

# Texas Register

Volume 14, Number 83, November 10, 1989

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## Texas Register

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

Governor—appointments, executive orders, and proclamations

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

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

Proposed Sections—sections proposed for adoption

Withdrawn Sections—sections withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date

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

Open Meetings—notices of open meetings

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

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

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

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

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

### Texas Administrative Code

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

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

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

TAC stands for the *Texas Administrative Code*;

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



## Texas Register Publications

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7 TAC §3.34—5913, 5917

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16 TAC §5.183—5856

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16 TAC §§75.1, 75.10, 75.20, 75.30, 75.40, 75.50, 75.60, 75.70, 75.80, 75.90, 75.100—5857

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22 TAC §§169.1-169.6—5919

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37 TAC §1.3—5935

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40 TAC §§8.1-8.8—5845

40 TAC §14.406—5870

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40 TAC §§181.690, 181.692, 181.694, 181.696, 181.698, 181.700, 181.702, 181.704—5850

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# The Governor

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

## Appointments Made October 19, 1989

To be a member of the **Texas Board of Examiners of Dietitians** for a term to expire September 1, 1995: Patty Greer, 4033 Tara Lane, Nacogdoches, Texas 75961. Mrs. Greer is being reappointed.

To be a member of the **Texas Structural Pest Control Board** for a term to expire February 1, 1991: Charles K. "Buddy" Glasse, 2306 Butler, Friendswood, Texas 77546. Mr. Glasse is being appointed to a new position pursuant to House Bill 3167, 71st Legislature, Regular Session.

To be a member of the **Commission on Human Rights** for a term to expire September 24, 1995: Frank Thompson, Jr., 6937 Peyton, Houston, Texas 77028. Mr. Thompson is being reappointed.

## Appointments Made October 27, 1989

To be a member of the **Texas Turnpike Authority** for a term to expire February 15, 1995: Jere William Thompson, Jr., 6043 Aberdeen Avenue, Dallas, Texas 75230. Mr. Thompson will be replacing R. J. (Dick) Lindley, Jr. of Houston whose term expired.

Issued in Austin, Texas on November 1, 1989.

TRD-8910482

William P. Clements, Jr.  
Governor of Texas



## Appointments Made November 2, 1989

To be chairman of the **Department of Information Resources** to serve at the pleasure of the Governor: Donald A. Maxwell, Bryan.

To be chairman of the **Texas Agricultural Finance Authority** to serve at the pleasure of the Governor: John W. Jones, Brady.

To be a member of the **Texas High-Speed Rail Authority** for a term to be determined later: D. Kent Anderson, P.O. Box 3326, Houston, Texas 77253. Mr. Anderson is being appointed to a new position pursuant to Senate Bill 1190, 71st Legislature, Regular Session.

To be a member of the **San Jacinto Historical Advisory Board** for a term to expire September 1, 1995: Joel Moore Nash, 4603 Huisache, Bellaire, Texas 77401. Mr. Nash will be replacing Frank Calhoun of Houston whose term expired.

To be a member of the **Commission on Jail Standards** for a term to expire January 31, 1995: J. David Nelson, 8008 Raleigh, Lubbock, Texas 79424. Mr. Nelson will be filling the unexpired term of Florence Shapiro of Plano who resigned.

To be a member of the **Texas Animal Health Commission** for a term to expire September 6, 1995: Florence V. Rieck, Rieck Ranch, Roosevelt, Texas 76874. Mrs. Rieck is being reappointed.

To be a member of the **Texas Animal Health Commission** for a term to expire September 6, 1995: Sparks Rust, Jr., P.O. Box 420067, Del Rio, Texas 78842. Mr. Rust will be replacing Joe E. Chapa, Jr. of McAllen whose term expired.

To be a member of the **State Board of Veterinary Medical Examiners** for a term to expire August 26, 1995: Guy Alvin Sheppard, D.V.M., 2925 Briar Grove, San Angelo, Texas 76904. Dr. Sheppard will be replacing Dr. William L. Anderson of Addison whose term expired.

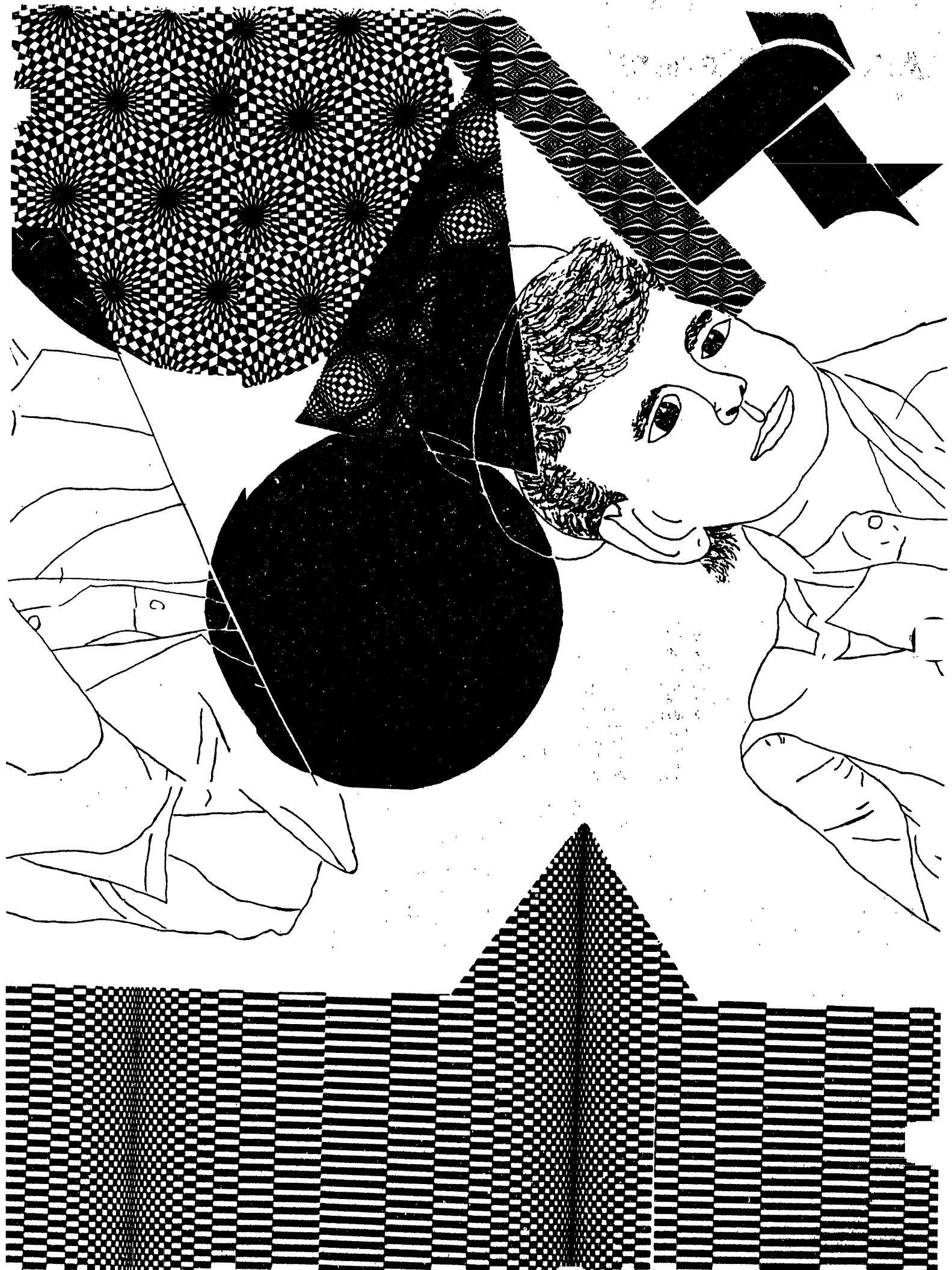
To be a member of the **Texas Advisory Board of Occupational Therapy Examiners** for a term to expire February 1, 1995: Lewis Randy Strickland, 514 9th Street, Galveston, Texas 77550. Dr. Strickland will be replacing Heidi Schoenfield of San Antonio whose term expired.

Issued in Austin, Texas, on November 3, 1989.

TRD-8910587

William P. Clements, Jr.  
Governor of Texas







# Attorney General

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

## Open Records Decisions

**ORD-532 (RQ-1685)** Request from Wallace Shaw, City Attorney, City of Clute, Clute, concerning whether the Texas Open Records Act, Texas Civil Statutes, Article 6252-17a, §3(a)(1) and §3(a)(17), protect the names, home addresses, and home telephone numbers of applicants for positions as peace officers.

**Summary of Decision.** If an individual who was a candidate for the position of peace officer with the City of Clute Police Department met the definition of "peace officer" set forth in either the Texas Code of Criminal Procedure, Article 2.12, or the Texas Education Code, §51.212, at the time the open records request at issue was received, the home address and telephone number of the individual may be withheld under the Open Records Act, §3(a)(17). If the individual did not fall within such definitions, his or her home address and telephone number may be withheld only upon a showing of special circumstances as described in Open Records Decision Number 169 (1977). If the city is unable to determine whether the status of the individual has changed after receiving an application, the city may rely on information it had at the time of the individual's application.

TRD-8910489

**ORD-533 (RQ-1810)** Request from Valgene Massey, Assistant City Attorney, Brownsville City Hall, Brownsville, concerning whether Texas Civil Statutes, Article 8307, §9a, protects workers' compensation claim reports in the custody of a city from required public disclosure under Texas Civil Statutes, Article 6252-17a.

**Summary of Decision.** Texas Civil Statutes, Article 8307, §9a, does not protect workers' compensation claim reports from required public disclosure under Texas Civil Statutes, Article 6252-17a, unless the information was obtained from the Industrial Accident Board or is otherwise protected by a common-law, constitutional, or employee privacy right.

TRD-8910488

## Opinions

**JM-1108 (RQ-1669)** Request from Gary W. Rhoads, Shelby County Attorney, Center, concerning whether a county that has closed a public hospital may change its eligibility standards for indigent health care applicants.

**Summary of Opinion.** A county that closes its county hospital may avail itself of the provisions of the Indigent Health Care and Treatment Act, Health and Safety Code, Chapter 61, §61.063.

TRD-8910487

**JM-1109 (RQ-1741)** Request from David Cain, Chairman, Transportation Committee, Texas House of Representatives, Austin, concerning authority of a municipality to prohibit the operation of bicycles on a state roadway.

**Summary of Opinion.** A municipality has the authority to prohibit the operation of bicycles on a limited-access or controlled-access highway, road, or street within its jurisdiction. A municipality may prohibit the operation of bicycles on roadways other than limited-access or controlled-access highways if it is the only efficacious regulation to protect the public from harm, and thus a reasonable exercise of a municipality's police power. The determination of what constitutes the exercise of the reasonable police power of a municipality in regulating the operation of bicycles on state roadways must be made on a case-by-case basis.

TRD-8910486

**JM-1110 (RQ-1765)** Request from James L. Pledger, Commissioner, Texas Savings and Loan Department, Austin, concerning whether Texas Civil Statutes, Article 342-705, restricts the authority of the Savings and Loan Commissioner to issue subpoenas for bank records.

**Summary of Opinion.** The provisions of Texas Civil Statutes, Article 342-705, restricting disclosure of records of a financial institution and providing for notice, certifi-

cates of service, and court challenges with regard to requests and subpoenas for such records, do not apply to subpoenas for bank records by the Savings and Loan Commissioner in connection with examinations of savings and loan associations under the Savings and Loan Act, Article 852a, §8.02.

TRD-8910484

**JM-1111 (RQ-1720)** Request from Edwin E. Powell, Jr., Coryell County Attorney, Gatesville, concerning obligation of a commissioners court to rent space outside the courthouse for the county surveyor.

**Summary of Opinion.** A county must follow the standards set in the Natural Resources Code, §23.016, in determining whether to pay for office space outside the county courthouse for the county surveyor.

TRD-8910485

## Requests for Opinions

**(RQ-1837).** Request from Weldon C. Wells, County Auditor, McLennan County, Waco, concerning authority of a justice of the peace to deputize someone other than a sheriff or constable to serve civil process where no emergency exists.

**(RQ-1838).** Request from Lloyd Criss, Chairman, House Labor and Employment Relations, Texas House of Representatives, Austin, concerning relationship between the Galveston County Beach Park Board of Trustees and the Galveston County Commissioners Court, the County Auditor, and the County Purchasing Agents.

**(RQ-1839).** Request from James T. Shelton, Acting County Attorney, Donley County, Lowe, Courtney & Shelton, Clarendon, concerning authority of a city to use revenue from its municipal hotel occupancy tax to make improvements to its municipal tennis courts.

**(RQ-1840).** Request from John T. Hoeff, General Counsel, Dallas Area Rapid Transit, Dallas, concerning whether subsection (c) of the Texas Open Records Act, Texas Civil Statutes, Article 6252-17a, §7, applies when a governmental body has not re-

quested an open records decision pursuant to subsection (a) of the Act, §7.

(RQ-1841). Request from A. W. Pogue, Commissioner, State Board of Insurance, Austin, concerning validity of insurance contract provisions which limit coverage of chiropractic care.

(RQ-1842). Request from Mike Driscoll, Harris County Attorney, Houston, concerning duty of a county clerk to notify the Department of Public Safety about the mental competence of a person holding a driver's license.

(RQ-1843). Request from Juan J. Hinojosa, Chairman, House Local and Consent, Austin, concerning waiver of insurance deductible under the Business and Commerce Code, §27.02.

(RQ-1844). Request from H. Ritman Jons, President, Upper Guadalupe River Authority, Kerrville, concerning whether

the Upper Guadalupe River Authority may conduct a non-bidding referendum in a part of its territorial jurisdiction (re-opening of RQ-1276).

