

OCT 27 1989

Texas Register

Volume 14, Number 80, October 27, 1989

Pages 5707-5755

In This Issue...

Attorney General

Requests for Opinions

5707-RQ-1829
5707-RQ-1830
5707-RQ-1831
5707-RQ-1832
5707-RQ-1833
5707-RQ-1834
5707-RQ-1835
5707-RQ-1836

Emergency Sections

Comptroller of Public Accounts

5709-Tax Administration

Proposed Sections

Texas Antiquities Committee

5711-Practice and Procedure

State Preservation Board

5714-Rules and Regulations of the Board

Polygraph Examiners Board

5715-General Rules of Practice and Procedure

Texas Real Estate Commission

5716-Canons of Professional Ethics and Conduct for Real Estate Licensees

5716-Rules Relating to the Provisions of the Real Estate License Act

State Treasurer

5719-Electronic Transfer of Certain Payments to State Agencies

Texas Department of Human Services

5723-County Indigent Health Care Program

Withdrawn Sections

Texas Education Agency

5725-Adaptations for Special Populations

State Treasurer

5725-Electronic Transfer of Certain Payment to State Agencies

Texas Department of Human Services

5725-Intermediate Care Facilities for the Mentally Retarded

Adopted Sections

Texas Department of Commerce

5729-Texas Community Development Program

Texas Education Agency

5729-Curriculum

5733-Adaptations for Special Populations

Polygraph Examiners Board

5734-Polygraph Examiner Internship

Interagency Council on Early Childhood Intervention

5734-Early Childhood Intervention Program

Comptroller of Public Accounts

5735-Tax Administration

Texas Department of Public Safety

5735-Organization and Administration

5735-Commercial Driver Training School Regulations

Texas Commission on Jail Standards

5735-New Construction Rules

5736-Existing Construction Rules

Texas Department of Human Services

5737-County Indigent Health Care Program

5737-Medicaid Eligibility

CONTENTS CONTINUED INSIDE

Texas Register

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

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

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

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

Governor—appointments, executive orders, and proclamations

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

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

Proposed Sections—sections proposed for adoption

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

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

Open Meetings—notices of open meetings

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

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

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

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

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

Texas Administrative Code

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

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

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

TAC stands for the *Texas Administrative Code*;

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



Texas Register Publications

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

Secretary of State
George S. Bayoud, Jr.

Director
Dan Procter

Assistant Director
Dee Wright

Documents Section Supervisor
Patty Parris

Documents Editors
Lisa Brull
Janlene Hagel

Open Meetings Clerk
Brenda J. Kizzee

Production Section Supervisor
Ann Franklin

Production Editor
Sharon Menger

Typographers
Hermina Roberts
Madeline Chrisner

Circulation/Marketing
Richard Kallus
Roberta Knight

TAC Editor
Dana Blanton

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

5738—Legal Services

5738—General Licensing Procedures

Open Meetings

5739—Texas Department of Agriculture

5739—Texas Commission on the Arts

5739—State Bar of Texas

5739—Texas Cancer Council

5739—Child Care Development Board

5740—Texas Education Agency

5740—Advisory Commission on State Emergency Communications (ACSEC)

5740—Employees Retirement System of Texas

5740—Texas State Board of Registration for Professional Engineers

5740—Texas Department of Health

5741—State Department of Highways and Public Transportation

5741—Texas Historical Commission

5741—Texas Housing Agency

5742—Department of Information Resources

5742—State Board of Insurance

5743—Texas Board of Irrigators

5744—Texas Commission on Law Enforcement Officer Standards and Education

5744—Texas Motor Vehicle Commission

5744—Board of Pardons and Paroles

5744—State Property Tax Board

5744—Texas State Board of Examiners of Psychologists

5744—Texas State Board of Public Accountancy

5744—Public Utility Commission of Texas

5745—Texas Railroad Commission

5746—School Land Board

5746—University of Houston System

5746—University Interscholastic League

5746—Texas Water Commission

5746—Regional Meetings

In Addition

The Texas A&M University System

5749—Public Notice

State Banking Department

5749—Notice of Postponement

5749—Notice of Withdrawal

Office of Consumer Credit Commissioner

5749—Notice of Rate Ceilings

Employees Retirement System of Texas

5750—Employees Retirement System of Texas Texas Employees Uniform Group Insurance Program Annual Audit of the Insurance Carrier's Claims Operation

Texas Department of Health

5751—Intent to Revoke a Certificate of Registration

5751—Preliminary Report

5751—Public Hearing

State Department of Highways and Public Transportation

5752—Correction of Error

State Board of Insurance

5752—Notices of Public Hearings

Texas Commission on Law Enforcement Officer Standards and Education

5753—Correction of Error

Texas Parks and Wildlife Department

5753—1990 Texas Outdoor Recreation Plan and 1990-1991 Action Program

Public Utility Commission of Texas

5754—Notice of Intent to File Pursuant to Public Utility Commission Substantive Rule 23.27

Texas Water Commission

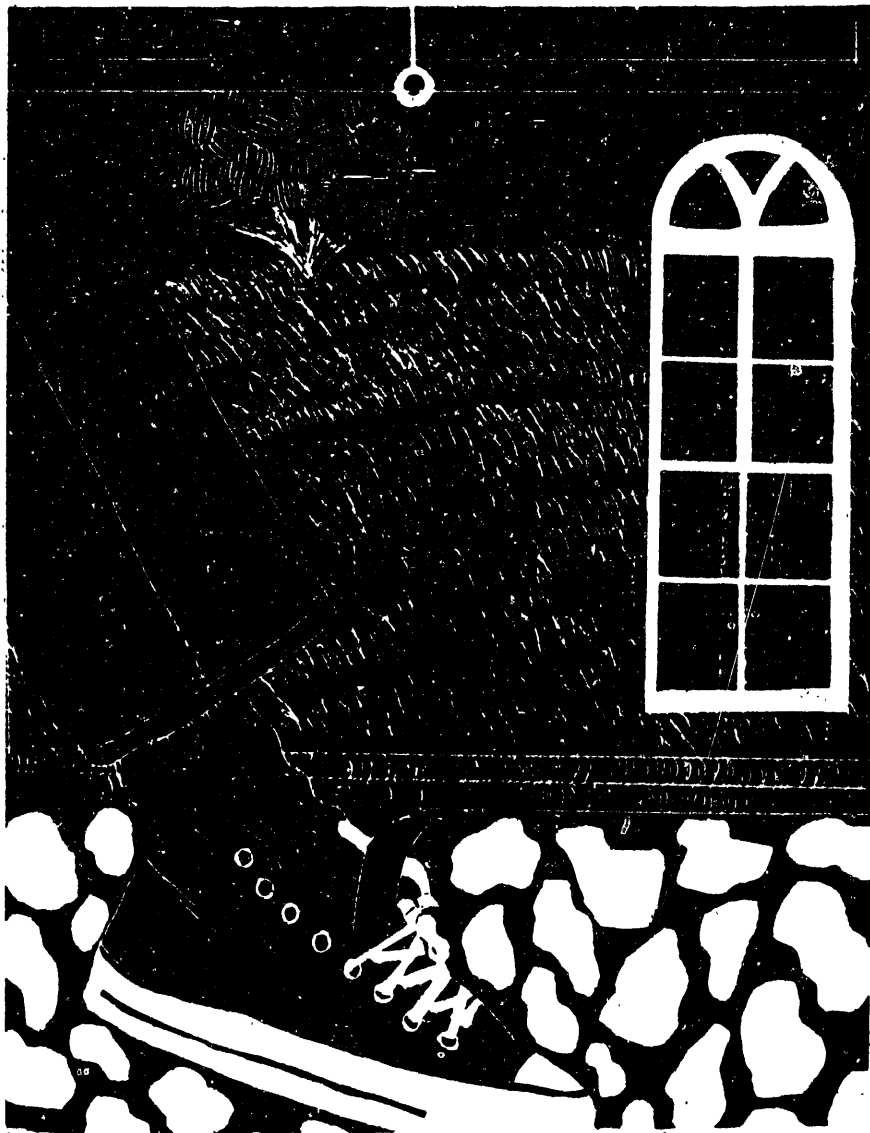
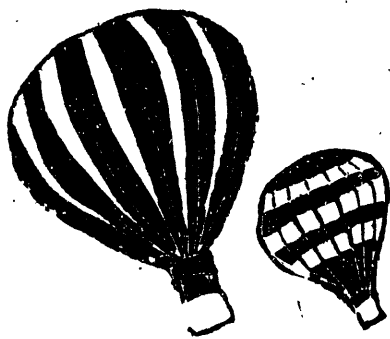
5754—Enforcement Orders

5755—Meeting Notice

5755—Public Hearing Notice

Texas Water Development Board

5755—Consultant Contract Award



TAC Titles Affected

TAC Titles Affected—October

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

TITLE 1. ADMINISTRATION

Part IV. Secretary of State

1 TAC §§78.31—5359

1 TAC §§81.100-81.131—5397

1 TAC §§81.100-81.133—5397

TITLE 4. AGRICULTURE

Part I. Texas Department of Agriculture

4 TAC §§17.51-17.56—5301

TITLE 7. BANKING AND SECURITIES

Part I. State Finance Commission

7 TAC §§3.91—5303

Part III. Banking Department

7 TAC §§25.15—5357

TITLE 10. COMMUNITY DEVELOPMENT

Part IV. Texas Housing Agency

10 TAC §§149.1, 149.2, 149.4, 149.5, 149.6, 149.7, 149.8, 149.9, 149.11—5415

Part V. Texas Department of Commerce

10 TAC §§162.1-162.10—5683

10 TAC §§172.1-172.10—5685

10 TAC §§182.50-182.56—5673

Part XI. Texas Department of Commerce

10 TAC §§178.10, §178.13—5729

TITLE 13. CULTURAL RESOURCES

Part IV. Texas Antiquities Committee

13 TAC §§41.5—5711

13 TAC §§41.29, §41.30—5712

13 TAC §§111.13—5714

13 TAC §§111.20—5714

TITLE 16. ECONOMIC REGULATION

Part I. Railroad Commission of Texas

16 TAC §§3.38—5225

16 TAC §§3.57—5305, 5357

16 TAC §§5.501—5674

16 TAC §§5.536—5687

Part II. Public Utility Commission of Texas

16 TAC §§23.56—5535

Part IV. Texas Department of Licensing and Regulation

16 TAC §§61.1, 61.10, 61.20-61.22, 61.40, 61.50, 61.60, 61.70-61.73, 61.80, 61.90-61.94, 61.100-61.109—5307, 5357

16 TAC §§64.1-64.3, 64.31-64.38, 64.51-64.59, 64.71-64.75, 64.91-64.98, 64.111-64.116—5316

16 TAC §§65.1, 65.10, 65.20, 65.30, 65.50, 65.60, 65.70, 65.80, 65.90, 65.100—5297

16 TAC §§65.12-65.18, 65.20-65.34—5297

16 TAC §§65.41-65.52—5297

16 TAC §§65.61-65.70—5297

16 TAC §§65.81-65.93—5297

16 TAC §§65.101-65.108—5297

16 TAC §§65.121-124—5297

16 TAC §§66.1, 66.10, 66.20, 66.21, 66.40, 66.50, 66.60, 66.70, 66.71, 66.80, 66.90, 66.100, 66.101-66.104—5203, 5209

16 TAC §§69.51, 69.53, 69.54—5665, 5675

16 TAC §§69.54—5617

16 TAC §§78.1, 78.10, 78.20, 78.30, 78.40, 78.60, 78.70-78.78, 78.80-78.82, 78.90, 78.100—5323, 5357

16 TAC §§78.1, 78.10, 78.20, 78.30, 78.40, 78.60, 78.70, 78.71, 78.72, 78.73, 78.74, 78.80, 78.81, 78.82, 78.90, 78.91, 78.92, 78.93, 78.94, 78.100—5323, 5357

16 TAC §§79.1, 79.10, 79.20, 79.30, 79.40, 79.70-79.73, 79.80, 79.90, 79.100, 79.101—5357

16 TAC §§79.1, 79.10, 79.20, 79.30, 79.40, 79.70, 79.71, 79.72, 79.73, 79.80, 79.81, 79.82, 79.83, 79.90, 79.91, 79.82, 79.93, 79.94, 79.100, 79.101, 79.102—5328, 5357

22 TAC §77.2—5493

22 TAC §77.5—5493

22 TAC §78.1—5493

Part IV. Texas Cosmetology Commission

22 TAC §83.3—5258

22 TAC §89.8—5258

22 TAC §89.13—5258

22 TAC §89.17—5258

22 TAC §89.20—5258

22 TAC §89.38—5258

22 TAC §89.39—5259

22 TAC §89.70—5259

22 TAC §89.72—5259

Part X. Texas Funeral Service Commission

22 TAC §201.12—5469

Part XII. Board of Vocational Nurse Examiners

22 TAC §231.81—5675

22 TAC §231.96, §231.98—5537

22 TAC §235.42—5538

Part XIV. Texas Optometry Board

22 TAC §271.6—5624

Part XV. Texas State Board of Pharmacy

22 TAC §281.24—5677

22 TAC §281.49, §281.50—5678

22 TAC §281.51—5679

22 TAC §283.2—5687

22 TAC §291.32 §291.36—5494

22 TAC §291.72 §291.74—5494

Part XVI. Texas State Board of Physical Therapy Examiners

22 TAC §321.1—5470

22 TAC §323.2, §323.3—5470

22 TAC §329.1—5471

22 TAC §331.1, §333.2—5471

22 TAC §§333.1-333.3—5472

22 TAC §339.1—5472

22 TAC §§341.1-341.4—5472

Part XVII. Texas State Board of Plumbing Examiners

22 TAC §361.6—5473

Part XIX. Polygraph Examiners Board

22 TAC §391.3—5734

22 TAC §391.4—5734

22 TAC §397.40—5715

22 TAC §397.42—5715

Part XXII. Texas State Board of Public Accountancy

22 TAC §501.2—5359

22 TAC §501.3—5546

22 TAC §501.4—5546

22 TAC §501.11—5546

22 TAC §501.25—5624

22 TAC §501.44—5547

22 TAC §501.45—5359

22 TAC §503.1—5341

22 TAC §505.10—5547

22 TAC §511.25—5547

22 TAC §511.26—5547

22 TAC §511.27—5548

22 TAC §511.52—5548

22 TAC §511.53—5548

22 TAC §511.54—5342

22 TAC §511.61—5342

22 TAC §511.62—5343

22 TAC §511.72—5548

22 TAC §511.73—5360

22 TAC §511.74—5549

22 TAC §511.76—5549

22 TAC §511.79—5549

22 TAC §511.80—5343

22 TAC §511.81—5550

22 TAC §511.84—5550

22 TAC §511.87—5611

22 TAC §511.101—5550
22 TAC §511.102—5551
22 TAC §511.103—5551
22 TAC §511.104—5551
22 TAC §511.105—5551
22 TAC §511.106—5551
22 TAC §511.123—5344
22 TAC §511.141—5552
22 TAC §511.142—5552
22 TAC §511.144—5552
22 TAC §511.162—5344
22 TAC §511.164—5345
22 TAC §511.166—5345
22 TAC §511.167—5538
22 TAC §511.168—5346
22 TAC §511.169—5539
22 TAC §511.170—5346
22 TAC §513.22—5553
22 TAC §513.23—5553
22 TAC §513.24—5553
22 TAC §513.25—5554
22 TAC §513.26—5554
22 TAC §513.27—5554
22 TAC §513.41—5554
22 TAC §513.42—5554
22 TAC §513.43—5555
22 TAC §513.44—5555
22 TAC §513.45—5556
22 TAC §513.46—5556
22 TAC §513.61—5556
22 TAC §513.62—5556
22 TAC §513.63—5557
22 TAC §513.64—5557
22 TAC §515.8—5557
22 TAC §517.1—5557
22 TAC §517.2—5558

22 TAC §519.23—5539
22 TAC §523.2—5558
22 TAC §523.30—5558
22 TAC §523.61—5559
22 TAC §523.62—5559
22 TAC §523.64—5560
22 TAC §523.65—5560

Part XXIII. Texas Real Estate Commission

22 TAC §531.19—5716

22 TAC §§535.71-535.73—5716

TITLE 25. HEALTH SERVICES

Part I. Texas Department of Health

25 TAC §§97.1-97.5, 97.7, 97.10, 97.11, 97.15—5474

25 TAC §§229.141-229.149—5489

25 TAC §§229.291-229.297—5489

Part II. Texas Department of Mental Health and Mental Retardation

25 TAC §§401.371-401.393—5415

25 TAC §§401.585, 501.588, 501.589—5431

25 TAC §403.74—5431

Part VIII. Interagency Council on Early Childhood Intervention

25 TAC §621.24—5734

TITLE 28. INSURANCE

Part I. State Board of Insurance

28 TAC §§1.901-1.911—5465

28 TAC §5.11—5560

28 TAC §5.4602

28 TAC §5.5002—5624

28 TAC §7.57—5560

28 TAC §7.1007—5625

28 TAC §7.1201-7.1206—5625

28 TAC §§9.301-9.308—5625

28 TAC §19.111—5617

28 TAC §19.703—5561

28 TAC §21.104—5543

28 TAC §21.702—5543

28 TAC §§25.713—5561

28 TAC §§29.601-29.607—5626

Part II. Industrial Accident Board

28 TAC §42.137—5346

28 TAC §43.10—5219

28 TAC §43.20—5259

28 TAC §45.10—5260

28 TAC §45.13—5260

28 TAC §45.15—5260

28 TAC §53.20—5347

28 TAC §53.47—5347

28 TAC §53.48—5348

28 TAC §53.64—5349

28 TAC §65.10—5260

**TITLE 31. NATURAL RESOURCES
AND CONSERVATION**

Part II. Texas Parks and Wildlife Department

31 TAC §§55.1-55.4—5221

31 TAC §§55.11-55.14—5221

31 TAC §§55.21-55.24—5221

31 TAC §55.51—5221

31 TAC §§55.81-55.83—5221

31 TAC §§55.91-55.96—5221

31 TAC §§55.141-55.153—5222

31 TAC §§55.201-55.212—5224

31 TAC §57.111-57.116—5227

31 TAC §57.111-57.119—5227

31 TAC §57.245—5233

31 TAC §57.251-57.256—5233

31 TAC §57.251-57.258—5233

31 TAC §57.331—5234

31 TAC §§65.190, 65.193, 65.197, 65.205—5235

Part IX. Texas Water Commission

31 TAC §297.1.—5543

31 TAC §297.45.—5543

31 TAC §305.48.—5543

31 TAC §§310.1-310.7—5543

31 TAC §§311.61-311.66—5360

Part X. Texas Water Development Board

31 TAC §363.39—5681

TITLE 34. PUBLIC FINANCE

Part I. Comptroller of Public Account

34 TAC §3.152—5603

34 TAC §3.173—5563

34 TAC §3.175—5561

34 TAC §3.184—5563

34 TAC §3.297—5603

34 TAC §3.298—5735

34 TAC §3.300—5563

34 TAC §3.329—5544, 5562

34 TAC §3.358—5735

34 TAC §3.641—5298

Part II. State Treasurer

34 TAC §§15.1-15.8—5725

34 TAC §§15.1-15.16—5719

Part IV. Employees Retirement System

34 TAC §73.27—5362

Part VII. State Property Tax Board

34 TAC §155.4—5235

34 TAC §155.6—5236

34 TAC §155.38—5236

34 TAC §155.45—5402

34 TAC §155.48—5236

34 TAC §155.49—5239

34 TAC §155.51—5243

34 TAC §155.54—5243

34 TAC §155.55—5245

34 TAC §155.57—5247

34 TAC §161.1—5403

34 TAC §161.22—5249

34 TAC §161.24—5251

34 TAC §165.73—5251

34 TAC §165.141—5251

34 TAC §165.142—5251

34 TAC §165.143—5403

**TITLE 37. PUBLIC SAFETY AND
CORRECTIONS**

Part I. Texas Department of Public Safety

37 TAC §1.4—5404

37 TAC §1.221—5735

37 TAC §3.59—5494

37 TAC §3.62—5494

37 TAC §§13.1-13.5, 13.7-13.9, 13.12-13.14, 13.16,
13.17, 13.24, 13.27-13.30, 13.32-13.36, 13.38, 13.43,
13.45-13.50, 13.53, 13.54—5497

37 TAC §17.1-17.30—5735

37 TAC §§31.1-31.7—5404

37 TAC §§31.1-31.8—5404

Part V. Board of Pardons and Paroles

37 TAC §§145.41, 145.45, 145.48-145.50—5611

37 TAC §145.44—5613

37 TAC §147.5—5613

**Part VII. Texas Commission on Law Enforcement
Officer Standards and Education**

37 TAC §211.1—5539

37 TAC §§211.16, 211.98, 211.100, 211.101, 211.102—
5406

37 TAC §211.67—5261

37 TAC §211.68, §211.85—5261

37 TAC §211.108—5408

37 TAC §211.109—5540

Part IX. Texas Commission on Jail Standards

37 TAC §259.69—5735

37 TAC §259.164—5736

37 TAC §259.248—5736

37 TAC §259.358—5736

37 TAC §§260.1-260.8—5476

37 TAC §§260.20-260.95—5476

37 TAC §261.58—5736

37 TAC §261.153—5737

37 TAC §261.237—5737

37 TAC §275.2—5497

37 TAC §275.4—5489

Part X. Texas Adult Probation Commission

37 TAC §§321.1-321.6—5481

37 TAC §§321.11-321.16—5408

**TITLE 40. SOCIAL SERVICES AND
ASSISTANCE**

Part I. Texas Department of Human Services

40 TAC §3.801—5279

40 TAC §3.902—5262

40 TAC §3.1001—5279

40 TAC §3.1003—5263

40 TAC §3.1004—5280

40 TAC §3.2502—5263

40 TAC §3.2604—5263

40 TAC §4.1004, §4.1010—5626

40 TAC §6.303, §6.306—5363

40 TAC §10.3102, §10.3155—5562

40 TAC §§12.103-12.107, 12.110, 12.112-12.123—5687

40 TAC §14.1—5723, 5737

40 TAC §§14.101, 14.104, 14.106, 14.108—5723

40 TAC §14.204—5724

40 TAC §§14.202-14.204—5737

40 TAC §15.465—5737

40 TAC §15.505—5738

40 TAC §15.503, §15.504—5263

40 TAC §§27.101-27.108—5489

40 TAC §§27.101, 27.103, 27.105, 27.107, 27.109—5725

40 TAC §§27.201, 27.203, 27.205, 27.207, 27.209,
27.211, 27.213, 27.215, 27.217, 27.219—5725

40 TAC §27.203—5489

40 TAC §27.301—5498

40 TAC §§27.301, 27.303, 27.307, 27.309—5725

40 TAC §§27.401, 27.403, 27.405, 27.407, 27.409,
27.411, 27.413, 27.415, 27.417, 27.419—5726

40 TAC §§27.501, 27.503, 27.505—5726

40 TAC §§27.601, 27.603, 27.605, 27.607, 27.609, 27.611, 27.613, 27.615, 27.617, 27.621, 27.623, 27.625, 27.627, 27.629—5726

40 TAC §§27.701, 27.703, 27.705, 27.707, 27.709, 27.711, 27.713, 27.715—5726

40 TAC §§27.801, 27.803, 27.805, 27.807, 27.809—5726

40 TAC §§27.901, 27.903, 27.905, 27.907, 27.909, 27.911, 27.913, 27.915, 27.917, 27.919—5726

40 TAC §§27.1001, 27.1003, 27.1005, 27.1007, 27.1009, 27.1011—5726

40 TAC §§27.1101, 27.1103, 27.1105, 27.1107, 27.1109, 27.1111, 27.1113, 27.1115, 27.1117, 27.1119, 27.1121, 27.1123, 27.1125, 27.1127, 27.1129, 27.1131, 27.1133, 27.1135—5726

40 TAC §§27.102, 27.1203, 27.1205, 27.1207, 27.1209, 27.1211, 27.1213, 27.1215, 27.1217, 27.1219, 27.1221—5727

40 TAC §§27.1301, 27.1303, 27.1305, 27.1307, 27.1309—5727

40 TAC §§27.1401, 27.1403, 27.1405, 27.1407—5727

40 TAC §§27.1501, 27.1503, 27.1505, 27.1507, 27.1509, 27.1511, 27.1513, 27.1515, 27.1517, 27.1519, 27.1521, 27.1523, 27.1525, 27.1527, 27.1529, 27.1531, 27.1533, 27.1535, 27.1537, 27.1539, 27.1541, 27.1543, 27.1545, 27.1547, 27.1549, 27.1551, 27.1553, 27.1555, 27.1557, 27.1559, 27.1561, 27.1563—5499

40 TAC §§27.1801-27.1805—5489

40 TAC §§27.2301-27.2303—5489

40 TAC §§27.2403, §27.2405—5490

40 TAC §§27.2501-27.2507—5490

40 TAC §§27.2601-27.2604—5490

40 TAC §§27.2701-27.2704—5490

40 TAC §27.2801—5490

40 TAC §§27.2901-27.2904, 27.2906-27.2917—5490

40 TAC §§27.3001-27.3011—5490

40 TAC §§27.3101-27.3106—5490

40 TAC §§27.3301-27.3303—5491

40 TAC §§27.3401-27.3406—5491

40 TAC §§27.3501, §27.3502—5491

40 TAC §§27.3601-27.3609—5491

40 TAC §§27.3701-27.3704—5491

40 TAC §§27.3801-27.3804—5491

40 TAC §§27.3901-27.3904—5491

40 TAC §§27.4001-27.4003—5491

40 TAC §§27.4101, §27.4102—5491

40 TAC §§27.4201-27.4203—5492

40 TAC §§27.4301, §27.4302—5492

40 TAC §§27.4401-27.4403—5492

40 TAC §§27.4501-27.4506—5492

40 TAC §§27.4601-27.4603—5492

40 TAC §§27.4701-27.4704—5492

40 TAC §§27.4801, 27.4803, 27.4804—5492

40 TAC §27.4802—5499

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

40 TAC §79.1614—5738

40 TAC §85.2012—5738

40 TAC §85.3059—5738

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 1. State Department of Highways and Public
Transportation***

43 TAC §§1.100-1.111—5350



Attorney General

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

Requests for Opinions

(RQ-1829). Request from Ron Lindsey, Commissioner, Texas Department of Human Services, Austin, concerning sick leave for adopting parents.

(RQ-1830). Request from Bob McFarland, Chairman, Senate Criminal Justice, Austin, concerning sufficiency of description of an agenda item for an executive session under the Open Meetings Act, Texas Civil Statutes, Article 6252-17.

(RQ-1831). Request from Hilary B. Doran, Jr., Chairman, Texas Racing Commission, Austin, concerning right of appeal from a fine or suspension imposed by the Texas Racing Commission.

(RQ-1832). Request from Wanda F. Stewart, Executive Director, Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids, Austin, concerning purchase of plaques for members of the Board of Examiners in the Fitting and Dispensing of Hearing Aids.

(RQ-1833). Request from Garry Mauro, Commissioner, General Land Office, Austin, concerning authority of the Veterans Land Board to make certain investments.

(RQ-1834). Request from Paul T. Wrotenbery, Chairman, State Board of Insurance, Austin, concerning authority of a non-resident property and casualty insur-

ance agent to transact certain business in Texas.

(RQ-1835). Request from James Warren Smith, Jr., Frio County Attorney, Pearsall, concerning whether a county clerk must make available to the public tapes of commissioners courts meetings.

(RQ-1836). Request from Vernon M. Arrell, Commissioners, Texas Rehabilitation Commission, Austin, concerning payment for emergency leave to employees receiving workers compensation benefits.

TRD-8909971





Emergency Sections

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

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

TITLE 34. PUBLIC FINANCE

Part I. Comptroller of Public Accounts

Chapter 3. Tax Administration

Subchapter L. Motor Fuels Tax

• 34 TAC §3.173

The Comptroller of Public Accounts adopts on an emergency basis an amendment to §3.173, concerning refunds on gasoline and diesel fuel tax. The amendment sets out the procedures for suppliers filing refund claims on tax-paid diesel fuel sold to purchasers on a signed statement. The amendment also reflects the limitations placed on the use of a signed statement by recent legislation.

The amendment is adopted on an emergency basis to provide guidance and establish procedures for filing refund requests for signed statement sales of tax-paid diesel fuel.

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

§3.173. Refunds on Gasoline and Diesel Fuel Tax.

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

(c) Filings forms and documentation. Each type of claim for refund must be filed on a form furnished by the comptroller and documentation must be maintained to fully substantiate the claim, including identification of each vehicle or type of equipment in which the fuel was used. Categories of refund claims are:

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

(11) Sales to signed statement purchasers.;

(A) Suppliers who have paid the diesel fuel tax may accept signed statements from purchasers and make

tax-free sales. A refund claim may be filed by the supplier covering the number of gallons sold on signed statements. The claim must be accompanied by a schedule listing the name, address, and number of gallons sold each purchaser.;

(B) The claim shall not include a single delivery of more than 2,000 gallons, or total deliveries during one month of more than 10,000 gallons plus the number of gallons in the last sale that exceeded the 10,000 gallon limit.

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

TRD-8910117

Bob Bullock
Comptroller of Public
Accounts

Effective date: October 23, 1989

Expiration date: February 20, 1990

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

• 34 TAC §3.184

The Comptroller of Public Accounts adopts on an emergency basis an amendment to §3.184, concerning assignment of refund claims for tax-paid gasoline exported from Texas. The amendment sets out the procedures for assignment of refund claims for non-permitted or permitted persons not qualified to purchase gasoline tax-free, but who purchase 100 gallons or more and immediately export the entire quantity.

