by lender. The lender shall report in writing to the department as provided in the guarantee agreement. Reports must show the progress, repayment status, and principal balance, outstanding or undisbursed, for each loan guaranteed by the department. As soon as a payment is 10 days past the due date the lender must notify the department.

(2) Reports by exporter. The exporter shall report to the department immediately upon making shipment of the goods and shall provide copies of documents evidencing shipment according to the terms of trade. If requested by the department, the exporter shall submit other reports or documentation reasonably related to an assessment of the exporter's compliance with the Act and this chapter, or the terms of the sale transaction, loan agreements, or the department's guarantee.

**§162.8. Loan Administration.**

(a) Servicing. The lender shall service the loan and receive all payments of principal and interest. In the event of default, the lender shall continue to service the loan if requested by the department to do so.

(b) Notification of nonpayment. If the exporter fails to make any payment of principal or interest 10 days after the due date, the lender shall immediately notify the exporter and the department of the payments due. If the exporter fails to cure the nonpayment within 30 days, the lender shall notify the department.

(c) Notification of modification of terms. If terms of the loan agreement are modified notification will be sent to the department by the lender immediately.

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 October 17, 1989.

TRD-8909850

William D. Taylor  
Executive Director  
Texas Department of  
Commerce

Effective date: November 7, 1989

Proposal publication date: August 25, 1989

For further information, please call: (512) 320-9666

◆ ◆ ◆  
**Chapter 172. Texas Rural  
Economic Development  
Fund**

◆ ◆ ◆  
**• 10 TAC §§172.1-172.10**

The Texas Department of Commerce (Commerce) adopts new §§172.1-172.10. Sections

172.1, 172.4, 172.6, and 172.9 are adopted with changes to the proposed text as published in the August 25, 1989, issue of the *Texas Register* (14 TexReg 4272). Sections 172.2, 172.3, 172.5, 172.7, 172.8, and 172.10, are adopted, without changes and will not be republished.

The new sections concern the administration and implementation of the Texas Rural Economic Development Fund. The new sections cover requirements and procedures for submission of applications for a loan guarantee, as well as supporting documentation and the consideration of those applications by Commerce.

The new sections provide certain approval standards for applicants, including eligibility requirements, filing requirements, application contents, criteria for approval, and establish the loan review committee. The new sections also set forth the general terms and conditions for the loan guarantees.

No comments were received regarding adoption of the new sections. Section 172.9 (a)(2) has been changed, however, to clarify that representatives from organizations created to promote economic development may serve on the Loan Review Committee. In addition, §§172.1(b), 172.4(c) and (d), 172.6(f), 172.9(a) (1) and (2) have been corrected, primarily to reflect the board of directors' delegation of authority to the executive director of Commerce.

The new sections are adopted under the Texas Government Code, §481.02(a)(1), which provides the Texas Department of Commerce with the authority to adopt and enforce necessary rules.

**§172.1. General Provisions.**

(a) Introduction. Pursuant to the authority granted by the Texas Rural Economic Development Act, Texas Government Code, Chapter 481, Subchapter F; and the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, the Texas Department of Commerce prescribes the following sections regarding practice and procedure before the department in the administration and implementation of the Rural Economic Development Fund.

(b) Purpose. It is the purpose of the Texas Rural Economic Development Act to establish a program which promotes economic development and employment in rural communities across the state. Communities in this state are at a critical disadvantage in competing with communities in other states for location or expansion of businesses because of the availability of financing and other special incentives. The purpose of the new sections is to provide standards of eligibility and application procedure for a loan guarantee under the Rural Economic Development Act.

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

(1) Act—The Texas Rural Economic Development Act, Texas Government Code, Chapter 481, Subchapter F.

(2) Applicant—The private lender or user filing an application with the department for a loan guarantee.

(3) Application—An application, including supporting documentation, for participating in the program pursuant to the Act and this chapter.

(4) Board—The board of directors of the department.

(5) Business day—A day on which the department is open for business. The term shall not include any Saturday, Sunday, or traditional holiday officially observed by the state. The department's normal business hours are 8 a. m. to 5 p.m. each business day.

(6) City—Any municipality of the state incorporated under the provisions of any general or special law, or the home-rule amendment to the constitution.

(7) County—Any county of the State of Texas.

(8) Department—Texas Department of Commerce.

(9) Equity—The user's contribution to a project in the form of cash, land, or depreciable property.

(10) Executive director—The executive director of the department.

(11) Federal agency—The United States of America, the President of the United States of America, and any department of or corporation, agency or instrumentality heretofore or hereafter created, designated, or established by the United States of America.

(12) Fund—Texas Rural Economic Development Fund.

(13) Guarantee amount—With respect to loans made by financial institutions, is a sum measured in terms of United States dollars, that in the case of default by the borrower, guarantees repayment of the loan, not to exceed 85% of the loan. This amount may not exceed \$350,000, except in those instances where substantial job creation is a major component.

(14) Loan review committee—A committee appointed by the board to provide advisory services on the financing of rural loans guaranteed by the fund.

(15) Private lender—A lending institution, including a bank, savings bank, savings and loan association, trust company, or insurance company, or an individual that the department determines is an experienced and sophisticated investor.

(16) Program—Texas Rural Economic Development Program.

(17) Project—The land, building, equipment, facilities and improvements

(one or more), and working capital found by the department to be required or suitable for the promotion of and for use by a manufacturing or industrial enterprise, irrespective of whether in existence or required to be acquired or constructed after the making of such finding by the department.

(18) Qualified application—A completed application, including all documents and information required by the department and submitted by a user or private lender for a project.

(19) Rural area—A city having a population of 35,000 or less, or a county, not within a city's corporate limits, which has a population of 150,000 or less and which is predominantly rural in character. Population is to be determined by the decennial census or federal census estimate, whichever is most recently published by the United States Bureau of Census.

(20) Staff—The staff of the department.

(21) State—State of Texas.

(22) User—An individual, partnership, corporation, or any other private entity found by the department to be financially responsible to assume the obligation in connection with a project.

(d) Conflicts of interest.

(1) A member of the board, committee, agent, or employee of the department, in his or her own name or in the name of a nominee, may not hold an ownership interest of more than 7 1/2% or in excess of \$50,000 of the fair market value of an association, trust, corporation, partnership, or other entity that is, in its own name or in the name of a nominee, party to a contract or agreement under this chapter on which the member of the board, loan review committee, agent, or employee may be called on to act or vote.

(2) With respect to a direct or indirect interest, other than an interest prohibited by paragraph (1) of this subsection, in a contract or agreement under this chapter on which the member of the board, loan review committee, agent or employee may be called on to act or vote, the member of the board, committee, agent, or employee shall disclose the interest to the department before the taking of final action by the department concerning the contract or agreement, and shall disclose the nature and extent of the interest and his or her acquisition of it. This disclosure shall be publicly acknowledged by the department and kept a part of its file. A member of the board, loan review committee, agent, or employee who holds such interest may not be officially involved in regard to the contract or agreement, may not vote on a matter relating to the contract or agreement, and may not communicate with other members, agents, or employees concerning the contract or agreement.

(3) A contract or agreement made in violation of this subsection is void.

(e) Examination of records. Any party requesting the examination of records pursuant to the Open Records Act, Texas Civil Statutes, Article 6252-17a, shall indicate in writing the specific nature of the document to be viewed, and if photocopying is desired, the appropriate fee must accompany the request.

(f) Written communication with the department. Applications and other written communications to the department should be addressed to the attention of the Finance Division, Texas Department of Commerce, P.O. Box 12728, Austin, Texas 78711.

#### *§172.4. Filing Requirements and Consideration of Applications.*

(a) Application forms. An applicant or private lender seeking a loan guarantee from the department must use the application forms provided by the department. One original and two copies of the completed application with all required exhibits and attachments must be submitted in a three ring binder to the department during the business day.

(b) Initial review by staff. The staff reviews the application for completeness and notifies the applicant of any additional information required. When all required information has been received, the staff determines if the project meets the approval standards set forth in §172.7 of this title (relating to Criteria for Approval of Loan Guarantee).

(c) Consideration of qualified application. Following staff review, the loan review committee considers the qualified application. The executive director shall then consider the application, taking into account the purpose of the fund and the criteria and terms of the program.

(d) Approval of application. If the executive director approves the application, the department notifies the applicant in writing setting forth the terms and conditions of the financial assistance approved. The department, together with the lender and any other private or governmental participants, prepares the written agreements and document necessary to close the loan or finalize the credit, in accordance with the terms and conditions set forth in the notice of approval.

(e) Denial of application. If the application is disapproved, the department notifies the applicant in writing of the reasons for denial.

(f) False information. An applicant who knowingly provides false information in an application under this chapter.

(1) may not submit an application under this chapter before two years after the date that the application containing the false information was submitted; and

(2) is liable to the state and any private lender involved for any expense incurred by the state or private lender that would have not been incurred if the applicant had not provided the false information.

#### *§172.6. General Terms and Conditions of Department's Financial Commitment.*

(a) Permissible use of financial commitment. The department's financial commitment is used to finance the project costs.

(b) Minimum loan or credit guaranteed. The department shall not provide financial assistance to a user where the principal amount of the loan or credit needed is less than \$50,000.

(c) Maximum amount of loan guarantee. The department's net exposure for financial assistance to a business, including all its affiliates, may not, at any one time, exceed 85% of loan. This amount may not exceed \$350,000, except in those instances where substantial job creation is a major component.

(d) Extent of participation. The department may participate in a loan guarantee to the extent necessary and appropriate to facilitate the required financing. The applicant may seek coparticipation in financial assistance from other private and governmental sources, including the SBA, Farmers Home Administration, Community Development Block Grant, and private sources. In any event, the department's maximum participation in a loan guarantee may not exceed 85% of the principal amount of the loan, and the private lender must remain at risk for at least 10% of the principal amount.

(e) Maturity. The maturity of a loan guaranteed by the department may not exceed 15 years, subject to the useful life of the assets being financed.

(f) Security. Loans must be secured by collateral of a type, amount, and value which, considered with other criteria, affords reasonable assurance of repayment.

(g) Interest rates and fees. The lender may charge fees and a legal rate of interest on guaranteed loans.