(RQ-1845). Request from Wilhelmina Delco, Chairman, House Higher Education, Austin, concerning the authority of a university to allocate space in a campus building to be used exclusively by a private of faculty members (re-opening of RQ-1467).

(RQ-1846). Request from Tom O'Connell, Criminal District Attorney, Collin County, Collin County Courthouse, McKinney, concerning authority of a sheriff to contract regarding the jail commissary without consulting the county purchasing agent.

(RQ-1847). Request from Helen Campbell, Commissioner, Firemen's Pension Commission, Austin, concerning authority of the City of Austin Fire Fighter's Relief and Retirement Fund to enter into securities lending agreements with a corporate borrower.

(RQ-1848). Request from Carl Parker, Chairman, Education Committee, Austin, concerning authority of members of the State Board of Education to contract with a school district; obligation of members to report certain contributed funds.

(RQ-1849). Request from William Grossenbacher, Administrator, Texas Employment Commission, Austin, concerning authority of the Comptroller to transfer federal unemployment insurance funds to the School Child Care Service Fund.

(RQ-1850). Request from Sam W. Dick, Criminal District Attorney, Fort Bend County, Courthouse, Richmond, concerning authority of an appraisal district to purchase or lease real property, and related questions.

TRD-8910490

# 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 7. BANKING AND SECURITIES

### Part I. State Finance Commission

#### Chapter 3. Banking Section

##### Subchapter B. General

###### • 7 TAC §3.34

The State Finance Commission adopts on an emergency basis new §3.34, concerning the notice to be posted in all financial institutions regarding the requirement that certain loan agreements must be in writing. The reason for the emergency action is that a requirement of state law effective September 1, 1989, requires the adoption of the section on fewer than 30 days' notice to the public. The State Finance Commission is required by Act of 71st Legislature, 1989, Chapter 831, §1, Senate Bill 413, 1989 Texas Session Law Service 3788 (Vernon) to prescribe the lan-

guage for such notice to be posted in all financial institutions effective September 1, 1989. The identical section is being simultaneously proposed for public comment and permanent adoption.

The new section is adopted on an emergency basis under Act of 71st Legislature, 1989, Chapter 831, §1, Senate Bill 413, 1989 Texas Session Law Service 3788 (Vernon), which provides that the State Finance Commission will prescribe the language for the notice to be posted in all financial institutions regarding the requirements that certain loan agreements be in writing. In addition, Act of 71st Legislature, 1989, Chapter 780, §2, Senate Bill 607, 1989 Texas Session Law Service 3410, 3412 (Vernon), provides the State Finance Commission with the authority to promulgate rules for the regulation of state banks, state associations, and the consumer credit industry, and to carry out other duties and powers and authority as is conferred by law.

#### *§3.34. Posting of Notice in All Financial Institutions Regarding Requirements for Certain Loan Agreements To Be in Writing.*

(a) An Act of the 71st Legislature, 1989, Chapter 831, §1, Senate Bill 413, 1989 Texas Session Law Service 3788 (Vernon), requires that all financial institutions conspicuously post notices informing borrowers of the requirements that certain loan agreements be in writing. Additionally, it provides that the State Finance Commission of Texas prescribe the language to be used in the notice. The purpose of this section is to provide the language for the notice and to clarify the manner and location of the notice within the financial institutions so as to fully inform borrowers of the requirements.

(b) Each financial institution shall post in the public lobby of each of its offices other than off-premises electronic deposit facilities, the public notice set forth in this subsection:



## NOTICE TO BORROWERS CERTAIN LOAN AGREEMENTS MUST BE IN WRITING

TEXAS LAW (Section 26.02, Business and Commerce Code) requires that all financial institutions conspicuously post notices summarizing requirements that loan agreements be in writing. You should know that:

- An agreement, promise, or commitment to loan more than \$50,000 **MUST BE IN WRITING AND SIGNED BY THE LENDER OR IT WILL BE UNENFORCEABLE.**
- The written loan agreement will be the **ONLY** source of rights and obligations for agreements to lend more than \$50,000.
- Oral agreements relating to loans over \$50,000 are **NOT EFFECTIVE** either to establish a commitment to lend or to vary the terms of a written loan agreement.

As part of the documentation required for loans over \$50,000, **BORROWERS MUST BE PROVIDED AND MUST SIGN A NOTICE** conspicuously stating that:

**"THIS WRITTEN LOAN AGREEMENT REPRESENTS THE FINAL AGREEMENT BETWEEN THE PARTIES AND MAY NOT BE CONTRADICTED BY EVIDENCE OF PRIOR, CONTEMPORANEOUS, OR SUBSEQUENT ORAL AGREEMENTS OF THE PARTIES.**

**"THERE ARE NO UNWRITTEN ORAL AGREEMENTS BETWEEN THE PARTIES.**

The notice set forth above, which must be signed by both the borrower and the financial institution, can be in a separate document or incorporated in one or more of the documents constituting the loan agreement. The notice must be in type that is bold faced, capitalized, underlined or otherwise set out from surrounding written material so as to be conspicuous.

(c) The State Finance Commission shall provide the preceding notice in dimensions and print which it determines is appropriate to fully inform borrowers of the requirements of Act of the 71st Legislature, 1989, Chapter 831, §1, Senate Bill 413, 1989 Texas Session Law Service 3788 (Vernon).

Issued in Austin, Texas, on November 3, 1989.

TRD-8910599

Carlos J. Contreras, III  
Assistant General Counsel  
State Finance Commission

Effective date: November 3, 1989

Expiration date: March 3, 1990

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

◆ ◆ ◆  
**TITLE 34. PUBLIC  
FINANCE**  
**Part IV. Employees  
Retirement System of  
Texas**

**Chapter 67. Hearings on  
Disputed Claims**

• **34 TAC §67.97**

The Employees Retirement System of Texas adopts on an emergency basis an amendment to §67.97, concerning hearings on disputed claims. This emergency was made

necessary as a result of amendments to the Administrative Procedure and Texas Register Act (APTRA) by Senate Bill 1197, 71st Legislature. The amendments to APTRA became effective September 1, 1989.

The amendment is adopted on an emergency basis under the Texas Government Code, §815.102, which provides the board of trustees of the Employees Retirement System of Texas with the authority to adopt rules for the transaction of the business of the board.

**§67.97. Rehearing.** Motions for rehearing must be made within 20 [15] days after the date the party or his attorney of record is notified [rendition] of a final decision or order. Replies to motions for rehearing must be filed with the executive director within 30 [25] days after the date the party or his attorney of record is notified [rendition] of the final decision or order, and board action on the motion shall be taken within 45 days after the date the party or his attorney of record is notified [rendition] of the final decision or order. Copies of these motions and replies shall be served on all parties concurrently with the filing with the executive director. If board action is not taken within this 45-day period, the motion for rehearing shall be overruled by operation of law 45 days after the date the party or his attorney of record is notified [rendition] of the final decision or order. The

board may by written order extend the period of time for filing these motions and replies and for taking board action, except that this extension shall not extend the period for board action beyond 90 days after the date the party or his attorney of record is notified [of rendition] of the final decision or order. In the event of an extension, the motion for rehearing shall be overruled by operation of law upon the date fixed by the order, or in the absence of an order, 90 days after [from] the date the party or his attorney of record is notified of the final decision or order.

Issued in Austin, Texas, on November 2, 1989.

TRD-8910557

Clayton T. Garrison  
Executive Director  
Employees Retirement  
System of Texas

Effective date: November 2, 1989

Expiration date: March 2, 1990

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

◆ ◆ ◆



# 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 1.

### ADMINISTRATION

#### Part VIII. Texas Judicial Council

##### Chapter 173. Continuing Legal Education of Municipal Court Judges

###### • 1 TAC §§173.1-173.9

*(Editor's note: The text of the following sections proposed for repeal will not be published. The sections may be examined in the offices of the Texas Judicial Council or in the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brazos Street, Austin.)*

The Texas Judicial Council proposes the repeal of §§173.1-173.9, concerning continuing legal education of municipal court judges. Texas Civil Statutes, Article 1200f, the statutory authority for this program, was repealed by Acts 1985, 69th Legislature, Chapter 480, §26(1), effective September 1, 1985 and Acts 1985, 69th Legislature, Chapter 589, §5(b), effective September 1, 1985. Continuing legal education of municipal court judges is now conducted pursuant to the Rules of Judicial Education, adopted by the Texas Supreme Court, August 21, 1985.

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

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

Comments on the proposal may be submitted to Jim Hutcheson, General Counsel, P.O. Box 12066, Austin, Texas 78711.

The repeals are proposed under the Government Code, §71.019 which provides the Texas Judicial Council with the authority to adopt rules expedient for the administration of its functions.

###### §173.1. Definitions.

###### §173.2. Application for Accreditation.

###### §173.3. Content of Courses.

###### §173.4. Presentation of Instruction.

###### §173.5. Additional Information.

###### §173.6. Prescribed Forms.

###### §173.7. Certification of Attendance-Sponsor.

###### §173.8. Certification of Attendance-Attendees.

###### §173.9. Retroactive Accreditation and Certification.

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-8910508

Jim Hutcheson  
General Counsel  
Texas Judicial Council

Earliest possible date of adoption: December 11, 1989

For further information, please call: (512) 463-1625

## TITLE 7. BANKING AND SECURITIES

### Part I. State Finance Commission

#### Chapter 3. Banking Section

##### Subchapter B. General

###### • 7 TAC §3.34

*(Editor's Note: The State Finance Commission proposes for permanent adoption the new sections it adopts on an emergency basis in this issue. The text of the new sections is in the Emergency Rules section of this issue.)*

The State Finance Commission proposes new §3.34, concerning the language of the notice to be posed in all financial institutions regarding the requirement that certain loan agreements be in writing. Act of 71st Legislature, 1989, Chapter 831, §1 (Senate Bill 413), 1989 Texas Session Law Service 3788 (Vernon) provides that the language for such no-

tice be prescribed by the State Finance Commission. This proposed new section prescribes the language for the notice and clarifies the location within the financial institutions where the notice will be posted.

Ann Graham, 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.

Ann Graham, General Counsel, has determined that the new section will have no local employment impact.

Ms. Graham, also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section as proposed will be that the public will be fully informed: 1) that loan agreements involving an amount exceeding \$50,000 are not enforceable unless the agreement is in writing and signed by the party to be bound; 2) that the written loan agreement will be the only source of rights and obligations for such loans; and 3) that oral agreements relating to such loans are ineffective to establish a commitment to lend or to vary the terms of a written loan agreement. There will be no effect on small businesses as a 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 Ann Graham, General Counsel, Texas Department of Banking, 2601 North Lamar Boulevard, Austin, Texas 78705-4294.

The new section is proposed under Act of 71st Legislature, 1989, Chapter 831, §1 (Senate Bill 413), 1989 Texas Session Law Service 3788 (Vernon), which charges the State Finance Commission with the responsibility to prescribe the language for the notice to be posted in all financial institutions. In addition, Act of 71st Legislature, 1989, Chapter 780, §2 (Senate Bill 607) 1989 Texas Session Law Service 3410-3412 (Vernon), provides the State Finance Commission with the authority to promulgate rules for the regulation of state banks, state associations, and the consumer credit industry and to carry out other duties and powers and authority as may be conferred by law.

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 November 3, 1989.

TRD-8910600

Carlos J. Contreras, III  
Assistant General Counsel  
Finance Commission

Earliest possible date of adoption: December 11, 1989

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

## TITLE 19. EDUCATION

### Part I. Texas Higher Education Coordinating Board

#### Chapter 25. Administrative Council

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

##### • 19 TAC §25.33

The Texas Higher Education Coordinating Board proposes an amendment to §25.33, concerning administration of the Texas State College and University Employees Uniform Insurance Benefits Program. The purpose of this amendment is to bring the rules and regulations into conformance with legislation enacted during the 71st Legislature.

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

Ms. Lewis, also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be to provide coverage for diagnosis and treatment of acquired immune deficiency syndrome (AIDS) and human immunodeficiency virus (HIV) infection; expansion of the term "Physician" to include licensed professional counselor; coverage for diagnostic and/or surgical treatment of the temporomandibular (jaw or craniomandibular) joint (TMJ); elimination of special limitations on chemical dependency treatment (treated same as any illness); and coverage for formulas necessary for the treatment of phenylketonuria (PKU) or other heritable diseases that may result in mental and physical retardation or both. There will be no effect on small businesses as a 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 Kathy Lewis, Director, Higher Education Insurance Program, Texas Higher Education Coordinating Board, P.O. Box 12788, Austin, Texas 78711.

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

##### §25.33. Basic Coverage Standards.

(a) Each institution shall provide in

its program of group insurance a basic plan for active employees and retired employees that includes at least the following minimum coverage standards.

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

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

(B) (No change.)

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

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

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

(Q) services of a psychologist, a psychiatrist, [or] a certified social worker-advanced clinical practitioner, or a licensed professional counselor during the first 30 days of hospital confinement for mental or emotional illness or disorder [and during the first 15 days of hospital confinement for drug abuse]. The institution may require a professional recommendation from a doctor of medicine or doctor of

osteopathy for services provided by a certified social worker-advanced clinical practitioner or a licensed professional counselor. The plan may require that payment of these charges not apply towards satisfying the annual maximum out-of-pocket expenses;

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

(S) services of a psychologist, a psychiatrist, [or] a certified social worker-advanced clinical practitioner, or a licensed professional counselor in conjunction with nonresidential day treatment programs for mental or emotional illness or disorder [and drug addiction]. The institution may require a professional recommendation from a doctor of medicine or doctor of osteopathy for services provided by a certified social worker-advanced clinical practitioner or a licensed professional counselor. The benefit may be limited to no less than 30 days for mental or emotional illness or disorder [and to no less than 15 days for drug addiction]. If the institution's plan allows the trading of nonresidential treatment days for hospital confinement as described in paragraph (C) of this paragraph, then the same trade-off for physician services may be provided in the plan. The benefit percentage may not be less than 80% of the usual, customary, and reasonable charges. The plan may require that payment of these charges not apply towards satisfying the annual maximum out-of-pocket expenses[.];

(T) diagnosis and treatment of acquired immune deficiency syndrome [AIDS] as defined by the Centers for Disease Control of the United States Public Health Service, and human immunodeficiency virus (HIV) infection;

(U) medically necessary diagnostic and/or surgical treatment of the temporomandibular (jaw or craniomandibular) joint (TMJ); and

(V) formulas necessary for the treatment of phenylketonuria (PKU) or other heritable diseases that may result in mental or physical retardation or death to the same extent as for drugs available only on the orders of a physician.