The amendment is adopted on an emergency basis to provide guidance and establish procedures for assigning refund claims for tax-paid gasoline exported from Texas by persons not qualified to purchase tax-free.

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

§3.184. Assignment of Refund Claims for Tax-Paid Gasoline Exported from Texas.

(a) Persons qualifying. A non-permitted person or permitted person who is not eligible to purchase gasoline tax free, residing or maintaining a place of business outside the State of Texas and who purchases 100 gallons or more of gasoline and immediately exports the entire quantity, may assign his right to claim a refund to the permitted distributor from whom the gasoline was purchased or to any permitted distributor who has paid the tax on the gasoline either directly or through another permitted distributor in Texas.

(b)-(e) (No change.)

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

TRD-8910118

Bob Bullock
Comptroller of Public
Accounts

Effective date: October 23, 1989

Expiration date: February 20, 1990

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

Subchapter O. State Sales and Use Tax

• 34 TAC §3.300

The Comptroller of Public Accounts is renewing the effectiveness of the emergency adoption of amended §3.300, for a 60-day period effective October 19, 1989. The text of amended §3.300 was originally published in the June 30, 1989, issue of the *Texas Register* (14 TexReg 3175).

Issued in Austin, Texas on October 19, 1989.

TRD-8910037

Wade Anderson
Rules Coordinator
Comptroller of Public
Accounts

Effective date: October 19, 1989

Expiration date: December 18, 1989

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



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 13. CULTURAL RESOURCES

Part IV. Texas Antiquities Committee

Chapter 41. Practice and Procedure

• 13 TAC §41.5

The Texas Antiquities Committee (committee) proposes an amendment to §41.5, concerning definitions. The proposed new terms clarify and define words and phrases used in agency rules of practice and procedure concerning disposition of reported items of value and specific criteria for evaluation of historic significance of reported items of value. The amended section applies to certain buried items of value reported to the committee; recovered from onshore state or university lands, under an antiquities permit; submitted for evaluation to determine historic significance; and appraised to establish a monetary value.

The amended section is necessary to define terms required by proposed new §41.29 and §41.30 of this title (relating to Disposition of Reported Items of Value; and Specific Criteria for Evaluation of Historic Significance of Reported Items of Value). The proposed new sections are necessary to enact Senate Bill 222, Article 5, Section 111, 71st Legislature, 1989, entitled Incentive to Report Items of Value.

The amendment enables the agency to enact rules of practice and procedure; to identify criteria for determination of historic significance of reported items of value; and to otherwise implement provisions required by fiscal year 1990-1991 appropriations rider.

The rider authorizes the comptroller of public accounts to pay rewards up to 25% of any buried treasure recovered on either state or university onshore lands by individuals other than an employee or contractor of a state or university.

The language in the appropriations rider states: "Such reward shall be paid from the proceeds of any treasure found or if such treasure is determined to be of historic nature, and therefore, not convertible into funds available for distribution as a reward, the payment of the reward is authorized from the General Revenue Fund, if the treasure is found on state property or from the university on whose land where such treasure is found".

One of the Texas Antiquities Committee mandates is to identify and designate landmarks, the Texas Natural Resources Code of 1977, Title 9, Chapter 191, Subchapter C, Powers

and Duties, §191.051(2). Sites, objects, buildings, or artifacts of historical, archeological, scientific, or educational interest located in, on, or under the surface of any land belonging to the State of Texas or to any county, city, or political subdivision of the State of Texas are state archeological landmarks, the Texas Natural Resources Code of 1977, Title 9, Chapter 191, Subchapter D, State Archeological Landmarks, §191.092(a).

A prerequisite to removal, altering, damaging, destroying, salvaging, or excavating a landmark is to obtain an antiquities permit, the Texas Natural Resources Code of 1977, Title 9, Chapter 191, Subchapter D, State Archeological Landmarks, §191.093.

All archeological investigations carried out as a result of Senate Bill 222, Article 5, §111, Incentive to Report Items of Value, 71st Legislature, 1989, will be conducted under Chapter 41 of this title (relating to Practice and Procedure), §41.21 (b)(1)(A) and (B) of this title (relating to Application for Archeological Permit). Payment of rewards will be implemented under Chapter 874, Title 70, Heads of Departments, Texas Civil Statutes, Article 4344g, relating to contracts for information about state claims.

Molly F. Godwin, administrative technician, has determined that for the first five-year period the proposed section is in effect there will be fiscal implications for universities and/or state government as a result of enforcing or administering the section and the enactment of the appropriations rider, Senate Bill 222, Article 5, §111, Incentive to Report Items of Value, 71st Legislature, 1989.

Ms. Godwin has also determined that for the first five year period the proposed section is in effect there will be fiscal implications for small businesses as a result of complying with the amendment necessitated by proposed new §41.29 and §41.30 of this title (relating to Disposition of Reported Items of Value and Specific Criteria for Evaluation of Historic Significance of Reported Items of Value) and the enactment of the appropriations rider, Senate Bill 222, Article 5, §111, Incentive to Report Items of Value, 71st Legislature, 1989. There will be no fiscal implications for local government as a result of enforcing the §111 rider or administering the amended section.

The effect on universities and/or state government for the first five-year period the amended section and the rider are in effect will be a possible increase and/or decrease of funds and/or of the general revenue fund for fiscal years 1990-1993 relative to the recovery and reporting of an item of value and its subsequent appraisal, evaluation for historic significance, and request for reward payment. The rider authorizes payment from the gen-

eral revenue fund if treasure is found on state property or from the university on whose land such treasure is found.

It is believed the rider stipulates that if a reported item of value is determined to be non-historic in nature, the recovery of the item for the state and the subsequent proceeds derived from its sale will be divided between state funds and/or university funds (75%) and the individual or organization who reported and recovered the valuable item (25%). A possible increase in university funds and/or the general revenue fund in the amount of 75% of the proceeds received is authorized by the rider if non-historic items of value are reported, recovered, appraised, and then sold. However, it is not possible at this time to estimate the amount of increase due to the undetermined value of items yet to be reported and recovered.

If a reported item of value is determined to be historically significant, it is non-convertible into funds available for distribution. It is believed the rider stipulates that there will be a direct fiscal impact to universities and/or state government as a result of administering the amendment and proposed new §41.30 of this title (relating to Specific Criteria for Evaluation of Historic Significance of Reported Items of Value) and as a result of enacting of the appropriations rider, Senate Bill 222, Article 5, §111, 71st Legislature, 1989, Incentive to Report Items of Value Section 111 authorizes payment of a reward amounting to 25% of value of the item reported and recovered. Payment if authorized from the general revenue fund if treasure is found on state property or from the university on whose land the treasure is located.

If an item is determined to be historic in nature, it cannot be sold. The committee will determine the final disposition of all artifacts, specimens, materials, and data which remain the property of the state (§41.27(b), concerning disposition of archeological artifacts and data) As the rider is written, it is believed that a reduction in the general revenue fund or university funds in the amount of 25% of the appraised value of the reported item is expected if item is determined to be of historic significance. However, it is not possible at this time to estimate the amount of reduction due to the undetermined value of items yet to be reported and recovered.

The costs of compliance with the section for small businesses for the first-five year period the amendment and the rider are in effect will be payment of all appraisal, conservation, curation, and evaluation fees incurred for fiscal years 1990-1993 relative to the recovery and reporting of an item of value determined by the committee to be of an historic nature. It is believed that the rider stipulates small

businesses that report valuable historic items to the committee and recover them under antiquities permit may receive a reward up to 25% of the value of the item. A reward payment could decrease costs for fiscal years 1990-1993. However, it is not possible at this time to estimate the compliance cost due to the undetermined value of items yet to be reported and recovered.

Ms. Godwin 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 and the rider will be the clarification of definitions concerning disposition of reported items of value and determination of their historic significance; buried items of value will be recovered under antiquities permit; and historically significant items in public ownership will be identified and recovered. Valuable historic artifacts will be identified, recovered, conserved, and curated in a public repository. A report of archeological investigations on public land will be produced and distributed state-wide. Finally, the public may enter into an agreement with the state to recover and report items of value located on state or university onshore land.

There will be an anticipated economic cost to individuals who are required to comply with the amended section and the rider on a project specific basis. Individuals who agree to be project sponsors or permittees, will bear all costs of archeological investigations under antiquities permit; administrative costs related to committee evaluation of reported item to determine its historic significance; appraisal fees and charges to establish a monetary value; conservation, placement, and curation costs for the reported item of value, pursuant to §41.21(1)(A) and (B) and 41.29(b) of this title (relating to Application for Archeological Permit; and Disposition of Reported Items of Value). After recovery, evaluation, appraisal, and conservation of the item of value, it is believed the rider stipulates an individual may request payment of reward of 25% of the value of the item. A reward payment could decrease economic costs to project sponsors for fiscal years 1990-1993. However, it is not possible at this time to estimate the decrease in economic cost due to items yet to be reported and recovered.

Comments on the proposal may be submitted to Molly F. Godwin, Administrative Technician, Texas Antiquities Committee, P.O. Box 12276, Austin, Texas 78711-2276.

The amendment is proposed under the Natural Resources Code, Title 9, Chapter 191 (revised by Senate Bill 231, 68th Legislature, 1983, and House Bill 2056, 70th Legislature, 1987), §191.052, which provides the Texas Antiquities Committee with the authority to promulgate rules and require contract or permit conditions to reasonably effect the purposes of Chapter 191.

§41.5 Definitions. The following words and terms, when used in this chapter and the Antiquities Code of Texas, shall have the following meanings unless the context clearly indicates otherwise.

Appraisal—A valuation of property by the estimate of an appraiser.

Appraiser—An individual authorized by the Texas Antiquities Committee estimating valuation of property.

Bullion—Uncoined gold or silver or other precious metal in bar or ingot form.

Buried treasure—An item of value as defined herein, any bullion, coins, or jewelry.

Coins—Usually flat, round pieces of metal issued by a governmental authority as money.

Conservation—Scientific laboratory process for cleaning, stabilizing, restoring, and preserving artifacts.

Item of value—Any bullion, coins, or jewelry.

Jewelry—Objects of precious metal often set with gems and worn for adornment.

Permittee—An individual, institution, or company issued an antiquities permit for any archeological investigation or historic preservation activity.

Project sponsor—An individual, institution, or company paying costs of archeological work conducted under antiquities permit.

Valuation—Act of assigning a monetary worth to an item by an authorized appraiser.

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 20, 1989.

TRD-8910058

Molly F. Godwin
Certifying Official
Texas Antiquities
Committee

Earliest possible date of adoption: November 27, 1989

For further information, please call: (512) 463-6098

◆ ◆ ◆
• 13 TAC §41.29, §41.30

The Texas Antiquities Committee (committee) proposes new §41.29 and §41.30, concerning agency rules of practice and procedure. The new sections establish reasonable rules and regulations regarding disposition of reported items of value and specific criteria for evaluation of historic significance of reported items of value. The new sections apply to certain buried items of value reported to the committee, recovered from onshore state or university lands, under an antiquities permit; submitted for evaluation to determine historic significance; and appraised to establish a monetary value.

The new sections are necessary to enable the agency to enact rules of practice and procedure regarding reported items of value; to identify criteria for determination of historic significance of reported items of value; and to otherwise implement provisions required by FY 1990-1991 appropriations rider, Senate Bill 222, Article 5, §111, 71st Legislature, Regular Session, 1989, entitled incentive to report items of value. Section 111 authorizes the comptroller of public accounts to pay rewards up to 25% of any buried treasure recovered on either state or university onshore lands by individuals other than an employee or contractor of a state or university.

The language in the appropriations rider states: "Such reward shall be paid from the proceeds of any treasure found or if such treasure is determined to be of historic nature, and therefore, not convertible into funds available for distribution as a reward, the Payment of the reward is authorized from the General Revenue Fund, if the treasure is found on state property or from the university on whose land where such treasure is found".

One of the Texas Antiquities Committee mandates is to identify and designate landmarks, Texas Natural Resources Code of 1977, Title 9, Chapter 191, Subchapter C, Powers and Duties, §191.051(2). Sites, objects, buildings, or artifacts of historical, archeological, scientific, or educational interest located in, on, or under the surface of any land belonging to the State of Texas or to any county, city or political subdivision of the State of Texas are state archeological landmarks, Texas Natural Resources Code of 1977, Title 9, Chapter 191, Subchapter D, State Archeological Landmarks, §191.092 (a).

A prerequisite to removal, altering, damaging, destroying, salvaging, or excavating a landmark is to obtain an antiquities permit, Texas Natural Resources Code of 1977, Title 9, Chapter 191, Subchapter D, State Archeological Landmarks, §191.093.

All archeological investigations carried out as a result of Senate Bill 222, Article 5, §111 incentive to report items of value, 71st Legislature, Regular Session, 1989 will be conducted under Chapter 41 of this Title, practice and procedure, §41.21(b)(1) (A) and (B), concerning application for archeological permit. Payment of rewards will be implemented under Chapter 874, Title 70, heads of departments, Texas Civil Statutes, Article 4344g, relating to contracts for information about state claims.

Molly F. Godwin, administrative technician, has determined that for the first five-year period the proposed sections are in effect there will be fiscal implications for universities and/or state government as a result of administering §41.30, specific criteria for evaluation of historic significance of reported items of value and the enactment of the appropriations rider, Senate Bill 222, Article 5, §111, incentive to report items of value, 71st Legislature, Regular Session, 1989.

Ms. Godwin also has determined that for the first five-year period the proposed sections are in effect there will be fiscal implications for small businesses as a result of complying with §41.29 and §41.30 concerning disposition of reported items of value and specific criteria for evaluation of historic significance, and the enactment of the appropriations rider, Senate Bill 222, Article 5, §111, incentive to report items of value, 71st Legislature, Regular Session, 1989. There will be no fiscal implications for local government as a result of enforcing the rider or administering the proposed new sections.

The effect on universities and/or state government for the first five-year period the new sections are in effect will be a possible increase and/or decrease of funds and/or general revenue for fiscal years 1990-1993 relative to the recovery and reporting of an item of value and its subsequent appraisal, evaluation of historic significance, and request for reward payment. The rider authorizes

izes payment of a reward from the general revenue fund if treasure is found on state property or from the university on whose land such treasure is found.

It is believed the rider stipulates that if a reported item of value is determined to be non-historic in nature, the recovery of the proceeds for the state and the subsequent proceeds derived from its sale will be divided between the state and/or university (75%) and the individual or organization (25%) that reported and recovered the item of value as provided for in the §111 rider. A possible increase in university funds and/or general revenue fund in the amount of 75% of the proceeds is authorized by the rider if non-historic items of value are reported, recovered, appraised and then sold. However, it is not possible at this time to estimate the amount of increase due to the undetermined value of items yet to be reported and recovered.

It is believed that if a reported item of value is determined to be historically significant, and thereby non-convertible into funds available for distribution as stipulated by the rider, there will be a direct fiscal impact to universities and state government as a result of administering §41.30, which institutes agency procedural rules concerning specific criteria for evaluation of historic significance of reported items of value and enacting the rider, Senate Bill 222, Article 5, §111, 71st Legislature, Regular Session, 1989, incentive to report items of value. Section 111 authorizes payment of a reward amounting to 25% of value of the item reported and recovered. Payment is authorized from the general revenue fund if treasure is found on state property or from the university on whose land such treasure is found.

If an item is determined to be historic in nature, it cannot be sold. The committee will determine the final disposition of all artifacts, specimens, materials, and data which remain the property of the state, Chapter 41, Practice and Procedure, §41.27(b), concerning disposition of archeological artifacts and data. As the rider is written, it is believed that a reduction in the general revenue fund or university funds in the amount of 25% of the appraised value of the reported item is expected. If the item is determined to be of historic significance it will not be sold for proceeds, but housed in a public curatorial facility. However, it is not possible at this time to estimate the amount of reduction due to undeterminable value of items yet to be reported and recovered.

The costs of compliance with the sections and the appropriations rider for small businesses for the first five-year period the new sections are in effect will be payment of appraisal, conservation, curation, and evaluation fees incurred for fiscal years 1990-1993 relative to the recovery and reporting of an item of value determined by the committee to be of an historic nature. It is believed that the rider stipulates small businesses that report valuable historic items to the committee and recover them under antiquities permit may receive a reward up to 25% of the value of the item. It is believed payment of a reward could decrease costs for fiscal years 1990-1993. However, it is not possible at this time to estimate the compliance costs due to the undetermined value of items yet to be reported and recovered.

Molly F. Godwin, administrative technician, has determined that for each year the sections as proposed are in effect, the public benefit anticipated as a result of enforcing the rider and administering the rules as proposed will be that reported buried items of value will be recovered under antiquities permit. Historically significant items in public ownership will be identified and recovered, conserved and curated in a public repository. A report of archeological investigations on public land will be produced and distributed state-wide. The public can enter into an agreement with the state to report and recover items of value located on state or university onshore land.

There will be anticipated economic costs to persons who are required to comply with new sections and the rider on a project specific basis. Individuals who agree to be project sponsors or permittees, will bear all costs of archeological investigations under antiquities permit §41.21(b)(1)(A) and (B) of this title (relating to Application for Archeological Permit). Individuals who report and recover valuable historic artifacts to the committee must bear all administrative costs related to committee evaluation of reported item to determine its historic significance; appraisal fees and charges; conservation, placement, and curation costs for the reported item of value, pursuant to proposed new §41.29(a), concerning disposition of reported items of value. After recovery, evaluation, appraisal, and conservation of the item of value. It is believed the rider stipulates an individual may request payment of a reward equal to 25% of the value of the item. Payment of a reward could decrease economic costs to project sponsors for fiscal years 1990-1993. However, it is not possible at this time to estimate the decrease in economic costs due to items yet to be reported and recovered.

Comments on the proposal may be submitted to Molly F. Godwin, Administrative Technician, Texas Antiquities Committee, P.O. Box 12278, Austin, Texas 78711-2278.

The new sections are proposed under the Natural Resources Code, Title 9, Chapter 191 (revised by Senate Bill 231, 69th Legislature, 1983, and House Bill 2056, 70th Legislature, 1987), §191.052, which provides the Texas Antiquities Committee with the authority to promulgate rules and require contract or permit conditions to reasonably effect the purposes of Chapter 191.

§41.29. Disposition of Reported Items of Value.

(a) Introduction. It is the intention of the Texas Antiquities Committee that any and all projects conducted as a result of the Appropriations Rider entitled Senate Bill 222, Article 5, §111, 71st Legislature, Regular Session, 1989, will be executed under Chapter 41, of this title (relating to Rules of Practice and Procedure). This assures that the projects will be conducted in a timely and professional scientific archeological manner. The rider and §41.29 and §41.30 of this title (relating to Disposition of Reported Items of Value and Specific Criteria for Evaluation of Historic Significance of Reported Items of Value), apply only to on-land sites. Tidelands are excluded. According to the language of the

rider, compensation can be claimed for a limited class of buried treasure items, not for other artifacts. Payment will be executed under Chapter 874, Title 70, Heads of Departments, Texas Civil Statutes, Article 4344g, concerning contracts for information about state claims. Texas Civil Statutes, Article 4344g, is effective until January 1, 1991.

(b) Costs. Costs of archeological investigations will be borne by project sponsor or permittee pursuant to §41.21(1)(A) and (B) of this title (relating to Application for Archeological Permit). The costs of evaluation, appraisal, conservation, and curation of reported items of value will be born solely by the permittee. The committee may require a performance bond be posted prior to issuance of antiquities permit.

(c) Processing, ownership, housing, conserving, exhibiting, and access. Principal investigators and permittees shall treat all reported items of value as artifacts according to rules specified in §41.27 of this title (relating to Disposition of Archeological Artifacts and Data).

(d) Evaluation. All reported items of value resulting from permit investigations on state or university lands submitted for payment of reward must be evaluated in terms of historic significance by the Texas Antiquities Committee according to criteria for evaluation as specified in §41.29 of this title (relating to Specific Criteria for Evaluation of Historic Significance) are state archeological landmarks and will be reviewed by the committee and place for curation on a case by case basis.

(e) Conservation and curation. All items of value determined to have historic significance must be conserved and curated. Curation and housing will be reviewed by the committee and decided on a case-by-case basis.

(f) Appraisal. All reported items of value must be assigned a monetary value by an independent appraiser approved by the committee. A written appraisal must be submitted to the committee for review and must accompany a written request for reward payment.

§41.30. Specific Criteria for Evaluation of Historic Significance of Reported Items of Value. Historic significance may be assigned to a reported item of value, and a reward approved provided that the following conditions are met:

(1) the reported item of value was recovered from state or university onshore lands by individuals other than an employee or contractor of the state or a university;

(2) recovery of the reported item was conducted under an Antiquities Permit and appropriate Texas Administrative Code rules for archeological investigations;

(3) the reported item(s) consist of buried bullion, coins, and/or jewelry and excludes any other types of artifacts; and

(4) payment of a reward has been requested.

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 20, 1989.

TRD-8910057

Molly F. Godwin
Certifying Official
Texas Antiquities
Committee

Earliest possible date of adoption: November 27, 1989.

For further information, please call: (512) 463-6086.

◆ ◆ ◆
**Part VII. State
Preservation Board**
**Chapter 111. Rules and
Regulations of the Board**

• **13 TAC §111.13**

The State Preservation Board proposes an amendment to §111.13 concerning exhibitions and events in the capitol building. The State Preservation Board wishes to reduce the risk of fire and injury to persons from materials used in exhibits and events.

Michael Schneider, administrative assistant, 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. Schneider 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 additional safeguards for fire and life safety. 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 Michael Schneider, State Preservation Board, P.O. Box 13286, Austin, Texas 78711.

The amendment is proposed under Texas Civil Statutes, Article 6145-14, Texas Government Code, Chapter 443, which provides the State Preservation Board with the authority to enact rules concerning the Capitol, General Land Office Building, their contents, and their grounds.

§111.13. Exhibitions and Events in the Capitol Building.

(a) Definitions.

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

(b) Approval of Exhibits.

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

(5) All exhibits must be free-standing. Art and photographic exhibits

must be secured to tripods, backdrops, or free-standing displays. Exhibits may not:

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

(E) obstruct the view of or access to fire fighting equipment or fire alarm pull stations;

(F) involve the use of any flammable, hazardous or odorous chemicals or materials, torches, or other open-flame illuminating devices or fires.

(7)-(8) (No change.)

(c) Scheduling Exhibits.

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

(d) Approval of Events.

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

(4) Events will not be approved if they:

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

(F) obstruct the view of or access to fire fighting equipment or fire alarm pull stations;

(G) involve the use of any flammable, hazardous or odorous chemicals or materials, torches, or other open-flame illuminating devices or fires.

(5)-(8) (No change.)

(e) Scheduling Events.

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

(3) Requests must be accompanied by:

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

(D) a list of all electrical equipment and power requirements for each piece of equipment.

(4) (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 19, 1989.

TRD-8910058

Michael Schneider
Administrative Assistant
State Preservation Board

Earliest possible date of adoption: November 27, 1989.

For further information, please call: (512) 463-5495.

◆ ◆ ◆
• **13 TAC §111.20**

The State Preservation Board proposes an amendment to §111.20, concerning use of

the capitol grounds. The State Preservation Board wishes to reduce the risk of fire and injury to persons from materials used in events on the grounds.

Michael Schneider, administrative assistant, 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. Schneider, 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 additional safeguards for fire and life safety.

There will be no effect on small businesses as result of enforcing the section. There is no anticipated economic cost to individuals who are required to comply with the sections as proposed.

Comments on the proposal may be submitted to Michael Schneider, State Preservation Board, P.O. Box 13286, Austin, Texas 78711.

The amendment is proposed under Texas Civil Statutes, Article 6145-14, Texas Government Code, Chapter 443, which provides the State Preservation Board with the authority to enact rules concerning the Capitol, General Land Office Building, their contents, and their grounds.

§111.20. Use of the Capitol Grounds.

(a) (No change.)

(b) Approval of Grounds Events.

(1) (No change.)

(2) Events will not be approved

if they:

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

(D) obstruct the view of or access to fire fighting equipment or fire hydrants;

(E) involve the use of flammable, hazardous or odorous chemicals or materials.

(3)-(6) (No change.)

(c) Scheduling Events.

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

(6) Approval shall not be granted when it is determined from the request that physical damage to state property (including the Capitol's exterior walls, doors, windows or lighting, monuments, fencing, lampposts, walkways, driveways, curbs, signage, irrigation system, trees, grass, plants, or flower beds) may result from the described activity. No torches, or other open-flame illuminating devices or fires, other than candles, are allowed for use on the grounds. Candles must be equipped with a means to catch the candle's dripping wax.

(7) (No change.)

(8) Users must provide a list of all electrical equipment and power requirements for each piece of equipment to be used, prior to approval of the event.

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 19, 1989.

TRD-8910055

Michael Schneider
Administrative Assistant
State Preservation Board

Earliest possible date of adoption: November 27, 1989

For further information, please call: (512) 463-5495

TITLE 22 EXAMINING BOARDS

Part XIX. Polygraph Examiners Board

Chapter 397. General Rules of Practice and Procedure

• 22 TAC §397.40

The Polygraph Examiners Board proposed an amendment to §397.40, concerning final decisions and orders—these proposes changes are to insure the rules of the Polygraph Examiners Act are in compliance with the Administrative Procedure and Texas Register Act.

Bryan M. Perot, executive officer, 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. Perot also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be to bring the "General Rules of Practice and Procedure" into compliance with the Administrative Procedure and Texas Register Act. There will be no effect on small businesses 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 Bryan M. Perot, Executive Officer, P.O. Box 4087, Austin, Texas 78773.

The amendment is proposed under Texas Civil Statutes, Article 4413(29cc), which provide the Polygraph Examiners Board with the authority to regulate persons who purport to be able to detect deception or to verify truth of statements through the use of instrumentation.

§397.40. Final Decisions and Orders. All final decisions and orders of the board shall be in writing and shall be signed by a majority of the board. A final decision shall include findings of fact and conclusions of law, separately stated. Findings of fact, if set forth in statutory language, shall be accompanied by a concise and explicit state-

ment of the underlying facts supporting the findings. If, in accordance with board rules, a party submits proposed findings of fact, the decision shall include a ruling on each proposed finding. Parties shall be notified either personally or by first class mail of any decision or order. A copy of that final decision or order shall be sent by first class mail to the attorneys of record and the board shall keep an appropriate record of that mailing. If a party is not represented by an attorney of record, then the board shall send a copy of the 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 regulation shall be presumed to have been notified on the date such notice is mailed. [On written request, a copy of the decision or order shall be delivered or mailed to any party and to his attorney of record.]

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 18, 1989.

TRD-8910047

Bryan M. Perot
Executive Officer
Polygraph Examiners
Board

Earliest possible date of adoption: November 27, 1989

For further information, please call: (512) 465-2058

• 22 TAC §397.42

The Polygraph Examiners Board proposes an amendment to §397.42, concerning motions for rehearing—to insure that the rules of the Polygraph Examiners Act are in compliance with the Administrative Procedure and Texas Register Act.

Bryan M. Perot, executive officer, 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. Perot also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be to bring the "General Rules of Practice and Procedure" into compliance with the Administrative Procedure and the Texas Register Act. 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 Bryan M. Perot, Executive Officer, P.O. Box 4087, Austin, Texas 78733.

The amendment is proposed under Texas Civil Statutes, Article 4413(29cc), which provide the Polygraph Examiners Board with the authority to regulate persons who purport to

be able to detect deception or to verify truth of statements through the use of instrumentation.

§397.42. Motions for Rehearing. A motion for rehearing must be filed by a party within 20 days after the date the party or attorney of record is notified of the final decision or order. Replies to a motion for rehearing must be filed with the board within 30 days after the date the party or his/her attorney of record is notified of the final decision or order, and the board action on the motion must be taken within 45 days after the date the party or his/her attorney of record is notified of the final decision or order. If the board action is not taken within the 45 day period, the motion for rehearing is overruled by operation of the law 45 days after the date the party or his/her attorney of record is notified of the final decision or order. The parties may by agreement with the approval of the board provide for a modification of the times provided in this section. [A motion for rehearing must be filed within 15 days after the date of rendition of a final decision or order. Replies to a motion for rehearing must be filed with the board 25 days after the date of rendition of the final decision or order. 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 of rendition of the final decision or order. The board may by written order extend the period of time for filing the motions and replies and taking board action, except that an extension may not extend the period for board action beyond 90 days after the date of rendition of the final decision or order. In the event of an extension, the motion for rehearing is overruled by operation by law on the date fixed by the order, or in the absence of a fixed date, 90 days after the date of the final decision or order. The parties may by agreement with the approval of the board provide for a modification of the times provided in this section.]

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 18, 1989.

TRD-8910048

Bryan M. Perot
Executive Officer
Polygraph Examiners
Board

Earliest possible date of adoption: November 27, 1989

For further information, please call: (512) 465-2058

Part XXIII. Texas Real Estate Commission

Chapter 531. Canons of Professional Ethics and Conduct for Real Estate Licensees

• 22 TAC §531.19

The Texas Real Estate Commission proposes new §531.19, concerning prohibited discriminatory inquiries or disclosures. The proposed section is intended to implement Attorney General Opinion Number JM-1093 (1989), which determined that those provisions of House Bill 976, 71st Legislature, 1989, that purport to allow or require statements having a discriminatory effect contravene the federal Fair Housing Amendments Act of 1988, Public Law Number 100-430, 102 Stat. 1519, and are therefore invalid. The new section is also intended to enforce the provisions of Texas Civil Statutes, Article 6573a, §15(a)(6)(AA), which prohibits discriminatory practices by real estate licensees.