(h) Fees. A guarantee fee of one and one-half percent of the principal balance guaranteed is payable by the lender to the department. A non-refundable application fee will also be required in the amount of \$100.

(i) Reporting requirements.

(1) Reports by lender. The lender shall report in writing to the department as provided in the guarantee agreement. Reports must show the progress, repayment status, and principal balance, outstanding or undisbursed, for each loan guaranteed by the department.

(2) Reports by user. The user shall provide annual financial reports. If requested by the department, the user shall submit other reports or documentation reasonably related to an assessment of the user's compliance with the Act and this chapter, or the terms of the loan agreement or the department's guarantee.

#### §172.9 Loan Review Committee.

(a) The Loan Review Committee consists of the following members, appointed by the board:

(1) three members from financial institutions who are knowledgeable about, and experienced in, financing projects in rural areas; and

(2) two members from manufacturing or industrial enterprises or from any entity created to promote economic development, located in Texas, and who are experienced in and knowledgeable about the needs and problems of small businesses located in rural areas.

(b) The appointments of the board shall be for two-year terms. Members of the loan review committee shall serve at the pleasure of the board and vacancies shall be filled by the board.

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 October 16, 1989.

TRD-8909948

William D. Taylor  
Executive Director  
Texas Department of  
Commerce

Effective date: November 7, 1989

Proposal publication date: August 25, 1989

For further information, please call: (512) 320-9666

## TITLE 16. ECONOMIC REGULATION

### Part I. Railroad Commission of Texas

#### Chapter 5. Transportation Division

#### Subchapter X. Agricultural Permits

#### • 16 TAC §5.536

The Railroad Commission of Texas adopts an amendment to §5.536, without changes to the proposed text as published in the September 5, 1989, issue of the *Texas Register* (14 TexReg 4528).

The amendment is adopted to eliminate the requirement that agricultural permit holders file annual operating reports.

The amendment would exempt an agricultural permit holder from having to file annual oper-

ating reports with the commission.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Texas Motor Carrier Act, Texas Civil Statutes, Article 911b, which authorizes the commission to regulate motor carriers in all matters.

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 October 16, 1989.

TRD-8909956

Kent Hance  
Chairman  
Railroad Commission of  
Texas

Effective date: November 7, 1989

Proposal publication date: September 5, 1989

For further information, please call: (512) 463-7095

## TITLE 22. EXAMINING BOARDS

### Part XV. Texas State Board of Pharmacy

#### Chapter 283. Licensing Requirements for Pharmacists

#### Definitions

#### • 22TAC 283.2

The Texas State Board of Pharmacy adopts an amendment to §283.2, without changes to the proposed text as published in the July 11, 1989, issue of the *Texas Register* (14 TexReg 3337).

The amendment will allow the board to further protect the public health, safety, and welfare by establishing standards which pharmacists must meet in order to qualify for a license to practice pharmacy.

The amendment clarifies that the word "state" when used in this chapter refers to one of the 50 states of the United States, the District of Columbia, and Puerto Rico.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 4542a-1, §§20, 21, and 22, which provide the Texas State Board of Pharmacy with the authority to establish standards whereby an applicant may qualify for a license to practice pharmacy in Texas.

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 October 17, 1989.

TRD-8909951

Fred S. Brinkley, Jr., R.Ph.  
Executive  
Director/Secretary  
Texas State Board of  
Pharmacy

Effective date: November 7, 1989

Proposal publication date: July 11, 1989

For further information, please call: (512) 832-0861

## TITLE 40. SOCIAL SERVICES AND ASSISTANCE

### Part I. Texas Department of Human Services

#### Chapter 12. Child Nutrition Programs

#### Summer Food Service Program

#### • 40 TAC §§12.103-12.107, 12.110, 12.112-12.123

The Texas Department of Human Services (DHS) adopts amendments to §§12.103-12.107, 12.110, and 12.112-12.123, concerning the Summer Food Service Program (SFSP).

The justification for the amendments is to comply with changes to 7 Code of Federal Regulations Part 225, which were effective May 30, 1989.

The effect of the amendments is to resolve any ambiguities or inconsistencies in the regulations, eliminate unnecessary and obsolete provisions, and clarify the language so that Part 225 can more easily be understood. The amendments also include one change mandated by the Hunger Prevention Act of 1988, Public Law 100-435. This change allows public or private non-profit colleges and universities which participate in the National Youth Sports Program to apply for the SFSP.

The amendments are adopted under the Human Resources Code, Title 2, Chapter 22, which provides the department with the authority to administer public assistance programs. The amendments are adopted effective May 30, 1989, pursuant to federal requirements.

#### §12.103. Eligibility of Sponsors and Facilities.

(a) To participate in the Summer Food Service Program (SFSP), sponsors must meet the definitions in 7 Code of Federal Regulations §225.2 and the appropriate requirements of 7 Code of Federal Regulations §225.14.

(b) (No change.)

(c) Sponsors must be able to perform under the stipulations of 7 Code of Federal Regulations §§225.6, 225.14, and 225.15.

(d) The Texas Department of Human Services (DHS) approves applications of applicants that do not provide a year-round service to the community it proposes to serve, according to 7 Code of Federal Regulations §225.6(b)(4), if the applicant is otherwise eligible and if:

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

(e) When two or more sponsors propose to serve the same area or the same

enrolled children, DHS selects sponsors according to 7 Code of Federal Regulations §225.6.

(f) (No change.)

**§12.104. Application for Program Benefits.**

(a) To participate in the Summer Food Service Program, sponsors must submit a completed application to the Texas Department of Human Services (DHS) no later than April 15 of the fiscal year for which the application is submitted according to 7 Code of Federal Regulations §225.6(B)(1).

(b) (No change.)

(c) DHS approves or denies applications and subsequent amendments to applications according to 7 Code of Federal Regulations §225.6.

**§12.105. Agreements.**

(a) To participate in the Summer Food Service Program, sponsors must enter into an agreement with the Texas Department of Human Services (DHS) according to 7 Code of Federal Regulations §225.6.

(b) Sponsors that purchase meals from a food service management company or school food authority must enter into an agreement with the food service management company or school food authority according to 7 Code of Federal Regulations §225.6.

(c) DHS does not elect to exercise the state option to require sponsors that purchase meals from a food service management company to establish a special account for operating costs payable by DHS to the sponsor. This option is provided by 7 Code of Federal Regulations §225.6(f).

**§12.106. Budget.**

(a) Sponsors must submit administrative budgets for the Department of Human Services (DHS) approval according to 7 Code of Federal Regulations §225.6.

(b) (No change.)

**§12.107. Financial Management Systems.** Sponsors must implement and maintain records supporting the financial management system established by the Texas Department of Human Services (DHS) according to 7 Code of Federal Regulations §225.6 and Part 3015.

**§12.110. Food Service Management Companies.** Food service management companies and school food authorities which are approved by the Texas Department of Human Services (DHS) may contract with sponsors and must perform according to 7 Code of Federal Regulations §225.15.

**§12.112. Civil Rights and Nondiscrimination.** The benefits of the Summer Food Service Program are available without discrimination on the basis of race, color, national origin, age, sex, or handicap according to 7 Code of Federal Regulations §§225.3 and §225.7, and Parts 15, 15(a), and 15(b).

**§12.113. Health Standards.** All food service operations must be conducted in compliance with appropriate health standards according to 7 Code of Federal Regulations §§225.6, 225.7, and 225.16.

**§12.114. Meal Requirements.**

(a) Sponsors must ensure that meal service is conducted according to 7 Code of Federal Regulations §225.16.

(b) Sponsors may, with prior approval from the Texas Department of Human Services (DHS), serve food to children under six years of age in quantities smaller than otherwise indicated in 7 Code of Federal Regulations §225.16, if the sponsor can demonstrate the capability to ensure that variations in portion size are in accordance with the age levels of the children served. In such cases, the sponsor shall follow the meal pattern requirements of the Child Care Food Program regulations (7 Code of Federal Regulations Part 226).

(c) DHS approves food service sites at residential camps to serve up to four meals, according to 7 Code of Federal Regulations §225.16. Other food service sites may be approved to serve up to four meals only if the meal service periods of the different meals do not coincide or overlap and if the site:

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

**§12.115. Reimbursement Methodology.**

(a) Sponsors must comply with, and the Texas Department of Human Services (DHS) reimburses sponsors according to the provisions of 7 Code of Federal Regulations §225.9.

(b) Sponsors are reimbursed according to the rates of reimbursement stipulated in 7 Code of Federal Regulations §225.9.

(c) To be eligible for reimbursement, sponsors must ensure that claims for reimbursement are postmarked or received by DHS no later than 30 days after the end of the claim month. Persons who sign the DHS certificate of authority form as the authorized representative of the sponsor must sign claims. The DHS may approve payment of a claim postmarked or received by DHS no later than 30 days after the end of the claim month provided that:

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

(d) (No change.)

(e) DHS elects to exercise the state option to consider the cost of meals served to adults performing labor necessary for the operation of the SFSP to be an allowable program cost according to 7 Code of Federal Regulations §225.9(d)(4).

**§12.116. Advance Payments.**

(a) Sponsors may receive advance payments from the Texas Department of Human Services (DHS) to assist in meeting operating costs and administrative expenses. The DHS makes advance payments according to 7 Code of Federal Regulation §§225.5, 225.6, and 225.9.

(b) (No change.)

**§12.117. Start-up Payments.** The Texas Department of Human Services does not elect to exercise the state option to issue start-up payments according to 7 Code of Federal Regulations §225.9.

**§12.118. Commodities.** Commodities are made available to and used by sponsors according to 7 Code of Federal Regulations §225.9.

**§12.119. Program Reviews and Technical Assistance.**

(a) The Texas Department of Human Services provides assistance to sponsors and monitors sponsors' activities according to 7 Code of Federal Regulations §225.7.

(b) Sponsors must administer and monitor their program operations and conduct reviews of their facilities according to 7 Code of Federal Regulations §225.15.

**§12.120. Audits.** Audits are conducted according to 7 Code of Federal Regulations §225.10 and Part 3015.

**§12.121. Sanctions and Penalties.** The Texas Department of Human Services investigates irregularities in or complaints about the operation of the program and applies program sanctions according to 7 Code of Federal Regulations §§225.9, 225.11, and 225.12.