(3) Out-patient expenses of a psychiatrist, psychologist, [or] certified social worker-advanced clinical practitioner, or licensed professional counselor. The plan shall provide for the services of a psychologist, services of a psychiatrist, [or] services of a certified social worker-advanced clinical practitioner, or services of a licensed professional counselor for the



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

[(4)] Out-patient drug abuse treatment. Benefits shall cover services for treatment of drug dependency. Benefits may not be limited to less than \$1,500 per benefit year. The benefit percentage may not be less than 80% of usual, customary, and reasonable charges. The plan may require that the deductible be satisfied prior to the availability of benefits and that payment of these charges not apply towards satisfying the annual maximum out-of-pocket expenses.]

[(4)](5) Life insurance for active employees. Each participating active employee shall be enrolled for basic group life insurance with accidental death and dismemberment and loss of sight (AD&D) benefits. Amounts of group term life and AD&D shall be at least \$5,000 for each employee.

[(5)](6) Life insurance for retired employees. Retired employees shall be allowed, at their option, to retain \$2,500 of the group term life insurance in effect under their plan at the time of retirement. Accidental death and dismemberment does not have to be provided.

[(6)](7) Maximum out-of-pocket expenses. Out-of-pocket expenses per person may not exceed \$1,000 per benefit year for eligible hospital care expense and eligible other medical expense. The annual deductible and the coinsurance percentage may vary but cannot exceed the out-of-pocket maximum. In addition, the plan may include a deductible per hospital admission not to exceed \$50, with the provision that this hospital deductible be waived on out-patient surgery. If a plan found in compliance by the administrative council includes cost containment provisions, any charges rendered ineligible by the operation of these provisions will not apply towards the maximum out-of-pocket expenses.

[(7)](8) Lifetime maximum. The plan shall provide that the total amount of benefits available to any one participant for medical care shall be at least \$1 million.

[(8)](9) Definitions. The following words and terms, when used in this section, shall have the following meanings, unless the context clearly indicates otherwise.

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

(C) Physician—A person (other than a hospital resident or intern) who is a Doctor of Medicine, Doctor of Osteopathy, Doctor of Podiatry, Doctor of Dentistry, Doctor of Optometry, Doctor of Chiropractic, Doctor in Psychology, certified social worker-advanced clinical practitioner, licensed professional counselor, or a licensed dietitian [and who is a member of his or her county medical society, State Osteopathic Association, State Podiatry Association, State Dental Association, State Optometric Association, or State Chiropractic Association, or eligible for membership in such society or association; the term shall not include a Doctor of Medicine, Osteopathy, Podiatry, Dentistry, Optometry, or Chiropractic ineligible for membership in his respective society or association]. The terms Doctor of Medicine, Doctor of Osteopathy, Doctor of Podiatry, Doctor of Dentistry, Doctor of Optometry, Doctor of Chiropractic, Doctor in Psychology, certified social worker-advanced clinical practitioner, licensed professional counselor, and licensed dietitian as used herein, shall have the meaning assigned to them by the Insurance Code of Texas.

[(D)] Psychologist—a person who is certified and licensed by the state as a psychologist.]

(D)](E) Reasonable and customary charges—The actual charge or portion thereof, for services and supplies to the extent such services or supplies are reasonably priced in light of the injury, sickness, or pregnancy being treated. In determining the reasonable charge for a service rendered by a physician, the carrier shall consider the charges for similar services usually made by the physician rendering the service, the charges for similar services customarily made by physicians in the locality with similar training and experience, and unusual circumstances or medical complications requiring additional time, skill, and experience in connection with a particular service.

(b) (No change.)

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

Issued in Austin, Texas, on October 27, 1989.

TRD-8910474  
Kathy Lewis  
Director  
Higher Education  
Coordinating Board,  
Texas

Earliest possible date of adoption: December 11, 1989

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

## TITLE 22. EXAMINING BOARDS

### Part IX. Texas State Board of Medical Examiners

#### Chapter 169. Authority of Physicians to Supply Drugs

• 22 TAC §§169.1-169.6

*(Editor's note: The text of the following sections proposed for repeal will not be published. The sections may be examined in the offices of the Texas State Board of Medical Examiners or in the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brazos Street, Austin.)*

The Texas State Board of Medical Examiners proposes the repeal of §§169.1-169.6, concerning the authority of physicians to supply drugs. The legislature recently passed Senate Bill 788. There is necessity for the board to integrate the provisions of Senate Bill 788 and to make its board rules consistent with that legislation. The extensive rewrite of the chapter on the authority of physicians to supply drugs is felt necessary; therefore a repeal with a simultaneous proposed new chapter is presented.

G. V. Brindley, executive director, has determined that for the first five-year period the repeals are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the repeals.

Jean Davis, administrative assistant, has determined that for each year of the first five years the repeals are in effect the public benefit anticipated as a result of enforcing the repeals will be clarification by omission. There will be no effect on small businesses as a result of enforcing the repeals. There will be no local employment impact. There is no anticipated economic cost to persons who are required to comply with the repeals as proposed.

Comments on the proposal may be submitted to Jean Davis, P.O. Box 13562, Austin, Texas 78711. A public hearing will be held at a later date.

The repeals are proposed under Texas Civil Statutes, Article 4495b, which provide the Texas State Board of Medical Examiners with the authority to make rules, regulations, and bylaws not inconsistent with the Medical Practice Act of Texas (Act) as may be necessary for the governing of its own proceedings, the performance of its duties, the regulation of the practice of medicine in this state, and the enforcement of this Act.

§169.1. Purpose.

§169.2. Definitions.

§169.3. Authority.

§169.4. Dispensing or Distributing Drugs without a Separate Charge or Fee.

**§169.5. Administration or Provision in Licensed Facilities.**

**§169.6. Policy.**

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 31, 1989.

TRD-8910529

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

Earliest possible date of adoption: December 11, 1989

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

◆ ◆ ◆  
• 22 TAC §§169.1-169.8

The Texas State Board of Medical Examiners proposes new sections §§169.1-169.8, concerning the authority of physicians to supply drugs. The legislature recently passed Senate Bill 788. There is necessity for the board to integrate the provisions of Senate Bill 788 and to make the board rules consistent with that legislation. The extensive rewrite of the chapter on the authority of physicians to supply drugs is felt necessary; therefore new language is being simultaneously proposed with the repeal of outdated language.

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

Jean Davis, administrative assistant, also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be the clarification of the new legislation provisions as they relate to board rules. There will be no effect on small businesses as a result of enforcing the sections. There will be no local employment impact. There is no anticipated economic cost to persons who are required to comply with the sections as proposed.

Comments on the proposal may be submitted to Jean Davis, P.O. Box 13562, Austin, Texas 78711. A public hearing will be held at a later date.

The new sections are proposed under Texas Civil Statutes, Article 4495b, which provide the Texas State Board of Medical Examiners with the authority to make rules, regulations, and bylaws not inconsistent with the Medical Practice Act of Texas (Act) as may be necessary for the governing of its own proceedings, the performance of its duties, the regulation of the practice of medicine in this state, and the enforcement of this Act.

**§169.1. Purpose.** The purpose of this chapter is to provide physicians with guidelines for supplying drugs to their patients as authorized by Texas Civil Statutes, Article 4495b, §3.06(d)(2) and §5.09, and by the Texas Pharmacy Act.

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

**Act**—The Medical Practice Act of Texas, Texas Civil Statutes, Article 4495b.

**Administer**—The direct application of a drug by injection, inhalation, ingestion, or any other means to the body of a physician's patient.

**Board**—The Texas State Board of Medical Examiners.

**Dispense**—Preparing, packing, compounding, or labeling for delivery a prescription drug or device in the course of professional practice to an ultimate user or his or her agent by or pursuant to the lawful order of a physician.

**Distribute**—The delivery of a prescription drug or device other than by administering or dispensing.

**Immediate needs**—The amount of a prescription drug needed for the proper treatment of a patient until access to a pharmacy is possible.

**Physician**—A licensee of the Texas State Board of Medical Examiners.

**Provision**—To supply one or more unit doses of a drug, medicine, or dangerous drug.

**Reimbursed for cost**—An additional charge separate from that made for the physician's professional services which includes the cost of the drug product and all other actual costs to the physician incidental to providing the dispensing service, but not including a separate fee for the act of dispensing the drug product itself.

**Rural area**—An area in which there is no pharmacy within a 15-mile radius of the physician's office and which is within either a county with a total population of 5,000 or less according to the most recent federal census; or a city or town, incorporated or unincorporated, with a population of less than 2,500 according to the most recent federal census, but not including a city or town, incorporated or unincorporated, whose boundaries are adjacent to an incorporated city or town with an equal or greater population.

**Sample**—A prescription drug which is prepackaged by the original manufacturer, provided to the physician at no cost by the manufacturer, and is either marked as a sample on the original container or is included in the physician's records as a sample.

**Standing delegation order**—Written instructions, orders, rules, regulations, or procedures prepared by a physician and designed for a patient population with specific diseases, disorders, health problems, or sets of symptoms. Such written instructions, orders, rules, regulations, or procedures shall delineate under what set of conditions and circumstances action should be instituted. These instructions, orders, rules, regulations, or procedures are to provide authority of and a plan for use with patients presenting themselves prior to being examined or

evaluated by a physician to assure that such acts are carried out correctly and are distinct from specific orders written for a particular patient.

**Standing medical orders**—Orders, rules, regulations, or procedures prepared by a physician or approved by a physician or the medical staff of an institution for patients which have been examined or evaluated by a physician and which are used as a guide in preparation for and carrying out medical and/or surgical procedures. These orders, rules, regulations, or procedures are authority and direction for the performance for certain prescribed acts for patients by authorized persons as distinguished from specific orders written for a particular patient.

**§169.3. Administration of Drugs.** A physician may personally administer those drugs to his or her patients which are, in the physician's medical judgment, therapeutically beneficial or necessary for the patient's treatment. A physician may delegate authority for administration of drugs to patients in his or her office to any qualified and properly trained person. A physician shall comply with all appropriate record keeping requirements applicable to the drugs administered, or shall assure compliance with said record keeping requirements by persons acting under the physician's direction and supervision. A physician may charge a fee for administration of drugs to a patient that is separate from fees charged for other medical services. The separate fee shall allow the physician to recover the cost of administration, including the cost of the drug itself.

**§169.4. Providing, Dispensing, or Distributing Drugs.** Except as provided in this chapter, a physician may provide, dispense, or distribute drugs for use or consumption by the patient away from the physician's office or after the conclusion of the physician-patient encounter only in quantities as are necessary to meet the patient's immediate needs. A physician shall comply personally with all appropriate labeling and record keeping requirements under state or federal law or shall oversee compliance by persons acting under his or her direction and supervision. A physician who provides, dispenses, or distributes drugs to a patient to meet his or her immediate needs may not charge a fee separate from that charged for medical services provided to the patient.

**§169.5. Exceptions.** Under the following circumstances, a physician may dispense or distribute drugs in quantities greater than those necessary to meet a patient's immediate needs.

(1) A licensed physician who practices medicine in a rural area in which there is no pharmacy may maintain a supply of dangerous drugs in his or her office to be

dispensed in treating his or her patients and may be reimbursed for the cost of supplying those drugs without violating the Texas Pharmacy Act, Texas Civil Statutes, Article 4542a-1. A physician desiring to dispense dangerous drugs in compliance with this subsection and Texas Civil Statutes, Article 4495b, §5.09(c) shall notify the board and the Texas State Board of Pharmacy that he or she practices in a rural area.

(2) If a physician believes that a patient's prescribed treatment regimen should include certain drugs, the physician may supply them to the patient by means of pharmaceutical samples. No charge may be made by a physician for such samples. A patient's immediate needs as defined in this chapter shall not affect or limit the quantity of pharmaceutical samples a physician may provide to the patient.

**§169.6. Administration or Provision of Drugs in Licensed Facilities.** A physician may authorize the administration or provision of dangerous drugs to a patient in a facility licensed by the Texas State Board of Pharmacy. However, in those circumstances, the physician may delegate to other persons only authority for entering the patient's name, address, and the date of provision of the dangerous drug.

**§169.7. Record Keeping for Dangerous Drugs.**

(a) A licensee shall be presumed to have complied with record keeping requirements for dangerous drugs (Texas Health and Safety Code, §483) received as pharmaceutical samples if:

(1) the licensee maintains a copy of each signed request form for samples required by the Prescription Drug Marketing Act of 1987, Public Law Number 100-293, 102 Stat. 95 (21 United States Code 503(D)) for a period of two years from the date of acquisition; and

(2) the licensee makes appropriate entries in patients' medical records when a pharmaceutical sample is supplied to a patient.

(b) A licensee shall be presumed to have complied with record keeping requirements for dangerous drugs (Texas Health and Safety Code, §483) received or acquired other than as a pharmaceutical sample if:

(1) the licensee maintains all invoices for purchases, receiving orders, or other documentation of receipt or acquisition for a period of two years from the date of receipt or acquisition; and

(2) the licensee makes appropriate entries in patients' medical records when a dangerous drug is provided, administered, or supplied to a patient.