The new section prohibits Texas real estate licensees from inquiring about, responding to or facilitating inquiries about, or making a disclosure related to the race, color, religion, sex, national origin, ancestry, familial status, or handicap of an owner, potential purchaser, lessor, or potential lessee of real property. The new section defines a handicap as including a person who had, may have had, has, or may have, AIDS, HIV-related illnesses, or HIV infection as defined by the Centers for Disease Control of the United States Public Health Service.

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

Mr. Moseley also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be the elimination of discriminatory housing practices.

There will be no effect on small business as result of enforcing the section. There is no anticipated economic cost to individuals who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Mark A. Moseley, General Counsel, Texas Real Estate Commission, P.O. Box 12188, Austin, Texas 78711-2188.

The new section is proposed under Texas Civil Statutes, Article 6573a, §5(h), which provide the Texas Real Estate Commission with the Authority to make and enforce all rules and regulations necessary for the performance of its duties.

§531.19. Discriminatory Practices. No real-estate licensee shall inquire about, respond to or facilitate inquiries about, or make a disclosure related to the race, color, religion, sex, national origin, ancestry, familial status, or handicap of an owner, po-

tential purchaser, lessor, or potential lessee of real property. For the purpose of this section, handicap includes a person who had, may have had, has or may have AIDS, HIV-related illnesses, or HIV infection as defined by the Centers for Disease Control of the United States Public Health Service.

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 18, 1989.

TRD-8910025

Mark A. Moseley
General Counsel
Texas Real Estate
Commission

Earliest possible date of adoption: November 27, 1989

For further information, please call: (512) 465-3960

Chapter 535. Rules Relating to the Provisions of the Real Estate License Act

• 22 TAC §§535.71-535.73

The Texas Real Estate Commission proposes new §§535.71-535.73, concerning mandatory continuing education (MCE) for real estate licensees. The new sections define terms applicable to MCE requirements, adopt by reference forms to be used by MCE providers and instructors, establish standards and an application process for approval of an MCE provider, instructor or course and provide guidelines regarding attendance requirements, facilities, advertising, records retention, course revisions, and other provider obligations. The new sections also establish procedures for determining whether MCE providers or instructors are complying with the agency's requirements and for withdrawing approval to act as an MCE provider or instructor.

The proposed new sections implement the provisions of House Bill 1212, 72st Legislature, 1989, which require Texas real estate licensees to satisfy mandatory continuing education requirements as a condition of license renewal or issuance.

Donald C. Roose, education officer, has determined that for the first five year period the proposed sections are in effect there will be fiscal implications as a result of enforcing or administering the sections. The effect on state government will be an estimated additional cost of \$145,000 for the first year and annual cost averaging \$115,000 for each of the remaining four years. These costs are attributed to additional staff, computer programming and hardware acquisition, and operating expenses for mandatory continuing education duties required of the commission. Fiscal implications for small businesses are indeterminate, since the primary cost for a provider would be the preparation of course materials and completion of attendance records, all of which may be done without additional staff depending upon the size or composition of the provider. There are no fiscal implications for local governments.

Mr. Roose 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 an orderly regulation of mandatory continuing education provided to Texas real estate licensees. There will be no anticipated economic cost to persons who are required to comply with the sections as proposed.

Comments on the proposal may be submitted to Donald C. Roose, Education Officer, Texas Real Estate Commission, P.O. Box 12188, Austin, Texas 78711-2188.

The new sections are proposed under Texas Civil Statutes, Article 6573a, §5(h), which provide the Texas Real Estate Commission with the authority to make and enforce all rules and regulations necessary for the performance of its duties.

§535.71. Mandatory Continuing Education: Approval of Providers, Courses and Instructors.

(a) The following words and terms, when used in these sections, shall have the following meanings, unless the context clearly indicates otherwise.

Act-Act The Real Estate License Act, Texas Civil Statutes, Article 6573a.

Applicant—A person seeking approval to be a provider or instructor of a course for which mandatory continuing education credit is given.

Classroom hour—Fifty minutes of actual classroom session time.

Commission—The Texas Real Estate Commission.

Instructor—A person approved by the Texas Real Estate Commission to teach mandatory continuing education courses.

MCE—Mandatory Continuing Education.

Person—An individual, partnership, or a corporation, foreign or domestic.

Provider—A person approved by the Texas Real Estate Commission to offer courses for which mandatory continuing education credit is given.

(b) A person who wishes to offer courses accepted by the commission for MCE credit shall apply to the commission for approval to be an MCE provider and for approval for each MCE course and instructor using application forms prepared by the commission. The commission may refuse to accept any application which is not complete which is not accompanied by the appropriate filing fee. Each provider shall submit at least one course and instructor application.

(c) The commission adopts by reference the following forms approved by the commission in 1989 and published and available from the commission, P.O. Box 12188, Austin, Texas, 78711-2188:

(1) MCE Form 1-0, Application for Approval as an MCE Provider;

(2) MCE Form 2-0, MCE Provider Principal Information;

(3) MCE Form 3-0, Application for Approval of a Course for MCE Credit;

(4) MCE Form 4-0, Application for Approval as an MCE Instructor;

(5) MCE Form 5-0, MCE Course Schedule;

(6) MCE Form 6-0, Notice of MCE Course Cancellation;

(7) MCE Form 7-0, MCE Course Completion Card;

(8) MCE Form 8-0, MCE Attendance Roster;

(9) MCE Form 9-0, End of Month MCE Report; and

(10) MCE Form 10-0, Request for Instructor MCE Credit.

(d) To be approved as an MCE provider, a person must satisfy the commission as to the person's ability to administer a course of continuing education in MCE subjects approved by the commission.

(e) To be approved to offer a course for MCE credit, the provider must satisfy the commission that the course subject matter is appropriate for a continuing education course for real estate licensees and that the information provided in the course will be current and accurate. Providers must submit an instructor's manual for each proposed course. The commission will publish guidelines to aid providers in the development of instructor manuals. Each manual must contain the following:

- (1) course objectives;
- (2) sentence outline of the subject matter;
- (3) discussion questions and answers;
- (4) course participant handouts;
- (5) evaluation techniques; and
- (6) bibliography or source of updated subject matter.

(f) To be approved as an instructor of any MCE course, a person must satisfy the commission as to the person's competency in the subject matter to be taught and ability to teach effectively. Each person approved as an instructor must also meet the following requirements:

- (1) a college degree in the subject area or five years professional experience in the subject area; and
- (2) a college degree in education or five years experience in teaching or training; or
- (3) the equivalent of paragraphs (1) and (2) as determined by the commission.

(g) An applicant may be requested to provide additional information, and the commission may terminate an application without further notice if the applicant fails

to provide the additional information within 60 days of the mailing of a request by the commission.

(h) Fees shall be established by the commission in accordance with the provisions of the Act, §7A, at such times as the commission deems appropriate. Fees are not refundable and must be submitted in the form of a cashier's check or money order.

(i) The commission may authorize the head of the education division of the commission, or a designate, to determine whether applications for MCE providers, courses or instructors should be approved. The commission may disapprove an application for approval as a provider or instructor for the same reasons as the commission may disapprove an application for a real estate license. If an application is disapproved, written notice detailing the basis of the decision shall be provided to the applicant.

(j) An applicant may appeal a disapproval by filing with the commission a written request for a hearing within 10 days after the receipt of the notice of disapproval. Following the hearing, the commission may sustain or withdraw the disapproval or establish conditions for the approval of a provider, course or instructor. Proceedings involving applications shall be conducted in accordance with the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a. Venue for any hearing conducted under this section shall be in Travis County.

(k) A course offered by a provider to satisfy all or part of the six hours of legal topics required by the Act, §7A, must include one or more of the legal topics listed in the Act or approved by the commission. The commission shall periodically publish lists of additional legal topics approved for MCE credit.

(l) A course must be devoted to one or more of the subjects specified under the course titles in the Act, §7(a)(2)-(4) and §7(a)(7)-(9), to real estate professionalism and ethics or to other subjects approved by the commission for MCE credit. MCE courses must be presentations of relevant issues and changes within the subject areas as they apply to the practice of real estate in the current market. The commission shall periodically publish lists of subjects other than legal topics which are approved for MCE credit. Courses approved by the commission for prelicensing education or salesman annual education requirements provided in the Act, §7(d)-(e), are not acceptable for satisfying MCE requirements, nor may MCE courses be accepted by the commission for satisfying the education requirements of the Act, §7(d)-(e).

(m) A provider shall furnish the commission with a schedule of all offerings of each course approved for MCE credit. The schedule must be furnished either with the application for course approval or at

least 30 days prior to the first date the course will be presented.

(n) If a provider does not maintain a fixed office in this state for the duration of the provider's approval to offer courses, the provider shall designate a resident of this state as attorney in fact to accept service of process and act as custodian of any records in Texas which the provider is required to maintain by these sections. A power-of-attorney designating the resident must be filed with the commission in a form acceptable to the commission.

(o) Unless withdrawn earlier for cause as provided by these sections, a provider's authority to offer courses for which MCE credit is given expires two years from the date the provider is approved by the commission. Authority to offer any MCE courses ends with the expiration of the provider's approval, and the provider must pay current fees and reapply for approval as a provider and for approval of each instructor and each course to be given for MCE credit. A course approved by the commission subsequent to the provider's approval may only be offered by the provider for the period of time remaining until the provider's authority expires.

(p) The commission may approve a provider to offer an MCE course by correspondence subject to the following conditions.

(1) The course must be conducted by an accredited college or university which offers correspondence courses, whether credit or noncredit, in other disciplines.

(2) The content of the course must satisfy the requirements of the Act, §7A, and these sections.

(3) Students receiving MCE credit for the course must pass a written examination administered on the campus of a college or university under controlled conditions to positively identified students, or at a location and by an official approved by the commission.

(4) The course must be approved by the commission as providing 15 hours of MCE credit, six hours of which must be in legal topics.

§535.72. Mandatory Continuing Education: Presentation of Courses, Advertising and Records.

(a) The provider offering each MCE course shall file a course attendance roster, MCE Form 8-0, with the commission within 10 days following completion of the course. Students must be listed in alphabetical order, and the name of every student for whom the provider is also filing a course completion card, MCE Form 7-0, must be listed. The instructors of the course shall sign the roster. The commission may not accept signature stamps, unsigned roe-

ters, or rosters signed by persons for whom an authorized signature exemplar has not been previously filed with the commission. Providers shall not certify for MCE credit a student who has not attended all class sessions.

(b) A provider shall provide each student with a machine-readable card, MCE Form 7-0, and obtain the completed card from each student completing the course. Providers shall obtain supplies of the cards from the commission. All cards for the students attending the course must be filed with the commission along with the alphabetized completion roster.

(c) A provider shall at the commencement of a course advise each student that the provider will not certify the student for MCE credit unless the student attends all sessions of the course, that partial credit will not be given for partial attendance and that no makeups or written work will be allowed for MCE credit. A provider shall take attendance at least twice during each session and retain attendance records for the period of time required by these sections for the retention of provider records.

(d) Facilities used by providers for classroom presentations must be adequate to accommodate attendance. Providers shall ensure each student has seating and, if a written exercise is to be conducted, a writing surface and writing materials.

(e) Providers may not present MCE courses in the offices of, or facilities controlled by, or identified with, a real estate brokerage firm or real estate franchise organization. All MCE courses must be publicized as open to enrollment by the general public.

(f) Advertising of MCE courses shall be subject to the following conditions.

(1) A provider may not advertise or offer a course until the provider has received written approval of the course.

(2) Any advertisement or promotional material used by a provider must indicate the MCE provider's name as reflected in the commission's records, the MCE provider number assigned by the commission, the specific MCE course number and course title and the number of MCE credit hours awarded including hours awarded for legal topics. For the purpose of this section, the following statement is acceptable to the commission and should be used: "This course has been approved by the Texas Real Estate Commission for (insert number of MCE hours) hours of Mandatory Continuing Education credit, (insert number of hours) hours of which is in legal topics."

(3) A provider shall not advertise a course to be conducted after the period of time for which the provider has been approved to offer courses.

(4) A provider shall not publish advertisements which are misleading or which are likely to deceive the public.

(5) Any business name used in a provider's advertising must not be deceptively similar to the name of any other approved MCE provider or school accredited by the commission or falsely imply a governmental relationship or identify a real estate brokerage or franchise organization.

(g) Providers shall retain student attendance records for a period of three years following the completion of a course and shall make copies of the records available to former students. A provider may charge a reasonable fee to defray the cost of copying student records. A provider's records must be kept at the location designated in the application for approval as a provider or at a location in this state reported to the commission subsequent to the application.

(h) Providers of MCE courses are responsible to the commission for the conduct and administration of each course presentation, the punctuality of classroom sessions, verification of student attendance, and instructor performance.

(i) A provider shall revise course materials during the period of time an MCE course may be given to ensure that current and accurate information is provided to students. Course revisions must be filed with the commission prior to implementation, and the commission may direct a provider to revise the materials further or cease use of materials.

(j) Providers shall notify the commission of any change in the dates or locations originally reflected in a course schedule at least 15 days prior to the provider's implementation of the change. In the event of course cancellation, a provider shall file a course cancellation notice, MCE Form 6-0, within five days of the scheduled start date.

(k) Providers shall report any change in business name, street or mailing address, ownership, person responsible for records or day-to-day operations, refund policy, attorney in fact, address of attorney-in-fact, or person authorized to certify course completion rosters at least 15 days prior to the change.

(l) A provider shall issue a certificate to each student who completes an MCE course. Course completion certificates must contain the names of the provider and student, the specific MCE course number and title, the date the course was completed, and the number of MCE credit hours awarded, including the number of credit hours in legal topics.

(m) Each provider shall file an end-of-month report, MCE Form 9-0, by the 15th day of the following month.

(n) A provider or instructor shall fully assist any employee of the commission engaged in the performance of an audit or investigation of a complaint and shall

provide records in his possession for examination by the commission or provide such information as is requested by the commission within 15 days of receiving a request for examination of records or information.

(o) Providers may request MCE credit to be given to instructors of MCE courses subject to the following guidelines.

(1) The instructors must teach at least three hours of the course.

(2) The credit may be requested only for time spent in teaching, not including time researching or preparing for the course.

(3) MCE credit may be requested only once for each course.

(4) The provider must report the instructor on MCE Form 10-0, separately from the course roster filed with the commission. The provider shall not submit a course completion card for the instructor.

(p) Each provider shall establish written policies governing refunds and contingency plans in the event of course cancellation due to inclement weather, insufficient enrollment, instructor unavailability, or other reasons. If the provider cancels a course, the provider shall fully refund all fees collected from students in advance.

§535.73. Compliance and Enforcement.

(a) The commission shall investigate complaints against MCE providers or instructors which allege acts constituting violations of these sections. Complaints must be in writing and the commission shall not initiate an investigation or take action against a provider or instructor based on an anonymous complaint.

(b) Complaints received by the MCE section of the education division of the commission or by any other division of the commission shall be referred to the enforcement division for appropriate resolution. The provider or instructor named in the complaint shall be provided with a copy of the complaint. Proceedings involving MCE providers or instructors shall be conducted in accordance with the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, and the commission's General Rules of Practice and Procedure. Venue for any hearing conducted under this section shall be in Travis County.

(c) Commission employees may conduct on-site audits of any course offered by an approved MCE provider. Audits shall be conducted without prior notice to the MCE provider, and commission employees may enroll and attend an MCE course without identifying themselves as employees of the commission. An audit report indicating noncompliance with these sections shall be treated as a written complaint against the provider or instructor concerned and shall

be referred to the enforcement division for appropriate resolution.

(d) The commission may reprimand, suspend, or revoke the authority of a provider to offer MCE courses or suspend or revoke the approval of an instructor to teach MCE courses when it has been determined that the provider or instructor has been guilty of:

(1) representing to the commission that a person had attended a course or portion of a course for which MCE credit was awarded when the provider or instructor knew or should have known that the representation was false;

(2) aiding or abetting a person to circumvent the requirements for attendance established by these sections;

(3) failing to provide within 15 days information requested by the commission as a result of a complaint which would indicate a violation of these sections; or

(4) disregarding or violating a provision of these sections or the Act.

(e) An order of suspension or revocation issued under this section may be probated upon reasonable terms and conditions as determined by the commission.

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 18, 1989.

TRD-8910024

Mark A. Moseley
General Counsel
Texas Real Estate
Commission

Earliest possible date of adoption: November 27, 1989

For further information, please call: (512) 465-3960

TITLE 34. PUBLIC FINANCE

Part II. State Treasurer

Chapter 15. Electronic Transfer of Certain Payments to State Agencies

• 34 TAC §§15.1-15.16

The Texas State Treasury Department proposes new §§15.1-15.16, concerning the electronic transfer of certain payments to state agencies that received or collected more than \$100 million in payments during the preceding state fiscal year. The purpose is to require persons that paid a state agency \$2 million or more in a category of payments the preceding state fiscal year, and anticipate paying \$2 million in a category of payments in the current fiscal year to make payments by electronic funds transfer. A state agency may adopt rules to require payments of \$500,000 or more in a category of payments to be made by electronic funds transfer.

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

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

Mr. Bell 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 large payments to state agencies will be available for investment purposes by the Treasury the business day following the date payment is made. This will result in additional interest earnings for the state from investment on these large payments. The possible economic cost to individuals who are required to comply with the section will be those persons who make large payments to the state agencies will lose interest earned previously during the period the payment was transmitted by mail. The possible economic cost to individuals in 1990 is \$2.3 million; 1991, \$3.45 million; 1992, \$3.554 million 1993, \$3.66 million; and 1994, \$3.77 million.

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

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

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

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

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

(3) a person that paid a state agency, subject to paragraph (1) of this

section, a total of \$500,000 or more in a category of payments and said agency has adopted rules to require payments of \$10,000 or more due in said category of payments to be made by electronic funds transfer.

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

Access code—A unique and confidential series of numbers assigned to each person which allows the person to communicate payment information to the data collection center.

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

ACH credit—An ACH transaction initiated by the person for credit to the treasury.

ACH debit—An ACH transaction initiated by the treasury, upon instruction from the person, for credit to the treasury.

ACH transaction—The electronic transfer of funds through the ACH.

Banking holiday—A holiday observed by the Federal Reserve Bank of Dallas and its member institutions.

Business day—Any day of the week other than Saturday, Sunday or a banking holiday.

Call-in day—Day on which a person communicates payment information to the data collection center.

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

(A) fees;

(B) fines;

(C) civil penalties;

(D) taxes, with each type of tax listed in the category of taxes definition below, considered a separate category of payments; and

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

Category of taxes—Each of the following taxes shall be considered a separate category of payments as set forth in Subparagraph (D) of the category of payments definition above. Subject to amendment, the categories of taxes include, but are not limited to:

(A) bank franchise tax;

(B) beer reporting system tax;

(C) bingo gross receipts;

(D) cement production tax;

(E) cigarette tax;

(F) cigar and tobacco products tax;

(G) coin operated services tax;

(H) controlled substances tax;

(I) diesel fuel tax;

(J) franchise tax;

(K) gas, electric, and water utility gross receipts tax;

(L) gasoline tax;

(M) hotel/motel tax;

(N) insurance maintenance tax;

(O) insurance premium and retaliatory taxes;

(P) interstate motor carrier sales and use tax;

(Q) liquefied gas tax;

(R) liquor reporting system tax;

(S) manufactured housing sales and use tax;

(T) mixed drinks gross receipts tax;

(U) motor vehicle rental tax;

(V) motor vehicle sales tax;

(W) natural gas production tax;

(X) oil production tax;

(Y) petroleum storage tank remediation fee;

(Z) public utility commission gross receipts assessment;

(AA) sales and use taxes;

(BB) sulphur production tax; and

(CC) unemployment compensation tax.

CCD format (cash concentration or disbursement format)—A standard ACH transaction format.

Data collection center—A facility that collects payment information from the person making payment to a state agency.

Due date—Date on which a payment to a state agency by a person is due. In the event the due date is a Saturday, Sunday, or banking holiday, the next business day shall be the due date.

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

Payor—See definition of persons below.

Payor identification number—A number used by a state agency to identify a particular person who makes payments to that agency.

Payment information—Information required by the state agency from the person making payment to be communicated to the data collection center for accurate credit of the payment to the person's account by the state agency.

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

Reference field—An informational field in a wire transfer that carries supplemental data.

State agency—All agencies of the state that during the preceding state fiscal year collected or received more than \$100 million in fees, fines, penalties, taxes, charges, gifts, grants, donations, and other funds, excluding federal grants and interest and dividend income. Subject to amendment, the following list of state agencies that collected or received more than \$100 million in the preceding state fiscal year is as follows:

(A) Comptroller of Public Accounts;

(B) Employees Retirement System;

(C) General Land Office;

(D) State Board of Insurance;

(E) State Department of Highways and Public Transportation;

(F) Texas Alcoholic Beverage Commission;

(G) Texas Department of Public Safety;

(H) Texas Employment Commission;

(I) Teacher Retirement System;

(J) Texas State Treasury Department;

(K) University of Texas System.

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

Trace number—A code provided by the data collection center upon receipt of all payment information from the person which uniquely identifies the completed communication.

Treasury—The Texas State Treasury Department.

Treasury's bank—A financial institution which is a member of the Federal Reserve System and with which the treasury has contracted to originate ACH debits and receive ACH credits and wire transfers.

Wire transfer—An instantaneous electronic funds transfer initiated by the payor for credit to the treasury.

§15.3. Eligibility Requirements.

(a) All persons subject to §15.1(b) of this title (relating to Applicability) shall be required by the state agency receiving payment to transfer payments of \$25,000 or more due to that state agency in a particular category of payments by one of the means of electronic funds transfer listed in §15.7 of this title (relating to Means of Electronic Funds Transfer) on or before the date the payment is due.

(b) All persons subject to §15.1(c) of this title (relating to Applicability) shall be required by a state agency's own rule(s) to transfer payments in the amount of \$10,000 or more due to the state agency in a particular category of payments by one of the means of electronic funds transfer listed in §15.7 of this title (relating to Means of Electronic Funds Transfer) on or before the date the payment is due.

(c) Those state agencies who adopt rules as set forth in subsection (b) of this section must:

(1) provide a duly authorized copy of the adopted rules to the treasury; and

(2) notify the persons to whom those rules apply in accordance with section §15.6 of this title (relating to Payor Information) no less than 60 days before the first payment is made pursuant to the adopted rule(s).

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

§15.4. Eligibility Determinations.

(a) By October 1 of each year, each state agency shall review the eligibility of all persons who have made payments to the state agency in the preceding state fiscal year. Persons identified who meet the eligibility requirements set forth in §15.3 of this title (relating to Eligibility Requirements) shall be required to transfer payments by electronic funds transfer to the state agency to which payment is due for the period beginning January 1 and ending December 31 of the following year.

(b) By October 15 of each year, each state agency shall:

(1) send a notice to each person newly identified as required to transfer payment to the state agency by electronic funds transfer. The notice shall contain the information set forth in §15.6 of this title (relating to Payor Information); and

(2) provide the treasury with a list of all such newly identified persons.

(c) By October 15 of each year, each state agency shall:

(1) send a notice to those persons currently transferring payment by electronic funds transfer which have been identified as no longer meeting the eligibility requirements. The notice shall advise the persons that they are not required to transfer payments by electronic funds transfer for the period beginning January 1 and ending December 31 of the following year as well as the date for transfer of their final payment by electronic funds transfer; and

(2) provide the treasury with a list of all such persons identified as no longer meeting the eligibility requirements.

(d) State agencies shall not be required to provide notice to persons whose eligibility has not changed and who will be required to transfer payments by electronic funds transfer for the period beginning January 1 and ending December 31 of the following year. If a person believes that its eligibility status has changed, it may contact the state agency to which payment is made for a review of its eligibility.

§15.5. Voluntary Payment by Electronic Funds Transfer.

(a) A person currently making payment to a state agency in a particular category of payments who does not meet the eligibility requirements of §15.3 of this title (relating to Eligibility Requirements), may voluntarily transfer payments by electronic funds transfer subject to the approval of the state agency.

(b) A person who voluntarily elects to transfer payment to a state agency by electronic funds transfer must contact the state agency to which payment is to be made between September 15 and November 15 to obtain the information set forth in §15.6 of this title (relating to Payor Information).

(c) A person who voluntarily transfers payments to a state agency by electronic funds transfer shall begin transferring payments on the following January 1.

(d) A person shall notify the state agency if the person elects to no longer voluntarily transfer payments by electronic funds transfer.

§15.6. Payor Information.

(a) Notice will be sent in accordance with §15.4 of this title (relating to Eligibility Determinations) to those persons meeting the eligibility requirements of §15.3 of this title (relating to Eligibility Requirements) and to those persons who voluntarily elect to transfer payment by electronic funds transfer. The notice will include:

(1) guidelines as to when and how the payments must be transferred;

(2) the payor information form and written instructions for completion of the payor information form;

(3) the telephone number of the contact person at the state agency with whom a person may communicate in the event of questions or problems; and

(4) such other information the state agency or the treasury deems necessary.

(b) The payor information form must be completed and returned to the treasury. (See §15.16 of this title (relating to Notification)). Upon receipt and processing by the treasury the person will be provided with:

(1) instructions for communicating payment information to the data collection center by the chosen method of communication set forth in §15.8 of this title (relating to Methods of Communication to the Data Collection Center);

(2) the access code to be used when communicating payment information to the data collection center; and

(3) the routing number and account number to which the person shall transfer payment if the person has chosen

ACH credit or wire transfer as the means of electronic funds transfer.

(c) A person must notify the treasury (see §15.16 of this title (relating to Notification)) of any change of information in the payor information form as follows:

(1) a change in the routing number or account number, or a change to or from the ACH debit means of electronic funds transfer, must be communicated to the treasury in writing. The change will become effective upon notification to the person by the treasury or within 10 business days, whichever occurs first; and

(2) any other change of information on the payor information form may be communicated to the treasury in writing or by telephone. The change will be effective upon notification to the person by the treasury or within five business days, whichever occurs first.

§15.7. Means of Electronic Funds Transfer.

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

(1) ACH debit;

(2) ACH credit in CCD format, including the payor identification number in the individual identification number field, if possible; or

(3) wire transfer, including the payor identification number in the reference field.

(b) Regardless of the means of electronic funds transfer chosen, the person must communicate payment information to the data collection center in accordance with §15.9 of this title (relating to Communication of Payment Information to the Data Collection Center). ACH credit with an addenda record in lieu of ACH credit with communication to the data collection center is not an available option at this time.

§15.8. Methods of Communication to the Data Collection Center.

The person may choose any of the following methods to report payment information to the Data Collection Center.

(1) Terminal-Communication of payment information made by entering data via a dumb terminal or personal computer with a modem.

(2) Touch-tone-Communication of payment information made by entering data via the dial pad of a touch-tone telephone.

(3) Operator assisted-Communication of payment information made orally by rotary or touch-tone telephone.

§15.9. Communication of Payment Information to the Data Collection Center.

(a) Regardless of the means of electronic funds transfer chosen in §15.7 of this title (relating to Means of Electronic Funds Transfer), all persons transferring payment to a state agency must communicate payment information to the data collection center by the method of communication chosen in §15.8 of this title (relating to Methods of Communication to the Data Collection Center) by 6 p.m. Austin time, on the business day before the due date.

(b) The data collection center will give each person a trace number which will facilitate tracking the person's communication of payment information when necessary.

(c) Communication by the person to the data collection center before 6 p.m. Austin time is mandatory to insure proper credit of the payment by the state agency receiving payment.

(d) The person must initiate a separate communication with the data collection center for every payment made to a different category of payment as defined in §15.2 of this title (relating to Definitions) and for every time period for which a payment is due.

(e) Any change, correction or cancellation in the payment information must be communicated to the data collection center before 6 p.m. Austin time on the call-in day.

(f) Persons experiencing difficulty communicating with the data collection center should contact the treasury. (See §25.16 of this title (relating to Notification)).

§15.10. Transfer of Funds to the Treasury. Regardless of the means of electronic funds transfer chosen in §15.7 of this title (relating to Means of Electronic Funds Transfer), all persons must communicate payment information to the data collection center in accordance with §15.9 of this title (relating to Communication of Payment Information to the Data Collection Center). Transfer of funds to the treasury shall occur as follows.

(1) If ACH debit is the chosen means of electronic funds transfer, the payment amount communicated to the data collection center by the person will be automatically withdrawn from the person's account on the following business day and no further action by the person is required.

(2) If ACH credit is the chosen means of electronic funds transfer, the person must initiate an ACH credit in the same amount as the payment amount communicated to the data collection center, for credit to the treasury on the business day following the call-in day. The person should include the payor identification number in the individual identification number field of the ACH credit, if possible.

(3) If wire transfer is the chosen means of electronic funds transfer, the person must initiate a wire transfer in the same amount as the payment amount communicated to the data collection center, for credit to the treasury on the business day following the call-in day. The person must initiate the wire transfer by 12 p.m. Austin time and must include the payor identification number in the reference field.

(4) The person must initiate a separate transfer of funds for every payment made to a different category of payment as defined in §15.2 of this title (relating to Definitions) and for every time period for which a payment is due.