**§12.122. Denials and Terminations.** The Texas Department of Human Services (DHS) denies applications for participation and terminates agreements between DHS and sponsors for failure to meet eligibility requirements and violation of the terms of the agreement according to 7 Code of Federal Regulations §§225.6, 225.11, and 225.18 and Part 3015.

**§12.123. Appeals.**

(a) Appeals by sponsors or food service management companies of actions

by the Texas Department of Human Services (DHS) are conducted according to 7 Code of Federal Regulations §225.13.

(b) To be eligible for an appeal hearing, sponsors or food service management companies must submit a written request for an appeal hearing. The DHS establishes that such written request for an

appeal hearing must be submitted within 10 days of receipt of the notice of the action taken by DHS according to 7 Code of Federal Regulations §225.13(b)(2).

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 October 16, 1989.

TRD-8909881

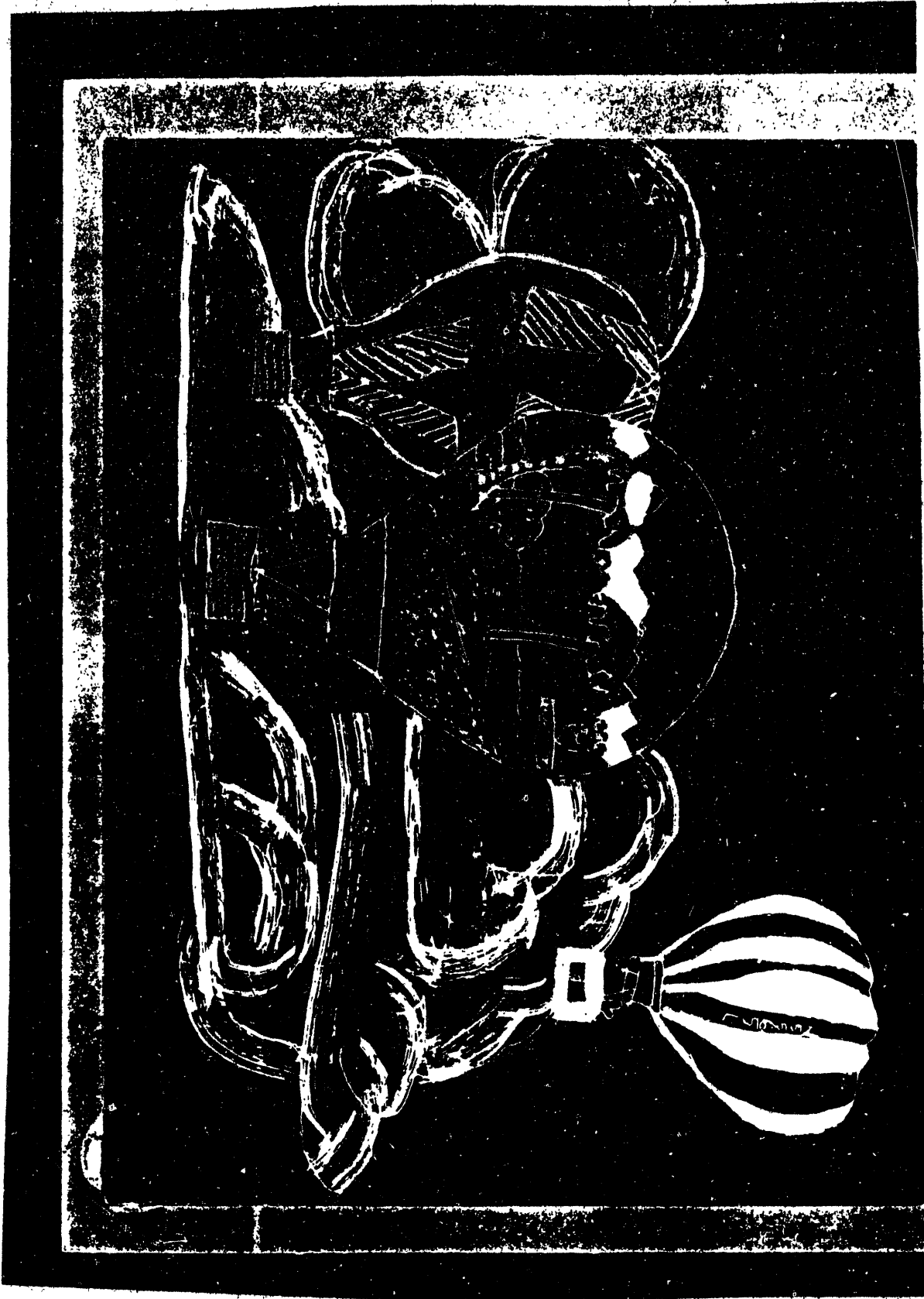
Cathy Roesberg  
Administrator, Policy  
Development Services  
Division  
Texas Department of  
Human Services

Effective date: May 30, 1989.

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







# 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 of Agriculture

**Tuesday, October 31, 1989, 9:30 a.m.** The Texas Department of Agriculture will meet at the District Office, 2626 South Loop West, Houston. According to the agenda, the Texas Department of Agriculture will have an administrative hearing to: show cause for denial of Ernesto Cavazos' application for licensure as a cash dealer.

Contact: Imelda Martinez Escobar, P.O. Box 12847, Austin, Texas 78711, (512) 463-7682.

Filed: October 17, 1989, 2:06 p.m.

TRD-8909943

**Tuesday, October 31, 1989, 1 p.m.** The Texas Department of Agriculture will meet at the District Office, 2626 South Loop West, Suite 130, Houston. According to the agenda, the Texas Department of Agriculture will have a hearing to review: alleged violations of Texas Administrative Code by John N. "Ned" Walker doing business as Walker Spraying Service, holder of a commercial applicator license.

Contact: Cordelia Martinez, Texas Department of Agriculture, P. O. Box 12847, Austin, Texas 78711, (512) 475-1609.

Filed: October 18, 1989, 10:24 a.m.

TRD-8909973

## Texas Board of Architectural Examiners

**Saturday, October 28, 1989, 9:45 a.m.** The Personnel Committee of the Texas Board of Architectural Examiners will meet at Tarrant County Convention Center, Room 295, Main at 9th Street, Fort Worth. According to the agenda, the committee will consider evaluation of the executive director's performance in accordance with position description.

Contact: Robert H. Norris, 8213 Shoal Creek Boulevard # 107, Austin, Texas 78758, (512) 458-1363.

Filed: October 18, 1989, 1:58 p.m.

TRD-8909978

## State Bar of Texas

**Thursday, October 19, 1989, 10 a.m.** The Executive Committee of the State Bar of Texas met at Room 206-207 at the Texas Law Center, Austin. An emergency revision to the agenda added the report of Tyla President to consider approval of first priority grant application to the Texas Bar Foundation to fund student expenses in the Supreme Court of Texas' bicentennial observance. The emergency status was necessary because information was not available at time of posting.

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

Filed: October 17, 1989, 4:21 p.m.

TRD-8909955

## Texas Bond Review Board

**Thursday, October 19, 1989, 10 a.m.** The Texas Bond Review Board met in the Sergeant's Committee Room, State Capitol, Austin, Texas. An emergency revision to the agenda added the consideration of Texas Department of Mental Health and Mental Retardation Lease Purchase. The emergency status was necessary to allow consideration of request by the Board and allow the timely awarding of bids for a previously approved lease-purchase of a computer system.

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

Filed: October 17, 1989, 3:24 p.m.

TRD-8909947

## Texas State Board of Dental Examiners

**Thursday-Sunday, October 26-29, 1989, 8 a.m.** The Texas State Board of Dental Ex-

aminers will meet at the Radisson Hotel, 700 San Jacinto, Austin. According to the agenda, the board will discuss disciplinary hearing; approval of settlement conference orders; discuss future meetings; consideration of anesthesia permits; report of Committee on facility licensing, residents and fellows; requests for amendments to board orders; consideration of the adoption of an amendment to Rules 109.173 and 115.2 concerning monitoring of nitrous oxide; report of Dental Laboratory Certification Council concerning use of electronic imaging devices.

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

Filed: October 17, 1989, 10:25 a.m.

TRD-8909918

## Texas Diabetes Council

**Thursday, October 26, 1989, 10 a.m.** The Texas Diabetes Council will meet at the Administration Building, Third Floor, Conference Room, Texas Commission for the Blind, Austin. According to the agenda, the Council will approve minutes of previous meeting and consider: grant awards to applicants for diabetes complications interventions grants and diabetes education network grants; Texas year 2000 health objectives for diabetes and national year 2000 health objectives; diabetic eye disease initiative; diabetes control projects in Houston and Laredo; conference grant from Center for Disease Control to fund a five state conference on diabetes and Mexican Americans in the Southwest; chronic disease conference in San Diego; Department of Human Services progress on funding supplies and outpatient education for diabetic clients; status of high risk pool insurance; council vacancies; tour of Commission for the Blind and Criss Cole Rehabilitation Center.

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

Filed: October 17, 1989, 10:24 a.m.

TRD-8909919

## Texas Department of Health

Thursday, October 26, 1989, 9 a.m. The Advisory Council on Massage Therapy of the Texas Department of Health will meet in Room G-107, Texas Department of Health, 1100 West 49th Street, Austin. According to the agenda, the council will approve minutes of previous meeting and consider school committee report (adoption of basic curriculum); examination committee report; adoption of rules to implement House Bill 2600; elect officers; and other matters not requiring council action.

Contact: Becky Berryhill, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7512.

Filed: October 18, 1989, 4:13 p.m.

TRD-8910003

## Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids

Thursday, October 26, 1989, 7 p.m. The Continuing Education Committee of the Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids will meet at Howard Johnson's South Plaza Hotel, Austin. According to the agenda, the committee will review Rule & Regulation 145.1(d).

Contact: Wanda F. Stewart, 4800 North Lamar Boulevard, Suite 150, Austin, Texas 78756, (512) 459-1488.

Filed: October 17, 1989, 12:53 p.m.