**§169.8. Policy.** It is the policy of the

board to encourage physicians to issue prescriptions for drugs and remedies, unless supplying the drug is necessary to meet the patient's immediate medical needs and the drug is reasonably unavailable from licensed pharmacies in the existing circumstances, or unless the physician determines that the patient's prescribed treatment regimen requires that pharmaceutical samples should be supplied to the patient.

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 31, 1989.

TRD-8910528

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

Earliest possible date of adoption: December 11, 1989

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

## Part XXIX. Texas Board of Professional Land Surveying

### Chapter 663. Standards of Responsibility and Rules of Conduct

#### • 22 TAC §663.9

The Texas Board of Professional Land Surveying proposes an amendment to §663.9, concerning standards of responsibility and rules of conduct. The board proposes to amend their §663.9 concerning standards of responsibility and rules of conduct to comply with legislative mandates.

Betty J. Pope, executive director, has determined that for the first five-year period the section is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the section.

Ms. Pope also has determined that for each year of the first five years the section is in effect there is no public benefit anticipated as a result of enforcing this section. There will be no effect on small businesses as a result of enforcing this 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 Betty J. Pope, Executive Director, 7701 North Lamar Boulevard, Suite 400, Austin, Texas 78752. Public comment will be accepted for 30 days from the date of publication in the *Texas Register*.

The amendment is proposed under Texas Civil Statutes, Article 5282c, §9, which provide the Texas Board of Professional Land Surveying with the authority to make and enforce all reasonable and necessary rules, regulations, and bylaws not inconsistent with the Texas Constitution, the laws of this state, and this Act.

#### §663.9. Professional Conduct.

[(a) Competitive bidding for professional surveying services is not in the best interest of the public and is a form of solicitation and is a conduct contrary to the practice of all learned professions in the State of Texas; therefore:]

(a)[b] The [the] surveyor shall not offer or promise to pay or deliver, directly or indirectly, any commission, political contribution, gift, favor, gratuity, benefit, or reward as an inducement to secure any specific surveying work or assignment; providing and excepting, however, that a surveyor may pay a duly licensed employment agency its fee or commission for securing surveying employment in a salaried position.

(b)[c] The surveyor shall not make, publish, or cause to be made or published, any representation or statement concerning his professional qualifications or those of his partners, associates, firm, or organization which is in any way misleading, or tends to mislead the recipient thereof, or the public, concerning his surveying education, experience, specialization, or any other surveying qualification.

(c)[d] The public shall be provided every reason for relying upon the surveyor's seals, signatures, or professional identification on all documents, plats or maps, surveyor's reports, plans, or other surveying data on which they appear as a representation that the surveyors whose seals, signatures, or professional identification appear thereon, have personal knowledge thereof and that they are professionally responsible therefor.

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 31, 1989.

TRD-8910500

Betty J. Pope  
Executive Director  
Texas Board of  
Professional Land  
Surveying

Earliest possible date of adoption: December 11, 1989

For further information, please call: (512) 452-9427

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

### Chapter 5. Property and Casualty Insurance

#### Subchapter C. Texas Medical Liability Insurance Underwriting Association

• 28 TAC §5.2002

The State Board of Insurance proposes an amendment to §5.2002, concerning the operation of the Texas Medical Liability Insurance Underwriting Association. The amendment is necessary to delete an obsolete provision and to provide greater flexibility to the Texas Medical Liability Insurance Underwriting Association in contracting with servicing insurance carriers. The amendment deletes subsection (d)(11)(G) regarding a contract between the association and the Texas Workers' Compensation Assigned Risk Pool, which contract has been terminated. The amendment to subsection (d)(11)(H), which will become subsection (d)(11)(G), provides for single or multi-year terms for contracts with servicing carriers rather than limiting the contracts to a 12-month term and also deletes a reference to the Texas Workers' Compensation Assigned Risk Pool.

Charles Sobek, director, professional liability insurance, 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 and there will be no effect on local employment or local economy.

Mr. Sobek 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 greater flexibility of the Texas Medical Liability Insurance Underwriting Association in contracting with servicing carriers, which will promote competition in servicing contracts. There will be no effect on small businesses as a 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 Charles Sobek, Director, Professional Liability Insurance, Mail Code 012-4, State Board of Insurance, 1110 San Jacinto Boulevard, Austin, Texas 78701-1998.

The amendment is proposed under the Insurance Code, Articles 1.04 and 21.49-3, §3(c)(4). Article 1.04 authorizes the State Board of Insurance to determine policy and rules in accordance with the laws of this state. Article 21.49-3, §3(c)(4), provides that amendments to the plan of operation of the Texas Medical Liability Insurance Underwriting Association may be made by the directors of the association, subject to the approval of the board, or shall be made at the direction of the board.

§5.2002. Operation of the Texas Medical Liability Insurance Underwriting Association.

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

(d) Directors.

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

(11) General powers. The board of directors shall have the management of the business and affairs of the association subject to the supervision and control, at all times, of the board as herein and in the Act set forth. Included among the powers of the board of directors, but not in limitation thereof, are the following:

(A)-(F) (No change.)

(G) [to contract, from time to time, with the Texas Workers' Compensation Assigned Risk Pool, the term of such contract not to exceed 12 months, the term of any renewal thereof not to exceed 12 months, to carry out the administrative functions of operating the association, under the direction of the association subject to the provisions of law and these sections, upon the terms and for the consideration expressed therein. Such contract may not become effective until the same has been approved by the board;]

[(H)] to contract, from time to time, with one or more members for single or multi-year terms [the terms of such contract not to exceed 12 months, the term of any renewal thereof not to exceed 12 months], to act as servicing carriers to perform all policy functions of the association, including, without limitation to, underwriting, issuance of policy, coding and premium accounting, settlement of claims to conclusion, and reporting to [the Texas Workers' Compensation Assigned Risk Pool and] the association, as may be directed by the association, subject to provisions of law and these sections, upon the terms and for the consideration expressed herein. Such contracts may not become effective until the same have been approved by the board;

(H)[(I)] to approve expenses and levy assessments, including preliminary assessments for initial expenses necessary to commence operations, and assessments to defray losses and expenses;

(I)[(J)] to establish necessary facilities;

(J)[(K)] to enter into commission arrangements with agents regarding the sale of medical liability insurance through the association;

(K)[(L)] to promulgate reasonable and objective underwriting standards;

(L)[(M)] to either or both accept and refuse the assumption of reinsurance from its members, and cede and purchase reinsurance; provided, however, that such reinsurance shall be governed by rules promulgated by the board; and

(M)[(N)] to direct the collection, administration, investment, and valuation of the policyholder's stabilization reserve fund consistent with the Act and these sections.

(12)-(15) (No change.)

(e)-(j) (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 November 6, 1989.

TRD-8910614

Nicholas Murphy  
Chief Clerk  
State Board of Insurance

Earliest possible date of adoption: December 11, 1989

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

Part II. Industrial Accident Board

Chapter 42. Medical Benefits

Subchapter B. Medical Cost Evaluation

• 28 TAC §42.155

The Industrial Accident Board proposes an amendment to §42.155, concerning procedures for carrier review of medical bills for services and items provided to injured workers. The proposed amendment deletes the requirement that the carrier file a copy of the medical audit summary sheet with the board; the requirement that the document be copied to the claimant and/or attorney is retained at this time (but see comment section of this preamble).

Richard Fulcher, acting executive director, has determined that the proposed amendment will reduce costs to all affected parties. Regarding administering the amended section, the cost to the state will be reduced, since the board will be relieved of the expense of handling the filed documents. Regarding enforcement of the amended section, the cost to local governments, in their capacity as self-insureds, and small and large insurance companies will be reduced, since all will be relieved of the expense of providing a copy of the document to the board.

Mr. Fulcher has also determined that for each of the first five years the proposed section is in effect the public benefit anticipated as a result of enforcing the section will be economic. The savings to the state noted previously will redound to the Texas taxpayer; the savings to carriers could result in reduced premiums. There will be no economic cost to persons who are required to comply with the section as proposed.

Mr. Fulcher has determined that the proposed section will have no effect on local employment.

Comments on the proposal may be submitted to Richard Fulcher, Acting Executive Director, Industrial Accident Board, 200 East Riverside, First Floor, Austin, Texas 78704-1287. Comments will be accepted in writing for 20 days after publication of this proposal in the *Texas Register*. The board is particularly interested in comment regarding additionally

deleting the requirement that the medical audit summary sheet be copied to the claimant and/or attorney.

The amendment is proposed under Texas Civil Statutes, Article 8307, §4(a), which provide the board with the authority to adopt rules necessary to administer the Workers' Compensation Act, and Article 8308, §7b, which provides the board with the authority to adopt as rules guidelines for fair and reasonable charges for health care provided under the Workers' Compensation Act.

#### §42.155. Carrier Review of Bills.

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

(c) Completion of review. Within 10 days of completion of the review, or, if a pharmaceutical bill, within five days of completion of the review, the carrier shall:

(1) (No change.)

(2) remit to the provider the amount of payment the carrier has determined to be appropriate. If the carrier remits to the provider an amount less than the amount billed, or remits no payment, the carrier shall immediately send [the board,] the provider[,] and the claimant or claimant's representative copies of the appropriate medical audit summary sheet, as described in §42.160 and §42.165 of this title (relating to Carrier Desk Audit of Bills; and Carrier On-Site Audit of Hospital Bills). The copies sent to the provider and the claimant or claimant's representative shall contain the following statement. The insurance carrier and not the claimant/patient or employer, is solely liable for all reasonable and necessary medical treatment rendered in connection with the injury, and no billing for any unpaid amounts should be directed to the claimant/patient or employer, nor should any attempt be made to collect any unpaid amount from the claimant/patient or employer, unless the claim has been denied by the board or the court.

(d)-(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 November 6, 1989.

TRD-8910594

Inez "Tippy" Foster  
Assistant Executive  
Director  
Industrial Accident Board

Earliest possible date of adoption: December 11, 1989

For further information, please call: (512) 448-7960

## 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 proposes 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, and provides guidance and establishes procedures for filing refund requests for signed statement sales of tax-paid diesel fuel.

Ben Lock, director of the comptroller's economic analysis center, has determined that for the first five-year period the proposed section will be in effect there will be no significant revenue impact on the state or local government.

Mr. Lock also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be by providing them with new information regarding their tax responsibilities. This section is adopted under the Tax Code, Title 2, and does not require a statement of the fiscal implications for small businesses. There is no anticipated economic cost to persons who are required to comply with the proposed section as proposed.

Comments on the proposal may be submitted to Martin Cherry, Assistant Director, Legal Services Division, P.O. Box 13528, Austin, Texas 78711.

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

#### §3.173. Refunds on Gasoline and Diesel Fuel Tax.

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

(c) Filing 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 to 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.

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 November 3, 1989.

TRD-8910577

Bob Bullock  
Comptroller of Public  
Accounts

Earliest possible date of adoption: December 11, 1989

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

#### • 34 TAC §3.184

The Comptroller of Public Accounts proposes 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 also provides guidance and establishes procedures for assigning refund claims for tax-paid gasoline exported from Texas by persons not qualified to purchase tax-free.

Ben Lock, director of the comptroller's economic analysis center, has determined that for the first five-year period the proposed section will be in effect there will be no significant revenue impact on the state or local government.

Mr. Lock also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be by providing them with new information regarding their tax responsibilities. This section is adopted under the Tax Code, Title 2, and does not require a statement of the fiscal implications for 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 Martin Cherry, Assistant Director, Legal Services Division, P.O. Box 13528, Austin, Texas 78711.

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

#### §3.184. 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.)

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 November 3, 1989.

TRD-8910576 Bob Bullock  
Comptroller of Public  
Accounts

Earliest possible date of adoption: December 11, 1989

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

## Part IV. Employees Retirement System of Texas

### Chapter 67. Hearings on Disputed Claims

#### • 34 TAC §67.97

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

The Employees Retirement System of Texas proposes an amendment to §67.97, concerning rehearing. The present section, concerning motions for rehearing in contested cases, is being amended to comply with amendments to the Administrative Procedure and Texas Register Act (APTRA) by Senate Bill 1197, 71st Legislature.

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

Mr. Nail also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be the additional time that parties in contested cases will have, to file motions for hearing. 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 William S. Nail, Employees Retirement System of Texas, P.O. Box 13207, Austin, Texas 78711-3207.

The amendment is proposed under the Government Code, and the Texas Insurance

Code, §815.102, Article 3.50-2, §4, which provides the board of trustees of the Employees Retirement System of Texas with the authority to promulgate rules, regulations, plans, procedures, and orders reasonably necessary to carry out the purposes of this Act.

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

Issued in Austin, Texas on November 2, 1989.

TRD-8910556 Clayton T. Garrison  
Executive Director  
Employees Retirement  
System of Texas

Earliest possible date of adoption: December 11, 1989

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

## Part V. Texas County and District Retirement System

### Chapter 109. Domestic Relations Orders

#### • 34 TAC §109.2, §109.12

The Texas County and District Retirement System proposes an amendment to §109.2 and new §109.12, concerning domestic relations orders. The amendment to §109.2 would change the statutory reference in that section as a result of the codification, transfer, and renumbering of Texas Civil Statutes, Title 110B, and would redefine the term "alternate payee." New §109.12 is added, which provides that payments to alternate payees except under certain previously approved domestic relations orders will be a straight life annuity based on the life of the alternate payee.

J. Robert Brown, director of the system, has determined that for the first five-year period the sections are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the sections.

Mr. Brown also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be the reduced administrative cost to the system. There will be no effect on small businesses as a 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 J. Robert Brown, Director, Texas County and District Retirement System, 400 West 14th Street, Austin, Texas 78701.

The amendment and new section are proposed under the Texas Government Code, §845.102, which provides the board of trustees of the Texas County and District Retirement System with the authority to adopt rules necessary or desirable for effective administration of the system.