§15.11. Alternate Procedures.

(a) In the event a person is unable to communicate payment information to the data collection center by 6 p.m. Austin time on the business day before the due date, or a person transferring funds by ACH credit is unable to effect such transfer for credit to the treasury on the due date, the person must follow the procedures listed below to insure timely credit of payment:

(1) initiate a wire transfer of the payment including the payor identification number in the reference field by 12 p.m. Austin time on the due date; and

(2) communicate payment information to the data collection center by 12 p.m. Austin time on the due date.

(b) Any change, correction, or cancellation in the payment information must be communicated to the data collection center before 12 p.m. Austin time on the due date.

§15.12. Credit of Payment.

(a) Communication of payment information to the data collection center by a person transferring payment to a state agency will insure credit of the payment to the proper state agency and correct category of payment. In the event the payment is credited to the improper state agency or the incorrect category of payment due to insufficient payment information, the state agency to which the payment is due shall make any late payment determination.

(b) Circumstances within the control of the person or the person's bank which result in failure of the transfer of payment to the treasury on the due date may result in a late payment. Any determination of late payment will be made by the state agency to which the payment is due.

§15.13. Proof of Payment.

(a) In the event a person follows the procedures set forth in §§15.9, 15.10, and 15.11 of this title (relating to Communication of Payment Information to the Data Collection Center; Transfer of Funds to the

Treasury; and Alternate Procedures), but payment is not received by the treasury, a person may rely upon the following numbers as proof of an attempt to transfer payment:

(1) the trace number provided by the data collection center if ACH debit is the chosen means of electronic funds transfer;

(2) the trace number assigned to the ACH credit by the person's bank if ACH credit is the chosen means of electronic funds transfer; and

(3) the Federal Reserve Bank reference number if wire transfer is the chosen means of electronic funds transfer.

(b) A person must produce proof of an attempt to transfer payment within 30 days following said attempt.

(c) Upon determination by the state agency that the person did attempt to transfer payment, payment records will be corrected upon receipt of the funds from the person.

§15.14. Errors in Transmission. In the event a state agency determines that a payment or overpayment has mistakenly been made by electronic funds transfer, the state agency shall return the payment or the amount of the overpayment to the person in accordance with state law as directed and in the manner established by each state agency.

§15.15. Effective Date. Any and all payments subject to Texas Senate Bill 245, 71st Legislature (1989) (to be codified in the Texas Government Code as §404.095) due on or after January 1, 1990, must be made in accordance with these rules. Any and all payments required to be made in accordance with state agency rules referred to in §15.3(c) of this title (relating to Eligibility Requirements), are due no earlier than 60 days after the final adoption of such rules.

§15.16. Notification. Any notification to the treasury by mail or telephone must be directed to: Texas State Treasury Department, Rapid Deposit Division, P.O. Box 12608, Austin, Texas 78711, (512) 440-4700, (512) 440-4749 (FAX).

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 20, 1989.

TRD-8910074

Anne L. Schwartz
General Counsel
Texas State Treasury
Department

Earliest possible date of adoption: November 27, 1989

For further information, please call: (512) 483-5971

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Services

Chapter 14. County Indigent Health Care Program

Subchapter A. Program Administration

The Texas Department of Human Services (DHS) proposes amendments to §§14.1, 14.101, 14.104, 14.106, 14.108, and 14.204 concerning county indigent health care (CIHC) program administration; application processing; income; changes; reviews; and services and payment liability, limitations, and options. The amendments to §§14.1(f)(1)(A); 14.101(a)(1), (e), (f), and (k) (1); and 14.108 (c)-(d) substitute DHS's application for assistance form for the application for county medical assistance form. The purpose of this change is to permit better integration and delivery of services between the CIHC, DHS, and Texas Department of Health (TDH) programs. Counties may use remaining stock supplies of the current application for county medical assistance form before using the new application for assistance form.

Amendments to §§14.101, 14.106, and 14.204 are proposed to permit counties to recover costs of health care services provided to eligible county residents when a third party is responsible for some or all of the costs of the services. Clients must provide information and report changes about potential third party payors and assign their rights to third party recovery to the county. Assignment occurs when the client signs the application form.

The amendment to §14.104 concerns income countable in determining eligibility for the CIHC program. This amendment results from policy changes in the Aid to Families with Dependent Children (AFDC) Program and make a procedural correction.

All of these amendments were unanimously approved by the County Indigent Health Care Program Advisory Committee at its October 12, 1989, meeting.

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

Mr. Raiford also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be CIHC program policies that track AFDC program policies.

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 section.

Comments on the proposal may be submitted to Cathy Rossberg, Administrator, Policy Development Services Division-621, 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 §14.1

The amendment is proposed under Texas Civil Statutes, Article 4438f, the Indigent Health Care and Treatment Act, Title I, and the Human Resources Code, Title 2, Chapters 22 and 32, which provides the department with the authority to administer public and medical assistance programs.

§14.1. County Program Administration.

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

(f) Eligibility requirements for counties applying for state assistance.

(1) Each county that plans to credit expenditures towards eligibility for the state assistance fund must:

(A) comply with the eligibility standards and the application, documentation, and verification procedures contained in this chapter. County use of the DHS Application for [County Medical] Assistance form, the Eligibility Worksheet, and the Monthly Financial/Activity Report is also required. County use of other DHS forms is not required if the county substitutes a similar form with the same content as the DHS form;

(B)-(J) (No change.)

(2) (No change.)

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

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

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

TRD-8910093

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 B. Determining Eligibility

• 40 TAC §§14.101, 14.104, 14.106, 14.108

The amendments are proposed under Texas Civil Statutes, Article 4438f, the Indigent Health Care and Treatment Act, Title I, and the Human Resources Code, Title 2, Chapters 22 and 32, which provides the department with the authority to administer public and medical assistance programs.

§14.101. Application Processing.

(a) The following words and terms, when used in this section, shall have the

following meanings, unless the context clearly indicates otherwise.

(1) Application completion date--The date the county receives a complete Application for [County Medical] Assistance Form.

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

(b) (No change.)

(c) Eligibility staff must mail or give the Department of Human Services (DHS) Application for [County Medical] Assistance Form to the applicant or his representative on the same day the request is received. Eligibility staff must briefly explain the application process and applicant's responsibilities to the requestor.

(d) The applicant is responsible for correctly filling out the form; [and] providing all needed verification for all eligible household members; and reporting any individual, entity, or other third party legally liable for all or any part of the cost of health care services received by the household during the period of county program eligibility. The applicant must provide the county with necessary information about the third party. If the applicant is married and his spouse is a household member, the spouse must also sign the form. By signing the form, the applicant, [and] spouse, or authorized representative assign, to the county, the household's rights to recovery of health care costs from any individual, entity, or other third party legally liable for any health care services paid by the county, and swear to the truth of the information supplied. Persons that intentionally misrepresent information to receive benefits they are not entitled to receive:

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

(e)-(h) (No change.)

(i) Eligibility staff must enter on the identifiable Application for [County Medical] Assistance Form the date they accept the form. This date is the application file date.

(j) (No change.)

(k) If the application is complete, eligibility staff must determine if the applicant is eligible or ineligible within 14 days after the complete application is received. A provider may consider a patient automatically eligible if the 14-day processing limit is not met. By the 14th day, eligibility staff must give or send a notice of his eligibility or denial.

(1) Eligibility staff must enter the application completion date on the Eligibility Worksheet [Application for County Medical Assistance form].

(2)-(3) (No change.)

(l)-(o) (No change.)

§14.104. Income.

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

(d) Net income test and deductions. The net income test is used to determine eligibility.

(1) Net income test. Net monthly income is gross monthly income minus allowable deductions. A household is eligible if its net monthly income, after rounding down cents, is not more [less] than the maximum income limit for the household's size as specified in §14.109 of this title (relating to Monthly Maximum Countable Income Standards). All households must pass the net income test.

(2) Earned income deductions. Eligibility staff must make the following deductions from gross earned income. These deductions must be made in the order listed.

(A) Allow a standard work-related expense deduction of \$90 [\$75] a month for each employed household member.

(B) [(C)] Disregard \$30 and 1/3 of the remaining earned income of each employed household member.

(C)[(B)] Deduct payments for the actual costs for the care of a dependent child or incapacitated adult, if necessary for employment. The maximum dependent care deduction is \$200 [\$160 per dependent] per month for each dependent or incapacitated adult. Eligibility staff must verify dependent care if the expense is questionable.

(e) Budgeting.

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

(4) How to budget stepparent, spouse, or legal parent income. The policy in this paragraph only applies to family units that include a stepparent, spouse, or one or both legal parents who are excluded from a Medicaid group. Eligibility staff must:

(A) subtract the earned income deductions specified in subsection (d)(2) of this section from the stepparent's, spouse's, or legal parent's gross monthly earned income [Determine the gross amount of the parent's earned and unearned income];

(B) add the remaining earned income from Subparagraph (A)

of this paragraph to the stepparent's, spouse's, or legal parent's countable monthly unearned income [Deduct from the parent's gross income an amount equal to the maximum income limit for the Medicaid household's size as specified in §14.109 of this title (relating to Monthly Maximum Countable Income Standards)];

(C) Deduct from the spouse's or parent's income, computed in Subparagraph (B) of this paragraph, an amount equal to the maximum income limit for the Medicaid household's size as specified in §14.109 of this title (relating to Monthly Maximum Countable Income Standards) [Subtract from the parent's earned income the deductions specified in subsection (d)(2) of this section]; and

(D) Consider the amount computed in Subparagraph (C) of this paragraph as the spouse's or parent's countable income to determine the eligibility of his household [Add the remaining earned income to any countable unearned income, and consider this sum as the parent's countable income to determine the eligibility of his household].

(f) (No change.)

§14.106. Changes.

(a) Households must report changes that affect eligibility, including changes in the following:

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

(8) medical, hospital, [or] other types of medical insurance coverage, or any third party liable for the cost of health care services provided by the county.

(b)-(f) (No change.)

§14.108. Reviews.

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

(c) Eligibility staff must send the eligible resident an Application for [County Medical] Assistance Form when the case is due for review. Eligible residents may return the Application for [County Medical] Assistance Form in person or by mail.

(d) Eligibility staff must assist an eligible resident that requests help with completing the Application for [County Medical] Assistance Form or getting required verification.

(e) (No change.)

This agency hereby certifies that the proposal has been reviewed by legal counsel and

found to be within the agency's authority to adopt.

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

TRD-8910084

Cathy Rosenberg
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 C. Providing Services

• 40 TAC §14.204

The amendment is proposed under Texas Civil Statutes, Article 4439f, the Indigent Health Care and Treatment Act, Title 1, and the Human Resources Code, Title 2, Chapters 22 and 32, which provides the department with the authority to administer public and medical assistance programs.

§14.204. Services and Payment Liability, Limitations, and Options.

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

(g) The county may recover the cost of health care services provided to a recipient if any individual, entity, or other third party is legally liable for the cost of the health care services. Third parties include, but are not limited to, worker's compensation, automobile, medical or other insurance, and individuals determined liable through litigation. Applicants assign their rights to third party recovery to the county upon their signature of the Application for Assistance Form.

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 23, 1989.

TRD-8910085

Cathy Rosenberg
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

Withdrawn Sections

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

TITLE 19. EDUCATION Part II. Texas Education Agency

Chapter 89. Adaptations for Special Populations

Subchapter G. Special Education

General Provisions

• 19 TAC §89.203

The Texas Education Agency has withdrawn the emergency effectiveness of new §89.203, concerning the adaptations for special populations. The text of the emergency new section appeared in the July 28, 1989, issue of the *Texas Register* (14 TexReg 3611). The effective date of this withdrawal is November 8, 1989.

Issued in Austin, Texas, on October 19, 1989.

TRD-8910008
Crisis Cloudt McCuller
Director for Planning
Coordination
Texas Education Agency

Effective date: November 8, 1989

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

Clarification of Provisions in Federal Regulations and State Law

• 19 TAC §89.227, §89.242

The Texas Education Agency has withdrawn the emergency effectiveness of amendment to §89.227, §89.242, concerning the adaptations for special population. The text of the emergency amendment appeared in the July 28, 1989, issue of the *Texas Register* (14 TexReg 3611). The effective date of this withdrawal is November 8, 1989.

Issued in Austin, Texas, on October 19, 1989.

TRD-8910019
Crisis Cloudt McCuller
Director for Planning
Coordination
Texas Education Agency

Effective date: November 8, 1989

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

Funding

• 19 TAC §89.250

The Texas Education Agency has withdrawn the emergency effectiveness of amendment

to §89.250, concerning the adaptations for special populations. The text of the emergency amendment appeared in the July 28, 1989, issue of the *Texas Register* (14 TexReg 3612). The effective date of this withdrawal is November 8, 1989.

Issued in Austin, Texas, on October 19, 1989.

TRD-8910021
Crisis Cloudt McCuller
Director for Planning
Coordination
Texas Education Agency

Effective date: November 8, 1989

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

TITLE 34. PUBLIC FINANCE

Part II. State Treasurer

Chapter 15. Electronic Transfer of Certain Payment to State Agencies

• 34 TAC §§15.1-15.8

The State Treasurer has withdrawn from consideration for permanent adoption a proposed §§15.1-15.8 which appeared in the July 14, 1989, issue of the *Texas Register* (14 TexReg 3392). The effective date of this withdrawal is October 20, 1989.

Issued in Austin, Texas, on October 20, 1989

TRD-8910073
Anne L. Schwartz
General Counsel
State Treasurer

Effective date: October 20, 1989

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

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Services

Chapter 27. Intermediate Care Facilities for the Mentally Retarded

Subchapter A. General Requirements

• 40 TAC §§27.101, 27.103, 27.105, 27.107, 27.109

The Texas Department of Human Services has withdrawn from consideration for permanent

adoption a proposed §§27.101, 27.103, 27.105, 27.107, 27.109 which appeared in the August 8, 1989, issue of the *Texas Register* (14 TexReg 3880). The effective date of this withdrawal is October 23, 1989.

Issued in Austin, Texas, on October 23, 1989

TRD-8910098
Cathy Rossberg
Administrator, Policy
Development Services
Division
Texas Department of
Human Services

Effective date: October 23, 1989

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

Subchapter B. Contracting Requirements

• 40 TAC §§27.201, 27.203, 27.205, 27.207, 27.209, 27.211, 27.213, 27.215, 27.217, 27.219

The Texas Department of Human Services has withdrawn from consideration for permanent adoption a proposed §§27.201, 27.203, 27.205, 27.207, 27.209, 27.211, 27.213, 27.215, 27.217, 27.219 which appeared in the August 8, 1989, issue of the *Texas Register* (14 TexReg 3880). The effective date of this withdrawal is October 23, 1989.

Issued in Austin, Texas, on October 23, 1989

TRD-8910097
Cathy Rossberg
Administrator, Policy
Development Services
Division
Texas Department of
Human Services

Effective date: October 23, 1989

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

Subchapter C. Vendor Payments

• 40 TAC §§27.301, 27.303, 27.307, 27.309

The Texas Department of Human Services has withdrawn from consideration for permanent adoption a proposed §§27.301, 27.303, 27.307, 27.309 which appeared in the August 8, 1989, issue of the *Texas Register* (14 TexReg 3886). The effective date of this withdrawal is October 23, 1989.

Issued in Austin, Texas, on October 23, 1989

TRD-8910096
Cathy Rossberg
Administrator, Policy
Development Services
Division
Texas Department of
Human Services

Effective date: October 23, 1989

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

Subchapter D. Reimbursement Methodology

- 40 TAC §§27.401, 27.403, 27.405, 27.407, 27.409, 27.411, 27.413, 27.415, 27.417, 27.419

The Texas Department of Human Services has withdrawn from consideration for permanent adoption a proposed §§27.401, 27.403, 27.405, 27.407, 27.409, 27.411, 27.413, 27.415, 27.417, 27.419 which appeared in the August 8, 1989, issue of the *Texas Register* (14 TexReg 3887). The effective date of this withdrawal is October 23, 1989.

Issued in Austin, Texas, on October 23, 1989

TRD-8910099 Cathy Rossberg
Administrator, Policy
Development Services
Division
Texas Department of
Human Services

Effective date: October 23, 1989

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

Subchapter E. Integration and Provision of Services

- 40 TAC §§27.501, 27.503, 27.505

The Texas Department of Human Services has withdrawn from consideration for permanent adoption a proposed §§27.501, 27.503, 27.505 which appeared in the August 8, 1989, issue of the *Texas Register* (14 TexReg 3899). The effective date of this withdrawal is October 23, 1989.

Issued in Austin, Texas, on October 23, 1989

TRD-8910100 Cathy Rossberg
Administrator, Policy
Development Services
Division
Texas Department of
Human Services

Effective date: October 23, 1989

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

Subchapter F. Eligibility and Review

- 40 TAC §§27.601, 27.603, 27.605, 27.607, 27.609, 27.611, 27.613, 27.615, 27.617, 27.621, 27.623, 27.625, 27.627, 27.629

The Texas Department of Human Services has withdrawn from consideration for permanent adoption a proposed §§27.601, 27.603, 27.605, 27.607, 27.609, 27.611, 27.613, 27.615, 27.617, 27.621, 27.623, 27.625, 27.627, 27.629 which appeared in the August 8, 1989, issue of the *Texas Register* (14 TexReg 3900). The effective date of this withdrawal is October 23, 1989.

Issued in Austin, Texas, on October 23, 1989

TRD-8910101 Cathy Rossberg
Administrator, Policy
Development Services
Division
Texas Department of
Human Services

Effective date: October 23, 1989

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

Subchapter G. Recipient Protections

- 40 TAC §§27.701, 27.703, 27.705, 27.707, 27.709, 27.711, 27.713, 27.715

The Texas Department of Human Services has withdrawn from consideration for permanent adoption a proposed §§27.701, 27.703, 27.705, 27.707, 27.709, 27.711, 27.713, 27.715 which appeared in the August 8, 1989, issue of the *Texas Register* (14 TexReg 3905). The effective date of this withdrawal is October 23, 1989.

Issued in Austin, Texas, on October 23, 1989

TRD-8910102 Cathy Rossberg
Administrator, Policy
Development Services
Division
Texas Department of
Human Services

Effective date: October 23, 1989

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

Subchapter H. Facility Staff

- 40 TAC §§27.801, 27.803, 27.805, 27.807, 27.809

The Texas Department of Human Services has withdrawn from consideration for permanent adoption a proposed §§27.801, 27.803, 27.805, 27.807, 27.809 which appeared in the August 8, 1989, issue of the *Texas Register* (14 TexReg 3910). The effective date of this withdrawal is October 23, 1989.

Issued in Austin, Texas, on October 23, 1989

TRD-8910103 Cathy Rossberg
Administrator, Policy
Development Services
Division
Texas Department of
Human Services

Effective date: October 23, 1989

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

Subchapter I. Active Treatment

- 40 TAC §§27.901, 27.903, 27.905, 27.907, 27.909, 27.911, 27.913, 27.915, 27.917, 27.919

The Texas Department of Human Services has withdrawn from consideration for permanent adoption a proposed §§27.901, 27.903, 27.905, 27.907, 27.909, 27.911, 27.913,

27.915, 27.917, 27.919 which appeared in the August 8, 1989, issue of the *Texas Register* (14 TexReg 3911). The effective date of this withdrawal is October 23, 1989.

Issued in Austin, Texas, on October 23, 1989

TRD-8910104 Cathy Rossberg
Administrator, Policy
Development Services
Division
Texas Department of
Human Services

Effective date: October 23, 1989

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

Subchapter J. Behavior Management and Facility Practices

- 40 TAC §§27.1001, 27.1003, 27.1005, 27.1007, 27.1009, 27.1011

The Texas Department of Human Services has withdrawn from consideration for permanent adoption a proposed §§27.1001, 27.1003, 27.1005, 27.1007, 27.1009, 27.1011 which appeared in the August 8, 1989, issue of the *Texas Register* (14 TexReg 3915). The effective date of this withdrawal is October 23, 1989.

Issued in Austin, Texas, on October 23, 1989

TRD-8910105 Cathy Rossberg
Administrator, Policy
Development Services
Division
Texas Department of
Human Services

Effective date: October 23, 1989

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

Subchapter K. Health Care Services

- 40 TAC §§27.1101, 27.1103, 27.1105, 27.1107, 27.1109, 27.1111, 27.1113, 27.1115, 27.1117, 27.1119, 27.1121, 27.1123, 27.1125, 27.1127, 27.1129, 27.1131, 27.1133, 27.1135

The Texas Department of Human Services has withdrawn from consideration for permanent adoption a proposed §§27.1101, 27.1103, 27.1105, 27.1107, 27.1109, 27.1111, 27.1113, 27.1115, 27.1117, 27.1119, 27.1121, 27.1123, 27.1125, 27.1127, 27.1129, 27.1131, 27.1133, 27.1135 which appeared in the August 8, 1989, issue of the *Texas Register* (14 TexReg 3917). The effective date of this withdrawal is October 23, 1989.

Issued in Austin, Texas, on October 23, 1989

TRD-8910106 Cathy Rossberg
Administrator, Policy
Development Services
Division
Texas Department of
Human Services

Effective date: October 23, 1989

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

◆ ◆ ◆
Subchapter L. Physical Environment

- ◆ 40 TAC §§27.102, 27.1203, 27.1205, 27.1207, 27.1209, 27.1211, 27.1213, 27.1215, 27.1217, 27.1219, 27.1221

The Texas Department of Human Services has withdrawn from consideration for permanent adoption a proposed §§27.102, 27.1203, 27.1205, 27.1207, 27.1209, 27.1211, 27.1213, 27.1215, 27.1217, 27.1219, 27.1221 which appeared in the August 8, 1989, issue of the *Texas Register* (14 TexReg 3920). The effective date of this withdrawal is October 23, 1989.

Issued in Austin, Texas, on October 23, 1989

TRD-8910107 Cathy Rosenberg
Administrator, Policy
Development Services
Division
Texas Department of
Human Services

Effective date: October 23, 1989

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

Subchapter M. Dietary Services

- ◆ 40 TAC §§27.1301, 27.1303, 27.1305, 27.1307, 27.1309

The Texas Department of Human Services has withdrawn from consideration for permanent adoption a proposed §§27.1301, 27.1303, 27.1305, 27.1307, 27.1309 which appeared in the August 8, 1989, issue of the *Texas Register* (14 TexReg 3921). The effective date of this withdrawal is October 23, 1989.

Issued in Austin, Texas, on October 23, 1989

TRD-8910108 Cathy Rosenberg
Administrator, Policy
Development Services
Division
Texas Department of
Human Services

Effective date: October 23, 1989

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

◆ ◆ ◆
Subchapter N. Recipient Records

- ◆ 40 TAC §§27.1401, 27.1403, 27.1405, 27.1407

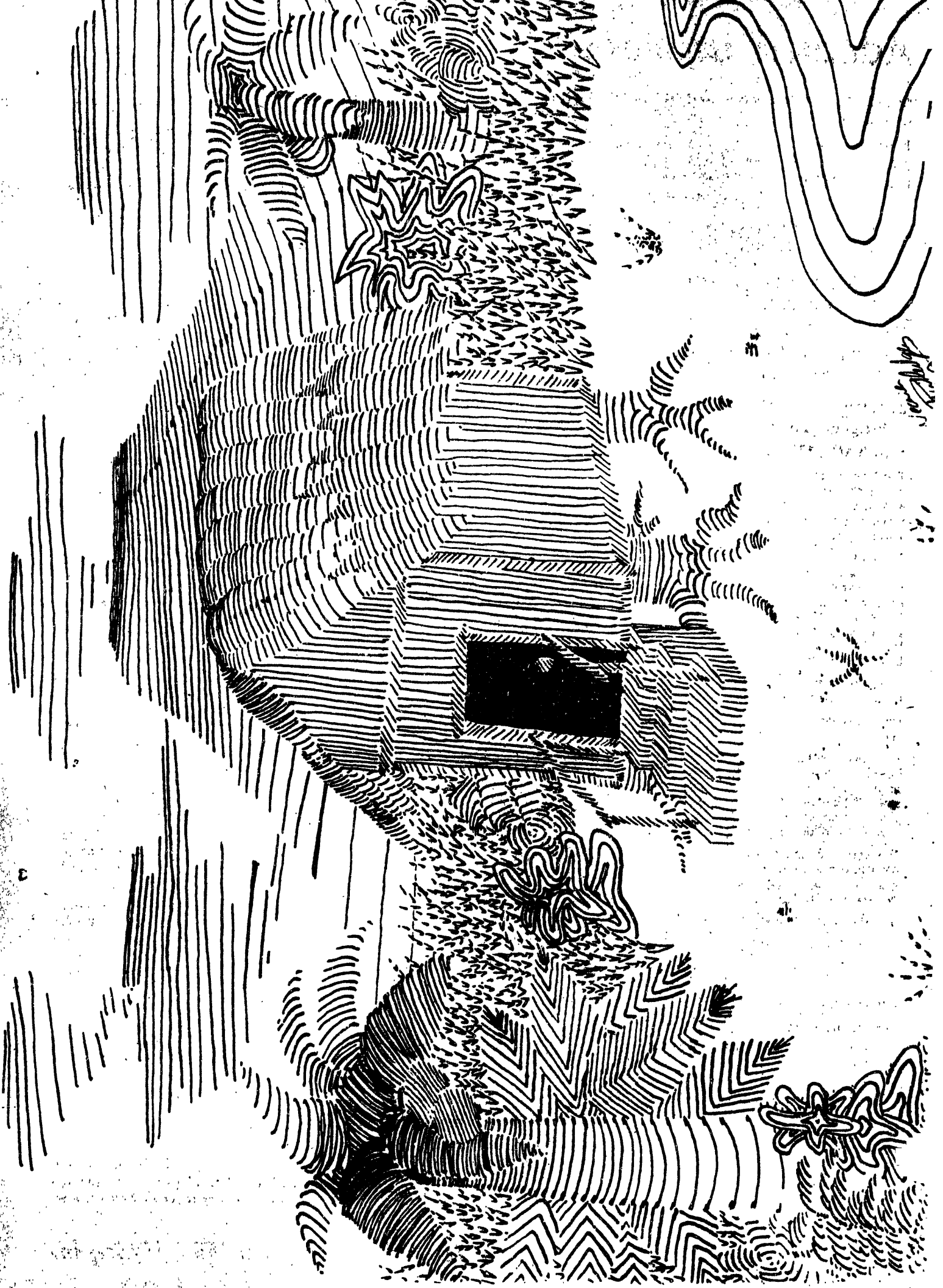
The Texas Department of Human Services has withdrawn from consideration for permanent adoption a proposed §§27.1401, 27.1403, 27.1405, 27.1407 which appeared in the August 8, 1989, issue of the *Texas Register* (14 TexReg 3922). The effective date of this withdrawal is October 23, 1989.

Issued in Austin, Texas, on October 23, 1989

TRD-8910109 Cathy Rosenberg
Administrator, Policy
Development Services
Division
Texas Department of
Human Services

Effective date: October 23, 1989

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



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 XI. Texas Department of Commerce

Chapter 178. Texas Community Development Program

Subchapter A. Allocation of Program Funds

• 10 TAC §178.10, §178.13

The Department of Commerce (Commerce) adopts amendments to §178.10 and §178.13, without changes to the proposed text as published in the August 29, 1989, issue of the *Texas Register* (14 TexReg 4381).

The amendments relate to the allocation of Texas Capital Funds, a part of the Community Development Block Grant (CDBG) nonentitlement area funds under the Texas Community Development Program. The amendments only concern the distribution of federal fiscal year 1989, Texas Community Development Program Funds.

The amendments include application requirements, and selection procedures and criteria.

No comments were received regarding adoption of the amendments.

The amendments are adopted under the Texas Government Code, §481.192 which provides Commerce with the authority to allocate CDBG nonentitlement area funds to eligible counties and municipalities according to department rules.

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

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

TRD-8910075

William D. Taylor
Executive Director
Texas Department of
Commerce

Effective date: November 10, 1989.

Proposal publication date: August 29, 1989

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

TITLE 19. EDUCATION Part II. Texas Education Agency

Chapter 75. Curriculum

Subchapter B. Essential Elements-Prekindergarten-Grade Six

The Texas Education Agency adopts amendments to §§75.24, 75.25, 75.43, 75.62, 75.63, 75.68, 75.70, 75.85, 75.87, 75.142, 75.152, 75.214, and 75.217, and new 75.89. Section 75.68 and §75.43 are adopted with changes to the proposed text as published in the August 4, 1989, issue of the *Texas Register* (14 TexReg 3748). Sections 75.24, 75.25, 75.62, 75.63, 75.70, 75.85, 75.87, 75.142, 75.152, 75.214, and 75.217, are adopted without changes and will not be republished. The amendments and new section enact new essential elements that reflect changes made in the State Board of Education's textbook Proclamations 64, 65, and 66. The new essential elements involve fundamentals of mathematics, consumer mathematics, calculus, psychology, toxicology, and world geography studies, effective fall 1989; Algebra I-II, geometry, trigonometry, and world history studies, effective fall 1990; and elementary mathematics and elementary science, effective fall 1991.

In addition, general education business education and vocational education office education courses eliminate duplication and redundancy, with the changes to be effective in fall 1989. Section 75.62 is amended to include American sign language to satisfy high school foreign language requirements pursuant to Senate Bill 1183 passed by the 71st Texas Legislature, although essential elements for this course are not expected to be proposed until the next curriculum review process in 1990-1991.