TRD-8909934

Thursday, October 26, 1989, 8 p.m. The Examination Committee of the Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids will meet at Howard Johnson's South Plaza Hotel, 3401 South IH 35, Austin. According to the agenda, the committee will review revised Audiometric Interpretation Exam and discuss revised Study Guides.

Contact: Wanda F. Stewart, 4800 North Lamar Boulevard, Suite 150, Austin, Texas, (512) 459-1488.

Filed: October 17, 1989, 12:53 p.m.

TRD-8909933

Friday, October 27, 1989, 8:00 a.m. Exam and Regular Board Meeting, Saturday, October 28, 1989, 8:00 a.m. The State Examinations and Regular Board Meeting of the Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids will meet at Howard Johnson's South Plaza Hotel, 3401 South IH 35, Austin. According to the agenda, the meeting will open with prayer, Wallace Hamill; approval of minutes of 6/1/89 regular board meeting; board action on examination; report of nominating committee; committee reports;

presentation by Larry Farris, concerning denial of continuing education credit for published articles; Ray Jones regarding denial of continuing education credit for published articles; executive director's reports; president's report; and report on future meeting dates.

Contact: Wanda F. Stewart, 4800 North Lamar Boulevard, Suite 150, Austin, Texas 78756, (512) 459-1488.

Filed: October 17, 1989, 12:52 p.m.

TRD-8909935

## Texas Commission on Human Rights

Wednesday, November 1, 1989, 11 a.m. The Texas Commission on Human Rights will meet in Room 107, John H. Reagan Building, 105 West 15th Street, Austin. According to the agenda, commission will discuss and vote on agenda items(s) covered in executive session as necessary or required; welcoming of guests; approval of minutes; administrative reports (executive director's report, complaint monitoring report, operations report, finance report); cash flow statement FY'90; personnel issues related to newly created vacancies for Investigators II; Attorney General's opinion related to payment of reasonable attorney fees; review of and comments on executive director's management report for 1990; report on restructuring of the charge processing system; status of EEO compliance training; commissioner issues; unfinished business.

Contact: William M. Hale, Executive Director, P.O. Box 13493, Capitol Station, Austin, Texas 78711, (512) 837-8534.

Filed: October 18, 1989, 10:26 a.m.

TRD-8909972

## Texas Department of Human Services

Wednesday, October 25, 1989 at 10 a.m. The Aged and Disabled Services Advisory Committee of the Texas Department of Human Services will meet at 701 West 51st, 6th Floor, West Tower, Conference Room 6W, Austin. According to the agenda, the committee will discuss Deputy's report; plan for town meetings; task force on disabilities; OBRA alternate disposition plan task force status report; request for ADAC participation on a task force; amendments to ICF/SNF standards for participation; development of an OBRA mandated sanction system for ICF/SNF nursing homes that do not meet the standards for participation; amendments to ICF/SNF standards for participation concerning reimbursement for physical therapy; changes to primary home care reimbursement methodology; revision to the DAHS intake rules; proposed rule on denial of reapplication of a CCAD client whose services were previously terminated because he failed to com-

ply with his service plan or he (or someone else in the home) posed a threat to health and safety; proposed rules on treatment of mandatory payroll deductions from earned income; overview of the waiver program for medically dependent children; election of officers; other business; adjourn.

Contact: Mary Ann Harvey, P. O. Box 149030, Austin, Texas 78714-9030, (512) 450-3194.

Filed: October 17, 1989, 12:50 p.m.

TRD-8909932

## Texas Board of Professional Land Surveying

Thursday-Friday, October 26-27, 1989, 9 a.m. The Fourth Regular Meeting of 1989, of the Texas Board of Professional Land Surveying will meet in the Austin Red Lion Hotel, 6121 I-35 North at U.S. 290, Austin. According to the agenda, Examinations for Registered Professional Land Surveyor and Licensed State Land Surveyor will be conducted beginning at 8:00 a.m. The Board will meet to hear committee reports, discuss correspondence, conduct interviews, review applications and approve minutes of the previous meeting.

Contact: Betty J. Pope, 7701 North Lamar Boulevard, Suite 400, Austin, Texas 78752, (512) 452-9427.

Filed: October 17, 1989, 10:24 a.m.

TRD-8909920

## Texas Low-Level Radioactive Waste Disposal Authority

Sunday, October 29, 1989, 5 p.m. The Board of Directors, Public Information Committee of the Texas Low-Level Radioactive Waste Disposal Authority will meet at 7701 North Lamar, Suite 300, Austin. According to the agenda summary, the board will call to order; fiscal year 1990 public information plan; fiscal year 1990 public information budget; and adjournment.

Contact: L. R. Jacobi, Jr., 701 N. Lamar, Suite 300, Austin, Texas (512)451-5292.

Filed: October 18, 1989, 1:29 p.m.

TRD-8909976

Monday, October 30, 1989, 8:30 a.m. The Board of Directors of the Texas Low-Level Radioactive Waste Disposal Authority will meet at the Balcones Research Center, 10100 Burnet Road, Bureau of Economic Geology Conference Room, Austin. According to the agenda, the board will discuss site suitability seminar agenda items will include presentations on geology, hydrology, geophysics, geotechnical, and performance assessment studies being performed by The University of Texas at

Austin under contract to the Authority.  
Contact: L. R. Jacobi, Jr., 7701 North Lamar, Suite 300, Austin, Texas, (512) 451-5292.

Filed: October 18, 1989, 1:29 p.m.

TRD-8909977

## Texas State Board of Medical Examiners

Wednesday, October 25, 1989, 5 p.m. The Executive Committee of the Texas State Board of Medical Examiners will meet at 1101 Camino La Costa, Suite 201, Austin. According to the agenda, the committee will discuss personnel matters in executive session under authority of Article 6252-17, section 2(g); executive session under authority of Article 6252-17, as related to Article 4495b, 2.07, 3.05(d), 4.05(d), 5.06(e)(1) and Opinion Attorney General 1974, No. H-484.

Contact: Julie Stevens, Box 13562, Austin, Texas 78711, (512) 452-1078.

Filed: October 17, 1989, 2:56 p.m.

TRD-8909946

Thursday, October 26, 1989, 8 a.m. The Reciprocity Committee of the Texas State Board of Medical Examiners will meet at 1101 Camino LaCosta, Austin. According to the agenda, the committee will consider Licensure applicants; Executive session under authority of Article 6251-17, as related to Article 4495b, 2.07, 3.05(d), 4.05(d), 5.06(e)(1) and OP. A.G. 1974, No. H-484.

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

Filed: October 17, 1989, 10:30 a.m.

TRD-8909921

Thursday, October 26, 1989, 9 a.m. The Examination Committee of the Texas State Board of Medical Examiners will meet at 1101 Camino LaCosta, Austin. According to the agenda, the committee will consider Licensure applicants; Jurisprudence study guide; Executive session under authority of Article 6252-17, as related to Article 4495b, 2.07, 3.05(d), 4.05(d), 5.06(e)(1) and Opinion Attorney General 1974, No. H-484.

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

Filed: October 17, 1989, 10:31 a.m.

TRD-8909922

Thursday, October 26, 1989, 1:30 p.m. The Standing Orders Committee of the Texas State Board of Medical Examiners will meet at 1101 Camino LaCosta, Austin. According to the agenda, the committee will discuss the possibility of changes to physician assistant rules; Request for physician assistant rule waivers; Discuss legislation regarding sample drugs; Executive session under authority of Article 6252-17, as

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

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

Filed: October 17, 1989, 10:32 a.m.

TRD-8909923

Thursday, October 26, 1989, 2:30 p.m. The Medical School Committee of the Texas State Board of Medical Examiners will meet at 1101 Camino LaCosta, Austin. According to the agenda, the committee will discuss recent and future medical school visits; Executive session under authority of Article 6252-17, as related to Article 4495b, 2.07, 3.05(d), 4.05(d), 5.06(e)(1) and Opinion Attorney General 1974, No. H-484.

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

Filed: October 17, 1989, 10:27 a.m.

TRD-8909924

Thursday, October 26, 1989, 3 p.m. The Disciplinary Process Review Committee of the Texas State Board of Medical Examiners will meet at 1101 Camino LaCosta, Austin. According to the agenda, the committee will discuss approval of minutes, enforcement report, budget report, point system pilot project, review of selected files; executive session under authority of Article 6252-17, as related to Article 4495b, 2.07, 3.05(d), 4.05(d), 5.06(e)(1) and Opinion Attorney General 1974, No. H-484.

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

Filed: October 17, 1989, 10:27 a.m.

TRD-8909925

Friday, October 27, 1989, 10:00 a.m. and Saturday, October 28, 1989, 9:00 a.m. The Texas State Board of Medical Examiners will meet at 1101 Camino LaCosta, Austin. According to the agenda, the Texas State Board of Medical Examiners will discuss committee reports; agreed orders; non-profit corporations; elements of modern board; public hearing on motions for rehearing; hearing on alleged Act violations; report on cases; proposals for decision; probationary appearances, amendments; reinstatements; licensure cases; minutes; future meeting dates; executive director's report; licensure; computer; enforcement; meetings held; executive session under authority of Article 6252-17, as related to Article 4495b, 2.07, 3.05(d), 4.05(d), 5.06(e)(1) and Opinion Attorney General 1974, No. H-484.

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

Filed: October 17, 1989, 10:26 a.m.

TRD-8909926

Friday, October 27, 1989, 4:30 p.m. The Computer Committee of the Texas State

Board of Medical Examiners will meet at 1101 Camino LaCosta, Austin. According to the agenda, the committee will discuss the progress report and computer budget; executive session under authority of Article 6252-17, as related to Article 4495b, 2.07, 3.05(d), 4.05(d), 5.06(e)(1) and Opinion Attorney General 1974, No. H-484.

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

Filed: October 17, 1989, 10:30 a.m.

TRD-8909927

Friday, October 27, 1989, 9 a.m. The Finance Committee of the Texas State Board of Medical Examiners will meet at 1101 Camino LaCosta, Austin. According to the agenda, the committee will discuss financial reports and building space; Executive session under authority of Article 6252-17, as related to Article 4495b, 2.07, 3.05(d), 4.05(d), 5.06(e)(1) and Opinion Attorney General 1974, No. H-484.

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

Filed: October 17, 1989, 10:28 a.m.