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

**Act-Texas Government Code, Title 8, Subtitle F [Texas Civil Statutes, Title 110B, Subtitle F], as amended.**

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

#### §109.12. Payments to Alternate Payees.

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

(b) In the event that the participant (or the participant's designated beneficiary or estate) begins receiving an annuity after the date that a qualified domestic relations order is received by the system, and the order provides for a division of the annuity in that event, the payment to the alternate payee will be a monthly allowance payable during the lifetime of the alternate payee, which payment is the actuarial equivalent of the portion of the participant's benefit that was awarded to the alternate payee under the domestic relations order. The mortality assumption for alternate payees for determining the payment to the alternate payee shall be the same as the mortality assumption for the beneficiaries as set forth in §103.1(a) of this title (relating to Actuarial Tables) with regard to service retirements and as set forth in §103.1(b) of this title (relating to Actuarial Tables) with regard to disability retirements.

(c) Subsection (b) of this section will apply to all domestic relations orders approved in accordance with this Chapter 109 of this title (relating to Domestic Relations Orders) after December 8, 1989, and to such domestic relations orders approved prior to that date as are construed to provide for such an annuity.

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

Issued in Austin, Texas, on October 31, 1989.

TRD-8910479 J. Robert Brown  
Director

Earliest possible date of adoption: December  
11, 1989

For further information, please call: (512)  
476-6651

## TITLE 40. SOCIAL SERVICES AND ASSISTANCE

### Part I. Texas Department of Human Services

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

#### Compliance with State and Local Laws

The Texas Department of Human Services (DHS) proposes amendments to §§16.1502, 16.1503, 16.1902, 16.1905, 16.1908, and 16.1909, and new §16.1601, concerning a rural hospital swing bed program, in its Intermediate Care Facilities/Skilled Nursing Facilities (ICF/SNF) chapter. The purpose of the amendments and new section is to establish a Medicaid swing bed program for rural hospitals located in counties with populations of 100,000 or less. The program will permit participating rural hospitals to use their beds interchangeably to furnish both acute hospital care and long-term nursing facility care to Medicaid recipients when no long-term nursing-facility beds are available in ICFs or SNFs in the area. The department's requirements for participation in this program conform to the requirements of the Social Security Act, §1913, the Omnibus Budget Reconciliation Act of 1987, §4005(b)(2), and the Human Resources Code, §32.024. The proposal includes revisions to an earlier draft of the new section published in the August 11, 1989, issue of the *Texas Register* (14 TexReg 3980), which the department withdrew from consideration effective August 30, 1989, in response to written comments from the Texas Health Care Association.

Burton F. Raiford, chief financial officer, has determined that for the first five-year period the proposed sections are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the sections.

Mr. Raiford also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be to provide nursing facility care to Medicaid recipients through hospitals in rural areas where recipients cannot easily obtain such care from nursing facilities. There 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 proposed sections.

Comments on the proposal may be submitted to Cathy Rossberg, Administrator, Policy Development Services-363, Texas Department of Human Services 222-E, P.O. Box 149030, Austin, Texas 78714-9030, within 30 days of

publication in the *Texas Register*.

#### • 40 TAC §16.1502, §16.1503

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

#### §16.1502. Licensure.

(a) The facility must meet the following conditions to [may] be approved by the Texas Department of Human Services (DHS) for participation in the Title XIX Texas Medical Assistance Program and receive [be eligible for] state and federal reimbursement for services to Title XIX recipients. [recipient-patients if the following conditions are met]

(1) the facility is currently licensed by the Texas Department of Health (TDH) as a nursing facility;

(2) the facility has filed an application with DHS [the Texas Department of Human Resources] for participation as a nursing facility in the Title XIX Texas Medical Assistance Program;

(3) TDH has furnished DHS with [The Texas Department of Human Services has been furnished] a valid certification for the facility. [by the Texas Department of Health.]

(4) the facility's owner or authorized representative has a written contract with DHS [the Texas Department of Human Services] to participate as a provider of services to eligible recipients. [recipient-patients.]

(b) A rural hospital participating in the Medicaid swing bed program as specified in §16.1601 of this title (relating to Medicaid Swing Bed Program for Rural Hospitals) satisfies the TDH licensure and certification requirements in subsection (a)(1) and (3) of this section when it is currently licensed and certified as a hospital by TDH.

#### §16.1503. Participation Requirements.

(a) (No change.)

(b) Each Medicaid skilled nursing facility (SNF) must maintain Medicare certification for a number of its beds that equals or exceeds 25% of the facility's Medicaid contracted SNF beds. A rural hospital participating in the Medicaid swing bed program as specified in §16.1601 of this title (relating to Medicaid Swing Bed Program for Rural Hospitals) satisfies this requirement when it is Medicare-certified by the Texas Department of Health (TDH) as a swing bed hospital in the Medicare swing bed program.

(c)-(o) (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 November 2,  
1989.

TRD-8910534

Cathy Rossberg  
Agency Liaison, Policy  
Development Services  
Texas Department of  
Human Services

Proposed date of adoption: January 15, 1990.

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

## Special Programs

#### • 40 TAC §16.1601

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

#### §16.1601. Medicaid Swing Bed Program for Rural Hospitals.

(a) Program description. The Texas Department of Human Services (DHS) operates a Medicaid swing bed program for rural hospitals located in counties with populations of 100,000 or less. The Medicaid swing bed program is modelled on Medicare's swing bed program. The program permits participating rural hospitals to use their beds interchangeably to furnish both acute hospital care and extended nursing-facility care to Medicaid recipients when no extended-care beds are available in intermediate care facilities (ICFs) or skilled nursing facilities (SNFs) in the area. When a participating rural hospital furnishes extended nursing care to Medicaid recipients, DHS makes payment to the hospital using the same procedures, the same case-mix methodology, and the same Texas Index for Level of Effort (TILE) rates that the Texas Board of Human Services authorizes for reimbursing ICFs and SNFs participating in the Texas Medicaid Nursing Home Program.

(b) Application to participate. Rural hospitals apply to DHS to participate in the Medicaid swing bed program. Each applicant must be located in a county with a population of 100,000 or less and must meet the qualifying requirements of the Medicare swing bed program. Hospitals approved for participation enter into swing bed provider agreements with DHS.

(c) Parallel participation in Medicare. Each participating rural hospital must:

(1) have a Medicare hospital provider agreement; and

(2) be Medicare-certified by the Texas Department of Health (TDH) as a swing bed hospital in the Medicare swing bed program (thereby also meeting TDH's minimum licensing standards for nursing facilities).

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

(e) Applicability of ICF/SNF standards for participation. Participating rural hospitals must meet the requirements set forth in this chapter for ICFs and SNFs.

(f) Transfer requirement.

(1) When an ICF or an SNF located in a participating rural hospital's geographic region has a bed available for a Medicaid extended-care recipient residing in the hospital, the hospital must transfer the recipient to the ICF or SNF within five working-days of the bed's availability, unless the recipient's physician certifies within the five-day period that the transfer is not medically appropriate. In order to ensure that extended-care recipients are transferred to available beds in ICFs or SNFs whenever medically appropriate, each participating hospital must identify all the ICFs and SNFs in its geographic region and enter into agreements with them for the transfer of extended-care recipients. Each ICF and SNF in the region must notify the hospital whenever a bed becomes available for an extended-care recipient. The notification must specify the date of the bed's availability.

(2) In this subsection, the phrase "a participating rural hospital's geographic region" refers to an area that includes both the ICFs and SNFs with which the hospital normally arranges transfers and all other ICFs and SNFs in similar proximity to the hospital. If a hospital has no previous transfer practices on which to base a determination, the phrase "geographic region" refers to an area that includes all ICFs and SNFs within 50 miles of the hospital except for facilities that the hospital demonstrates to be inaccessible to its patients.

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 November 3, 1989.

TRD-8910596

Cathy Rossberg  
Agency Liaison, Policy  
Development Services  
Texas Department of  
Human Services

Proposed date of adoption: January 15, 1990.

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

## Governing Body and Management

• 40 TAC §§16.1902, 16.1905, 16.1908, and 16.1909

The amendments are proposed under the

Human Resources Code, Title 2, Chapters 22 and 32, which provides the department with the authority to administer public and medical assistance programs.

### §16.1902. Governing Body.

(a) The governing body must have written policies and procedures that are formally adopted[,] and dated, periodically updated, [periodically,] and available to all of its members, staff, recipients, [recipient-patients,] family or legal representatives of recipients, [the recipient-patients,] and the public. These [The] policies and procedures must govern all services [provided] and specify [include] the types of services offered.

(b) The governing body must appoint a qualified nursing facility administrator as its [the] official representative, [of the governing body,] and designate the administrator's responsibilities and authority. The governing body of a rural hospital participating in the Medicaid swing bed program as specified in §16.1601 of this title (relating to Medicaid Swing Bed Program for Rural Hospitals) satisfies this requirement when it appoints a qualified hospital administrator as its official representative and designates the administrator's responsibilities and authority.

### §16.1905. Administration.

(a) The facility must operate [be operated] under the supervision of a nursing facility administrator licensed by the Texas Board of Licensure for Nursing Home Administrators. A rural hospital participating in the Medicaid swing bed program as specified in §16.1601 of this title (relating to Medicaid Swing Bed Program for Rural Hospitals) satisfies this requirement when it operates under the supervision of a licensed hospital administrator. The administrator, as a professional, must work at least 40 hours per week on administrative duties. The administrator must be accountable to the governing body for overall management of the facility. The administrator's authority and responsibilities must be clearly outlined to include:

(1) maintaining [Maintaining] liaison with the governing body, medical and nursing staff, and other professional and supervisory staff, through regular meetings and periodic reporting;

(2) adopting [Adopting] and enforcing rules and regulations for the health care and safety of recipients [recipient-patients] and others, and for the protection of their personal property and civil rights;

(3) establishing [Establishing] standard operating procedures for physician practices in an ICF, in coordination with the director of nursing;

(4) evaluating, [Evaluating,] implementing, and documenting disposition

of recommendations from the facility's committees and consultants;

(5) managing [Managing] the facility through employment of professional and ancillary personnel and through proper delegation of duties;

(6) naming [Naming] a responsible employee to act in the administrator's absence so the facility has continuous administrative direction; and

(7) ensuring [Ensuring] that all [any] volunteer programs [program] are [is] planned and supervised by a designated employee.

(b) (No change.)

### §16.1908. Staff Development.

(a) (No change.)

(b) The facility must provide continuing education and training to develop the skills of its staff. A staff development program must be developed and maintained as required by the Texas Department of Health (TDH) Minimum Licensing Standards for Nursing Homes.

(c) (No change.)

(d) A rural hospital participating in the Medicaid swing bed program as specified in §16.1601 of this title (relating to Medicaid Swing Bed Program for Rural Hospitals) satisfies the requirements of this section when it receives TDH certification as a swing bed hospital in the Medicare swing bed program (thereby meeting TDH's minimum licensing standards for nursing homes).

### §16.1909. Transfer Agreement with Hospitals.

(a) To ensure continuity of care, the facility must have a written transfer agreement with one or more participating hospitals. The transfer agreement must: [which:]

(1) provide [Provides] for prompt diagnostic and other medical services; [.]

(2) ensure [Ensures] accountability for the recipient's [a recipient-patient's] personal effects at the time of transfer; [.]

(3) specify [Specifies] the steps needed to transfer the recipient [a recipient-patient] in a prompt, safe, and efficient manner; [.]

(4) ensure [Ensures] that provisions of Title VI of the Civil Rights Act of 1964 are met; and [.]

(5) provide [(4) Provides] for supplying, at the time of transfer, a summary of administrative, social, medical, and nursing information to the facility to which the recipient [recipient-patient] is transferred. This summary must either be a tran-



script of the recipient's [recipient-patient's] medical record, an interagency referral form, or a copy of the admission sheet and summary.

[(5) Ensures that provisions of Title VI of the Civil Rights Act of 1964 are met.]

(b) (No change.)

(c) A rural hospital participating in the Medicaid swing bed program as specified in §16.1601 of this title (relating to Medicaid Swing Bed Program for Ru-

ral Hospitals) is not required to enter into a transfer agreement with another hospital. However, the hospital's transfer agreements with intermediate care facilities (ICFs) and skilled nursing facilities (SNFs) in its geographic region required in §16.1601(f) of this title (relating to Medicaid Swing Bed Program for Rural Hospitals) must conform to the requirements of this section.

(d) [(c)] The facility is considered to have met this section if the state survey agency determines that the facility tried to

enter into an agreement but could not, and if it is in the public interest not to enforce this requirement. The facility must document in writing its good faith effort to enter into an agreement.

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 November 3, 1989.

TRD-8910597

Cathy Rossberg  
Agency Liaison, Policy  
Development Services  
Texas Department of  
Human Services

Proposed date of adoption: January 15, 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 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 28. INSURANCE

### Part I. State Board of Insurance

#### Chapter 27. State Fire Marshall

#### Subchapter D. Storage and Sale of Fireworks

• 28 TAC §27.413

The State Board of Insurance has withdrawn from consideration for permanent adoption a proposed amendment which appeared in the May 5, 1989, issue of the *Texas Register* (14 TexReg 2139). The effective date of this withdrawal is November 6, 1989.

Issued in Austin, Texas, on November 6, 1989

TRD-8910815

Nicholas Murphy  
Chief Clerk  
State Board of Insurance

Effective date: November 6, 1989

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



## TITLE 40. SOCIAL SERVICES AND ASSISTANCE

### Part I. Texas Department of Human Services

#### Chapter 49. Child Protective Services

#### Subchapter E. Intake and Investigation Services

• 40 TAC §49.514

The Department of Human Services has withdrawn from consideration for permanent adoption a proposed amendment which appeared in the May 5, 1989 issue of the *Texas Register* (14 TexReg 2142). The effective date of this withdrawal is November 3, 1989.