The development and implementation of an applied physics program, principles of technology, was one of the initiatives of the master plan for vocational education. Two courses, Principles of Technology I and II, were developed and piloted during the 1986-1987 and 1987-1988 school years. The essential elements for these courses will be effective fall 1989. The final addition is a vocational education course designed for students in grades 9-12 identified as two or more years below grade level in reading and mathematics and/or students identified as handicapped in Chapter 89, Subchapter G of this title (relating to Special Education), who have been placed in the program through the Admission, Review, and Dismissal Committee and have an individual educational plan.

The essential elements for this course will be effective in fall 1989.

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

• 19 TAC §75.24, §75.25

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

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

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

TRD-8910010

W. N. Kirby
Commissioner of Education

Effective date: November 9, 1989

Proposal publication date: August 4, 1989

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

Subchapter C. Essential Elements-Grades Seven-Eight

• 19 TAC §75.43

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

§75.43. Mathematics.

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

(c) Essential elements for mathematics, grades seven-eight, as described in paragraphs (1)-(2) of this subsection shall be effective September 1991.

(1) Mathematics, grade seven. Mathematics, grade seven, shall include the following essential elements:

(A) Problem solving. Experience in solving problems designed to systematically develop students' problem-solving abilities through a variety of strategies and approaches. The student shall be provided opportunities to engage in the following types of activities:

(i) develop an organized approach to solving application and nonroutine problems appropriate for grade seven;

(ii) analyze problems by identifying relationships discriminating relevant from irrelevant information, sequen-

ing, observing patterns, prioritizing, and questioning;

(iii) communicate an understanding of a problem by describing and discussing the problem and recording the relevant information;

(iv) select appropriate strategies from a variety of approaches;

(v) select appropriate materials and methods for solutions; and

(vi) generate and extend problems.

(B) Patterns, relations, and functions use of models and patterns to develop the algebraic concepts of relations and functions the student shall be provided opportunities to:

(i) investigate patterns generated by repeating and terminating decimals;

(ii) build a concrete model of a functional relationship and describe the relationship using function notation;

(iii) introduce the concept of using letters to represent variables;

(iv) develop the concept of operations with variables using concrete materials as models;

(v) investigate solutions to simple open sentences (equalities and inequalities);

(vi) evaluate algebraic expressions using mental calculations and calculators when appropriate; and

(vii) formulate a possible problem when given a simple equation.

(C) Number and numeration concepts. Concepts and skills associated with the understanding of numbers and the place value system. The student shall be provided opportunities to:

(i) convert between fractions decimals whole numbers and percents mentally on paper, and with a calculator;

(ii) compare and order integers;

(iii) explore the absolute value of an integer;

(iv) simplify expressions involving exponents using a calculator when appropriate;

(v) develop the meaning of squares and square roots using geometric models; and

(vi) express numbers in scientific notation including numbers less than one using a calculator when appropriate.

(D) Operations and computation. Basic operations on numbers, their properties, and their uses. The student shall be provided opportunities to:

(i) select an appropriate operation and/or strategy to solve a problem and justify the selection;

(ii) use the order of operations to solve multi-step problems using a calculator when appropriate;

(iii) add, subtract, multiply, and divide fractions and mixed numbers resulting from problem situations;

(iv) add, subtract, multiply, and divide integers resulting from problem situations using models and connecting to rules;

(v) write and solve a simple inequality resulting from a problem situation and graph the solution on a number line;

(vi) write and solve simple linear equations from problem situations and check the reasonableness of the results;

(vii) use proportions to solve a variety of problems; and

(viii) estimate solutions to problems using decimals and percent.

(E) Measurement. Concepts and skills using metric and customary units. The student shall be provided opportunities to:

(i) investigate the relationship between the perimeter and the area of a polygon;

(ii) develop the concept of volume for prisms/cylinders as the product of the area of the base and the height, using models;

(iii) develop the concept of volume for cones/pyramids as one-third the product of the area of the base and the height, using models;

(iv) explore surface area of three-dimensional figures using concrete models and graphing technology when appropriate;

(v) estimate and solve application and nonroutine problems involving volume; and

(vi) explore the relationships between the dimensions and the volumes of similar solids by changing one of the dimensions.

(F) Geometry. Properties and relationships of geometric shapes and their applications. The student shall be provided opportunities to:

(i) identify parts and characteristics of common geometric figures;

(ii) develop the concept of the Pythagorean Theorem using several different approaches;

(iii) classify triangles and quadrilaterals by sides and angles;

(iv) construct an angle bisector, the bisector of a segment, perpendicular lines, parallel lines, and triangles;

(v) construct a model of a three-dimensional figure when given the top, side, and front views;

(vi) use the properties and relationships of two- and three-dimensional figures to solve problems; and

(vii) apply geometry to such areas as art, architecture, construction, etc.

(G) Probability, statistics, and graphing. Use of probability and statistics to collect and interpret data. The student shall be provided opportunities to:

(i) compare different graphic representations of the same data to determine the appropriateness of the graph;

(ii) use box and whisker graphs, stem and leaf plots, and histograms to display information in ways that illustrate the appropriate uses of mean, median, and mode;

(iii) draw inferences and construct convincing arguments based on data analysis;

(iv) investigate and recognize misuses of statistical or numeric information;

(v) construct sample spaces by using listing, tree diagrams, and frequency distribution tables;

(vi) find the probability of simple events; and

(vii) use permutations and combinations in application problems.

(2) Mathematics, grade eight, Mathematics, grade eight, shall include the following essential elements:

(A) Problem solving. Experience in solving problems designed to systematically develop students' problem-solving abilities through a variety of strategies and approaches. The student shall be provided opportunities to engage in the following types of activities:

(i) develop an organized approach to solving application and nonroutine problems appropriate for grade eight;

(ii) analyze problems by identifying relationships, discriminating relevant from irrelevant information, sequencing, observing patterns, prioritizing, and questioning;

(iii) communicate an understanding of a problem by describing and

discussing the problem and recording the relevant information;

(iv) select appropriate strategies from a variety of approaches;

(v) select appropriate materials and methods for solutions; and

(vi) generate and extend problems.

(B) Patterns, relations, and functions. Use of models and patterns to develop the algebraic concepts of relations and functions. The student shall be provided opportunities to:

(i) use patterns to develop the concept of negative exponents;

(ii) extend function notation from concrete models to graphic representations;

(iii) generate ordered pairs with and without a calculator to graph linear equations;

(iv) investigate compound statements as they apply to simple reasoning situations (and, or, if, if not); and

(v) extend the investigation of number patterns such as those found in Pascal's triangle and the Fibonacci sequence.

(C) Number and numeration concepts. Concepts and skills associated with the understanding of numbers and the place value system. The student shall be provided opportunities to:

(i) extend scientific notation to numbers with a wide range of values using a calculator when appropriate;

(ii) compare and order rational numbers;

(iii) apply the concept of significant digits to solving problems with a calculator;

(iv) investigate irrational numbers and their representations on a calculator as they arise from problem situations;

(v) describe the properties of terminating, repeating, and non-repeating decimals, and convert between fractions and decimals; and

(vi) extend basic number concepts and properties to algebraic applications.

(D) Operations and computation. Basic operations on numbers, their properties, and their uses. The student shall be provided opportunities to:

(i) select an appropriate operation and/or strategy to solve a problem and justify the selection;

(ii) estimate and solve application problems involving percent;

(iii) add, subtract, multiply, and divide rational numbers in problem situations;

(iv) estimate and solve application problems by writing and solving simple linear equations; and

(v) solve linear equations and inequalities with integer, fraction, and decimal solutions.

(E) Measurement. Concepts and skills using metric and customary units. The student shall be provided opportunities to:

(i) estimate and solve application and nonroutine problems involving surface area and volume;

(ii) solve right triangle problems using the Pythagorean Theorem, indirect measurement, and the properties of 30-60-90 and 45-45-90 triangles;

(iii) use precision and relative error, given the degree of accuracy required and the nature of a particular problem situation;

(iv) use the concept of volume for prisms/cylinders as the product of the area of the base and the height; and

(v) use the concept of volume for cones/pyramids as one-third the product of the area of the base and the height.

(F) Geometry. Properties and relationships of geometric shapes and their applications. The student shall be provided opportunities to:

(i) find the missing parts of similar figures;

(ii) investigate the relationships between angles formed when parallel lines are cut by a transversal using graphing technology when appropriate;

(iii) use a variety of methods to perform basic constructions;

(iv) construct a geometric figure congruent to a given figure;

(v) draw three-dimensional figures from different perspectives;

(vi) graph similar figures, reflections, translations, linear equations, and linear inequalities on a coordinate plane; and

(vii) use geometry to solve problems in such areas as art, architecture, construction, etc.

(G) Probability, statistics, and graphing. Use of probability and statistics to collect and interpret data. The stu-

dent shall be provided opportunities to:

(i) understand and apply reasoning with proportions in problem situations;

(ii) select an appropriate format for presenting collected data;

(iii) evaluate arguments based on data analysis;

(iv) find the probability of simple and compound events;

(v) use mathematical probabilities and experimental results for making predictions and decisions; and

(vi) investigate bias to determine validation of an inference made from a set of data.

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-8910009

W. N. Kirby

Commissioner of Education

Effective date: November 9, 1989

Proposal publication date: August 4, 1989

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

Subchapter D. Essential Elements—Grades Nine-12

• 19 TAC §§75.62, 75.63, 75.68, 75.70

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

§75.68. Social Studies, Texas and United States History.

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

(d) World geography studies (one unit). World geography studies shall include the following essential elements:

(1) nature of geography. The student shall be provided opportunities to:

(A) identify specialized fields of geography (e.g., physical, cultural, political, economic historical);

(B) define geographic terminology; and

(C) describe geographical tools and methodologies;

(2) physical setting of the earth. The student shall be provided opportunities to:

(A) analyze the earth-sun relationship;

(B) identify major landforms, regions, and features of the earth; and

(C) describe the physical and human forces that alter the earth's features;

(3) interaction of physical and cultural environments. The student shall be provided opportunities to:

(A) describe the interrelationships of people and their environments;

(B) explain the economic importance of water, energy sources, and other productive resources to regions;

(C) describe the agricultural base of regions; and

(D) examine the uses, abuses, and preservation of natural resources and the physical environment;

(4) world regions. The student shall be provided opportunities to:

(A) identify the criteria for determining regions;

(B) describe the physical setting of world regions;

(C) analyze population distribution, growth, and movements;

(D) identify major cultural, political, and economic activities within and among major world regions;

(E) describe settlement patterns in terms of rural/urban location, structure, and function; and

(F) analyze geographic influences on various issues (e.g., environmental, political, cultural, economic).

(e)-(h) (No change.)

(i) Psychology (1/2 unit). Psychology shall include the following essential elements:

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

(3) development of the individual. The student shall be provided opportunities to:

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

(C) analyze the dynamics of group behavior and impact of groups on

individual behavior; and

(D) establish individual long- and short-term goal setting.

(j) Sociology (1/2 unit). Sociology shall include the following essential elements:

(1) nature of sociology. The student shall be provided opportunities to:

(A) define sociology as a field of study;

(B) analyze research methods of sociology; and

(C) understand sociological concepts;

(2) culture, socialization, groups, and institutions. The student shall be provided opportunities to:

(A) (No change.)

(B) analyze types of groups (e.g., primary, secondary, etc.) and interactions among groups;

(C) (No change.)

(D) understand the roles of mores, traditions, values, norms, symbols, sanctions, and folkways in a culture;

(E) analyze social problems in selected cultures;

(F) analyze status and roles of people in various situations and relationships; and

(G) analyze social stratification and social mobility;

(3) (No change.)

(4) technological development and social change. The student shall be provided opportunities to:

(A) understand causes and effects of cultural and social changes;

(B) analyze the impact of industrialization and urbanization upon people and cultures; and

(C) describe the effects of cross-cultural contact, immigration, and cultural diversity

(k) (No change.)

(l) World history studies (one unit). Essential elements for world history studies

as described in paragraph (1) of this subsection shall be effective September 1990. World history studies shall include the following essential elements:

(1) relationships between geography and history. The student shall be provided opportunities to:

(A) describe the physical and cultural geographic characteristics of places studied;

(B) understand the effects of the physical environment on the history of cultures and societies;

(C) examine the effects of human modifications of the physical environment in places and time periods studied;

(D) explain the effects of new forms of transportation, trade, and communications on historical developments; and

(E) compare the effects on the development of resources in countries where private property rights have been honored and where they have not;

(2) early civilizations of Asia, Africa, and the Western Hemisphere and their contributions to world civilizations. The student shall be provided opportunities to:

(A) analyze the river valley civilizations (Middle East, China, Indus Valley, and Nile Valley);

(B) describe the kingdoms, societies, and cultures of Africa;

(C) understand the cultures and societies of pre-Columbian North, Central, and South America; and

(D) trace the historical development, precepts, and influences of Buddhism, Hinduism, and Confucianism;

(3) foundations of western civilization. The student shall be provided opportunities to:

(A) describe Greek and Roman societies and their contributions;

(B) trace the historical development, precepts and influences of Judaism, Christianity, and Islam; and

(C) analyze the growth and impact of the Byzantine empire;

(4) emergence of European predominance. The student shall be provided opportunities to:

(A) trace the origins and basis for the concepts of liberty, individual freedom, property rights and representative government;

(B) describe the political, social, economic, and cultural aspects of Europe in the Middle Ages;

(C) identify the causes, characteristics, and impact of the Reformation and Renaissance;

(D) analyze the development of nationalism and the nation-state (with emphasis on England, France, and Spain);

(E) describe the causes and effects of European expansion (discovery, exploration, colonization, investment, and mercantilism);

(F) identify the causes, characteristics and effects of the Enlightenment;

(G) understand the causes and results of political revolutions (emphasis on 18th and 19th century North, Central, and South America; England; and France);

(H) analyze the causes, characteristics, and results of the Industrial Revolution (including the increased productivity and prosperity resulting from the Industrial Revolution);

(I) trace the development of capitalism, socialism, and communism;

(J) describe the development of nationalism and completion of nationbuilding (emphasis on Germany, Italy, and Soviet Union); and

(K) explain the causes and effects of Western imperialism;

(5) contemporary world developments. The student shall be provided opportunities to:

(A) examine nationalism, anticolonial revolutions, and development of new states in Asia, Africa, and the Middle East noting economic and political perspectives;

(B) explain the causes and effects of limited and unlimited wars (WWI-II, Korea, Viet Nam, Afghanistan, Middle East, etc.);

(C) explain the causes and effects of Soviet expansion, imperialism.

and the struggle for world domination based on the stated goal of world communism;

(D) analyze the impact of changing economic relations and economic interdependence among regions and nations;

(E) trace the developments in and impact of science and technology (space, medicine, and communications) noting the positive impact of individual freedom and incentives on technological advancement;

(F) identify developments in the arts, literature, religion, and philosophy;

(G) describe the growth of authoritarian and totalitarian governments (communist, socialist, and fascist) and their adverse effects on liberty, freedom, and human rights;

(H) contrast the effects on productivity and living standards of countries with similar resource bases but with market economies vs. restricted economies;

(I) explain the positive aspects and effects of American capitalism upon the world; and

(J) describe democratic forms of governments, their growth, and explain the positive effects of American democracy on liberty, freedom, and human rights.

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-8910011 W. N. Kirby
Commissioner of Education

Effective date: November 9, 1989

Proposal publication date: August 4, 1989

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

Vocational Education

• 19 TAC §75.85, §75.87

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

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

Issued in Austin, Texas on October 17, 1989.

TRD-8910016 W. N. Kirby
Commissioner of Education

Effective date: November 9, 1989

Proposal publication date: August 4, 1989

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

Subchapter D. Essential Elements—Grades 9-12

Vocational Education

• 19 TAC §75.89

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

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

Issued in Austin, Texas on October 17, 1989.

TRD-8910017 W. N. Kirby
Commissioner of Education

Effective date: November 9, 1989

Proposal publication date: August 4, 1989

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

Chapter 89. Adaptations for Special Populations

Subchapter G. Special Education

The Texas Education Agency adopts new §89.203 and amendments to §§89.227, 89.242, and 89.250, without changes to the proposed text as published in the July 28, 1989, issue of the *Texas Register* (14 TexReg 3616). New §89.203 describes the establishment of procedures to obtain parent information as part of the compliance monitoring process for special education programs. Section 89.227 describes provisions under which procedures will be established to allocate specific state appropriated funds for noneducational community-based services for certain handicapped students. The amendment to §89.242 adds descriptions for three new instructional arrangements for which special education funding is available. The arrangements are for handicapped students residing in state schools for the mentally retarded, for handicapped students residing in care and treatment facilities who are provided special education on a school district campus and whose parents are not residents of the school district, and for handicapped students provided services in a mainstream arrangement. Section 89.250 describes the method for generating the weighted .25 additional funding for the mainstream instructional arrangement.

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

General Provisions

• 19 TAC §89.203

The new section is adopted under the Texas Education Code §16.005, which authorizes

the State Board of Education to make rules for the administration of the Foundation School Program, and §16.151, which includes special education as part of that program.

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

Issued in Austin, Texas on October 17, 1989.

TRD-8910007 W. N. Kirby
Commissioner of Education

Effective date: November 9, 1989

Proposal publication date: July 28, 1989

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

Clarification of Provisions in Federal Regulations and State Law

• 19 TAC §89.227, §89.242

The amendments are adopted under the Texas Education Code §§16.005, which authorizes the State Board of Education to make rules for the administration of the Foundation School Program, and §16.151, which includes special education as part of that program.

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

Issued in Austin, Texas on October 17, 1989.

TRD-8910018 W. N. Kirby
Commissioner of Education

Effective date: November 9, 1989

Proposal publication date: July 28, 1989

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

Funding

• 19 TAC §89.250

The amendment is adopted under the Texas Education Code §§16.005, which authorizes the State Board of Education to make rules for the administration of the Foundation School Program, and §16.151, which includes special education as part of that program.

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

Issued in Austin, Texas on October 17, 1989.

TRD-8910020 W. N. Kirby
Commissioner of Education

Effective date: November 9, 1989

Proposal publication date: July 28, 1989

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

TITLE 22. EXAMINING BOARDS

Part XIX. Polygraph Examiners Board

Chapter 391. Polygraph Examiner Internship

• 22 TAC §391.3

The Polygraph Examiners Board adopts an amendment to §391.3, without changes to the proposed text as published in the September 8, 1989, issue of the *Texas Register* (14 TexReg 4588).

The amendment is adopted so that the polygraph industry will be more closely regulated in areas that the board determines to be critical.

This section insures that only qualified polygraph schools will be approved by the board.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 4413(29cc), the Texas Polygraph Examiners Act, §6(a), which provide the Polygraph Examiners Board with the authority to issue regulations consistent with the provisions of this Act.

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

Issued in Austin, Texas on October 18, 1989.

TRD-8910049 Bryan M. Perot
Executive Officer
Polygraph Examiners Board

Effective date: November 9, 1989

Proposal publication date: September 8, 1989

For further information, please call: (512) 465-2058

• 22 TAC §391.4

The Polygraph Examiners Board adopts an amendment to §391.4, without changes to the proposed text as published in the September 8, 1989, issue of the *Texas Register* (14 TexReg 4588).

The amendment is adopted so that the polygraph industry will be more closely regulated in areas that the board determines to be critical.

The section insures that a prompt review with failing interns is conducted.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 4413(29cc), the Texas Polygraph Examiners Act, §6(a) which provide the Polygraph Examiners Board with the authority to issue regulations consistent with the provisions of this Act.

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

Issued in Austin, Texas on October 18, 1989.

TRD-8910048 Bryan M. Perot
Executive Officer
Polygraph Examiners Board

Effective date: November 9, 1989

Proposal publication date: September 8, 1989

For further information, please call: (512) 465-2058

TITLE 25. HEALTH SERVICES

Part VIII. Interagency Council on Early Childhood Intervention

Chapter 621. Early Childhood Intervention Program

Funding of the Early Childhood Intervention Program

• 40 TAC §621.24

The Interagency Council on Early Childhood Intervention adopts an amendment to §621.24, without changes to the proposed text as published in the July 18, 1989, issue of the *Texas Register* (14 TexReg 3459).

The amendment changes the definition of the acquisition cost of equipment under contract provisions. The amendment ensures compliance with revisions to uniform grants and contract management standards and establish a standard definition of equipment to be used by all contractors.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Human Resources Code, §73.003, which provides the Interagency Council on Early Childhood Intervention with the authority to establish rules regarding services provided for children with developmental delays.

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 19, 1989.

TRD-8910044 Pattie Patterson, M.D.,
F.A.A.P.
Chairperson
Interagency Council on
Early Childhood
Intervention

Effective date: November 9, 1989.

Proposal publication date: July 18, 1989.

For further information, please call: (512) 458-7673

TITLE 34. PUBLIC FINANCE

Part I. Comptroller of Public Accounts

Chapter 3. Tax Administration
Subchapter O. State Sales and Use Tax

• 34 TAC §3.298

The Comptroller of Public Accounts adopts an amendment to §3.298, without changes to the proposed text as published in the August 25, 1989, issue of the *Texas Register* (14 TexReg 4289).

The amendment excludes cover charges from the sales tax imposed on the admission price of an amusement when the receipts are taxed under the Texas Alcoholic Beverage Commission Code, §202.02. This exemption beginning July 1, 1989, discontinues the taxing of the same receipts twice. Beginning October 1, 1989, amusement services provided in a place that has been designated as a recorded Texas Historic Landmark by the Texas Historical Commission are exempt from the sales tax imposed by this section as a result of a legislative change. The amendment also takes into account a 1989 legislative change providing for the creation of special purpose districts on a local option basis. In addition, a clarification is made on admissions to gambling ships that operate out of Texas ports.

No comments were received regarding adoption of the amendment.

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

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 23, 1988.

TRD-8910119 Bob Bullock
Comptroller of Public
Accounts

Effective date: November 13, 1989

Proposal publication date: August 25, 1989

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

• 34 TAC §3.358

The Comptroller of Public Accounts adopts new §3.358, without changes to the proposed text as published in the August 18, 1989, issue of the *Texas Register* (14 TexReg 4112).

The new section reflects a legislative change allowing maquiladoras to obtain a permit to make tax-free purchases of goods for export. A permitted maquiladora would issue each supplier a blanket exemption certificate and would file a report of purchases each quarter, paying use tax on any goods used in Texas.

No comments were received regarding adoption of the new section.

The new section is adopted under the Tax Code, §111.002, which provides the Comptroller with the authority to prescribe, adopt, and enforce rules relating to the administra-

tion and enforcement of the provisions of the Tax Code, Title 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 23, 1989.

TRD-8910118 Bob Bullock
Comptroller of Public
Accounts

Effective date: November 13, 1989

Proposal publication date: August 18, 1989

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

TITLE 37. PUBLIC SAFETY AND CORRECTIONS

Part I. Texas Department of Public Safety

Chapter 1. Organization and Administration

Business Licenses and Permits

• 37 TAC §1.221

The Texas Department of Public Safety adopts an amendment to §1.221, without changes to the proposed text as published in the September 15, 1989, issue of the *Texas Register* (14 TexReg 4684).

The amendment will make the public aware that commercial driver training school licenses will no longer be the responsibility of the Texas Department of Public Safety.

The amendment deleted subsections (a)(2) and (c)(2) and the remaining paragraphs are renumbered. Effective September 1, 1989, the Commercial Driver Training School Program will be transferred to the Central Education Agency due to enactment of Senate Bill 417, Chapter 813, 71st Legislature, 1989.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Texas Government Code, §411.006(4), which provides the Texas Department of Public Safety with the authority to adopt rules considered necessary for the control of the Department.

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

Issued in Austin, Texas on October 17, 1989.

TRD-8910051 Joe E. Milner
Director
Texas Department of
Public Safety

Effective date: November 9, 1989

Proposal publication date: September 15, 1989

For further information, please call: (512) 465-2000

Chapter 17. Commercial Driver Training School Regulations

• 37 TAC §§17.1-17.30

The Texas Department of Public Safety adopts the repeal of §§17.1-17.30, without changes to the proposed text as published in the September 15, 1989, issue of the *Texas Register* (14 TexReg 4684).

The repeal of these sections are necessary to make the public aware that the Commercial Driver Training School Program will no longer be the responsibility of the Texas Department of Public Safety.

The Texas Department of Public Safety adopts the repeal of these sections due to enactment of Senate Bill 417, Chapter 813, 71st Legislature, which transfers the responsibility for this program to the Central Education Agency.

No comments were received regarding adoption of the repeals.

The repeals are adopted under the Texas Government Code, §411.006(4), which provides the Texas Department of Public Safety with the authority to adopt rules necessary for the control of the department.

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

Issued in Austin, Texas on October 17, 1989.

TRD-8910050 Joe E. Milner
Director
Texas Department of
Public Safety

Effective date: November 9, 1989

Proposal publication date: September 15, 1989

For further information, please call: (512) 465-2000

Part IX. Texas Commission on Jail Standards

Chapter 259. New Construction Rules

New Jail Design, Construction, and Furnishing Requirements

• 37 TAC §259.69

The Texas Commission on Jail Standards adopts an amendment to §259.69, without changes to the proposed text as published in the August 29, 1989, issue of the *Texas Register* (14 TexReg 4406).

This amendment changes terminology in minimum jail standards from electro-mechanical to power-operated locks which will authorize the use of pneumatic locks.

This amendment will allow more efficient operation of a jail locking system as well as improving its maintenance capability and ease of management.

Comments received on the amendment were favorable.

Commenters in favor of adopting the amendment were: Carson County sheriff; Comal County sheriff; Bexar County sheriff; and Hopkins County sheriff.

The amendment is adopted under Texas Civil Statutes, the Government Code, Title 4, Chapter 511, which provide the Texas Commission on Jail Standards with the authority to promulgate rules affecting county jails.

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-8909999 Jack E. Crump
Executive Director
Texas Commission on Jail
Standards

Effective date: November 8, 1989

Proposal publication date: August 29, 1989

For further information, please call: (512) 463-5505

New Lockup Design, Construction, and Furnishing Requirements

• 37 TAC §259.164

The Texas Commission on Jail Standards adopts an amendment to §259.164, without changes to the proposed text as published in the August 29, 1989, issue of the *Texas Register* (4 TexReg 4406).

This amendment changes terminology in minimum jail standards from electro-mechanical to power-operated locks which will authorize the use of pneumatic locks.

This amendment will allow more efficient operation of a jail locking system as well as improving its maintenance capability and ease of management.

Comments received on the amendment were favorable.

Commenters in favor of adopting the amendment were: Carson County sheriff; Comal County sheriff; Bexar County sheriff; and Hopkins County sheriff.

The amendment is adopted under Texas Civil Statutes, the Government Code, Title 4, Chapter 511, which provide the Texas Commission on Jail Standards with the authority to promulgate rules affecting county jails.

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-8909998 Jack E. Crump
Executive Director
Texas Commission on Jail
Standards

Effective date: November 8, 1989

Proposal publication date: August 29, 1989

For further information, please call: (512) 463-5505

New Low-risk Design, Construction, and Furnishing Requirements

• 37 TAC §259.248

The Texas Commission on Jail Standards adopts an amendment to §259.248, without changes to the proposed text as published in the August 29, 1989, issue of the *Texas Register* (14 TexReg 4406).

This amendment changes terminology in minimum jail standards from electro-mechanical to power-operated locks which will authorize the use of pneumatic locks.

This amendment will allow more efficient operation of a jail locking system as well as improving its maintenance capability and ease of management.

Comments received on the amendment were favorable.

Commenters in favor of adopting the amendment were: Carson County sheriff; Comal County sheriff; Bexar County sheriff; and Hopkins County sheriff.

The amendment is adopted under Texas Civil Statutes, the Government Code, Title 4, Chapter 511, which provide the Texas Commission on Jail Standards with the authority to promulgate rules affecting county jails.

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-8909994 Jack E. Crump
Executive Director
Texas Commission on Jail
Standards

Effective date: November 8, 1989

Proposal publication date: August 29, 1989

For further information, please call: (512) 463-5505

Podular/Direct Supervision Design, Construction, and Furnishing Requirements

• 37 TAC §259.358

The Texas Commission on Jail Standards adopts an amendment to §259.358, without changes to the proposed text as published in the August 29, 1989, issue of the *Texas Register* (14 TexReg 4406).

This amendment changes terminology in minimum jail standards from electro-mechanical to power-operated locks which will authorize the use of pneumatic locks.

This amendment will allow more efficient operation of a jail locking system as well as improving its maintenance capability and ease of management.

Comments received on the amendment were favorable.

Commenters in favor of adopting the amendment were: Carson County sheriff; Comal County sheriff; Bexar County sheriff; and Hopkins County sheriff.

The amendment is adopted under Texas Civil Statutes, the Government Code, Title 4, Chapter 511, which provide the Texas Commission on Jail Standards with the authority to promulgate rules affecting county jails.

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-8909993 Jack E. Crump
Executive Director
Texas Commission on Jail
Standards

Effective date: November 8, 1989

Proposal publication date: August 29, 1989

For further information, please call: (512) 463-5505

Chapter 261. Existing Construction Rules

Existing Jail Design, Construction, and Furnishing Requirements

• 37 TAC §261.58

The Texas Commission on Jail Standards adopts an amendment to §261.58, without changes to the proposed text as published in the August 29, 1989, issue of the *Texas Register* (14 TexReg 4407).