TRD-8909928

Friday, October 27, 1989, 8 a.m. The Public Information Committee of the Texas State Board of Medical Examiners will meet at 1101 Camino LaCosta, Austin. According to the agenda, the committee will discuss information distribution and employee request to write article for publication; executive session under authority of Article 6252-17, as related to Article 4495b, 2.07, 3.05(d), 4.05(d), 5.06(e)(1) and Opinion Attorney General 1974, No. H-484.

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

Filed: October 17, 1989, 10:28 a.m.

TRD-8909929

Saturday, October 28, 1989, 8 a.m. The Search Committee of the Texas State Board of Medical Examiners will meet at 1101 Camino LaCosta, Austin. According to the agenda, the committee will report and update; executive session under authority of Article 6252-17, as related to Article 4495b, 2.07, 3.05(d), 4.05(d), 5.06(e)(1) and Opinion Attorney General 1974, No. H-484.

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

TRD-8909930

## Texas National Guard Armory Board

Wednesday, October 25, 1989, 3 p.m. The Texas National Guard Armory Board will meet in the Conference Room, Building 64 at Camp Mabry. According to the agenda, the board will approve minutes of previous meeting; administrative matters; construc-

tion, renovation, maintenance update; property, leases; and establish date of next meeting.

Contact: Sandra Hille, Administrative Assistant, P. O. Box 5218, Austin, Texas 78763, (512) 451-6394/6143.

Filed: October 17, 1989, 10:24 a.m.

TRD-8909931

### Task Force on Public Utility Regulation

Wednesday, October 25, 1989, 9:30 a.m. The Task Force on Public Utility Regulation of the Public Utility Commission of Texas will meet at the Lieutenant Governor's Committee Room, Room 220, Austin. According to the agenda, the commission will approve minutes; Work session to discuss issues related to the state's regulation of public utilities; Other business; and Adjourn.

Contact: Karl Spock, 305 Reagan Bldg., Austin, Texas, (512) 463-1300.

Filed: October 17, 1989, 1:14 p.m.

TRD-8909937

### Public Utility Commission of Texas

Wednesday, January 10, 1990, 10 a.m. The Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450N, Austin. According to the agenda, a hearing on the merits in Docket No. 9043; application of Southwestern Bell Telephone Company for tariff revision.

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

Filed: October 17, 1989, 3:03 p.m.

TRD-8909975

Monday, October 30, 1989, 3 p.m. The Hearings Division of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450N, Austin. According to the agenda, a prehearing conference will be held at the above date and time in Docket No. 8425 and application of Houston Lighting and Power Company for authority to change rates.

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

Filed: October 18, 1989, 2:27 p.m.

TRD-8909983

Friday, November 3, 1989, 10 a.m. The Hearings Division of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450N, Austin. According to the agenda, a prehearing conference will discuss application of El Paso

Electric Company for approval of deferred accounting treatment of certain costs related to Palo Verde Unit Three.

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

Filed: October 18, 1989, 2:28 p.m.

TRD-8909981

Friday, November 3, 1989, 10 a.m. The Hearings Division of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450N, Austin. According to the agenda, a prehearing conference will discuss application of El Paso Electric Company for approval of Electric Service Agreement with Chevron U.S.A., Inc., pursuant to rate schedule No. 26, petroleum refinery service rate.

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

Filed: October 18, 1989, 2:27 p.m.

TRD-8909982

Monday, November 20, 1989, 3 p.m. The Hearings Division of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Austin. According to the agenda, a prehearing conference will have a prehearing conference in Docket No. 8425 referring to application of Houston Lighting and Power Company for Authority to change rates.

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

Filed: October 18, 1989, 2:27 p.m.

TRD-8909984

### Railroad Commission of Texas

Thursday, October 19, 1989, 10 a.m. The Railroad Commission of Texas met at 12th Floor conference room, 1701 North Congress Avenue, Austin. According to the agenda, the Railroad Commission of Texas considered whether to use state funds to control an unidentified blow-out well in Jefferson County, Texas. The emergency status was necessary because this matter must be considered on less than 7 days notice as a matter of urgent public necessity. The well has blown out and poses an immediate threat to the public health, safety and welfare.

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

Filed: October 19, 1989, 7:49 a.m.

TRD-8910005

### Texas Department of Public Safety

Thursday, October 26, 1989, 8 a.m. The Public Safety Commission of the Texas Department of Public Safety will meet at DPS Headquarters (Commission Room), 5805 North Lamar, Austin. According to the agenda, the commission will consider approval of minutes; budget matters; personnel matters; real estate matters; pending and contemplated litigation; appeal hearing of discharged employee; proposed rule changes regarding motor vehicle inspection standards and vehicle emission inspection program; miscellaneous and other unfinished business.

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

Filed: October 17, 1989, 2:35 p.m.

TRD-8909944

### Office of the Secretary of State

Wednesday, October 25, 1989, 10:30 a.m. The Secretary of State will canvass returns of the Special Election for State Representative District 54. The emergency status was necessary because of scheduling conflict.

Contact: Tom Harrison, P.O. Box 12060, Austin, Texas 78711, (512) 463-5650.

Filed: October 18, 1989, 4:14 p.m.

TRD-8910004

### Sunset Advisory Commission

Wednesday, October 25, 1989, 2 p.m. The Sunset Advisory Commission will meet at the Senate Chamber, Capitol Building, Austin. According to the agenda, the commission will introduce commission members and staff; discussion of operating budget; discussion of overall Sunset process; discussion of schedule for reports and dates for commission meetings; other business; and next meeting date.

Contact: Susan Kinney, 105 W. 15th Street, Room 305, Austin, Texas, (512) 463-1300.

Filed: October 17, 1989, 1:15 p.m.

TRD-8909938

### The Texas A&M University System, Board of Regents

Tuesday, October 17, 1989, 1:30 p.m. The Presidential Search Committee of The A&M University System, Board of Regents met at MSC Annex, Texas A&M University, College Station. According to the agenda, the committee considered any and all

things leading to the selection of the President of Prairie View A&M University. The emergency status was necessary because apparently the notice for the meeting was lost in the mail. The notice was mailed on Friday, October 13, 1989 from the Board office. It was never returned.

Contact: Vickie Burt, The Texas A&M University System, College Station, Texas, (409) 845-9604.

Filed: October 17, 1989, 11:31 a.m.

TRD-8909939

## Texas Water Commission

Wednesday, October 18, 1989, 10 a.m. The Texas Water Commission met in Room 123, Stephen F. Austin Building, 1700 North Congress, Austin. According to the agenda, the commission considered the executive director's report. The emergency status was necessary because reasonably unforeseeable situation which requires immediate action by the Commission.

Contact: Beverly De La Zerda, P.O. Box 13087, Austin, Texas 78711, (512) 463-7909

Filed: October 17, 1989, 3:38 p.m.

TRD-8909974

Tuesday, October 31, 1989, 10 a.m. The Texas Water Commission will meet at 1700 North Congress, Stephen F. Austin Building, Room 118, Austin. According to the agenda, the commission will consider various matters with the regulatory jurisdiction of the commission. In addition, the Texas Water Commission will consider items previously posted for open meeting and at such meeting verbally postponed or continued to this date. With regard to any item, the Texas Water Commission may take various actions, including but not limited to scheduling an item in the entirety or for particular action at a future date or time.

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

Filed: October 18, 1989, 3:06 p.m.

TRD-8910001

Thursday, November 2, 1989, 10 a.m. The Texas Water Commission will meet at 1700 North Congress, Stephen F. Austin Building, Room 118, Austin. According to the agenda, 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 Texas Water Commission may take various actions, including but not limited to scheduling an item in the entirety or for particular action at a future date or time.

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

Filed: October 18, 1989, 10:26 a.m.

TRD-8910002

Thursday, November 30, 1989, 10 a.m. The Texas Water Commission will meet on the 5th Floor in the Council Chambers, Odessa City Hall, 411 West 8th Street, Odessa. According to the agenda, the commission will discuss application for hazardous solid waste storage and processing facility permit no. HW-50270, EPA ID No. TXD-091270017 by CECOS International, Inc., Odessa, Ector County, Texas. The purpose of the hearing will be to receive evidence on the conditions, if any, under which a permit may be issued. The facility is in the drainage area of Segment 1425 of the Colorado River Basin.

Contact: Jim Haley, P.O. Box 13087, Capitol Station, Austin, Texas 78711, (512) 463-8069.

Filed: October 18, 1989, 2:20 p.m.

TRD-8909989

Tuesday, December 5, 1989, 9 a.m. The Office of Hearings Examiner of the Texas Water Commission will meet at Stephenville City Hall in the Commissioners Chambers, 354 North Belknap, Stephenville. According to the agenda, the commission will consider the application by Irene M. Dikes for proposed permit No. 03085 authorizing disposal of wastes and wastewater from a dairy operation by irrigation on 8 acres of coastal Bermuda. The dairy operation is approximately 2.1 miles north and 0.8 mile east of the intersection of FM Road 8 and a county road located approximately 5.5 miles east of Lingleville in Erath County, Texas. This location is in the drainage area of the Leon Reservoir in Segment No. 1222 of the Brazos River Basin.

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

Filed: October 18, 1989, 2:21 p.m.

TRD-8909986

Wednesday, December 6, 1989, 9 a.m. The Office of Hearings Examiner of the Texas Water Commission will meet at the Stephenville City Hall in the Commissioners Chambers, 345 North Belknap, Stephenville. According to the agenda, the commission will consider the application by Sherman Williamson for proposed permit No. 03113 authorizing disposal of wastes and wastewater from a dairy operation by evaporation and by irrigation on 234 acres of pastureland/hayland. The dairy is approximately 4 miles north of Stephenville on State Highway 108 in Erath County, Texas. This location is in the drainage area of the North Bosque River in Segment No. 1226 of the Brazos River Basin.

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

Filed: October 18, 1989, 2:21 p.m.