Issued in Austin, Texas, on November 3, 1989

TRD-8910598

Cathy Rossberg  
Agency Liaison, Policy  
Development Services  
Texas Department of  
Human Services

Effective date: November 3, 1989

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



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# Adopted Sections

An agency may take final action on a section 30 days after a proposal has been published in the *Texas Register*. The section becomes effective 20 days after the agency files the correct document with the *Texas Register*, unless a later date is specified or unless a federal statute or regulation requires implementation of the action on shorter notice.

If an agency adopts the section without any changes to the proposed text, only the preamble of the notice and statement of legal authority will be published. If an agency adopts the section with changes to the proposed text, the proposal will be republished with the changes.

## TITLE 1. ADMINISTRATION Part I. Office of the Governor

### Chapter 3. Criminal Justice Division

#### Subchapter A. Criminal Justice Administration of the Crime Victim Assistance

##### • 1 TAC §§3.602, 3.603, 3.604, 3.606, 3.607, 3.609, 3.637

The Office of the Governor, Criminal Justice Division (CJD) adopts amendments to §§3.602, 3.603, 3.604, 3.606, 3.607, 3.609, and 3.637, without changes to the proposed text as published in the September 5, 1989, issue of the *Texas Register* (14 TexReg 4503).

Section 3.602 adopts amendments to the public law governing the Victims of Crime Act of 1984 (VOCA).

Section 3.603(1) adopts by reference the federal amendments to the public law governing the Victims of Crime Act of 1984.

Section 3.603(4) adopts by reference the Crime Victims Assistance Program: Grant Administration Guidelines.

Section 3.603(5) adopts by reference the *Federal Register* citation pertaining to the United States Department of Justice, *Final Program Guidelines for the Victims of Crime Act Victims Assistance Grant Program*.

Section 3.603(6)-(9) no change to the documents adopted by reference, the only change is in the renumbering of the subsections.

Section 3.604(b) clarifies that the federal Victims of Crime Act of 1984, Public Law 98-473 has been amended.

Section 3.606(a)(1) outlines the minimum requirements stipulated by applicable federal guidelines as conditions of eligibility for grant funding and the specific criteria used by the CJD to determine if an applicant provides effective services to victims of crime.

Section 3.606(b) expanded the classification of projects to include a sixth category.

Section 3.606(b)(1)-(3) provides clarification, taken from applicable federal guidelines, as to the principal mission of each of these categories.

Section 3.606(4) clarifies that the principal mission of this category is to provide crime victim assistance to the previously underserved populations of violent crimes.

Section 3.606(4)(A)-(D) defines the populations that are considered as being underserved.

Section 3.606(5)(A)-(B) clarifies that the principal mission of this category is other victim assistance and defines the types of projects that are eligible.

Section 3.606(6) expanded the classification of projects to include a sixth category. The sixth category defines comprehensive victim assistance projects which provide assistance to victims of all types of crime.

Section 3.606(c)(3) adds permission for organizations presently receiving Criminal Justice Division grants from other funds, to apply for funds under the Victims of Crime Act if the proposed application does not duplicate or supplant the other grant. Provides that the prioritization given the application for a Victims of Crime Act grant will be lowered because of the existence of another grant from another Criminal Justice Division funding source.

Section 3.607(4) expands the categories to which the Criminal Justice Division will allocate at least 10% of all available Victims of Crime Act funds to include the previously underserved victim populations.

Section 3.609(d)(1) provides an explanation as to what the Criminal Justice Division will be considering in evaluating a program's effectiveness in providing assistance to victims as soon as possible after the occurrence of a crime.

Section 3.609(e) informs the applicant/grantee that the United States Department of Justice guidelines provide that there is no requirement that VOCA-funded programs must serve all types of victims as a criterion of eligibility to receive a grant. However, the Criminal Justice Division will give additional consideration toward funding projects that serve victims of all types of crime.

Section 3.637(a) relieves the subgrantees and subrecipients, contractors, and organizations with cooperative agreements or purchase of service contracts with a grantee of the requirement to obtain an independent audit in accordance with OMB Circular A-128.

The adoption of these amendments will ensure that the applicants for Victims of Crime Act of 1984 funds have complete and accurate information necessary for the development of their applications and the administration of the project.

No comments were received regarding adoption of the amendments.

The amendments are adopted under Texas Civil Statutes, Article 4413(32a), §6(a)(11), which provides the Criminal Justice Division with the authority to adopt such rules, regula-

tions, and procedures as may be necessary to carry out the provisions of the 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 November 3, 1989.

TRD-8910542

Rider Scott  
Executive Director, Criminal  
Justice Division  
Office of the Governor

Effective date: November 23, 1989

Proposal publication date: September 5, 1989

For further information, please call: (512) 463-1919

## TITLE 22. EXAMINING BOARDS

### Part VI. Texas State Board of Registration for Professional Engineers

#### Chapter 131. Practice and Procedure

##### References

##### • 22 TAC §131.71

The Texas State Board of Registration for Professional Engineers adopts an amendment to §131.71, without changes to the proposed text as published in the August 8, 1989, issue of the *Texas Register* (14 TexReg 3866).

The amendment was necessary to make the section consistent with the wording in the Texas Engineering Practice Act, §22 and §26, as amended by Senate Bill 737, 71st Legislature, 1989.

The amendment provides that acts of retaliation by an applicant against a reference are cause for denial of the application or other disciplinary action and that statements furnished to the board by references in support of an application are privileged and not subject to public disclosure.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 3271a, §8, which provide the board with the authority to make and enforce all rules and regulations necessary for the performance of its duties.

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 November 2, 1989.

TRD-8910546 Charles E. Nemir, P.E.  
Executive Director  
Texas State Board of  
Registration for  
Professional Engineers

Effective date: November 23, 1989

Proposal publication date: August 8, 1989

For further information, please call: (512) 440-7723

## Engineering Experience

### • 22 TAC §131.81

The Texas State Board of Registration for Professional Engineers adopts an amendment to §131.81, without changes to the proposed text as published in the August 8, 1989, issue of the *Texas Register* (14 TexReg 3867).

The amendment was necessary to clarify for nonresidents that reciprocity is not an approved method of obtaining a professional registration in Texas based on registration in another state.

The amendment provides clarification of the nonresident requirements for registration in Texas.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 3271a, §8, which provide the board with the authority to make and enforce all rules and regulations necessary for the performance of its duties.

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 November 2, 1989.

TRD-8910550 Charles E. Nemir, P.E.  
Executive Director  
Texas State Board of  
Registration for  
Professional Engineers

Effective date: November 23, 1989

Proposal publication date: August 8, 1989

For further information, please call: (512) 440-7723

## Education

### • 22 TAC §131.92

The Texas State Board of Registration for Professional Engineers adopts an amendment to §131.92, without changes to the proposed text as published in the August 8, 1989, issue of the *Texas Register* (14 TexReg 3867).

The amendment was necessary to make the section consistent with the wording in the

Texas Engineering Practice Act, §21, as amended by Senate Bill 605, 70th Legislature, 1987.

The amendment provides clear and concise wording between the section and the Act, §21, concerning registration by nonresidents.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 3271a, §8, which provide the board with the authority to make and enforce all rules and regulations necessary for the performance of its duties.

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 November 2, 1989.

TRD-8910549 Charles E. Nemir, P.E.  
Executive Director  
Texas State Board of  
Registration for  
Professional Engineers

Effective date: November 23, 1989

Proposal publication date: August 8, 1989

For further information, please call: (512) 440-7723

## Board Review of Application

### • 22 TAC §131.114, §131.120

The Texas State Board of Registration for Professional Engineers adopts amendments to §131.114 and §131.120, without changes to the proposed text as published in the August 15, 1989, issue of the *Texas Register* (14 TexReg 4037).

The amendment to §131.114 was necessary to make the section consistent with a newly enacted provision of the Texas Engineering Practice Act, and will summarize into one section the primary reasons why an applicant may be rejected for professional registration other than merely failing to meet the education and practical experience requirements of the Act or eligibility as an out-of-state registrant. Section 131.120 was amended to clarify the handling of applications of registrants in disciplinary proceedings when criminal convictions are involved.

The amendments will provide clear and concise reasons for rejecting an application even though the requirements of the Act, §12(a) or (b), or §21 have been met, and clarification of how an applicant applies for administrative and civil appeals when the application is rejected due to a criminal conviction.

No comments were received regarding adoption of the amendments.

The amendments are adopted under Texas Civil Statutes, Article 3271a, §8, which provide the board with the authority to make and enforce all rules and regulations necessary for the performance of its duties.

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 November 2, 1989.

TRD-8910548 Charles E. Nemir, P.E.  
Executive Director  
Texas State Board of  
Registration for  
Professional Engineers

Effective date: November 23, 1989

Proposal publication date: August 15, 1989

For further information, please call: (512) 440-7723

## Registration

### • 22 TAC §131.138

The Texas State Board of Registration for Professional Engineers adopts an amendment to §131.138, with changes to the proposed text as published in the May 12, 1989, issue of the *Texas Register* (14 TexReg 2322).

The amendment was necessary to clarify the board's policy concerning the use of the engineer's seal in accordance with the Texas Engineering Practice Act as amended by Senate Bill 605, 70th Texas Legislature, 1987.

The amendment requires that an engineer affix his seal only on work done by him or under his responsible supervision except for standards; on separate or bound documents when issued by him; and, if used, on individual standards and general guideline specifications or on some other integral design document which authorizes and directs their inclusion, and to become responsible for their use in the end product. The amendment also requires professional engineers who are employees of public entities to affix their seal on their original engineering work, but not on reports, planning documents, proposals for decision, or similar position statements resulting from a review and evaluation of work submitted by others for compliance with laws and regulations.

Comments were received regarding adoption of the amendment. Regarding paragraph (9), the Railroad Commission of Texas expressed concern for its engineers employed to evaluate evidence submitted for adjudicative purposes resulting in proposals for decisions in contested cases. The Texas Department of Highways and Public Transportation was concerned about engineers employed in consultation and review capacity to form opinions in carrying out policy and authority of the agency, and not performing in a production capacity to require a seal; and because the department publishes hundreds of engineering standards used within and without the department, the sealing of each standard is impractical. The department believed that it was reasonable to require the seal on a title or other design sheet which enumerates, authorizes and directs the use of various standards. The Texas Water Commission expressed similar concerns as the Railroad Commission regarding staff memos, draft permits, and enforcement orders not amounting to original engineering work products. The Texas Water Development Board stated that it has oversight responsibilities and its engineers, doing review and evaluation of work done by others, should not as-

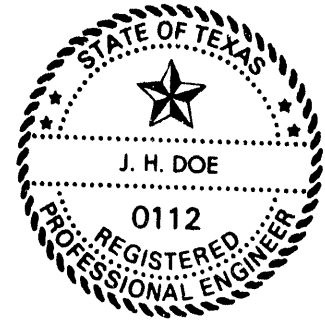
sume or relieve any responsibilities of originating engineers, nor be distracted from their judgment in serving the public interest by fear of assuming even partial responsibility by sealing review documents as though they were engineering work products, and not involved in independent design leading to construction. The board also felt that seals should not be affixed to planning that concludes in capacities and estimated costs when the detailed development of engineering, plans and specifications, and final estimated costs are developed by consulting engineers. An attorney purportedly representing many large engineering, construction management, and construction services firms took exception to the need to seal separate drawings as opposed to a transmittal document. He claimed the process to be extremely burdensome, costly, and not necessary to insure compliance with the Texas Engineering Practice Act. He further

claimed that "sophisticated" clients have their own experienced engineering staffs who are capable of recognizing competent engineering work products, and opened that it was redundant to seal standards prepared by others.

The board agreed with the comments received from the various state agencies. The board disagreed with the comments received from the attorney in that it did not deem the process to be inordinately burdensome or costly, nor did the board consider it redundant to seal standards prepared by others.

The amendment is adopted under Texas Civil Statutes, Article 3271a, §8, which provides the board with the authority to make and enforce all rules and regulations necessary for the performance of its duties.

**§131.138. Engineers' Seals.** Seals of two different sizes will be acceptable, a pocket seal, the size commercially designated as 1 5/8-inch seal, or desk seal, commercially designated as a two-inch seal, to be of the design shown as follows:



(1) (No change.)

(2) The engineer shall seal only work done by him or under his responsible supervision, except as relates to standards in paragraph (9) of this section.

(3)-(8) (No change.)

(9) The engineer shall affix his seal or professional identification as stipulated in paragraph (8) of this section on each sheet of engineering plans, drawings, and other separate engineering documents, and on the title or contents page of engineering specifications, reports, studies, and similar engineering work products considered to be bound volumes. Registered employees of the state, its political subdivisions, or other public entities are responsible for sealing their original engineering work; however, such registered employees engaged in review and evaluation for compliance with applicable law or regulation of engineering work submitted by others, or in the preparation of general planning documents, a proposal for decision in a contested case or any similar position statement resulting from a compliance review, need not seal the review reports, planning documents, proposals for decision, or position statement. Not included in the sealing requirements of this paragraph are standards and general guideline specifications which should be labeled as such by and bear the

identity of the publishing entity, except that when an engineer elects to use such standards and incorporate them into his work he must seal each of those which he uses, or seal an integral design/title/contents sheet which authorizes and directs the inclusion of each enumerated standard, and become responsible for their use in the end product.

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 November 3, 1989.

TRD-8910595

Charles E. Nemir, P.E.  
Executive Director  
Texas State Board of  
Registration for  
Professional Engineers

Effective date: November 24, 1989

Proposal publication date: May 12, 1989

For further information, please call: (512) 440-7723

### Compliance and Enforcement

#### • 22 TAC §131.166

The Texas State Board of Registration for Professional Engineers adopts an amendment to §131.166, without changes to the proposed text as published in the August 15, 1989, issue of the *Texas Register* (14 TexReg 4039).

The amendment was necessary to clarify the board's policy that the engineer's seal must be affixed to engineering documents issued out of a branch office not normally staffed with an engineer in residence.