This amendment changes terminology in minimum jail standards from electro-mechanical to power-operated locks which will authorize the use of pneumatic locks.

This amendment will allow more efficient operation of a jail locking system as well as improving its maintenance capability and ease of management.

Comments received on the amendment were favorable.

Comments in favor of adopting the amendment were: Carson County sheriff; Comal County sheriff; Bexar County sheriff; and Hopkins County sheriff.

The amendment is adopted under Texas Civil Statutes, the Government Code, Title 4, Chapter 511, which provide the Texas Commission on Jail Standards with the authority to promulgate rules affecting county jails.

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-8909992 Jack E. Crump
Executive Director
Texas Commission on Jail
Standards

Effective date: November 8, 1989

Proposal publication date: August 29, 1989

For further information, please call: (512) 463-5505

Existing Lockup Design, Construction, and Furnishings Requirements

• 37 TAC §261.153

The Texas Commission on Jail Standards adopts an amendment to §261.153, without changes to the proposed text as published in the August 29, 1989, issue of the *Texas Register* (14 TexReg 4407).

This amendment changes terminology in minimum jail standards from electro-mechanical to power-operated locks which will authorize the use of pneumatic locks.

This amendment will allow more efficient operation of a jail locking system as well as improving its maintenance capability and ease of management.

Comments received on the amendment were favorable.

Commenters in favor of adopting the amendment were: Carson County sheriff; Comal County sheriff; Bexar County sheriff; and Hopkins County sheriff.

The amendment is adopted under Texas Civil Statutes, the Government Code, Title 4, Chapter 511 which provide the Texas Commission on Jail Standards with the authority to promulgate rules affecting county jails.

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-8909991 Jack E. Crump
Executive Director
Texas Commission on Jail
Standards

Effective date: November 8, 1989

Proposal publication date: August 29, 1989

For further information, please call: (512) 463-5505

Existing Low-risk, Design, Construction, and Furnishing Requirement

• 37 TAC §261.237

The Texas Commission on Jail Standards adopts an amendment to §261.237, without changes to the proposed text as published in the August 29, 1989, issue of the *Texas Register* (14 TexReg 4407).

This amendment changes terminology in minimum jail standards from electro-mechanical to power-operated locks which will authorize the use of pneumatic locks.

This amendment will allow more efficient operation of a jail locking system as well as improving its maintenance capability and ease of management.

Comments received on the amendment were favorable.

Commenters in favor of adopting the amendment were: Carson County sheriff; Comal County sheriff; Bexar County Sheriff; and Hopkins County sheriff.

The amendment is adopted under Texas Civil Statutes, the Government Code, Title 4 Chapter 511, which provide the Texas Commission on Jail Standards with the authority to promulgate rules affecting county jails.

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-8909990 Jack E. Crump
Executive Director
Texas Commission on Jail
Standards

Effective date: November 8, 1989

Proposal publication date: August 29, 1989

For further information, please call: (512) 463-5505

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department Human Services

Chapter 14. County Indigent Health Care Program

Subchapter A. Program Administration

The Texas Department of Human Services (DHS) adopts amendments to §§14. 1, 14.202, 14.203, and 14.204 without changes to the proposed text as published in the September 8, 1989, issue of the *Texas Register* (14 TexReg 4591). The department adopted these amendments on an emergency basis effective September 1, 1989, in the September 8, 1989, issue of the *Texas Register* (14 TexReg 4575).

The amendments are justified to comply with mandated legislative changes effective September 1, 1989.

The amendments will function by making additional state funds available to counties required to provide health care services to eligible indigent residents.

No comments were received regarding adoption of the amendments.

• 40 TAC §14.1

The amendment is proposed under Texas Civil Statutes, Article 4438f, the Indigent Health Care and Treatment Act, Title I, and the Human Resources Code, Title 2, Chapters 22 and 32, which provides the department with the authority to administer public and medical assistance programs.

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

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

TRD-8910110 Cathy Rosenberg
Administrator, Policy
Development Services
Division
Texas Department of
Human Services

Effective date: November 13, 1989.

Proposal publication date: September 8, 1989.

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

Subchapter C. Providing Services

• 40 TAC §§14.202-14.204

The amendments are adopted under Texas Civil Statutes, Article 4438f, the Indigent Health Care and Treatment Act, Title I, and the Human Resources Code, Title 2, Chapters 22 and 32, which provides the department with the authority to administer public and medical assistance programs.

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

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

TRD-8910111 Cathy Rosenberg
Administrator, Policy
Development Services
Division
Texas Department of
Human Services

Effective date: November 13, 1989.

Proposal publication date: September 8, 1989.

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

Chapter 15. Medicaid Eligibility

Subchapter E. Income

The Texas Department of Human Services adopts §15.465 and §15.505, without changes to the proposed text as published in the September 8, 1989, issue of the *Texas Register* (14 TexReg 4540). The amendments are adopted to comply with state law and federal regulations that provide for an increase in the maximum allowable MAO income limit. These sections also delete the \$20 general exclusion and the earned income exclusion for clients whose eligibility is determined by using the institutional income limit.

The amendments are justified to comply with state legislation.

The amendments will function by not allowing certain deductions from gross income when using the federal maximum to determine eligibility.

No comments were received regarding adoption of the amendments.

• 40 TAC §15.465

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

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.

cy's legal authority.

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

TRD-8910112

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

Effective date: November 13, 1989.

Proposal publication date: September 5 1989.

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

Subchapter F. Budgets and Payment Plans

• 40 TAC §15.505

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

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 23, 1989.

TRD-8910113

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

Effective date: November 13, 1989.

Proposal publication date: September 5, 1989.

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

Chapter 79. Legal Services

Subchapter Q. Contract Appeals

• 40 TAC §79.1614

The Texas Department of Human Services (DHS) adopts an amendment to §79.1614, without changes to the proposed text as published in the September 9, 1989, issue of the *Texas Register* (14 TexReg 4592).

The department adopted these amendments on an emergency basis effective September 1, 1989, in the September 8, 1989, issue of the *Texas Register* (14 TexReg 4577).

The justification for the amendment is to comply with legislation passed by the 71st ses-

sion of the Texas State Legislature.

The amendment will function by giving parties to the hearing process knowledge of the time period in which a motion for rehearing must be received by the administrative law judge. The amendments also require that administrative law judges send decisions by certified mail, thus ensuring the department's knowledge of their receipt.

No comments were received regarding adoption of the amendment.

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

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

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

TRD-8909995

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

Effective date: December 1, 1989.

Proposal publication date: September 9, 1989.

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

Chapter 85. General Licensing Procedures

Subchapter U. Day Care Licensing Procedures

The Texas Department of Human Services adopts amendments to §85.2012 and §85.3059, without changes to the proposed text as published in the September 5, 1989, issue of *Texas Register* (14 TexReg 4541). The amendments are adopted to comply with new licensing legislation that requires the department to issue provisional licenses when certain situations exist and to eliminate the two-year limitation of the certificate of approval for state agencies operating child care facilities.

The amendments are justified because fewer child care facilities will be required to apply for provisional licenses, and state-operated child care facilities will not be required to reapply for certification every two years.

The amendments will function by modifying situations in which provisional licenses are issued and discontinuing biennial certification of state-operated facilities.

No comments were received regarding adoption of the amendments.

• 40 TAC §85.2012

The amendment is adopted under the Human Resources Code, Title 2, Chapters 22 and 42, which provides the department with the authority to administer public assistance and general licensing programs.

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

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

TRD-8909996

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

Effective date: November 8, 1989.

Proposal publication date: September 5, 1989.

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

Subchapter EE. Agency and Institutional Licensing Procedures

• 40 TAC §85.3059

The amendment is adopted under the Human Resources Code, Title 2, Chapters 22 and 42, which provides the department with the authority to administer public assistance and general licensing programs.

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

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

TRD-8909997

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

Effective date: November 8, 1989.

Proposal publication date: September 5, 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

Wednesday, November 1, 1989, 1 p.m. The Texas Department of Agriculture will meet at the district office, at Expressway 83, 2 blocks west of Morningside Road, San Juan. According to the agenda, the department will have an administrative hearing to review alleged violations of Texas Agriculture Code and/or Title IV of the Texas Administrative Code by Troy Ledbetter, holder of commercial applicator license.

Contact: Ruperto Garcia, P.O. Box 12847, Austin, Texas 78711, (512) 463-7703.

Filed: October 19, 1989, 10:44 a.m.

TRD-8910026

Wednesday, November 1, 1989, 3 p.m. The Texas Department of Agriculture will meet at the district office at Expressway 83, two blocks west of Morningside Road, San Juan. According to the agenda, the department will have an administrative hearing to review alleged violations of Texas Agriculture Code and/or Title IV of the Texas Administrative Code by Patrick Kornegay doing business as Sun Valley Dusting, holder of commercial applicator license.

Contact: Ruperto Garcia, P. O. Box 12847, Austin, Texas 78711, (512) 463-7703.

Filed: October 19, 1989, 10:44 a.m.

TRD-8910027

Texas Commission on the Arts

Wednesday, October 25, 1989, 9 a.m. The ArtsReach General Meeting and Artist Meeting of the Texas Commission on the Arts had an emergency meeting at the Arlington Museum of Art, 201 West Main Street, Arlington. According to the agenda, the commission had a ArtsReach public hearing, open peer panel review process and emergency review process change to regrant process; survey document; commission overview; education initiative and recruitment effort; grants process overview;

statewide partner overview; and adjourned to individual consultations. The emergency status was necessary because approval just received by commissioners to hold meeting.

Contact: Betty J. Brown, P.O. Box 13406, Austin, Texas 78711, (512) 463-5535.

Filed: October 24, 1989, 8:10 a.m.

TRD-8910183

Thursday, October 26, 1989, 9 a.m. The ArtsReach General Meeting of the Texas Commission on the Arts was held an emergency meeting at the D-Art Visual Arts Center, 2917 Swiss Avenue, Dallas. According to the agenda, the commission had a ArtsReach public hearing, open peer panel review process and emergency review process change to regrant process; survey document; commission overview; education initiative and recruitment effort; grants process overview; statewide partner overview; and adjourned to individual consultations. The emergency status was necessary because approval just received by commissioners to hold meeting.

Contact: Betty J. Brown, P.O. Box 13406, Austin, Texas 78711, (512) 463-5535.

Filed: October 24, 1989, 8:10 a.m.

TRD-8910184

State Bar of Texas

Friday and Saturday, October 27-28, 1989, 9:00 a.m. The Board of Directors of the State Bar of Texas will meet at 600 Del Lago Boulevard, Montgomery. According to the agenda, the board will discuss on Friday; reports of president, president elect, executive director, general counsel, immediate past president, immediate past chairman of the board, TYLA president, consider reports and recommendations of board committees, and consider adoption of resolution. The board will discuss on Saturday; reports of Sunset committee, supreme court liaison, court of criminal appeals liaison, judicial section liaison, federal judicial liaison, update regarding judicial redistricting pending in Midland, informal reports and comments of public members.

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

Filed: October 19, 1989, 5:00 p.m.

TRD-8910052

Friday and Saturday, October 27-28, 1989, 9 a.m. The Board of Directors of the State Bar of Texas will meet at 600 Del Lago Boulevard, Montgomery. According to the emergency revised agenda, the board will add consideration of \$22,000 budget amendment to fund buildout of lease space in First State Bank Tower. The emergency status was necessary because item unknown at time of posting.

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

Filed: October 23, 1989, 4:28 p.m.

TRD-8910181

Texas Cancer Council

Wednesday, November 8, 1989, 9 a.m. The Board of Directors of the Texas Cancer Council will meet in the Congress Room of the Radisson Plaza Hotel, 701 Brazos Street, Austin. According to the agenda, the board will discuss approval of minutes of August 9, 1989; announcements; old and new business.

Contact: Jack L. Franklin, Ph.D., 701 Brazos Street, Suite 1005, Austin, Texas 78701, (512) 463-3190.

Filed: October 19, 1989, 11:47 a.m.

TRD-8910032

Child Care Development Board

Tuesday, October 31, 1989, 2 p.m. The Child Care Development Board will meet in the General Land Office, Room 831, Stephen F. Austin Building, 1700 North Congress, Austin. According to the agenda, the board will discuss and act upon the appointment of state employee members to the Advisory Committee; report from Legislative Council; report from the Child Care

Advisory Committee; report from the State Purchasing Commission; and consideration of initial parameters for the child care center; public testimony.

Contact: Lynn Leverty, P.O. Box 12608, Austin, Texas 78711, (512) 463-5971.

Filed: October 23, 1989, 1:58 p.m.

TRD-8910128

Texas Education Agency

Thursday, November 2, 1989, 1:30 p.m., and Friday, November 3, 1989, 8:30 a.m. The Proposal Review Panel for Master Teacher Examination of the Texas Education Agency will meet at the Guest Quarters Suite Hotel, 303 West 15th, Austin. According to the agenda, on November 2nd, the panel will discuss orientation to Master Teacher Examination and task; panel members read and submit first rating of proposals; discussion of proposals and first rating. On November 3rd, the panel will continue discussion and submit second rating of proposals; final review of recommendation of contractor. Note: The review panel will be convened for the purpose of reviewing proposals and making a recommendation of a contractor for development and administration for a Master Teacher Examination for Texas Teachers to the Texas Education Agency. The meeting will be closed pursuant to Texas Attorney General Opinions H-484 (1974) and H-780 (1976).

Contact: Pamela Tackett, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9525.

Filed: October 23, 1989, 4:26 p.m.

TRD-8910186

Advisory Commission on State Emergency Communications (ACSEC)

Monday and Tuesday, October 30-31, 1989, 9:30 a.m. The Advisory Commission on State Emergency Communications (ACSEC) will meet in the Hyatt Regency Hotel on Town Lake, Austin. According to the agenda, the commission will have a workshop to cover the following topics for the benefit of the Councils of Governments' 9-1-1 coordinators: financing; tariffs; 9-1-1 implementation; and 9-1-1 operations.

Contact: Joe Kirk, 1101 Capital of Texas Highway, South, Suite B-100, Austin, Texas, (512) 327-1011.

Filed: October 19, 1989, 1:20 p.m.

TRD-8910031

Employees Retirement System of Texas

Tuesday, October 24, 1989, 8:30 a.m. The Board of Trustees of the Employees Retirement System of Texas had an emergency meeting in the Auditorium, at the Employees Retirement System Building, 18th and Brazos, Austin. According to the agenda the following item should be added to the meeting agenda filed on October 13, 1989: 19(a) Presentation by representatives of the Texas HMO Association. The emergency status was necessary because the October 24, 1989 Employees Retirement System of Texas trustee meeting is the last opportunity for the HMO Association to address the trustees with regard to HMO operations prior to the November adoption of the RFP document for bidding by HMOs for FY 90-91.

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

Filed: October 20, 1989, 1:24 p.m.

TRD-8910072

Texas State Board of Registration for Professional Engineers

Wednesday and Thursday, October 25 and 26, 1989, 8:30 a.m. The Texas State Board of Registration for Professional Engineers had an emergency meeting at the Sheraton Grand Hotel, Highway 114 and Esters Boulevard, Irving. According to the revised agenda, the board is adding the letter from Accreditation Board for Engineering and Technology, Inc. The emergency status was necessary because the letter requested information from the board which is due prior to the next regular board meeting.

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

Filed: October 20, 1989, 2:23 p.m.

TRD-8910086

Texas Department of Health

Monday, October 30, 1989, 9:30 a.m. On-Site Wastewater Treatment Research Council will meet at the Center for Environmental Research, Hornsby Bend Wastewater and Treatment Facility, 2210 South FM Road 973, Austin. According to the agenda, the council, at this special meeting, will approve minutes of 9/13/89 meeting and consider Texas Department of Health staff report; finalizing proposal to the Texas Water Development Board for a demonstration project in South Texas; finalizing task outline for on-site wastewater treatment research related to the Water Development

Board grant; council members' technical reports.

Contact: Stephen J. Tenca, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7293.

Filed: October 20, 1989, 4:09 p.m.

TRD-8910081

Tuesday, October 31, 1989, 10 a.m. The Hospital Data Advisory Committee of the Texas Department of Health will meet in Room M-653, 1100 West 49th Street, Texas Department of Health, Austin. According to the agenda, the committee will approve minutes of work session and previous meeting and consider implementation of attorney general's special task force on non-profit hospitals and unsponsored charity care recommendations on reporting charity care; hospital discharge information for selected databases in Texas, 1987; 1989 cooperative Texas Department of Health/American Hospital Association annual survey of hospitals; bureau of state health data and policy analysis report; election of officers; and next meeting date.

Contact: Ann Henry, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7261.

TRD-8910078

Wednesday, November 1, 1989, 1 p.m. The Primary Health Care Services Program Advisory Committee of the Texas Department of Health will meet at 1100 West 49th Street, Room T-607, Austin. According to the agenda, the committee will approve minutes of previous meeting and consider new rural primary care applications; high-risk newborn transfer (telephone hotline); staff current update report; election of officers; and next meeting date.

Contact: John Dombrowski, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7771

Filed: October 20, 1989, 4:09 p.m.

TRD-8910079

Wednesday, November 1, 1989, 2 p.m. The Home Health Services Advisory Council of the Texas Department of Health will meet at 1100 West 49th Street, Room T-610, Austin. According to the agenda, the council will approve minutes from previous meetings and consider Attorney General's opinion regarding medication aides; review and respond to comments concerning proposed home health rules; (Texas Register, 9/26/89); review and approve proposed home health rules (branches, criminal history checks, special waste, temporary licenses); hear announcements and have discussion without council action.

Contact: Becky Beechinger, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7240.

Filed: October 23, 1989, 4:22 p.m.

TRD-8910179

Thursday, November 2, 1989, 9 a.m. The Home Health Services Advisory Council of the Texas Department of Health will meet at 1100 West 49th Street, Room T-610, Austin. According to the agenda, the subcommittee will develop working draft of curriculum for home health medication aide training program; hear announcements and have discussion without subcommittee action.

Contact: Becky Beechinor, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7240.

Filed: October 23, 1989, 4:22 p.m.

TRD-8910178

Friday, November 10, 1989, 8 a.m. The Municipal Solid Waste Management and Resource Recovery Advisory Council of the Texas Department of Health will meet in room T-607 1100 West 49th Street, Austin. According to the agenda, the council will approve minutes of previous meeting and consider appointments to council; status of EPA landfill criteria; legislative summary; draft rules for reports and disposal fees; strategy for implementing legislation; and report on conference.

Contact: Hector Mendieta, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7271.

Filed: October 23, 1989, 4:22 p.m.

TRD-8910180

Friday, November 10, 1989, 1:30 p.m. The On-Site Wastewater Treatment Research Council of the Texas Department of Health will meet at the Center for Environmental Research, Hornsby Bend Wastewater and Treatment Facility, 2210 South FM 973, Austin. According to the agenda, the council, at this regular meeting, will review minutes of 9/15/89 and 10/30/89 meetings and consider Texas Department of Health staff reports; finalized proposal to Texas Water Development Board for a demonstration project in South Texas; finalized task outline for on-site wastewater treatment research related to the Water Development Board grant; budgetary and operating procedures for the Council; the Texas Department of Health, and the Center for Environmental Research.

Contact: Stephen J. Tencza, 1100 West 49th Street, Austin, Texas 78756 (512) 458-7293.

Filed: October 20, 1989, 4:09 p.m.

TRD-8910080

State Department of Highways and Public Transportation

Friday, October 27, 1989, 9:30 a.m. The

Commission of the State Department of Highways and Public Transportation will meet in Room 101-A, First Floor, the Dewitt C. Greer State Highway Building, 11th and Brazos Streets, Austin. According to the agenda, the commission will execute contract awards and routine minute orders; consider decisions on presentations from public hearing dockets; hearing officer's proposal; consider staff reports/recommendations on public transportation, transportation planning, tourism, report on rules on employee substance abuse, construction programs and projects, including a report on litigation support; proposed adoption of rules including amendments to the contested case procedure and final adoption of amendments to T.A.C. Sections 1.21 and 31.3; rules relating to Formula Program and the Discretionary Program. Executive Session to be counseled on litigation. Agenda is available in Room 203, Dewitt C. Greer Building.

Contact: Office of the Engineer-Director, Room 203, 11th and Brazos Streets, Austin, Texas, (512) 463-8616.

Filed: October 19, 1989, 2:05 p.m.

TRD-8910034

Texas Historical Commission

Friday, October 27, 1989, 8 a.m. The Main Street Committee of the Texas Historical Commission will meet at Roseville Manor, 217 West Lafayette, Jefferson. According to the agenda, the committee will have an emergency meeting to discuss the designation of 1990 Main Street cities; designation of 1990 Urban Main Street cities; personnel changes; Main Street conference; facility change; and Main Street manager's training. The emergency status was necessary because the Main Street director was out of town and they could not get an agenda.

Contact: Anice Read, P.O. Box 12276, Austin, Texas 78711.

Filed: October 19, 1989, 1:42 p.m.

TRD-8910043

Texas Housing Agency

Monday, October 30, 1989, 3 p.m. The Personnel and Programs Committee of the Texas Housing Agency will meet at 811 Barton Springs Road, Suite 300, Austin. According to the agenda, the committee will consider and possibly act on the following summarized items: organizational chart; personnel evaluation system, manual and employee handbook; executive administrator's job description; division operating procedure manuals; personnel job audits; GNMA collateralized home mortgage purchase program; local initiative focused rate mortgage program; loan commitment for

Association for Retarded Citizens of Texas; extension of tax credits for San Jacinto Gardens; Texas Commission on Drug and Alcohol Abuse proposal; financial institutions reform, Recovery, and Enforcement Act of 1989; public forums; VEREX exposure on single family bond program; and the South Texas project. While in executive session consider and possibly act on pending or contemplated litigation; duties, evaluation and discipline of employees. Act on executive session items as required in open session.

Contact: Patricia F. Broline, P.O. Box 13941, Austin, Texas 78711, (512) 474-2974.

Filed: October 20, 1989, 3:43 p.m.

TRD-8910076

Tuesday, October 31, 1989, 9:30 a.m. The Low Income Tax Credit Committee of the Texas Housing Agency will meet at 811 Barton Springs Road, Suite 300, Austin. According to the agenda, the committee will consider and possibly act on the following items: report from staff regarding 1989 Low Income Tax Credit allocation request chart; pending legislation to extend Low Income Tax Credit Program; issuance of commitment letters for 1989 Low Income Tax Credit application; requests for commitment extensions for 1989 tax credit applications.

Contact: Thomas C. Adams, P.O. Box 13941, Austin, Texas 78711, (512) 474-2974.

Filed: October 23, 1989, 4:21 p.m.

TRD-8910177

Tuesday, October 31, 1989, 1 p.m. The Board of Directors of the Texas Housing Agency will meet at 811 Barton Springs Road, Suite 300, Austin. According to the agenda, the board will consider and possibly act on the following items: September minutes; real estate owned; commission payments; Ernst and Young audit; rating agency presentation; Sunset Advisory Commission report; internal working groups; organizational chart; personnel evaluation system; personnel manual and employee handbook; executive administrator's job description; operating procedures manuals; personnel job audits; bond program No. 41; local initiative focused rate mortgage program; Association for Retarded Citizens of Texas; San Jacinto Gardens tax credits; Texas Commission on Drug and Alcohol Abuse proposal; Financial Institutions Reform, Recovery, and Enforcement Act of 1989; VEREX exposure; South Texas project; Low Income Tax Credit Program commitment letters and extensions; Low Income Tax Credit legislation. While in executive session consider and possibly act on pending or contemplated litigation and personnel matters. Act on executive session items as required in open session.

Contact: Thomas C. Adams, P.O. Box

13941, Austin, Texas 78711, (512) 474-2974.

Filed: October 23, 1989, 4:21 p.m.

TRD-8910176

Department of Information Resources

Friday, November 3, 1989, 9 a.m. There will be an Open Board Meeting of the Department of Information Resources at the John H. Reagan Building, 105 West 15th Street, Austin. According to the agenda, the board will conduct roll call and witness registration; discuss introduction of new executive director/executive director's report; October 6, 1989 minutes approval; planning guidelines; procurements; policy issues; approval of AITC biennial report; staff reports; and new business.

Contact: Lynn B. Polson, 3307 Northland Drive, Suite 300, Austin, Texas, (512) 371-1120.

Filed: October 23, 1989, 9:52 a.m.

TRD-8910115

State Board of Insurance

Monday, October 30, 1989, 10 a.m. The Commissioner's Hearing Section of the State Board of Insurance will have an emergency meeting in Room 414, 1110 San Jacinto Street, Austin. According to the agenda, a public hearing to consider an emergency cease and desist order, Commissioner's Order No. 89-1539, served on American Health Care Advisory Association will be conducted. The emergency status was necessary because legislation requires a hearing within ten days of receipt of request.

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

Filed: October 19, 1989, 2:26 p.m.

TRD-8910036

Tuesday, October 31, 1989, 8:30 a.m. The Commissioner's Hearing Section of the State Board of Insurance will meet at 1110 San Jacinto Street, Room 342, Austin. According to the agenda, the commissioner's hearing section will reopen a public hearing, Docket 10439, to consider whether disciplinary action should be taken against William Harvey Keel, Marshal, Texas, who holds a group I, legal reserve life insurance agent's license, a group II, life, health and accident insurance agent's license and a local recording agent's license.

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

Filed: October 23, 1989, 3:25 p.m.

TRD-8910147

Tuesday, October 31, 1989, 9 a.m. The Commissioner's Hearing Section of the State Board of Insurance will meet at 1110 San Jacinto Street, Room 353, Austin. According to the agenda, the commissioner's hearing section will conduct a public hearing, Docket 10556, to consider whether disciplinary action should be taken against James Samuel Garrison, Hillsboro, Texas, who holds a group II, insurance agent's license.

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

Filed: October 23, 1989, 3:25 p.m.

TRD-8910145

Tuesday, October 31, 1989, 10 a.m. The State Board of Insurance will meet in Room 414, State Insurance Building, 1110 San Jacinto, Austin. According to the agenda, the board will discuss proposed action on 28 TAC 5. 2003(b)(2) and 28 TAC 5.2002(d)(11)(H). Final action on 28 TAC 7.28-7.30; board orders on several different matters as itemized on the complete agenda. personnel matters; pending and contemplated litigation; and solvency matters.

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

Filed: October 23, 1989, 2:25 p.m.

TRD-8910139

Tuesday, October 31, 1989, 1:30 p.m. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 460, 1110 San Jacinto Street, Austin. According to the agenda, the commissioner's hearing section will conduct a public hearing, Docket 10562, to consider whether disciplinary action should be taken against Sharon Lynn Jone, Austin, Texas, who holds a group I, legal reserve life insurance agent's license and to consider the application of Sharon Lynn Jone for a group II insurance agent's license.

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

Filed: October 23, 1989, 3:25 p.m.

TRD-8910146

Tuesday, October 31, 1989, 3 p.m. The State Board of Insurance will meet in Room 414, State Insurance Building, 1110 San Jacinto, Austin. According to the agenda, the board will hold a public hearing to consider an appeal by Brazos Security Life Insurance Company of Commissioner's Order 89-0596.

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

Filed: October 23, 1989, 2:25 p.m.

TRD-8910131

Wednesday, November 1, 1989, 9 a.m. The Commissioner's Hearing Section of the State Board of Insurance will meet at 1110

San Jacinto Street, Room 342, Austin. According to the agenda, the commissioner will conduct a public hearing, Docket 10560, to consider the application for amendment to Articles of Incorporation of Mission National Life Insurance Company, Houston, Texas, changing the company name to Western Casualty Life Insurance Company of Texas, changing the home office location and adding a provision limiting directors' liability.

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

Filed: October 23, 1989, 3:24 p.m.

TRD-8910148

Wednesday, November 1, 1989, 9 a.m. The Commissioner's Hearing Section of the State Board of Insurance will meet at 1110 San Jacinto Street, Room 353, Austin. According to the agenda, the commissioner's hearing section will conduct a public hearing, Docket 10589, to consider reinsurance agreement whereby McCrary-Edwards-Cain Benefit Association, Winnsboro, Texas, will be reinsured by Landmark Life Insurance Company, Brownwood, Texas.

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

Filed: October 12, 1989, 3:24 p.m.

TRD-8910149

Wednesday, November 1, 1989, 9 a.m. The State Board of Insurance will meet in Room 414, State Insurance Building, 1110 San Jacinto, Austin. According to the agenda, the board will hold a public hearing to consider an appeal by Busby Engineering and Construction Company of calculation of experience modifier and of Assigned Risk Pool surcharge applicable to worker's compensation insurance premium.

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

Filed: October 23, 1989, 2:25 p.m.

TRD-8910133

Wednesday, November 1, 1989, 10:30 a.m. The State Board of Insurance will meet in Room 414, State Insurance Building, 1110 San Jacinto, Austin. According to the agenda, the board will hold a public hearing to consider an appeal by Bransom Floor Service, Inc., of calculation of experience modifier and of Assigned Risk Pool surcharge applicable to workers' compensation insurance premium.

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

Filed: October 23, 1989, 2:25 p.m.

TRD-8910134

Wednesday, November 1, 1989, 1:30 p.m. The State Board of Insurance will meet in Room 414, State Insurance Building, 1110 San Jacinto, Austin. According to the agenda, the board will hold a public hearing to consider an appeal by Advanced Environ-

mental Systems, Inc., from action of the Texas Workers' Compensation Assigned Risk Pool concerning application of experience modifier and pool surcharge.