TRD-8909985

Wednesday, December 13, 1989, 10 a.m. The Office of Hearings Examiner of the Texas Water Commission will meet at the Kerrville City Hall in the Council Chambers, 800 Junction Highway, Kerrville. According to the agenda, the commission will consider the application by Starlite Village Hospital, Inc. for proposed permit No. 13449-01 authorizing disposal of treated domestic wastewater effluent by irrigation on 5 acres of landscaping and/or by pressure dosing fields. The plant site and irrigation area are on Elm Pass Road, approximately 1 mile southeast of the intersection of State Highway 480 and Elm Pass Road, approximately 2 miles south of the City of Center Point, Kerr County, Texas. The plant site and irrigated land are in the drainage area of Verde Creek in Segment No. 1806 of the Guadalupe River Basin.

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

Filed: October 18, 1989, 2:21 p.m.

TRD-8909987

## Regional Meetings

### Meetings Filed October 16, 1989

The Riceland Regional Mental Health Authority, Board of Trustees met at 3007 North Richmond Road, Wharton, October 19, 1989 at 11:30 a.m. Information may be obtained from 3007 North Richmond Road, Wharton, Texas, (409) 532-3098.

TRD-8909829

### Meeting Filed October 18, 1989.

The Lampasas County Appraisal District, Board of Directors will meet at 109 E. Fifth Street, Lampasas, October 25, 1989 at 9:30 a.m. Information may be obtained from Dana Ripley, Chief Appraiser, P.O. Box 175, Lampasas, Texas 76550, (512) 556-8058.

The Lower Rio Grande Valley Development Council, Board of Directors will meet at the Harlingen Chamber of Commerce, 311 East Tyler, Harlingen, October 24, 1989 at 1:30 p.m. Information may be obtained from Kenneth N. Jones, 4900 North 23rd, McAllen, Texas 78504, (512) 682-3481.

The Lubbock Regional Mental Health Mental Retardation Center, Board of Trustees met at 3801 Avenue J, in the

Board Room, Lubbock, October 23, 1989 at 12:00 noon. Information may be obtained from Gene Menefee, 1210 Texas Avenue, Lubbock, Texas 79401, (806) 766-0202.

The Middle Rio Grande Development Council, Texas Review and Comment System met at Middle Rio Grande Development Council Central Office, 403 East Nopal, Carrizo Springs, October 20, 1989 at 10:00 a.m. Information may be obtained from Dora T. Flores, Middle Rio Grande Development Council, P.O. Box 1199, Carrizo Springs, Texas 78834, (512) 876-3533.

The Rockwall County Appraisal District, Board of Directors met at the Rockwall County Appraisal Office at 106 N. San Jacinto, Rockwall, October 20, 1989, at 8:30 a.m. Information may be obtained from Ray E. Helm, Chief Appraiser 1-214-771-2034, 106 North San Jacinto, Rockwall, Texas 75087.

The San Jacinto River Authority, Board of Directors will meet in the Conference

Room, Lake Conroe Office Building, Highway 105 West, Conroe on October 25, 1989 at 1 p.m. Information may be obtained from Jack K. Ayer, General Manager, P.O. Box 329, Conroe, Texas, (409) 588-1111.

The South Texas Development Council, Sted Corporation Board of Trustees will meet at the Commissioners Courtroom, Courthouse Annex, Zapata, October 26, 1989 at 10:00 a.m. Information may be obtained from Robert Mendiola, 600 South Sandman, P.O. Box 2187, Laredo, Texas 78044-2187, (512) 722-3995.

The South Texas Development Council, Board of Directors will meet at the County Courthouse, Zapata, October 26, 1989 at 11 a.m. Information may be obtained from Julie Saldana, P.O. Box 2187, Laredo, Texas 78044-2187.

TRD-8909961



## Meeting Filed October 19, 1989

The Ellis County Appraisal District will meet at 406 Sycamore Street, Waxahachie, October 24, 1989 at 10:00 a.m. Information may be obtained from Russell A. Garrison, P.O. Box 878, Waxahachie, Texas (214) 937-3552.

The Region V Education Service Center Board of Directors will meet at the Region V Education Service Center Board Room, 2295 Delaware Street, Beaumont, October 26, 1989 at 1:15 p.m. Information may be obtained from Fred J. Waddell, 2295 Delaware, Beaumont, Texas, (409) 835-5212.

The Trinity River Authority of Texas will meet at 5300 South Collins, Arlington, Wednesday, October 25, 1989, 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-8910006



Comprehensive listing of bonds issued and delivered as pursuant to the Act from October 9, 1989-October 13, 1989: none.

Issued in Austin, Texas, on October 17, 1989.

TRD-8909959 William D. Taylor  
Executive Director  
Texas Department of Commerce

Filed: October 18, 1989

For further information, please call: (512) 472-5050

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**Texas Education Agency**  
**Request for Applications-Parent**  
**Involvement and Parent Education**  
**Programs, 1989-1990**

**RFA# 701-90-018.** This request for application is filed in accordance with the Texas Education Code, §21.929, added by House Bill 1292, 71st Texas State Legislature, 1989, First Called Session.

**Description:** The Texas Education Agency (TEA) is requesting applications from school districts or cooperatives of school districts for the development of pilot models for parental involvement and parent education programs. Four categories of models will be funded, including parents as teachers models, community-based models, school-based models, and other models. The programs must be culturally and linguistically appropriate for parents who are of low-income families.

The main objective of the project is to identify and implement successful parent involvement or parent education strategies which develop children's self-esteem, create better communication between the home and school, and lead to increased academic achievement and decreased dropout rates.

The TEA will conduct a study to evaluate the effectiveness of these pilot projects and prepare a report required by the authorizing statute to be submitted to the 72nd Texas State Legislature no later than February 1, 1991. The projects must provide comprehensive data to assist the TEA in evaluating the program's effectiveness.

**Dates of Projects:** The Parent Involvement and Parent Education Pilot Program will be implemented during the 1989-1990 and 1990-1991 school years. Applicants shall plan for a starting date of January 2, 1990, and ending date of August 31, 1991.

**Project Amount:** Funding will be provided for approximately (10-12) pilot project sites. Each project will receive funding for the 1989-1990 school year. Funding for 1990-1991 will be contingent upon satisfactory progress of the 1989-1990 project activities and general budget authority by the State Board of Education. These projects will be selected and funded at a level not to exceed \$150,000 per project for each school year.

**Selection Criteria:** Consideration for funding will be given to projects which address training for parents of students who attend public school as well as parents of children ages 0-three. Applications will be approved based upon the ability of each applicant to carry out all requirements contained in the request for application. Priority will also be given to those districts will significantly high dropout rates and those that included families of low income. Districts are encouraged to collaborate with education service centers, post-secondary institutions, private companies, and non-profit corporations to develop these programs.

**Further Information:** A copy of the complete request for application may be obtained by writing or calling the: Document Control Center, Room 6-108, Texas Education Agency, William B. Travis Building, 1701 North Congress Avenue, Austin, Texas 78701, (512)463-9304.

For clarifying information about this request contact Anna Pedroza, Division of Special Programs, Texas Education Agency, (512) 463-9067.

**Deadline for Receipt of Applications:** The deadline for submitting an application is 5 p.m., Monday, November 27, 1989.

Issued in Austin, Texas, on October 17, 1989.

TRD-8909967 W. N. Kirby  
Commissioner of Education

Filed: October 18, 1989

For further information, please call: (512) 463-9701

◆ ◆ ◆  
**Request for Applications-Technology**  
**Demonstration Programs, 1989-1990**

**RFA# 701-90-028.** This request for application is filed in accordance with Senate Bill 650, 71st Texas State Legislature, 1989, First Called Session.

**Description:** The Texas Education Agency (TEA) is requesting applications from school districts or cooperatives of school districts and other entities for technology demonstration programs which utilize creative, nontraditional approaches to using technology in education. The programs are to apply technologies to instructional or management tasks involving various student populations, content areas, and school district types and sizes, according to State Board of Education (SBOE) priorities. Of particular interest are those programs which may change the traditional teaching/learning process. State Board of Education rules and some statutory requirements which may impede the successful implementation of such a program may be waived by the SBOE for the duration of the program.

The TEA will also conduct a study to evaluate the effectiveness of these pilot projects and prepare a report to be submitted to the 72nd Texas State Legislature no later than February 1, 1991. The projects must provide comprehensive data to assist the TEA in evaluating the program's effectiveness. It is expected that districts will gather information on all aspects of the program, including short term implementation issues and longer term data on changes to approach in administration, changes in teaching methodology, changes in student achievement and attitude, impact of waiving rule/law, etc.

**Dates of Projects:** The Technology Demonstration Program will be implemented during the 1989-1990 and 1990-1991 school years. Applicants shall plan for a starting date of January 2, 1990, and ending date of August 31, 1991.

**Project Amount:** A total of \$600,000 is available for funding these projects. Each project will receive funding for the 1989-1990 school year. Funding for 1990-1991 will be contingent upon satisfactory progress of the 1989-1990 project activities and general budget authority by the SBOE. Districts are encouraged to enter into partnerships or cooperative arrangements with regional education service centers, colleges and universities, and/or vendors to improve the quality of the program and reduce the costs to the agency and the district. The coordination of other state, federal and local funds is allowable if appropriate.



**Selection Criteria:** Applications will be approved based upon the ability of each applicant to carry out all requirements contained in the request for application. Consideration will also be given with respect to: (1) geographic distribution of demonstration program sites; (2) variety of grade levels served; (3) variety of clientele to be served; and (4) the potential for long-range impact on education.

**Further Information:** A copy of the complete request for application may be obtained by writing or calling the: Document Control Center, Room 6-108, Texas Education Agency, William B. Travis Building, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9304.

For clarifying information about this request contact Geoff Fletcher, Division of Educational Technology, Texas Education Agency, (512) 463-9087.

**Deadline for Receipt of Applications:** The deadline for submitting an application is 5 p.m., Monday, November 27, 1989.

Issued in Austin, Texas, on October 17, 1989.

TRD-8609968 W. N. Kirby  
Commissioner of Education

Filed: October 18, 1989

For further information, please call: (512) 463-9701

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**Request for Applications-School Age  
Pregnancy and Parenting Program,  
1989-1990**

**RFA# 701-90-024.** This request for application is filed in accordance with the Texas Education Code, §21.114, which was added by Senate Bill 417, §2.15, 71st Texas State Legislature, 1989, First Called Session.