The amendment provides clarification that when a client deals with a branch office of a firm or engineer who is providing engineering services to him the involved documents must bear the seal of the licensed engineer in responsible charge of the work.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 3271a, §8, which provide the board with the authority to make and enforce all rules and regulations necessary for the performance of its duties.

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 November 2, 1989.

TRD-8910547

Charles E. Nemir, P.E.  
Executive Director  
Texas State Board of  
Registration for  
Professional Engineers

Effective date: November 23, 1989

Proposal publication date: August 15, 1989

For further information, please call: (512) 440-7723

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**TITLE 34. PUBLIC  
FINANCE**

**Part IV. Employees  
Retirement System**

**Chapter 71. Creditable Service**

• 34 TAC §§71.3, 71.7, 71.17

The Employees Retirement System of Texas adopts amendments to §§71.3, 71.7, and new §71.17. Section 71.17 is adopted with changes to the proposed text as published in the September 15, 1989, issue of the *Texas Register* (14 TexReg 68). Section 71.3 and §71.7, are adopted without changes and will not be republished.

Section 71.3 is amended to allow for establishment of dual credit in two classes of membership if such service is the result of a calendar year purchase as provided by Senate Bill 187, 71st Legislature. Section 71.7 is amended to remove the restriction of dual credit resulting from calendar year purchase, but continues to prohibit multiple service under the same class of membership. Section 71.17 is a new section to provide for credit for accumulated sick leave as required by House Bill 827, 71st Legislature.

The new and amended sections will be publicized to membership in order that they may take advantage of the sections to improve their retirement annuity.

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

The amendments and new section are adopted under the Government Code, §815.102, which provide the Board of Trustees of the Employees Retirement System of Texas with the authority to promulgate rules, regulations, plans, procedures, and orders reasonably necessary to carry out the purposes of this act.

**§71.17. Credit for Unused Accumulated Sick Leave.**

(a) Unused accumulated sick leave is creditable only in the employee class of membership and only so long as the last day of employment occurs during the month in which the retirement becomes effective. Credit for unused accumulated sick leave cannot be used to establish length of service requirements for purposes of retirement or death benefit plan eligibility.

(b) Before the amount of service credit can be determined, an authorized state agency official must certify on a form prescribed by the system the amount of unused accumulated sick leave to the credit of the member on the last day of employment.

(c) Eligible sick leave credit will become effective as service credit only after retirement. Subject to that limitation and upon receipt of a certification pursuant to subsection (b) of this section, the system shall grant any service credit to which a retiree is thereby entitled. An increase in the

computation of an annuity because of sick leave credit shall be effective from the time of certification.

(d) The amount determined necessary to fund the benefit shall be calculated and certified by the system to the State Comptroller or to the state agency head when such state agency's operating budget is from local funds. If funding for the benefit is inadequate or cannot be made to the system, the additional benefit will not be paid.

(e) The reserve factor tables used to calculate the amount required to be paid by a state agency to fund sick leave credit are described in §73.21(e) of this title (relating to Reduction Factor for Age and Retirement Option).

(f) The percentage value of all service creditable in the employee class of membership shall not exceed 80%.

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 November 2, 1989.

TRD-8910555

Clayton T. Garrison  
Executive Director  
Employees Retirement  
System of Texas

Effective date: November 23, 1989

Proposal publication date: September 15, 1989

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

◆ ◆ ◆  
**Chapter 73. Benefits**

• 34 TAC §§73.11, 73.21, 73.29

The Employees Retirement System of Texas adopts amendments to §§73.11, 73.21, and new §73.29, without changes to the proposed text as published in the September 15, 1989, issue of the *Texas Register* (14 TexReg 68).

The amendment to §73.11 adopts new age reduction factors for retirement from the supplemental retirement program prior to age 50 as required by House Bill 1494, 71st Legislature. Section 73.21 is amended to adopt by reference new reserve factor tables for use in computing sick leave credit as required by House Bill 827, 71st Legislature. Section 73.29 is a new section, adopted pursuant to Senate Bill 187, 71st Legislature, requiring spousal consent for selection of a retirement annuity other than a joint and a survivor annuity that pays benefits to the member's spouse on the death of the member.

New age reduction factors for retirement under the supplemental retirement program will be put in place and new reserve factor tables for use in computing sick leave credit will be implemented. The spousal consent rules will be enforced through revision of forms executed by members at retirement.

Comments were received concerning §73.29. The concern expressed was that divorced

members who remarried would be unduly restricted in naming a beneficiary by having to get the consent of the new spouse.

Commenting against the section were three individuals, therefore the names will not be published.

The agency felt that the sections as adopted meet the legislative intent of the statute and will accomplish this purpose in the great majority of cases, although there may be some specific situations which cause difficulties for members.

The amendments and new section are adopted under Title 110B, Texas Civil Statutes, §77.001 and the Government Code, §815.102, which provide the Board of Trustees of the Employees Retirement System of Texas with the authority to promulgate rules, regulations, plans, procedures, and orders reasonably necessary to carry out the purposes 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 November 2, 1989.

TRD-8910554

Clayton T. Garrison  
Executive Director  
Employees Retirement  
System of Texas

Effective date: November 23, 1989

Proposal publication date: September 15, 1989

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

◆ ◆ ◆  
**Chapter 74. Qualified  
Domestic Relations Orders**

• 34 TAC §§74.1-74.11

The Employees Retirement System of Texas adopts new §§74.1-74.11, without changes to the proposed text as published in the September 15, 1989, issue of the *Texas Register* (14 TexReg 68).

The new sections will enable the agency to implement the requirements of Senate Bill 187, 71st Legislature, in order that domestic relations orders can be reviewed by the agency and given the effect directed by the court.

The Employees Retirement System will review all domestic relations orders to insure that they meet requirements of Senate Bill 187 and these sections. Those that are not qualified domestic relations orders will be sent back to the court for modification.

No comments were received regarding adoption of the new sections.

The new sections are adopted under Title 110B, Texas Civil Statutes, §76.003(n) and §76.004(a); the Government Code, §815.102, which provides the Board of Trustees of the Employees Retirement System of Texas with the authority to promulgate rules it deems necessary to implement Texas Civil Statutes, §76.003, and to authorize optional payments to alternate payees under a qualified domestic relations order.



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 November 2, 1989.

TRD-8910553

Clayton T. Garrison  
Executive Director  
Employees Retirement  
System of Texas

Effective date: November 23, 1989

Proposal publication date: September 15, 1989

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

## Chapter 77. Judicial Retirement

### • 34 TAC §77.7

The Employees Retirement System of Texas adopts new §77.7, without changes to the proposed text as published in the September 15, 1989, issue of the *Texas Register* (14 TexReg 68).

This is a new section to implement Senate Bill 187, 71st Legislature, to require spousal consent for selection of a retirement annuity other than a joint and survivor annuity that pays benefits to the member's spouse on the death of the member.

The spousal consent rules will be enforced through revision of the forms which members must execute prior to retirement.

The concern expressed was that divorced members who remarried would be unduly restricted in naming a beneficiary having to get the consent of the new spouse.

Comments against the new sections were received from three individuals, therefore the names will not be published.

The agency felt that the sections as adopted meet the legislative intent of the statute and will accomplish this purpose in the great majority of cases, although there may be some specific situations which cause difficulties for members.

The new sections are adopted under Title 110B, Texas Civil Statutes, §77.001, which provide the Board of Trustees of the Employees Retirement System of Texas with the authority to adopt rules to require spousal consent for the selection of a service retirement annuity which pays benefits to the member's spouse on the death of the member or for the selection of a death benefit plan that pays benefits in the form of an annuity to a person other than the member's spouse on the death of the member.

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 November 2, 1989.

TRD-8910552

Clayton T. Garrison  
Executive Director  
Employees Retirement  
System of Texas

Effective date: November 23, 1989

Proposal publication date: September 15, 1989

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

## Chapter 81. Insurance

### • 34 TAC §81.7

The Employees Retirement System of Texas adopts an amendment to §81.7 without changes to the proposed text as published in the September 15, 1989, issue of the *Texas Register* (14 TexReg 68).

House Bill 2609 mandates that rules be adopted so that employees of institutions of higher education who transfer to state employment will be able to enroll in the Uniform Group Insurance Program and not be subject to pre-existing conditions.

Information will be disseminated to employees informing them of rights they have to transfer between insurance plans pursuant to the new rules.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Texas Insurance Code, Article 3.50-2, §4, which provides the Board of Trustees of the Employees Retirement System of Texas with the authority to promulgate rules, regulations, plans, procedures, and orders reasonably necessary to carry out the purposes 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 November 2, 1989.

TRD-8910551

Clayton T. Garrison  
Executive Director  
Employees Retirement  
System of Texas

Effective date: November 23, 1989

Proposal publication date: September 15, 1989

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

## TITLE 37. PUBLIC SAFETY AND CORRECTIONS

### Part I. Texas Department of Public Safety

#### Chapter 1. Organization and Administration

##### Objective, Mission, and Program

###### • 37 TAC §1.3

The Texas Department of Public Safety adopts an amendment to §1.3, without changes to the proposed text as published in

the September 29, 1989, issue of the *Texas Register* (14 TexReg 5164).

The amendment is necessary to make the public aware of the classification of the functional department operational programs.

The amendment to subsection (a)(3) revises the title of disaster and emergency control to emergency management which is also revised in subsection (b) (3)(H). Amendment to subsection (b)(2)(D) adds language to include parameter vehicle emission and vehicle idle emissions inspection and maintenance to Vehicle Inspection Service. Section (b)(2)(E)-(G) are added to include motorcycle operator training and all-terrain vehicle certification, controlled substance registration, and alcohol testing program. Amendments to subsection (b) (3)(B) remove language to properly identify the staff services support function. Subsection (b)(3)(L)-(M) are added to include missing children/persons clearinghouse and automated data processing as supplemental functions.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Texas Government Code, §411.004(3) and §411.006(4), which provides the Public Safety Commission with the authority to adopt rules necessary for carrying out the department's work. The director, subject to the approval of the commission, shall have 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 31, 1989.

TRD-8910498

Joe E. Miner  
Director  
Texas Department of  
Public Safety

Effective date: November 22, 1989

Proposal publication date: September 29, 1989

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

## TITLE 40. SOCIAL SERVICES AND ASSISTANCE

### Part I. Texas Department of Human Services

#### Chapter 49. Child Protective Services

##### Subchapter E. Intake and Investigation Services

The Texas Department of Human Services (DHS) adopts an amendment to §49.515 and new §§49.601-49.604, with changes to the proposed text published in the May 5, 1989, issue of the *Texas Register* (14 TexReg 2142). In this issue of the *Texas Register*, DHS is withdrawing its proposed amendment to §49.514. Also in this issue of the *Texas Register*, DHS is adopting new sections in 40

TAC Chapter 79, Legal Services, and Chapter 85, General Licensing Procedures, to add expunction hearings to those chapters.

The justification for the amendment and new sections is to provide certain individuals found to have abused or neglected a child an opportunity to expunge the abuse or neglect finding from official records. The new sections explain the term "expunction hearing," and present information concerning emergency release and use of information, persons eligible, and notification of requests for and conduct of expunction hearings.

The amendment and new sections will function by providing a hearing procedure designed to ensure due process to individuals accused of child abuse.

DHS received comments on the proposal from the National Association of Social Workers/Texas and several members of the Child Protective Services Legal Task Force. Following is a summary of the comments and DHS's responses.

One commenter disagreed with DHS's statement that there would be no fiscal implications for DHS in carrying out the sections. The commenter believed "costs must be reflected in some manner" that result from DHS employees spending time on expunction hearings rather than providing direct services. The DHS's cost analysis is based on the anticipation that few of these situations will arise. While DHS does not disagree with the comment, DHS's fiscal analysis of the sections indicates no significant fiscal effect.

One commenter stated that expunction hearings should not be available to alleged perpetrators in cases with an "adjudicated disposition." The commenter based this comment on the understanding that the "adjudicated" disposition means "there has been civil or criminal court action finding that abuse and neglect occurred." Although an expunction hearing cannot change a determination made by a court, there may be a question as to whether there has been an error regarding whether a court ever really made such a determination. An expunction hearing could appropriately be made available to remedy such an error, especially if such erroneous information were going to be released to others. Consequently, this provision has not been changed.

Several commenters suggested alternative procedures to the proposal as a basis for release of the information. In essence, these comments questioned the necessity of having an administrative hearing process at all in these instances. In proposing these procedures, the department has made every effort to ensure that child abuse information is accurately and properly used to protect children while respecting the rights of alleged abusers. One commenter suggested using a procedure similar to the forfeiture law process in which the state shows probable cause to seize property and then the burden of proof shifts to the person whose property was seized to prove by a preponderance of the evidence why forfeiture should not occur. A related suggestion was that the burden be on alleged perpetrators to prove they are not going to hurt other children. As a result of these comments, DHS has revised the sections to indicate the required standard of proof is some credible evidence.

The following sections are adopted with changes as a result of comments received from the Child Protective Services Legal Task Force: §§49.601; 49. 602(a)-(b)(3)-(4); 49.603; and 49.604(1) and (5)-(6). The amendment to §49.514 is withdrawn because the material is covered in new §49.602 and §49.604. Section 49.515(f)(1) contains an editorial clarification. Factors DHS considers in assessing risk to children (§49.602(b)(A)-(E)) are deleted from the rules because this material is considered internal management procedure. Section 49. 604(8)(B) contains the new mailing address for appeal requests.

#### • 40 TAC §49.515

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.

#### §49.515. Administrative Review of Investigation Findings.

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

(f) If the person conducting the review alters or reverses the findings or specifies other action for the worker to take, the worker:

(1) changes the designation of the alleged perpetrator and/or case disposition on CANRIS to match any changes made by the reviewer,

(2) notifies each person who was told of the original findings about the findings established by the administrative review, and

(3) takes any other action specified by the reviewer.