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

Filed: October 23, 1989, 2:24 p.m.

TRD-8910135

Wednesday, November 1, 1989, 1:30 p.m. The Commissioner's Hearing Section of the State Board of Insurance will meet at 1110 San Jacinto Street, Room 342, Austin. According to the agenda, the commissioner's hearing section will conduct a public hearing, Docket 10576, to consider the application of Rickey Wayne Rohus, Canton, Texas, for a group I, legal reserve life insurance agent's license.

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

Filed: October 23, 1989, 3:24 p.m.

TRD-8910150

Wednesday, November 1, 1989, 1:30 p.m. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 353, 1110 San Jacinto Street, Austin. According to the agenda, the commissioner's hearing section will conduct a public hearing, Docket 10590, to consider the application of High Plains Baptist Hospital, Amarillo, Texas, to acquire control of First Baptist/Amarillo Foundation, Amarillo, Texas, pursuant to the Texas Continuing Care Facility Disclosure and Rehabilitation Act, Section 4(d).

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

Filed: October 23, 1989, 3:24 p.m.

TRD-8910151

Thursday, November 2, 1989, 1:30 p.m. The State Board of Insurance will meet in Room 414, State Insurance Building, 1110 San Jacinto, Austin. According to the agenda, the board will hold a public hearing to consider an appeal by Twin Cedar Maintenance of calculation of experience modifier applicable to worker's compensation insurance premium.

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

Filed: October 23, 1989, 2:24 p.m.

TRD-8910136

Thursday, November 2, 1989, 3 p.m. The State Board of Insurance will meet in Room 414, State Insurance Building, 1110 San Jacinto, Austin. According to the agenda, the board will hold a public hearing to consider an appeal by Clunn Acoustical Systems, Inc., of calculation of experience modifier applicable to worker's compensation insurance premium.

Contact: Pat Wagner, 1110 San Jacinto,

Austin, Texas, 78701-1998, (512) 463-6328.

Filed: October 23, 1989, 2:24 p.m.

TRD-8910137

Friday, November 3, 1989, 9 a.m. The Commissioner's Hearing Section of the State Board of Insurance will meet at 1110 San Jacinto Street, Room 342, Austin. According to the agenda, the commissioner's hearing section will conduct a public hearing, Docket 10585 to consider the application of Western Fidelity Holding, Inc., a Texas corporation, and William Blair Leveraged Capital Fund, Limited Partnership, an Illinois limited partnership, to acquire control of Western Casualty Life Insurance Company and Mission National Life Insurance Company, Fort Worth, Texas, pursuant to the provisions of Texas Insurance Code, Article 21.49-1 §5.

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

Filed: October 23, 1989, 3:24 p.m.

TRD-8910152

Friday, November 3, 1989, 9 a.m. The Commissioner's Hearing Section of the State Board of Insurance will meet at 1110 San Jacinto Street, Room 353, Austin. According to the agenda, the commissioner's hearing section will conduct a public hearing, Docket 10573, to consider whether disciplinary action should be taken against James Anthony Hart doing business as Hart Agencies, Arlington, Texas, who holds a group I, legal reserve life insurance agent's license and a local recording agent's license issued by the State Board of Insurance; and to consider whether disciplinary action should be taken against Connye Ruth Hart doing business as Hart Agencies, Arlington, Texas, who holds a group I, legal reserve life insurance agent's license.

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

Filed: October 23, 1989, 3:24 p.m.

TRD-8910153

Friday, November 3, 1989, 9 a.m. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 460, 1110 San Jacinto Street, Austin. According to the agenda, the commissioner's hearing section will conduct a public hearing, Docket 10571, to consider the application for amendment to the Article of Incorporation of National Atlas Life Insurance Company, Houston, Texas, changing the home office of the company, changing the term of existence of the company, increasing the authorized capital, adding a new article pertaining to director liability, adding a new article reserving the right to change the Articles of Incorporation and adding a new article pertaining to election of directors.

Contact: O. A. Cassidy, III, 1110 San Jacinto, Austin, Texas 78701-1998, (512)

463-6526.

Filed: October 23, 1989, 3:24 p.m.

TRD-8910154

Friday, November 3, 1989, 10:30 a.m. The Commissioner's Hearing Section of the State Board of Insurance will meet at 1110 San Jacinto Street, Room 460, Austin. According to the agenda, the commissioner's hearing section will conduct a public hearing, Docket 10572, to consider the application for amendment to the Articles of Incorporation of the American-World Life Insurance Company, Houston, Texas, changing the home office of the company, changing the term of existence of the company, increasing the authorized capital, adding a new article pertaining to director liability, adding a new article reserving the right to change the Articles of Incorporation and adding a new article pertaining to election of directors.

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

Filed: October 23, 1989, 3:24 p.m.

TRD-8910155

Wednesday, November 3, 1989, 9 a.m. The State Board of Insurance will meet in Room 104, John H. Reagan Building, 105 West 15th Street, Austin. According to the agenda, the board will hold a public hearing to consider subjects relating to worker's compensation insurance and rules and regulatory responsibilities of the State Board of Insurance concerning workers' compensation insurance.

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

Filed: October 23, 1989, 2:24 p.m.

TRD-8910138

Texas Board of Irrigators

Wednesday, November 1, 1989, 9 a.m. The Texas Board of Irrigators will meet in the Stephen F. Austin Building, Room 513-F, 1700 North Congress Avenue, Austin. According to the agenda, the board will hear and consider 22 outstanding complaints; a presentation by C. O. Smith concerning Section 2(2) of the Act; approval of the minutes; certification of the 1989 irrigator and installer exam candidates; report from legal counsel; adoption of a resolution for S. D. Ousley; review of standards for connections to water supply systems; and the chairman will report on various items of interest to the board.

Contact: Joyce Watson, 1700 North Congress Avenue, Austin, Texas, (512) 463-7990.

Filed: October 23, 1989, 1:55 p.m.

TRD-8910127

Texas Commission on Law Enforcement Officer Standards and Education

Thursday, November 2, 1989 1 p.m., and Friday, November 3, 1989, 9:30 a. m. The Law Enforcement Management Institute of the Texas Commission on Law Enforcement Officer Standards and Education will meet in Room 503 on the 2nd and Room 627 on the 3rd, Blocker Building, Texas A&M University, College Station. According to the agenda, the institute will discuss and act upon the minutes of the September 8, 1989 board meeting; review of selection standards: new information on TASP; law enforcement education statistics; applicant flow effect; evaluation of module I participants; tentative schedule of modules through 1991; legislative support/commitment: Address by the Honorable Bill Blackwood, State Representative; site discussion.

Contact: Jack L. Ryle, 1606 Headway Circle, Suite 100, Austin, Texas 78754, (512) 834-9222.

Filed: October 24, 1989, 9:18 a.m.

TRD-8910189

Texas Motor Vehicle Commission

Wednesday, November 1, 1989, 9:30 a.m. The Texas Motor Vehicle Commission will meet at 815 Brazos Street, Suite 302, Brazos Building, Austin. According to the agenda, the commission will discuss and consider adoption of minutes of the commission meeting of September 6, 1989; proposals for decision-licensing and enforcement; lemon law cases set for oral argument; lemon law cases set-exceptions filed; lemon law cases-no arguments or exceptions; agreed orders-enforcement; order of license revocation-Docket Number 89-189-License/Hubbard Chevrolet; settlement orders-consumer complaints; and other: review of agency budget and financial status; pending litigation status report; review and adoption of proposed amendments to lemon law rules §§107. 2 and 107.8; review of "Lemon Law Consumer Complaint Recap Report."

Contact: Russell Harding, 815 Brazos, Suite 300, Austin, Texas 78701, (512) 476-3587.

Filed: October 23, 1989, 2:30 p.m.

TRD-8910132

Board of Pardons and Paroles

Monday-Friday, October 30-November 3, 1989, 1:30 p.m. daily except 11 a.m. on Friday. A Board Panel (3 Board Members)

of the Board of Pardons and Paroles will meet at 8610 Shoal Creek Boulevard, Austin. According to the agenda, the panel will receive, review and consider information and reports concerning prisoners/inmates and administrative releasees subject to the Board's jurisdiction and initiate and carry through with appropriate action.

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

Filed: October 20, 1989, 10:52 a.m.

TRD-8910059

Tuesday, October 31, 1989, 1:30 p.m. The Board of Pardons and Paroles will meet at 8610 Shoal Creek Boulevard, Austin. According to the agenda, the board will meet to consider executive clemency recommendations and related actions (other than Out of Country Conditional Pardons), including: full pardons/restoration of civil rights of citizenship; emergency medical reprieves; commutations of sentence; and other reprieves, remissions and executive clemency actions.

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

Filed: October 20, 1989, 10:52 a.m.

TRD-8910060

State Property Tax Board

Tuesday, October 31, 1989, 9 a.m. The State Property Tax Board will meet in Rooms A & B, 1601 South Cleveland, Region 16 Educational Service Center, Amarillo. According to the agenda, the board will discuss new rules and proposed amendments to rules: 161.24; 161.22; 155.48; 161.1; 155.49; 155.35; 165.142; 155.55; 155.51, 153.2; 165.3, 155.54; 155.57; 155.6; 163.6; 155.44, 155.38; 165.143; and 165.141. Discussion of the proposal to establish uniform system of accounts for appraisal districts. Discussion of SP1B Policy Manual; and executive session and personnel matters.

Contact: Ron Patterson, 4301 Westbank Drive, Building B, Suite 100, Austin, Texas 78746.

Filed: October 23, 1989, 4:46 p.m.

TRD-8910182

Texas State Board of Examiners of Psychologists

Wednesday-Friday, November 1-3, 1989, 10 a.m. November 1 and 8:30 a.m. daily thereafter. The Texas State Board of Examiners of Psychologists will meet at the Inn on the Park Hotel, Houston. According to the agenda, the board will consider minutes, opinion letters, proposed rules, interviews, hearings, complaints, budget, legisla-

tive matters, applications, reports, exam issues, and planning issues. In addition, the board will conduct several meetings in conjunction with the Texas Psychological Association annual meeting.

Contact: Patricia S. Bizzell, 9101 Burn Rd, Suite 212, Austin, Texas (512) 83 0236.

Filed: October 23, 1989, 1:34 p.m.

TRD-8910126

Texas State Board of Public Accountancy

Wednesday, October 25, 1989, 10 a.m. The Texas State Board of Public Accountancy had an emergency meeting at 1033 La Posada, Suite 340, Austin. According to the agenda, the public hearing was on complaint no. 85-11-07L. The emergency status was necessary because it was the only time complainant and hearing officer could meet.

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

Filed: October 19, 1989, 10:39 a.m.

TRD-8910028

Friday, October 27, 1989, 9 a.m. The Technical Standards Review Committee of the Texas State Board of Public Accountancy will meet at 1033 La Posada, Suite 340, Austin. According to the agenda, the committee will discuss September status report; recommendations regarding specific complaints such as licensees complaint no. 89-08-03L, and complaint no. 88-09-06L; discussion items such as CPA-re: audit bid request from Crisis Center.

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

Filed: October 19, 1989, 10:39 a.m.

TRD-8910029

Friday, October 27, 1989, 10 a.m. The Informal Conferences of the Texas State Board of Public Accountancy will be held at 1033 La Posada, Suite 340, Austin. According to the agenda, there will be conferences on complaint no. 89-03-05L; complaint no. 89-03-17L; complaint no. 89-04-29L; and complaint no. 89-03-28L.

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

Filed: October 19, 1989, 10:39 a.m.

TRD-8910030

Public Utility Commission of Texas

Monday, October 30, 1989, 9:30 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 be held on Docket No. 8046 referring to the complaint of Exxon Company, U.S.A. against Houston Lighting and Power Company.

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

Filed: October 19, 1989, 1:55 p.m.

TRD-8910042

Tuesday, October 31, 1989, 10:30 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 and hearing on interim relief will be held on Docket No. 9090; complaint of DFW Metro Line Services against Southwestern Bell Telephone Company.

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

Filed: October 19, 1989, 1:56 p.m.

TRD-8910038

Thursday, November 2, 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, the commission will have a prehearing conference in Docket Number 9079; application of Muenster Telephone Corporation of Texas to reflect the merger of Valley View Telephone Company into Muenster Telephone Corporation.

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

Filed: October 23, 1989, 3:39 p.m.

TRD-8910142

Thursday, November 2, 1989, 3 p.m. The Public Utility Commission will meet at 7800 Shoal Creek Boulevard, Suite 450N, Austin. According to the agenda, a prehearing conference will be held on the above date and time in Docket No. 9088; application of GTE Southwest, Incorporated to establish Centranet rates for Exxon Chemical Company in Baytown.

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

Filed: October 20, 1989, 3:31 p.m.

TRD-8910084

Monday, November 6, 1989, 1:30 p.m. 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 on Docket No. 8672 in reference to application of Southwestern Bell Telephone Company to provide Plaxar(sm) customer service to specific customers.

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

Filed: October 19, 1989, 1:56 p.m.

TRD-8910039

Wednesday, November 8, 1989, 1:30 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 hearing on the merits has been scheduled in Docket No. 9024; application of Swisher Electric Cooperative, Incorporated to Change Line Extension Policy.

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

Filed: October 20, 1989, 3:30 p.m.

TRD-8910085

Friday, January 12, 1990, 10 a.m. The Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450N, Austin. According to the agenda, the commission will have a hearing on the merits in Docket Number 9048; application of Cap Rock Electric Cooperative, Inc. for approval of a new rate classification.

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

Filed: October 23, 1989, 3:39 p.m.

TRD-8910143

Texas Railroad Commission

Monday, October 30, 1989, 9 a.m. The Railroad Commission will meet in Room 126, 12th Floor William B. Travis Building, 1701 North Congress, Austin. Agendas follow.

The commission will consider and act on the Personnel Division Director's report on division administration, budget, procedures, and personnel matters. The Commission will meet in Executive Session to consider the appointment, employment, evaluation, re-assignment, duties, discipline and/or dismissal of personnel.

Contact: Mark Bogun, P.O. Drawer 12967, Austin, Texas 78711-2967.

Filed: October 20, 1989, 12:13 p.m.

TRD-8910062

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

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

Filed: October 20, 1989, 12:12 p.m.

TRD-8910063

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

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

Filed: October 20, 1989, 12:12 p.m.

TRD-8910064

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

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

Filed: October 20, 1989, 12:12 p.m.

TRD-8910065

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

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

Filed: October 20, 1989, 12:11 p.m.

TRD-8910066

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

Contact: Brian W. Schaible, P.O. Drawer 12967, Austin, Texas 78711 (512) 463-6710.

Filed: October 20, 1989, 12:11 p.m.

TRD-8910067

The commission will consider guidelines for salvage of equipment from inactive wells plugged with state funds, pursuant to House Bill No. 1318 which amended Tex. Nat. Res. Code Sec. 89.085; and rules and procedures governing the assignment of acreage to wells for allowable and proration purposes; and the commission will meet in executive session to consider the pending appeal from the Federal Energy Regulatory Commission's order in FERC Docket No. GP84-23-029 (Stowers-Phase II); and revisions to "conditions" in final orders granting drilling permits requiring rule 37 and/or 38 exceptions; and the proposed Panhandle Field Rules compliance package.

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

Filed: October 20, 1989, 12:11 p.m.

TRD-8910068

The commission will consider the various

matters within the jurisdiction of the Railroad Commission of Texas; items previously posted for open meeting and at such meeting verbally postponed or continued to this date. With regard to any item, the commission may take various action, including but not limited to scheduling an item in its entirety or for particular action at a future time or date. The commission may consider the procedural status of any contested case if 60 days or more have elapsed from the date the hearing was closed or from the date the transcript was received. The commission will meet in executive session to receive legal advice regarding pending and/or contemplated litigation.

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

Filed: October 20, 1989, 12:13 p.m.

TRD-8910071

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

Contact: Cril Payne, P.O. Drawer 12967, Austin, Texas 78711-2967, (512) 463-7274.

Filed: October 20, 1989, 12:10 p.m.

TRD-8910069

Monday, October 30, 1989, 1:30 p.m. The commission will consider and act on oral argument to be heard on Docket No. 5-89,755; commission called hearing to review temporary field rules for Alabama Ferry (Woodbine-Dexter) Field, Leon County, Texas and Docket No. 5-90,079; Basin Operating Co., Ltd. to consider per well MER special field rules for the Alabama Ferry (Woodbine-Dexter) Field, Leon County, Texas.

Contact: Doug Johnson, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6920.

Filed: October 20, 1989, 12:10 p.m.

TRD-8910070

School Land Board

Monday, October 30, 1989, 8 a.m. The School Land Board will meet in the General Land Office, Stephen F. Austin Building, 1700 North Congress Avenue, Room 831, Austin. According to the agenda, the board

will travel to inspect Permanent School Fund lands in Presidio County, Big Bend Ranch.

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

Filed: October 20, 1989, 3:58 p.m.

TRD-8910077

University of Houston System

Thursday, October 26, 1989, 8 a.m. The Board of Regents of the University of Houston System met in the South Ballroom, Conrad Hilton College Hotel, University of Houston, 4800 Calhoun, Houston. According to the agenda, the board discussed and/or acted upon the following: minutes, appreciation and memorial resolutions, naming of library, school of music, personnel recommendations, various reports, dual employment, academic reorganization, Texas educational opportunity plan, construction change orders, renovations, reroofing of Hofheinz pavilion, award of contract for ACM removal, art acquisition committee appointments, Apple computer purchases, C1CPU purchase, purchase of research equipment, refunding bonds-series 1985, installation of telecommunications system, banking resolution, reappointments to Athletic Advisory Board and Consent Docket.

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

Filed: October 20, 1989, 9:09 a.m.

TRD-8910054

University Interscholastic League

Tuesday, October 24, 1989, 1 p.m. The State Executive Committee of the University Interscholastic League had an emergency meeting in the Balcones Room of the Hilton Hotel, 6000 Middle Fiskville Road, Austin. According to the agenda, the committee met to hear allegations of rule violations by school district personnel, Savoy ISD and to issue official interpretation of Section 440(b). The emergency status was necessary because allegations, just received, could have resulted in penalty being assessed; team was scheduled to play a game the week of October 23, 1989; received request for interpretation on October 23, 1989 from a federal judge who held a final hearing on a temporary injunction on October 26, 1989.

Contact: Bonnie Northcutt, 2622 Wichita, Austin 78705, (512) 471-5883.

Filed: October 23, 1989, 11:29 a.m.

TRD-8910124

Texas Water Commission

Monday, October 23, 1989, 3:30 p.m. The Texas Water Commission had an emergency meeting at the Aircraft Pooling Board, 2900 Manor Road, Austin. According to the agenda, the commission met discuss Phillips 66 Refinery explosion. The emergency status was necessary because explosion and current situation presents an imminent threat to the public health and safety.

Contact: Beverly De La Zerda, 1700 North Congress Avenue, Austin, Texas, (512) 475-2161.

Filed: October 23, 1989, 3:27 p.m.

TRD-8910144

Regional Meetings

Meetings Filed October 19, 1989

The Austin-Travis County Mental Health Mental Retardation Center, Finance and Control Committee met for an emergency meeting at 1430 Collier Street, Austin, October 20, 1989, at 8:30 a.m. The emergency status was necessary because this committee must meet prior to the full board meeting next week in order to address budget deficit issues. Information may be obtained from Sharon Taylor, P.O. Box 3548, Austin, Texas 78764-3548, (512) 447-4141.

The Capital Area Rural Transportation System, Board of Directors met at 511 East 1st Street, Conference Room, Austin, October 26, 1989, at 9:30 a.m. Information may be obtained from Edna M. Burroughs, 5111 East 1st Street, Austin, Texas 78702, (512) 389-1011.

The Golden Crescent Regional Planning Commission, Board of Directors met at Golden Crescent Regional Planning Commission Board Room, Regional Airport Building 102, Victoria, October 25, 1989, at 5:00 p.m. Information may be obtained from Patrick J. Kennedy, P.O. Box 2028, Victoria, Texas 77902, (512) 578-1587.

The Gray County Appraisal District, Board of Directors met at 815 North Sumner, Pampa on October 24, 1989, at 5:00 p.m. Information may be obtained from Gray County Appraisal District, P.O. Box 836, Pampa, Texas 79066-0836, (806) 665-0791.

The Jasper County Appraisal District, Appraisal Review Board will meet at 121 North Austin, Courthouse Annex, Jasper, November 6, 1989, at 9:00 a.m. Information may be obtained from David W. Luther, County Courthouse Annex, Jasper, Texas 75951, (409) 384-2544.

The Leon County Central Appraisal District, Board of Directors met at the district office, Greaham Building, Centerville, Oc-

tober 23, 1989, 7:00 p. m. Information may be obtained from Robert M. Winn, P.O. Box 536, Centerville, Texas 75833, (214) 536-2252.

The Texas Panhandle Mental Health Authority, Board of Trustees met at 1200 Wallace Boulevard, Amarillo, October 26, 1989, at 10:30 a.m. Information may be obtained from Claire Rigler, P.O. Box 3250, Amarillo, Texas 79106, (806) 353-7235.

TRD-8910023

Meetings Filed October 20, 1989

The Austin-Travis County Mental Health Mental Retardation Center, Finance and Control Committee met at 1430 Collier Street, Austin, October 25, 1989, at 5:00 p.m. Information may be obtained from Sharon Taylor, P.O. Box 3548, Austin, Texas, (512) 447-4141.

The Austin-Travis County Mental Health Mental Retardation Center, Board of Trustees met at 1430 Collier Street, Room 191, Austin, October 26, 1989, at 7:00 a.m. Information may be obtained from Sharon Taylor, P.O. Box 3548, Austin, Texas 78764-3548, (512) 447-4141.

The Central Texas Council of Governments, Executive Committee had an emergency meeting at the Bell County Expo Center, Belton, October 26, 1989, at 1:30 p.m. The emergency status was necessary because of the notification that the audit was ready and would not have a meeting in November. Information may be obtained from A. C. Johnson, P.O. Box 729, Belton, Texas, (817) 939-1801.

The Dallas Area Rapid Transit, Arts Committee met at 601 Pacific Avenue, Dallas, October 24, 1989, at 12 noon. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237.

The Dallas Area Rapid Transit, Operations Committee met at 601 Pacific Avenue, Dallas, October 24, 1989, at 2:00 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237.

The Dallas Area Rapid Transit, Board of Directors met at 601 Pacific Avenue, Dallas, October 24, 1989, at 4:00 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237.

The Dallas Area Rapid Transit, Board of Directors met at 601 Pacific Avenue, Dallas, October 24, 1989, at 4:00 p.m. with a revision to the agenda. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202.

The Education Service Center Region XV, Board of Directors met in the confer-

ence room at 612 South Irene Street, San Angelo, October 26, 1989, at 1:30 p.m. Information may be obtained from Clyde Warren, 612 South Irene Street, San Angelo, Texas, (915) 658-6571.

The Houston-Galveston Area Council, Projects Review Committee met on the Fourth Floor Conference Room, 3555 Timmons Lane, Houston, October 24, 1989, at 9:00 a.m. Information may be obtained from R. Ballas, 3555 Timmons Lane, Houston, Texas 77027.

The Houston-Galveston Area Council, Board of Directors met on the Fourth Floor Conference Room, 3555 Timmons Lane, Houston, October 24, 1989, at 10:00 a.m. Information may be obtained from Marjorie Baker, P.O. Box 22777, Houston, Texas 77227-2777, (713) 627-3200.

The Lee County Appraisal District, Board of Directors will meet at 218 East Richmond Street, Giddings, October 30, 1989, at 9:00 a.m. Information may be obtained from Roy L. Holcomb, 218 E. Richmond Street, Giddings, Texas 78942, (409) 542-9618.

The Lee County Appraisal District, Appraisal Review Board will meet at 218 East Richmond Street, Giddings, November 2, 1989, at 9:00 a.m. Information may be obtained from Delores Shaw, 218 East Richmond Street, Giddings, Texas 78942, (409) 542-9618.

The Mental Health Mental Retardation Authority of Brazos Valley, Board of Trustees met at the Brazos Center, 3232 Briarcrest Drive, Bryan, October 26, 1989, at 1:30 p.m. Information may be obtained from Leon Bawcom, P.O. Box 4588, Bryan, Texas 77805, (409) 822-6467.

The Pecan Valley Mental Health Mental Retardation Region, Board of Trustees will meet at 104 Charles Street, Granbury, November 1, 1989, at 8:00 a. m. Information may be obtained from Dr. Theresa Mulloy, P.C. Box 973, Stephenville, Texas 76401, (817) 965-7806.

The Texas Municipal League Group Benefits Risk Pool, Board of Trustees met at the Marriott Riverwalk, San Antonio, October 25, 1989, at 9:00 a. m. Information may be obtained from Rhonda Ruckel, 211 East 7th Street, Suite 1020, Austin, Texas 78701, (512) 478-6601.

The Tyler County Appraisal District, Board of Directors met at 806 West Bluff, Woodville, October 24, 1989, at 4:00 p.m. Information may be obtained from Linda Lewis, P.O. Drawer 9, Woodville, Texas 75979, (409) 283-3736.

The West Central Texas Council of Governments, Executive Committee met at 1025 East North 10th Street, Abilene, October 25, 1989, at 12:45 p.m. Information may be obtained from Brad Helbert, (915) 672-8544.

TRD-8910053

Meetings Filed October 23, 1989

The Bexar Appraisal District, Board of Directors met for an emergency meeting at 535 South Main, San Antonio, October 25, 1989, at 4:00 p.m. The emergency status was necessary because that was the only time Board of Directors and applicants could meet. Information may be obtained from Bexar Appraisal District, 535 South Main, San Antonio, Texas 78204; (512) 224-8511.

The Bexar Appraisal District, Appraisal Review Board will meet at 535 South Main, San Antonio, October 27, 1989, at 8:30 a.m. Information may be obtained from Bexar Appraisal District, 535 South Main, San Antonio, Texas 78204, (512) 224-8511.

The Bexar Appraisal District, Appraisal Review Board will meet at 535 South Main, San Antonio, November 1-3, 6-9, 13-16, 20-22, 27-30, 1989, at 8:30 a.m. Information may be obtained from Bexar Appraisal District, 535 South Main, San Antonio, Texas 78204, (512) 224-8511.

The Martin County Appraisal District, Board of Directors will meet at 708 West St. Anna, Stanton, November 7, 1989, 7:00 p.m. Information may be obtained from Elaine Stanley, P.O. Box 1349, Stanton, Texas 79782, (915) 756-2823.

The Panhandle Regional Planning Commission, Board of Directors had an emergency meeting at 2736 West Tenth, PRPC Board Room, Amarillo, October 26, 1989, at 1:30 p.m. The emergency status was necessary because of the need to discuss FY90 State Planning Assistance Resolution. Information may be obtained from Pamela Nielsen, P.O. Box 9257, Amarillo, Texas 79105-9257, (806) 372-3381.

The Region VIII Education Service Center, Board of Directors met at the Education Service Center, FM 1734, Mt. Pleasant, October 26, 1989, at 7:00 p.m. Information may be obtained from Scott Ferguson, P.O. Box 1894, Mt. Pleasant, Texas 75455.

The Tarrant Appraisal District, Board of Directors will meet at 2301 Gravel Road, Fort Worth, October 27, 1989, at 9:00 a.m. Information may be obtained from Olive Miller, (817) 595-6005.

The Tyler County Appraisal District, Board of Directors will meet at 806 West Bluff, Woodville, November 2, 1989, at 4:00 p.m. Information may be obtained from Linda Lewis, P.O. Drawer 9, Woodville, Texas 75979, (409) 283-3736.

The Texas Municipal League Intergovernmental Risk Pool, Board of Trustees met at the San Antonio Convention Center, Salon D, San Antonio, October 26, 1989, at 4:30 p.m. Information may be obtained from Jack Floyd, 211 East 7th Street, Suite 500, Austin, Texas 78701.

TRD-8910090

**Meetings Filed October 24,
1989**

The San Antonio-Bexar County Metro Planning Organization, Steering Committee will meet at the San Antonio City Hall, Basement Conference Room, San Antonio. Information may be obtained from David F. Pearson, Room 101, Bexar County Courthouse, San Antonio, Texas 78205-3002 (512) 227-8651.

The Trinity River Authority of Texas, Right-of-Way Committee will meet at 5300 South Collins, Arlington, October 30, 1989, at 10:30 a.m. Information may be obtained from Jack C. Worsham, 5300 South Collins, P.O. Box 60, Arlington, Texas 76004, (817) 467-4343.

TRD-8910185

In Addition

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

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

The Texas A&M University System Public Notice

Pursuant to Senate Bill 404 and House Bill 1654, Acts of the 71st Legislature of the State of Texas, notice is hereby given that upon the expiration of 21 days, the following candidates will be recommended to the Texas A&M University System Board of Regents as finalists for the position of President of Prairie View A&M University: Julius W. Becton, Jr., Lieutenant General, retired; and Dr. Henry Ponder.

Issued in College Station, Texas on October 23, 1989.

TRD-8910123 Bill Prensall
Executive Secretary, Board of Regents
The Texas A&M University System

Filed: October 23, 1989

For further information, please call: (409) 845-9800

State Banking Department Notice of Postponement

The October 31, 1989 hearing on the appeal of branch approval by Caprock Savings and Loan Association, Crane, and motion for rehearing by Security State Bank, McCamey, has been postponed and rescheduled. The hearing will be held on Wednesday, November 8, 1989 at 9 a.m. in the Finance Commission Building, 2601 North Lamar Boulevard, Austin.