**Description:** The Texas Education Agency (TEA) is requesting applications from school districts or cooperatives of school districts for the development of an integrated program of educational and support services for students who are pregnant or who are parents.

The TEA will conduct a study to evaluate the effectiveness of these pilot projects and prepare a report required by the authorizing statute to be submitted to the 72nd Texas State Legislature no later than February 1, 1991. The projects must provide comprehensive data to assist the TEA in evaluating the program's effectiveness.

**Dates of Projects:** The School-Age Pregnancy and Parenting Program will be implemented during the 1989-1990 and 1990-1991 school years. Applicants shall plan for a starting date of January 2, 1990, and ending date of August 31, 1991.

**Project Amount:** A maximum of \$5 million will be provided for approximately 35 pilot project sites. Each project will receive funding for the 1989-1990 school year at a level not to exceed \$175,000 per project for 1989-1990. Funding for 1990-1991 will be contingent upon satisfactory progress of the 1989-1990 project activities and general budget authority by the State Board of Education. The second year of funding, in which a maximum of \$10 million will be available, may be used to establish a new program in addition to expanding existing programs.

**Selection Criteria:** At least 30% of the applicant district(s)' students must be of low socio-economic status. Up to 35 applications will be approved based upon the ability of each applicant to carryout all requirements contained in the request for application. The TEA reserves the right to select from the highest ranking applications those which

represent districts with high concentrations of students who are parents and those which coordinate multiple funding sources without duplication of funds. Consideration will also be given with respect to: (1) geographic distribution of pilot project sites; (2) the size distribution of districts; (3) cost effectiveness; and (4) replicability.

A district may not apply for funding for this program using a self-contained instructional arrangement for students.

**Further Information:** A copy of the complete request for application may be obtained by writing or calling the: Document Control Center, Room 6-108, Texas Education Agency, William B. Travis Building, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9304.

For clarifying information about this request contact Sunny Thomas, Division of General Education, Texas Education Agency, (512) 463-9501.

**Deadline for Receipt of Applications:** The deadline for submitting an application is 5 p.m., Monday, November 27, 1989.

Issued in Austin, Texas, on October 17, 1989.

TRD-8609968 W.N. Kirby  
Commissioner of Education

Filed: October 18, 1989

For further information, please call: (512) 463-9701

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**Request for Applications-Pilot Programs  
for Elementary At-Risk Students**

**RFA# 701-90-020.** This request for application is filed in accordance with the Texas Education Code, §11.2052, which was added by Senate Bill 417, §2.01, 71st Texas State Legislature, 1989, First Called Session.

**Description:** The Texas Education Agency (TEA) is requesting applications from school districts or cooperatives of school districts for the development of pilot projects to identify a wide variety of intervention strategies for use with elementary school students at high risk of dropping out of school. Evaluation data for this effort will include effectiveness in improving attendance, behavior, and academic performance at the elementary level, as well as cost-effective implementation in other districts. The projects must include teams of school guidance counselors and school social workers to identify and coordinate services for at-risk elementary students. At-risk elementary students will be identified by school districts on the basis of criteria in the Texas Education Code, §21.557(f).

The TEA will also conduct a study to evaluate the effectiveness of these pilot projects and prepare a report required by the authorizing statute to be submitted to the 72nd Texas State Legislature no later than February 1, 1991. The projects must provide comprehensive data to assist the TEA in evaluating the program's effectiveness.

**Dates of Projects:** The Pilot Program for Elementary At-Risk Students will be implemented during the 1989-1990 and 1990-1991 school years. Applicants shall plan for a starting date of January 2, 1990, and ending date of August 31, 1991.

**Project Amount:** Funding will be provided for approximately five pilot project sites. Each project will receive funding for the 1989-1990 school year. Funding for 1990-1991 will be contingent upon satisfactory progress of the 1989-1990 project activities and general budget authority by the State Board of Education. These projects will be

selected and funded at a level not to exceed \$100,000 per project for each school year. The coordination of other state, federal, and local funds is encouraged.

**Selection Criteria:** Applications will be approved based upon the ability of each applicant to coordinate all funding utilized for the program and to include a school guidance counselor and a school social worker to provide a variety of intervention strategies. The TEA reserves the right to select from the highest ranking applications those which represent districts with high drop-out rates, as mandated by the legislation.

**Further Information:** A copy of the complete request for application may be obtained by writing or calling the: Document Control Center, Room 6-108, Texas Education Agency, William B. Travis Building, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9304.

For clarifying information about this request contact Cathy Cox, Texas Dropout Information Clearinghouse, Texas Education Agency, (512) 463-9633 or 1-800-8-AT-RISK.

**Deadline for Receipt of Applications:** The deadline for submitting an application is 5 p.m., Monday, November 27, 1989.

Issued in Austin, Texas, on October 17, 1989.

TRD-8909984 W. N. Kirby  
Commissioner of Education

Filed: October 18, 1989

For further information, please call: (512) 463-9701

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**Request for Applications-Pilot  
Kindergarten Program for Three Year  
Old Children, 1989-1990**

**RFA# 701-90-021.** This request for application is filed in accordance with Senate Bill 417, §2.14, 71st Texas State Legislature, 1989, First Called Session.

**Description:** The Texas Education Agency (TEA) is requesting applications from school districts or cooperatives of school districts for the development of pilot projects which will implement a comprehensive early childhood program and coordinate services for three year olds.

The pilots are to serve three year old children who are unable to speak and comprehend the English language or whose family income, according to standards set by the State Board of Education, is at or below subsistence level. Their objective is to provide students and their families skills, information, and experiences which bring increased educational opportunities for young children. The agency will allow for variations in approaches with respect to home-based or school-based models and other relevant factors.

The objective of this effort is to develop replicable cost-effective projects which shall identify recruitment efforts, population to be served and their needs, appropriate intervention strategies, appropriate staff training and support, curriculum materials, and funding sources. Also, the projects must employ appropriate staff to provide a variety of intervention approaches.

The TEA will also conduct a study to evaluate the effectiveness of these pilot projects and prepare a report required by the authorizing statute to be submitted to the 72nd Texas State Legislature no later than February 1, 1991. The projects must provide comprehensive data to assist the TEA in evaluating the program's effectiveness.

**Dates of Projects:** The Pilot Pre-kindergarten Program for Three-Year Old Children will be implemented during the 1989-1990 to 1992-1993 school years. Applicants shall plan for a starting date of January 2, 1990, and ending date of August 31, 1993.

**Project Amount:** Funding will be provided for approximately (10) pilot project sites. Each project will receive funding for the 1989-1990 school year at a level not to exceed \$150,000 per project for each school year; not to exceed \$1 million per year in 1990 or 1991. Funding for 1990-1991 will be contingent upon satisfactory progress of the 1989-1990 project activities and general budget authority by the State Board of Education. Funding for the 1991-1992/1992-1993 biennium will be contingent upon satisfactory progress of the 1990-1991 project activities, general budget authority by the State Board of Education, and appropriation by the legislature.

**Selection Criteria:** Up to 10 applications will be approved based upon the ability of each applicant to carry out all requirements contained in the request for application. The TEA reserves the right to select from the highest ranking applications those which represent districts with high numbers of low-income families and high numbers of three year olds whose first language is other than English. Consideration will also be given with respect to: (1) geographic distribution of pilot project sites; (2) demographic characteristics of the population to be served; (3) cost effectiveness; and (4) replicability.

**Further Information:** A copy of the complete request for application may be obtained by writing or calling the: Document Control Center, Room 6-108, Texas Education Agency, William B. Travis Building, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9304.

For clarifying information about this request contact Anna Pedroza, Division of Special Programs, Texas Education Agency, (512) 463-9067.

**Deadline for Receipt of Applications:** The deadline for submitting an application is 5 p.m., Monday, November 27, 1989.

Issued in Austin, Texas, on Monday, November 17, 1989.

TRD-8909983 W. N. Kirby  
Commissioner of Education

Filed: October 18, 1989

For further information, please call: (512) 463-9701

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**Request for Applications-Academic  
Programs for Children Below Grade  
Level 1989-1990**

**RFA# 701-90-022.** This request for application is filed in accordance with the Texas Education Code, §11.191, which was added by Senate Bill 417, §1.03, 71st Texas State Legislature, 1989, First Called Session.

**Description:** The Texas Education Agency (TEA) is requesting applications from school districts or cooperatives of school districts for the development and/or implementation of pilot academic programs for students grades one to three, who are performing below grade level in mathematics or English language arts.

Projects may select from a variety of instructional strategies and should demonstrate an effective approach to creating learning activities characterized by high expectations for learner outcomes, deadlines by which the learner will be performing on grade level, stimulating instructional

programs, planning by the educational staff who will offer the program, training for the instructional staff if needed, and the use of all available parental and community resources.

The TEA will also conduct a study to evaluate the effectiveness of these pilot projects and prepare a report required by the authorizing statute to be submitted to the 72nd Texas State Legislature no later than February 1, 1991. The projects must provide comprehensive data to assist the TEA in evaluating the program's effectiveness.

**Dates of Projects:** The Academic Program for Children Below Grade Level will be implemented during the 1989-1990 and 1990-1991 school years. Applicants shall plan for a starting date of January 2, 1990, and ending date of August 31, 1991.

**Project Amount:** Funding will be provided for approximately (10) pilot project sites at a level not to exceed \$50,000 per project for each school year. Each project will receive funding for the 1989-1990 school year. Funding for 1990-1991 will be contingent upon satisfactory progress of the 1989-1990 project activities and general budget authority by the State Board of Education.

**Selection Criteria:** Up to five applications will be approved based upon the ability of each applicant to carry out all requirements contained in the request for application. Special consideration will be given to districts that identify a project site (campus) that is currently implementing effective teaching practices based on the effective schools model.

**Further Information:** A copy of the complete request for application may be obtained by writing or calling the: Document Control Center, Room 6-108, Texas Education Agency, William B. Travis Building, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9304.

For clarifying information about this request contact Daniel Garcia, Division of Special Programs, Texas Education Agency, (512) 463-9067.

**Deadline for Receipt of Applications:** The deadline for submitting an application is 5 p.m., Monday, November 27, 1989.

Issued in Austin, Texas on October 17, 1989.

TRD-890985      W. N. Kirby  
Commissioner of Education

Filed: October 18, 1989

For further information, please call: (512) 463-9701

## Texas Department of Human Services Request for Proposal Amendment

The Texas Department of Human Services filed a request for consultant proposal incorrectly. The request appeared in the October 17, 1989, issue of the *Texas Register* (14 TexReg 5577). The request will be republished at a later date.

Issued in Austin, Texas, on October 18, 1989.

TRD-890982      Cathy Rossberg  
Administrator, Policy Development Services  
Division  
Texas Department of Human Services

Filed: October 18, 1989.

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

## State Board of Insurance Notice of Public Hearing

Notice is hereby given that continuation of a hearing before the State Board of Insurance under Docket Number 1678 will commence at 9 a.m. on Wednesday, November 8, 1989, in Room 104 of the Reagan Building at 105 West 15th Street in Austin. The hearing may continue further from time to time and from place to place as specified by the board. The purpose of the hearing will be consideration of subjects relating to workers' compensation insurance and rules and regulatory responsibilities of the State Board of Insurance concerning workers' compensation insurance. In particular, the board's consideration will include, but will not be limited to, consideration of the Texas workers' compensation assigned risk pool relating to: the revocation of all current exemptions from membership in the Texas workers compensation assigned risk pool; selection of the governing body; changes to or amendments to the by-laws, rules, and regulations; servicing company selection; servicing company fees; member assessments for deficits; avoidance of experience rating modifiers or surcharges by subterfuge; payroll documentation enhancement; small premium policies-low and high risks; carrier entry, exit, re-entry with outstanding assessments as members of the pool; and such other matters relating to the Texas workers' compensation assigned risk pool and its operation as may be brought before the board. In addition, the board's consideration may include, but not be limited to, a continuation of consideration of amendments to workers' compensation insurance manual rules, endorsements, and policy forms, rating plans, including retrospective rating plans, classification plans, and statistical plans, and such other matters as may properly be brought before the board, as well as possible adoption of rules and amendments to manual rules which would formulate and implement strategies, procedures, and requirements with the objective of reducing the probability and magnitude of deficits in the Texas workers' compensation assigned risk pool, and with the objective of improving the fairness of assessments by the pool and of improving the effectiveness of those assessments toward maintaining the availability and effectiveness of the Texas workers' compensation assigned risk pool as a means to workers' compensation insurance coverage for insurance consumers and policyholders of this state.

Except to the extent that contested case provisions will govern ratemaking aspects, the hearing and procedure under Docket Number 1678 will be governed by the rulemaking provisions of the rules of practice and procedure before the State Board of Insurance (Texas Administrative Code, Title 28, Chapter 1, Subchapter A) and by the Administrative Procedure and Texas Register Act (Texas Civil Statutes, Article 6252-13a), as modified by the Insurance Code, Article 5. 96.

Reference is hereby made to the previously cited statutes and rules and to the Insurance Code, Articles 5.55-5.79 and other articles, to 28 Texas Administrative Code, Part I, and to the manual entitled *Texas Basic Manual of Rules, Classifications and Rates for Workers' Compensation and Employers' Liability Insurance* 1980 Edition, the manual entitled *Texas Workers' Compensation Unit Statistical Plan Manual*, and the manual entitled *Texas Experience Rating Plan Manual for Workers' Compensation* as particular sections of statutes and rules that may be involved in these hearings.

Issued in Austin, Texas on October 18, 1989.

TRD-890989      Nicholas Murphy  
Chief Clerk  
State Board of Insurance

Filed: October 18, 1989

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

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**Texas Legislative Council**  
**Consultant Proposal Request**

This request for consultant proposals is filed under the provisions of Texas Civil Statutes, Article 6252-11c.

The Texas Legislative Council is building an elections database for use in redistricting and seeks expert assistance in the following areas: presenting election and voter registration data effectively on line and in reference materials; devising strategies for correlating changing election geography and election data with multiple proposals for district configurations through aggregation or allocation; producing estimates of minority voter registration and minority voter turnout; producing a report that may be used to interpret the levels of racial bloc voting in different precincts or areas of the state; and developing a memorandum or paper on guidelines for using and interpreting data on racial bloc voting.

Inquiries regarding the project and requests for a detailed request for proposals should be addressed to Deborah Irvine, Texas Legislative Council, P.O. Box 12128, Austin, Texas 78711, (512) 463-1155. The deadline for submitting proposals is 5 p.m., November 24, 1989. If you would like to make an oral presentation on a proposal, contact Deborah Irvine by Friday, November 3, 1989. Presentations must be made by November 24.

Proposals will be assessed by Texas Legislative Council staff on the basis of the written proposals, presentations, and contacts with proposer's previous clients. Presentations are not required.

Issued in Austin, Texas on October 16, 1989.

TRD-8909886 Sharon Carter  
Assistant for Legislative Affairs  
Texas Legislative Council

Filed: October 16, 1989

For further information, please call: (512) 463-1151.

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**Texas Department of Public Safety**  
**Correction of Error**

The Texas Department of Public Safety submitted an adopted new §3.62, which contained an error as published in the October 13, 1989, issue of the *Texas Register* (14 TexReg 5495).

In §3.62(b), paragraph (2) should read as follows.

"(2) the definition of hazardous material shipper will be the same as that given in Texas Civil Statutes, Article 6701d, §2(p);"

**Railroad Commission of Texas**  
**Cancellation of Hearing**

The public hearing of the Railroad Commission of Texas on a proposed amendment to 16 TAC §5.582, concerning deviations of up to 40% by common carriers on shipments of 501 pounds or more, has been postponed. Notice of the hearing was published in the October 10, 1989, issue of the *Texas Register* (14 TexReg 5446). The hearing will be held on a date to be announced.

Issued in Austin, Texas, on October 17, 1989.

TRD-8909858 Cril Payne  
Assistant Director Legal Division-General  
Law  
Railroad Commission of Texas

Filed: October 17, 1989

For further information, please call: (512) 463-7084

◆ ◆ ◆  
**Texas Water Commission**  
**Enforcement Orders**

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

An enforcement order was issued to Rollings Environmental Services (Texas), Inc.; SWR Number 37328 on October 11, 1989, assessing \$160,240 in administrative penalties.

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

Issued in Austin, Texas, on October 12, 1989.

TRD-8909887 Gloria A. Vasquez  
Notices Coordinator  
Texas Water Commission

Filed: October 16, 1989

For further information, please call: (512) 463-8080.

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

An enforcement order was issued to Jerry Miller doing business as Miller's Mobile Manor, Permit Number 13142-01 on October 11, 1989, imposing stipulated penalties.

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

Issued in Austin, Texas, on October 12, 1989.

TRD-8909888 Gloria A. Vasquez  
Notices Coordinator  
Texas Water Commission

Filed: October 16, 1989

For further information, please call: (512) 463-8080.

◆ ◆ ◆  
**Notice of Application For Waste**  
**Disposal Permit**

Notice is given by the Texas Water Commission of public notices of waste disposal permit applications issued during the period of October 9-13, 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.

Fort Bend County Municipal Utility District Number 13; Houston; wastewater treatment facility; approximately 1.7 miles east of the intersection of United States Highway 59 and State Highway 6 and approximately 1.2 miles south of State Highway 6 in Fort Bend County; 12833-01; renewal.

City of Plainview; sewage treatment plant; adjacent to Running Water Draw, approximately two miles southeast of the intersection of United States Highway 70 and State

Highway-Loop 445 (United States Highway-Business Route 87), Hale County; 10537-01; renewal.

Llano Livestock Auction; livestock auction barn; within the Llano City limits, on the north bank of the Llano River, approximately one half mile downstream of the bridge on United States Highway 71 and State Highway 16 in Llano County; 03127; new.

Friendwood Development Company; Houston; Fairfield Village Wastewater Treatment Facility; approximately 1,500 feet north of United States Highway 290 and 2,000 feet west of Mueschke Road in Harris County; 13506-01; new.

Texas Utilities Electric Company; Dallas; Tradinghouse Creek Steam Electric Station; adjacent to FM Road 2957, approximately 11.5 miles east of the City of Waco, McLennan County; 01267; renewal.

City of Caddo Mills; approximately 0.7 mile south of the intersection of State Highway 60 and FM Road 36 in Hunt County; 10425-01; amendment.

Texas Ecologists, Inc.; Robstown; approximately one-half mile southwest of the intersection of FM 892 and FM 2826, and three miles east of SH 16 near Robstown, Nueces County; WDW-278 and WDW-279; new; 45-day notice.

Issued in Austin, Texas, on October 16, 1989.

TRD-8909940

Brenda W. Foster  
Chief Clerk  
Texas Water Commission

Filed: October 17, 1989

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

# profiles

*A Guide to Texas State Agencies*

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## Texas Department of Community Affairs

The 62nd Legislature, acting on recommendations from the Texas Research League and the Urban Development Commission, created the Texas Department of Community Affairs in 1971. The agency was charged with four basic responsibilities.

1. Help local governments provide essential public services to citizens.

2. Work with the Governor and the Legislature to coordinate federal and state programs affecting local governments.

3. Inform federal and state offices and the public about assistance programs available to local governments.

4. Administer state responsibilities for programs created under the Federal Economic Opportunity Act of 1964 and similar federal legislation.

Department specialists work with regional councils of governments and local government associations to respond to requests for training, data, information, advice and advocacy. The agency offers workshops in personnel management, physical planning, financial management, rural fire prevention districts and du-

ties of newly elected city and county officials. Publications addressing available federal and state resources and other subjects of interest to local officials are produced and distributed regularly.

In recent years, the agency's responsibilities have shifted toward federal programs management. The department provides grants to communities and community based organizations for assistance to the elderly, poor, handicapped and homeless. The agency administers the Community Services Block Grant, the Community Food and Nutrition Program, the Emergency Community Services Homeless Grant, the Emergency Shelter Grant, the Dependent Care Development Grant, the Weatherization Assistance Program, and the Energy Crisis Intervention Program. It also supervises the Section 8 Rental Assistance Program in certain areas of the state.

Over time, the agency has altered the nature of its assistance to meet the changing needs of local governments. The Texas Department of Community Affairs is located in Austin and may be contacted at (512) 834-6000.

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