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

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

TRD-8910014 Ann Graham
General Counsel
Texas Department of Banking

Filed: October 19, 1989

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

The October 24, 1989 hearing on an application to withdraw excess earnings from trust deposits filed by Service Corporation International, Houston, has been postponed and will be rescheduled at a later date.

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

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

TRD-8910013 Ann Graham
General Counsel
Texas Department of Banking

Filed: October 19, 1989

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

The October 17, 1989 hearing on the alleged sale of checks without a license in violation of the Sale of Checks Act by Ella Minimax, Houston, has been postponed and will be rescheduled at a later date.

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

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

TRD-8910015 Ann Graham
General Counsel
Texas Department of Banking

Filed: October 19, 1989

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

Notice of Withdrawal

The October 18, 1989 hearing on an application to withdraw excess earnings from trust deposits filed by Zoeller Funeral Home Trust, New Braunfels, has been withdrawn.

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

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

TRD-8910012 Ann Graham
General Counsel
Texas Department of Banking

Filed: October 19, 1989

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

Office of Consumer Credit Commissioner

Notice of Rate Ceilings

The consumer credit commissioner of Texas has ascertained the following rate ceilings by use of the formulas and methods described in Texas Civil Statutes, Title 79, Articles 1.04, 1.05, 1.11, and 15.02, as amended (Texas Civil Statutes, Articles 5069-1.04, 1.05, 1.11, and 15.02).

<u>Type of Rate Ceilings</u>	<u>Effective Period (Dates are Inclusive)</u>	<u>Consumer⁽³⁾/Agri- cultural/Commercial⁽⁴⁾ thru \$250,000</u>	<u>Commercial⁽⁴⁾ over \$250,000</u>
Indicated (Weekly) Rate - Art. 1.04(a)(1)	10/23/89-10/29/89	18.00%	18.00%
Monthly Rate ⁽¹⁾ Art. 1.04(c)	10/01/89-10/31/89	18.00%	18.00%
Standard Quarterly Rate - Art. 1.04(a)(2)	10/01/89-12/31/89	18.00%	18.00%
Retail Credit Card Quarterly Rate - Art. 1.11 ⁽³⁾	10/01/89-12/31/89	18.00%	N.A.
Lender Credit Card Quar- terly Rate - Art. 15.02(d) ⁽³⁾	10/01/89-12/31/89	15.52%	N.A.
Standard Annual Rate - Art. 1.04(a)(2) ⁽²⁾	10/01/89-12/31/89	18.00%	18.00%
Retail Credit Card Annual Rate - Art. 1.11 ⁽³⁾	10/01/89-12/31/89	18.00%	N.A.
Annual Rate Applicable to Pre-July 1, 1983 Retail Credit Card and Lender Credit Card Balances with Annual Implementation Dates from:	10/01/89-12/31/89	18.00%	N.A.
Judgment Rate - Art. 1.05, Section 2	11/01/89-11/30/89	10.00%	10.00%

- (1) For variable rate commercial transactions only.
(2) Only for open-end credit as defined in Art. 5069-1.01(f) V.T.C.S.
(3) Credit for personal, family or household use.
(4) Credit for business, commercial, investment or other similar purpose.

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

TRD-8910000 Al Endsley
Consumer Credit Commissioner

Filed: October 18, 1989

For further information, please call: (512) 479-1280

◆ ◆ ◆
Employees Retirement System of Texas
Employees Retirement System of Texas
Texas Employees Uniform Group
Insurance Program Annual Audit of
the Insurance Carrier's Claims
Operation

In accordance with the Texas Insurance Code, as amended, Article 3.50-2, §4, the Employees Retirement System of Texas (ERS) announces a request for proposals (RFP) to conduct the annual audit of the insurance carrier's operations under the Texas Employees Uniform Group Insurance Program. Such audit shall include, but not be limited

to, claims administration, contract compliance, gross and net costs, administration costs, benefits, utilization of benefits, and the annual accounting specified under the Texas Insurance Code, §9. Such audit will not entail an audit of the insurance carrier's financial records.

Firms wishing to respond to the request should have superior recognized expertise and specialization in the accounting and audit principles which deal with the review of employee benefit programs, State of Texas policies and procedures, group insurance contract administration, and insurance administration.

The RFP instructions which detail information regarding the project are available upon request from the Employees Retirement System of Texas.

The deadline for receipt of the proposals in response to this request will be 5 p.m. on November 3, 1989.

ERS reserves the right to accept or reject any or all proposals submitted. ERS is under no legal requirement to execute a resulting contract on the basis of this advertisement.

ERS intends to use responses as a basis for further negotiations of specific project details. ERS will base its choice on cost, demonstrated competence, superior qualifications, and evidence of conformance with the RFP criteria; however, since this is a continuation of a service previously performed, it is the intent of ERS to award the contract for the consulting services to the firm that previously performed the services unless a clearly superior proposal is received.

This RFP does not commit ERS to pay any costs incurred prior to execution of a contract. Issuance of this material in no way obligates ERS to award a contract or to pay any costs incurred in the preparation of a response. ERS specifically reserves the right to vary all provisions set forth at any time prior to execution of a contract where ERS deems it to be in the best interest of the State of Texas.

For further information regarding this notice, or to obtain copies of the RFP instructions, please contact James W. Sarver, Employees Retirement System of Texas, Group Insurance Division, 18th and Brazos, P.O. Box 13207, Austin, Texas 78711-3207, (512) 476-6431, extension 217.

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

TRD-8909970 Clayton T. Garrison
Executive Director
Employees Retirement System of Texas

Filed: October 18, 1989

For further information, please call: (512) 476-6431, ext. 219

Texas Department of Health Intent to Revoke a Certificate of Registration

The Bureau of Radiation Control, Texas Department of Health, is seeking the revocation of Certificate of Registration Number RO5877, issued to Clyde B. Jackson, D.D.S., because the agency determined that the registrant is no longer located at 6602 Martin Luther King Boulevard, Houston, Texas 77033. The registrant has not notified the agency of a change of address and no forwarding address is available.

All attempts by the agency to contact the registrant by telephone and by certified mail have been unsuccessful. Therefore, the Texas Department of Health, Bureau of Radiation Control, recommends that the certificate of registration be revoked immediately.

In accordance with *Texas Regulations for Control of Radiation* 13.8, this notice affords the opportunity for a hearing to show cause why the certificate of registration should not be revoked. A written request for a hearing must be received within 30 days from the date of publication of this notice to be valid. Such written request must be filed with David K. Lacker, Chief, Bureau of Radiation Control (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756-3189. Should no request for a public hearing be timely filed, the certificate of registration will be revoked at the end of the 30-day period of notice.

Issued in Austin, Texas, on October 19, 1989.

TRD-8910083 Robert A. MacLean, M.D.
Deputy Commissioner of Professional
Services
Texas Department of Health

Filed: October 20, 1989

For further information, please call: (512) 458-7236

Preliminary Report

On September 11, 1989, the Bureau of Radiation Control issued a preliminary report for assessment of administrative penalties and notice of violation to Dowell Schlumberger, Inc., holder of Radioactive Material License Number L00764, for violations of the *Texas Regulations for Control of Radiation*. The agency recommends and proposes a total assessment of \$16,000 for the violations committed by the licensee.

A copy of all relevant material is available for public inspection at the Bureau of Radiation Control, 1212 East Anderson Lane, Austin, Monday-Friday, from 8 a.m. to 5 p.m. (except holidays).

Issued in Austin, Texas, on October 19, 1989.

TRD-8910082 Robert A. MacLean, M.D.
Deputy Commissioner of Professional
Services
Texas Department of Health

Filed: October 20, 1989

For further information, please call: (512) 458-7236

Texas Department of Health Public Hearing

The department will conduct a public hearing on the following municipal solid waste disposal site.

The City of San Saba has filed Application Number 2094 with the Texas Department of Health for a permit to operate a proposed Type II municipal solid waste disposal site to be located approximately 3.0 miles southwest of the southwest city limits of San Saba, 2.75 miles southwest of the junction of FM Road 1030 with U.S. Highway 190, and adjacent to and east of FM Road 1030 in San Saba County.

The site consists of approximately 78.29 acres of land, and is to daily receive approximately 7.5 tons of solid wastes under the regulatory jurisdiction of the department when disposed of or otherwise processed in accordance with the department's municipal solid waste management regulations.

Pursuant to the provisions of the Texas Solid Waste Disposal Act, Chapter 361; Solid Waste, Sewage and Litter, Subtitle B; Sanitation and Environmental Quality, Title 5; Health and Safety Code, the department's said regulations, and the Administrative Procedure and Texas Register Act (Texas Civil Statutes Article 6252-13a.), a public hearing on the aforesaid application will be held at district courtroom, 3rd Floor, San Saba County Courthouse, San Saba, at 1 p.m. on Monday, November 27, 1989. The purpose of the hearing is to receive evidence for and against the issuance of a permit for the aforesaid application. The hearing will be conducted and the final decision will be rendered in accordance with the applicable rules contained in the department's said regulations, including all changes in effect as of July 1, 1989. All parties having an interest in this matter shall have the right to appear at the hearing, present evidence and be represented by counsel. Pursuant to Texas Civil Statutes Article 6252-13a, and the department's formal hearing procedures, the cost of a written hearing transcript may be assessed against one or more of the designated parties.

A copy of the complete application may be reviewed at the Texas Department of Health, 1100 West 49th Street, Austin, or at the Department's Public Health Region 1 office located at 2408 South 37th Street, Temple, Texas 76504-7168; (817) 778-6744.

Issued in Austin, Texas, on October 19, 1989.

TRD-8910022 Robert A. MacLean, M.D.
Deputy Commissioner for Professional
Services
Texas Department of Health.

Filed: October 19, 1989.

For further information, please call: (512) 458-7271

◆ ◆ ◆
**State Department of Highways and
Public Transportation**
Correction of Error

The State Department of Highways and Public Transportation submitted proposed new sections concerning the substance abuse program which contained an error as published in the October 6, 1989, issue of the *Texas Register* (14 TexReg 5350).

In §1.102(a), the third sentence should read as follows. "Each employee, as a condition of employment, must comply with this section and must signify his or her acknowledgement by executing a form prescribed by the department." The words "of employment" were omitted from publication.

◆ ◆ ◆
State Board of Insurance
Notices of Public Hearings

Notice is hereby given that a hearing under Docket Number 1689 will be held before the State Board of Insurance, beginning at 1 p.m. on Monday, November 27, 1989, and continuing thereafter each day at times designated by the chairman until conclusion. The purpose of the hearing is consideration of adoption of premium rates and of certain rate related rules and amendments to the *Basic Manual of Rules, Rates, and Forms for the Writing of Title Insurance in the State of Texas*. The hearing will take place in the hearing room on the first floor of the DeWitt Greer State Office Building at 125 East 11th Street in Austin.

Rules and amendments under consideration will include Agenda Item 89-1, concerning possible adoption for the calendar year 1990 a "Schedule of Basic Premium Rates for the Title Insurance" to be found in Section I, generally Chapter 9, specifically 9.07, Basic Manual; Agenda Item 89-2 concerning possible adoption for the calendar year 1990 a "Schedule of Basic Premium Rates for the Title Insurance" to be found in Section I, generally Chapter 9, specifically 9.07, Basic Manual; Agenda Item 89-3 concerning possible adoption for the calendar year 1990 a "Schedule of Basic Premium Rates for Title Insurance" to be found in Section I, general Chapter 9, specifically 9.07, Basic Manual; Agenda Item 89-4 concerning possible adoption for the calendar year 1990 a "Schedule of Basic Premium Rates for the Title Insurance" to be found in Section I, generally Chapter 9, specifically 9.07, Basic Manual; and Agenda Item 89-5 concerning possible amendment to the formula currently utilized to develop the "Schedule of Basic Premium Rates for the Title Insurance" to be found in Section I, generally Chapter 9, specifically 9.07, Basic Manual.

A pre-hearing conference will be held before the General Counsel or Chief Clerk of the State Board of Insurance at 9 a.m. on Monday, November 13, 1989, in Room 414 of the offices of the State Board of Insurance at 1110 San Jacinto Boulevard in Austin. The pre-hearing conference will be held for the purpose of considering the formulation and simplification of issues, the possibility of making admissions of certain averments of fact or stipulations concerning the use by parties of matters of public record, considering the procedure at the hearing, the limitation, where possible, of the number of witnesses, and such other matters as may aid in the simplification of the proceedings, and the disposition of the matters in controversy including rate and rule matters.

The State Board of Insurance has jurisdiction over the promulgation of premium rates, over amendments to or promulgation of approved forms, and over other matters to be considered in the writing of title insurance in the State of Texas pursuant to the Insurance Code, Articles 1.02, 1.04, 9.07, and 9.21, The Administrative Procedure and Texas Register Act (Texas Civil Statutes, Article 6252-13a) and the Rules of Practice and Procedure before the State Board of Insurance (28 TAC Chapter 1, Subchapter A) set forth the nature and requirements of procedures available for the consideration of the proposed rates and rules to be presented to the State Board of Insurance at the public hearing.

Reference is further made to the Insurance Code, Chapter 9, and to the *Basic Manual of Rules, Rates and Forms for the Writing of Title Insurance in the State of Texas*, (sometimes referred to as the "Basic Manual") to the extent that specific provisions are applicable to any proposed rate, rule, or other matter asserted.

Additional statements, briefs, arguments, and statistical information may be submitted at the hearing. Please direct inquiries regarding this hearing to Gaylon Daniel, Chief Property and Casualty Actuary, Mail Code 000-2, State Board of Insurance at 1110 San Jacinto Boulevard in Austin, Texas 78701-1998, or (512) 475-3017.

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

TRD-8910120 Nicholas Murphy
Chief Clerk
State Board of Insurance

Filed: October 23, 1989

For further information, please call: (512) 463-8327

◆ ◆ ◆
Notice is hereby given that State Board of Insurance will hold a public hearing under Docket Number 1666 in the hearing room on the first floor of the DeWitt Greer State Office Building at the corner of Brazos and East 11th Streets in Austin. The hearing will consider possible adoption of an amendment to 28 TAC §9.1, concerning adoption by reference of the *Basic Manual of Rules, Rates, and Forms for the Writing of Title Insurance in the State of Texas*, (the manual) and, more specifically, will consider a proposed amendment to Procedural Rule P-23 to revise the formula for division of premium revenues between title insurance companies and title insurance agents, and such other matters as may properly be brought before the board. The hearing will begin at 9 a.m. on Tuesday, November 28, 1989, or immediately after the hearing on rates for title insurance under Docket Number 1689, whichever is later. The hearing may continue each day thereafter from time to time and from place to place as may be specified by the board.

This hearing will be held in accordance with the legal authority and jurisdiction provided in the Texas Insurance Code, Articles 1.02, 1.04, 9.07, 9.21, and 9.30. The hearing and procedure will be governed by the provisions of the Administrative Procedure and Texas Register Act (Texas Civil Statutes, Article 6252-13a) and the Rules of Practice and Procedure before the State Board of Insurance (28 TAC, Chapter 1, Subchapter A). Since the proposed rule amendment could be found to have ratemaking implications, the proposal will be considered on a contested case basis, as provided in the Administrative Procedure and Texas Register Act, and all witnesses shall be subject to cross examination by any party. This hearing may involve Chapter 9 and other articles of the Texas Insurance Code and Chapter 9 and other sections of Title 28 of the Texas Administrative Code, as well as the *Basic Manual of Rules, Rates, and Forms for the Writing of Title Insurance in Texas*.

You may direct inquiries regarding this hearing to Gaylon Daniel, Chief Property and Casualty Actuary, Mail Code 000-2, State Board of Insurance, 1110 San Jacinto Boulevard, Austin, Texas 78701-1998, or (512) 475-3017.

All parties and anyone desiring admission as a party should attend the prehearing conference which will be held before the General Counsel or Chief Clerk of the State Board of Insurance at 9 a.m. on Monday, November 13, 1989, in Room 414 of the State Insurance Building at 1110 San Jacinto Boulevard in Austin, for agreeing to such matters as may aid in the simplification of the proceedings.

Upon petition by Title Underwriters of Texas Advisory Organization, the State Board of Insurance is considering an amendment to the manual so that Rule P-23, concerning Division of Premiums between Title Insurance Agents and Title Insurance Companies, would read as follows.

All agency contracts between title insurance companies and title insurance agents must provide for the division of premium between the title insurance company and its title insurance agent on the following basis: 85% of the Elemental Premium shall be received by the title insurance agent and 15% shall be received by the title insurance company.

The board will establish each year a separate loss and expense adjustment premium which shall be in addition to the elemental premium. The loss and expense adjustment premium shall be paid entirely to the title insurance company.

The sum of the elemental premium and the loss and expense adjustment premium shall be the basic premium for title insurance charged to the public. Wherever the words "basic premium," "basic rate," or "basic premium rate" shall appear or be referenced in any other rules, they shall mean the basic premium described in the preceding sentence.

The amounts of the elemental premium and of the loss and expense adjustment premium shall be set by the board in view of the experience of the non-affiliated title insurance agents alone considered as a group, the experience of the title insurance companies (including their affiliated agents) alone considered as a group, and the combined experience of the non-affiliated title insurance agents and the title insurance companies (including their affiliated agents) considered as a group.

For the first year in which this rule shall be in effect, the elemental premium for any prior year shall be deemed to have been the basic premium in effect on July 1 of such prior year. For the first year in which this rule shall be in effect, the loss and expense adjustment premium for any

prior year shall be deemed to have been zero.
issued in Austin, Texas on October 23, 1989.

TRD-0010121 Nicholas Murphy
Chief Clerk
State Board of Insurance

Filed: October 23, 1989

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

◆ ◆ ◆
**Texas Commission on Law
Enforcement Officer Standards and
Education
Correction of Error**

The Texas Commission on Law Enforcement Officer Standards and Education submitted a proposed new section which contained errors as published in the October 10, 1989, *Texas Register* (14 TexReg 5408).

In the fifth paragraph of the preamble the authority citation should read: "Texas Government Code §415.010 and §415.062".

In §211.108(a), subparagraph (A) should read as follows. "(A) valor—an act of personal heroism or bravery which exceeds the normal expectations of job performance, such as placing one's own life in jeopardy to save another person's life, prevent serious bodily injury to another, or prevent the consequences of a criminal act; or"

In §211.108(b), subparagraph (D) should read as follows. "(D) a person holding a current license issued by the commission; and"

◆ ◆ ◆
The Texas Commission on Law Enforcement Officer Standards and Education submitted proposed amendments which contained errors as published in the October 10, 1989, issue of the *Texas Register* (14 TexReg 5406).

In the final paragraph of the preamble the authority citation should read: "Texas Government Code, §415.010".

In §211.16(c), paragraph (2) should read as follows. (2) the address shown on the Texas driver's license records of the holder; [or]

In §211.16(d), the subsection should read as follows. (d) The effective date of this section is February 1, 1989; the effective date to subsection (c) and paragraph (c)(4) of this section as amended, is February 1, 1990.

◆ ◆ ◆
**Texas Parks and Wildlife Department
1990 Texas Outdoor Recreation Plan and
1990-1991 Action Program**

The Texas Parks and Wildlife Department has requested a state and regional clearinghouse (TRACS) review of the draft 1990 Texas outdoor recreation plan (TORP) and the 1990-1991 Action Program. The TORP is required by the Land and Water Conservation Act of 1965, Public Law 88-578.

After the review, the department will seek final approval from the governor and National Park Service.

For further information please contact Johnny Buck, Comprehensive Planning Branch, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, Texas

78644, (512) 389-4911.

Issued in Austin, Texas on October 18, 1989.

TRD-8909979 Charles D. Travis
Executive Director
Texas Parks and Wildlife Department

Filed: October 18, 1989

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

◆ ◆ ◆
Public Utility Commission of Texas
Notice of Intent to File Pursuant to
Public Utility Commission Substantive
Rule 23.27

Notice is given to the public of the intent to file with the Public Utility Commission of Texas an application pursuant to Public Utility Commission Substantive Rule 23.27 for approval of customer-specific PLEXAR-Custom service for IBM, 11400 Burnet Road, Austin.

Tariff Title and Number. Application of Southwestern Bell Telephone Company for Approval of PLEXAR-Custom service for IBM pursuant to Public Utility Commission Substantive Rule 23.27(k). Tariff Control Number 9097.

The Application. Southwestern Bell Telephone Company is requesting approval of PLEXAR-Custom service for IBM. The geographic service market for this specific service is the Austin area.

Persons who wish to comment upon action sought, should contact the Public Utility Commission of Texas, at 7800 Shoal Creek Boulevard, Suite 400N, Austin, Texas 78757, or call the Public Utility Commission Public Information Section at (512) 458-0227, or (512) 458-0221 for teletypewriter for the deaf.

Issued in Austin, Texas on October 18, 1989.

TRD-8910040 Mary Ross McDonald
Secretary of the Commission
Public Utility Commission of Texas

Filed: October 19, 1989

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

◆ ◆ ◆
Notice is given to the public of the intent to file with the Public Utility Commission of Texas an application pursuant to Public Utility Commission Substantive Rule 23.27 for approval of customer-specific PLEXAR-Custom service for Interclaim, 250 East Arapaho, Richardson.

Tariff Title and Number. Application of Southwestern Bell Telephone Company for approval of PLEXAR-Custom service for Interclaim pursuant to Public Utility Commission Substantive Rule 23.27(k). Tariff Control Number 9098.

The Application. Southwestern Bell Telephone Company is requesting approval of PLEXSAR-Custom service for Interclaim. The geographic service market for this specific service is the Dallas area.

Persons who wish to comment upon action sought, should contact the Public Utility Commission of Texas, at 7800 Shoal Creek Boulevard, Suite 400N, Austin, Texas 78757, or call the Public Utility Commission Public Information Section at (512) 458-0227, or (512) 458-0221 for teletypewriter for the deaf.

Issued in Austin, Texas on October 18, 1989.

TRD-8910041 Mary Ross McDonald
Secretary of the Commission
Public Utility Commission of Texas

Filed: October 19, 1989

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

◆ ◆ ◆
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 Participation Development Corporation (TX), Inc., Permit 11506-01 on October, 16 1989, imposing stipulated administrative penalties.

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

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

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

Filed: October 18, 1989

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

◆ ◆ ◆
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 James Stefan doing business as Hidden Oaks Mobile Home Park, No Permit, on October 19, 1989, assessing \$16,122 in administrative penalties. (\$11,122 in deferred penalties to be waived pending compliance). Stipulated penalties were also imposed.

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

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

TRD-8910087 Gloria A. Vasquez
Notices Coordinator
Texas Water Commission

Filed: October 20, 1989

For further information, please call: (512) 463-8069.

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

An enforcement order was issued to the City of Alamo, Permit Number 11511-01, on October 19, 1989, imposing stipulated penalties.

Information concerning any aspect of this order may be obtained by contacting Robin Shaver, Enforcement Coordinator, Texas Water Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 463-8069.

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

TRD-8910088 Gloria A. Vasquez
Notices Coordinator
Texas Water Commission

Filed: October 20, 1989

For further information, please call: (512) 463-8069.

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

An enforcement order was issued to Caldwell Products, Inc., SWR Number 38868, on October 19, 1989, assessing \$10,000 in administrative penalties. (\$3,333 in deferred penalties to be waived pending compliance).

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

Issued in Austin, Texas, on October 19, 1989.

TRD-8910089 Gloria A. Vasquez
Notices Coordinator
Texas Water Commission

Filed: October 20, 1989

For further information, please call: (512) 463-8069.

Meeting Notice

A meeting of the Scientific/Technical Advisory Committee of the Galveston Bay National Estuary Program is scheduled for: Thursday, November 2, 1989, 10 a. m., Room 1122, Bayou Building, University of Houston-Clear Lake, 2700 Bay Area Boulevard, Houston.

Discussion and working sessions will be held concerning peer review mechanisms to review proposals submitted for scientific and technical studies to characterize Galveston Bay. Specific Scientific and technical projects will be proposed and discussed by the committee in preparation for issuing requests for proposals from contractors interested in conducting project work for the program in Galveston Bay. Committee guidelines will be considered for compliance with legal review or for other revisions. A presentation by University of Houston-Clear Lake will be made concerning active research in Galveston Bay.

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

TRD-8910045 Frank S. Shipley
Program Manager
Texas Water Commission

Filed: October 19, 1989

For further information, please call: (713) 488-9495

Public Hearing Notice

A representative of the Texas Water Commission will conduct a public hearing on: Wednesday, November 15,

1989, 10 a.m., Stephen F. Austin State Office Building, Room 118, 1700 North Congress Avenue, Austin.

This hearing is held pursuant to the Texas Water Code, §5.103, to receive public comment on proposed new rules and amendments to commission rules contained in Chapter 325, Title 31 of the Texas Administrative Code, relating to certificates of competency for wastewater treatment plant and collection system operators and wastewater treatment facility operations companies.

The proposed rules appear in Volume 14 of the *Texas Register*, beginning on page 4280, published August 25, 1989. Persons who are interested in obtaining copies of the *Texas Register* in which the proposed new and amended sections appeared, may call the *Texas Register* at (512) 463-5561. Copies of the proposed new amended sections will not be provided at the hearing.

Persons who have questions concerning the hearing or who wish to submit written comments prior to the hearing should contact Samita Mehta, Staff Attorney, Legal Division, Texas Water Commission, P. O. Box 13087, Austin, Texas 78711, (512) 463-8069. Persons who wish to submit written comments must do so by 5 p.m., Friday, December 1, 1989.

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

TRD-8910122 Jim Haley
Director, Legal Division
Texas Water Commission

Filed: October 23, 1989

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

Texas Water Development Board Consultant Contract Award

In accordance with Texas Civil Statutes, Article 6252-11c, the Texas Water Development Board publishes this notice of consultant contract award. The consultant proposal request appeared in the August 8, 1989 issue of the *Texas Register* (14 TexReg 3858). The consultant will provide design modifications to the board's portfolio management system in relation to the state water pollution control revolving fund program.

The consultant selected is John Alexander, doing business as-Object Oriented Programming System, 4301 Balcones Drive, Austin, Texas 78731. The maximum amount of this contract is \$33,800. The contract will commence on November 1, 1989, and will be completed by June 15, 1990.

At the conclusion of the project, the consultant will provide to the Texas Water Development Board records and other evidence directly related to the performance of the contract.

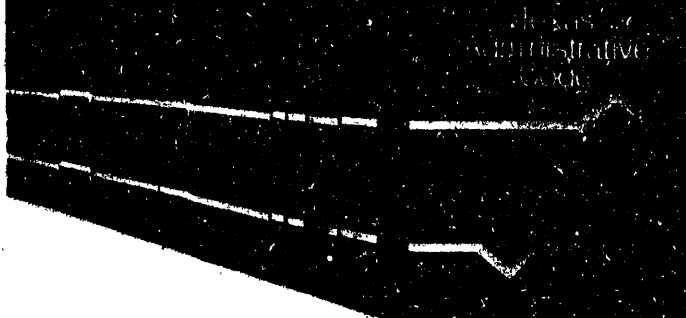
Issued in Austin, Texas, on October 18, 1989.

TRD-8910035 Suzanne Schwartz
General Counsel
Texas Water Development Board

Filed: October 19, 1989

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

The only COMPLETE, OFFICIAL and
UP-TO-DATE
source of administrative rules for Texas!



★ SAVE 40%

WEST'S® TEXAS ADMINISTRATIVE CODE

West Publishing Company, official publisher of the *Texas Administrative Code* for 1989, is proud to announce that the complete TAC is now ready—and is being offered to you right now at a full set savings of 40%! Or, choose only those volumes essential to your daily practice.

COMPLETE, FOR RESEARCH CONVENIENCE!

The TAC is your convenient access to the rules and regulations of Texas state agencies. Each title is divided into parts, and each part corresponds to a state agency. The chapters and sections within each part thus contain all permanent rules and regulations for that particular agency in one convenient publication.

DEPENDABLE SUPPLEMENTATION TO KEEP YOU UP-TO-DATE!

West's TAC includes rules and regulations soon after their adoption into

Texas law. You'll find the exact currency dates of the provisions contained within the preface of each volume.

Timely Supplementation! Semi-annual supplements bring subscribers current within 120 days of the adoption of new rules and changes in existing rules. The supplementation will be softbound, cumulative, companion volumes to the 16-volume TAC set. This eliminates the time-consuming need for complicated collation and substitution of pages that was required by the looseleaf format of the previous publisher.

OFFICIAL, FOR YOUR ASSURANCE OF CONFIDENCE!

Only with West's *Texas Administrative Code* do you get absolute assurance that all code provisions appear as finally reviewed and corrected by the Secretary of State's Office.

TITLES INCLUDED IN THIS COMPLETE AND OFFICIAL SET:

1. Administration
 4. Agriculture
 7. Banking and Securities
 10. Community Development
 13. Cultural Resources
 16. Economic Regulation
 19. Education
 22. Examining Boards
 25. Health Services
 28. Insurance
 31. Natural Resources and Conservation
 34. Public Finance
 37. Public Safety and Corrections
 40. Social Services and Assistance
 43. Transportation
- All New General Index

SAVE 40% ON YOUR FULL SET PURCHASE!
Get complete details from your West representative, or call
toll free **1-800-328-9352**. (In MN call collect 0-612-688-3600.)



**WEST
PUBLISHING
COMPANY**
50 W. Kellogg Blvd.
P.O. Box 64526
St. Paul, MN 55164-0526