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 November 2, 1989.

TRD-9910632

Cathy Roseberg  
Agency Liaison, Policy  
Development Services  
Division  
Texas Department of  
Human Services

Effective date: January 1, 1990.

Proposal publication date: May 5, 1989.

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

### ◆ ◆ ◆ Subchapter F. Expunction Hearings

#### • 40 TAC §§49.601-49.604

The new sections are 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.

§49.601. Definitions. The following words and terms, when used in this subchapter,

shall have the following meanings, unless the context clearly indicates otherwise.

Expunction hearing—An administrative hearing provided under the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a.

Release—The release of data outside DHS without the alleged perpetrator's consent except for release of data to the alleged perpetrator himself, to a court of law, by operation of law, or to the parents or individuals legally responsible for a victim.

Substantial risk—A real or significant possibility or likelihood that an event will occur.

#### §49.602. Release of Child Protective Services (CPS) Abuse or Neglect Data and Right to Appeal.

(a) DHS may release abuse or neglect data about persons whom CPS staff have designated to be alleged perpetrators of abuse or neglect to persons who control the alleged perpetrator's access to children. The decision to release abuse or neglect findings may be necessary when CPS has information from a current or prior investigation that the alleged perpetrator poses a substantial risk of harm to other children through abuse or neglect.

(b) The following conditions must exist before DHS releases CPS abuse or neglect data:

(1) the CPS case disposition is "reason to believe" or "adjudicated," and abuse or neglect findings have been shown to be justified by at least some credible evidence;

(2) CPS has some credible evidence from a current or prior investigation that the alleged perpetrator poses a substantial risk of abusive or neglectful harm to children;

(3) the alleged perpetrator has been provided with notice and an opportunity to appeal the data before the data is released, unless DHS has some credible evidence that the alleged perpetrator poses an immediate danger to the health or safety of the children, in which case the information can be released on an emergency basis at the earliest time all other conditions for release are met;

(4) the assistant commissioner of protective services for families and children approves the release of the data and the timing of the release after coordination with the regional director for families and children and the regional attorney, and with the concurrence of the general counsel;

§49.603. Appeal Process. The appeal process is as follows:

(1) an administrative review of the investigation findings (ARIF). The ARIF is a necessary precondition to requesting the administrative expunction

hearing, unless the ARIF is waived by mutual agreement of both parties.

(A) An ARIF is a necessary precondition even though an ARIF was not provided at the end of a current or prior investigation for any reason. However, an ARIF held at the end of a prior or current investigation meets this requirement.

(B) An ARIF provided as a precondition to a hearing is the same as that provided under §49.515 of this title (relating to Administrative Review of Investigation Findings) except that the reviewer also determines whether the criteria in §49.602(b)(1)-(2) of this title (relating to Release of CPS Abuse or Neglect Data and Right to Appeal) appear to be met in the case.

(C) The alleged perpetrator's exercise of this right to complain about the findings after the ARIF to the Attorney General's Office of Youth Care Investigation has no effect on the appeal process.

(2) the expunction hearing.

**§49.604. Notice Requirements for the Appeal.** DHS gives written notice to the alleged perpetrator when the assistant commissioner of protective services for families and children makes the decision to release the data, whether or not the findings were previously provided in writing. The attorney representing DHS in the appeal approves the notice before it is provided. Staff sends the notice via certified mail, return receipt requested, unless DHS determines that a more immediate form of written notice is required. The notice must include the following:

- (1) the abuse or neglect findings;
- (2) the alleged perpetrator's right to request a copy of the investigation documentation, from which the complainant's name is to be removed, and to review relevant videotapes;
- (3) the cost to the alleged perpetrator for a copy of the information;
- (4) notice that the request may be denied if release would jeopardize an ongoing criminal investigation or if the attorney representing DHS in a lawsuit has determined that the information should be withheld;
- (5) DHS's decision to release the abuse or neglect data and whether the data will be released on an emergency basis before the appeal;

(6) the alleged perpetrator's right to appeal the data, and notice that failure to request the appeal may result in the release of the data without the alleged

perpetrator's consent;

(7) notice of whether it is necessary in the individual case to hold an ARIF as a precondition to a hearing, and whether DHS is willing to waive the ARIF;

(8) notice that it is the alleged perpetrator's responsibility to request the appeal in writing, and that the request must be:

(A) postmarked within 15 days after the alleged perpetrator receives the notice; and

(B) sent to the Associate Commissioner for Legal Services (170-W), Texas Department of Human Services, P.O. Box 149030, Austin, Texas 78714-9030.

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 November 2, 1989.

TRD-8910533

Cathy Rossberg  
Agency Liaison, Policy  
Development Services  
Texas Department of  
Human Services

Effective date: January 1, 1990.

Proposal publication date: May 5, 1989.

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

◆ ◆ ◆  
**Chapter 79. Legal Services**  
**Subchapter R. Expunction**  
**Hearings**

• **40 TAC §§79.1701-79.1716**

The Texas Department of Human Services (DHS) adopts new §§79.1701-79.1716. Sections 79.1702, 79.1704, and 79.1709 are adopted with changes to the proposed text as published in the May 5, 1989, issue of the *Texas Register* (14 TexReg 2144). Sections 79.1701, 79.1703, 79.1705-79.1708, and 79.1710-79.1716 are adopted without changes and will not be republished. Also in this issue of the *Texas Register*, DHS is adopting new sections in 40 TAC Chapter 49, Child Protective Services, and Chapter 85, General Licensing Procedures, to add expunction hearings to those chapters.

The sections are adopted under new Subchapter R of Chapter 79, Legal Services. Expunction hearings provide certain individuals found to have abused or neglected a child an opportunity to expunge the abuse or neglect finding from official records.

The sections will function by providing a hearing procedure designed to ensure due process to individuals accused of child abuse.

DHS received comments from a member of the Children's Protective Services Legal Task Force suggesting a different standard of proof. As a result of this comment, several changes were made in the sections adopted

under Chapter 49, Child Protective Services, and minor changes were made in these sections to reference the new evidentiary standards. DHS is adopting §§79.1702, 79.1704, and 79.1709 with changes. In §79.1702(b), DHS is making an editorial correction to the second sentence by deleting the hyphen between the words appeal and related. Section 79.1704 and §79.1709 are clarified by the addition of new sentences at the end of each section to refer the reader to program rules for specific criteria and standards.

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

**§79.1702. Right to a Hearing.**

(a) An expunction hearing must be granted to any alleged perpetrator about whom a finding of child abuse or neglect is to be released without that individual's consent.

(b) An expunction hearing must also be granted to any alleged perpetrator against whom an adverse action is to be taken by the department. In this and other instances in which the alleged perpetrator has the right to an expunction hearing as well as the right to appeal related issues, the department, at its discretion, may combine the two appeals and hold a single hearing.

**§79.1704. Emergency Release/Use of Data.** Although abuse or neglect data is not usually released pending the results of the expunction hearing, data may be adversely used against an alleged perpetrator if the department determines that he constitutes an immediate danger to the health or safety of children. The evidentiary standards for this determination are set forth in the program rules on which the action is based.

**§79.1709. Authority.** The expunction hearing is conducted pursuant to the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a. The administrative law judge decides whether to uphold the abuse or neglect finding based on the evidence presented at the hearing. He has no authority to overrule state or federal statutes, policies, or regulations. The department has the burden of proof. The evidentiary standards applicable at the hearing are the same as those set forth in the program rules on which the finding or action is based.

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 November 2, 1989.

TRD-8910530

Cathy Rossberg  
Agency Liaison,  
Development Services  
Texas Department of  
Human Services

Effective date: January 1, 1990

Proposal publication date: May 5, 1989

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

## Chapter 85. General Licensing Procedures

### Subchapter PP. Expunction Hearings

#### • 40 TAC §§85.4050-85.4057

The Texas Department of Human Services (DHS) adopts new §§85.4050-85.4057. Section 85.4057 is adopted with changes to the proposed text as published in the May 5, 1989, issue of the *Texas Register* (14 TexReg 2148). Sections 85.4050-85.4056 are adopted without changes to the proposed text and will not be republished. Also in this issue of the *Texas Register*, DHS is adopting new sections in 40 TAC Chapter 49, Child Protective Services, and Chapter 79, Legal Services, to add expunction hearings to those chapters.

The sections constitute new subchapter PP of Chapter 85, General Licensing Procedures. Expunction hearings provide individuals found to have abused or neglected a child an opportunity to expunge the abuse or neglect finding from official records. The new sections explain the term "expunction hearing," and present information concerning emergency release and use of information, persons eligible, and notification of requests for and conduct of expunction hearings.

The sections will function by providing a hearing procedure designed to ensure due process to individuals accused of child abuse.

No comments were received regarding adoption of the new sections. DHS, however, is adopting §85.4057 with a change to indicate that expunction appeals of findings made by child protective services staff are handled according to §§85.4050-85.4056.

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

**§85.4057. Expunction of Findings of Child Protective Services.** Expunction appeals of abuse or neglect findings made by DHS child protective services staff are handled according to the provisions of §§85.4050-85.4056 of this title (relating to Expunction Hearings; Emergency Release and Use of Information; Expunction Hearing for a Facility Employee; Request for an Expunction Hearing from a Facility Employee; Conduct of Expunction Hearings; Request for an Expunction Hearing by an operator of an Unlicensed or Unregistered Facility Subject to Regulation; Request for an Expunction Hearing by a Licensee, Registrant, or Applicant).

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agen-

cy's legal authority.

Issued in Austin, Texas, on November 2, 1989.

TRD-8910531

Cathy Roseberg  
Agency Liaison, Policy  
Development Services  
Texas Department of  
Human Services

Effective date: January 1, 1990.

Proposal publication date: May 5, 1989.

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

## TITLE 43.

### TRANSPORTATION

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

##### Chapter 1. Administration

###### Contested Case Procedure

###### • 43 TAC §1.21

The State Department of Highways and Public Transportation adopts an amendment to §1.21, without changes to the proposed text as published in the September 8, 1989, issue of the *Texas Register* (14 TexReg 4592).

43 TAC Chapter 1 assigns various functions and duties to the engineer-director. However, at various times for good and valid reasons that official may not be readily available to discharge those responsibilities in a timely manner.

The amended section will allow the deputy engineer-director to perform those functions and duties in the absence of the engineer-director.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 6666, which provide the State Highway and Public Transportation Commission with the authority to promulgate rules for the conduct of the work of the State Department of Highways and Public Transportation.

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 November 2, 1989.

TRD-8910518

Diane L. Northam  
Administrative Procedures  
Technician  
State Department of  
Highways and Public  
Transportation

Effective date: November 23, 1989

Proposal publication date: September 8, 1989

For further information, please call: (512) 463-8630

## Chapter 31. Public Transportation Division

### General

#### • 43 TAC §31.3

The State Department of Highways and Public Transportation adopts an amendment to §31.3, without changes to the proposed text as published in the September 8, 1989, issue of the *Texas Register* (14 TexReg 4593).

The adoption of this amended section adds definitions necessary due to the contemporaneous adoption of §31.11 and §31.13, concerning state programs.

The function of the amended section is to provide definitions central to the understanding of Chapter 31 regarding the department's public transportation activities. The amendment adds the terms "authority" and "designated recipient" which are necessary for new §31.11 and §31.13.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Articles 6666, 6663b, and 6663c, which provide the State Highway and Public Transportation Commission with the authority to establish rules for the conduct of the work of the State Department of Highways and Public Transportation, and more specifically to administer the state public transportation fund and state and federal public transportation 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 31, 1989.

TRD-8910516

Diane L. Northam  
Administrative Procedures  
Technician  
State Department of  
Highways and Public  
Transportation

Effective date: November 23, 1989

Proposal publication date: September 8, 1989

For further information, please call: (512) 463-8630

### State Programs

#### • 43 TAC §31.11, §31.13

The State Department of Highways and Public Transportation adopts new §31.11 and §31.13, without changes to the proposed text as published in the September 8, 1989, issue of the *Texas Register* (14 TexReg 4593).

The adoption of these sections will define the department's role in the administration of the state formula and discretionary public transportation programs.

The function of these sections is to describe the purpose of each program, how funds are allocated to the programs, application requirements, and evaluation criteria. This action is necessary due to the recent passage of House Bill 1263, Acts 71st Legislature, 1989, effective September 1, 1989, which prescribes certain changes in the administration of public transportation grant contracts.

No comments were received regarding adoption of the new sections.

The new sections are adopted under Texas Civil Statutes, Articles 6666, 6663b, and 6663c, which provide the State Highway and Public Transportation Commission with the authority to establish rules for the conduct of the work of the State Department of Highways and Public Transportation, and more specifically to administer the state public transportation fund and state and federal public transportation 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 31, 1989.

TRD-8910517

Diane L. Northam  
Administrative Procedures  
Technician  
State Department of  
Highways and Public  
Transportation

Effective date: November 23, 1989

Proposal publication date: September 8, 1989

For further information, please call: (512)  
463-8630





# Open Meetings

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

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

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

## Texas Department on Aging

Friday, November 17, 1989, 10 a.m. The Texas Board on Aging of the Texas Department on Aging will meet at 1949 South IH 35, Third Floor Conference Room, Austin. According to the agenda, the board will discuss the approval of the minutes to the meeting of the board on September 29, 1989; Texas State Auditor's office briefing on audits of the department; citizens advisory council's recommendations to the board on: direct services by area agencies on aging and the department's funding formula; program reports to include approval of FYs 90, 91, and 92 area plans; general announcements; proposal for private consulting firm study to determine the current effectiveness of the department.

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

Filed: November 2, 1989, 3:47 p.m.

TRD-8910558

## Texas Department of Agriculture

Tuesday, November 7, 1989, 7 p.m. The Southern Rolling Plains Cotton Producers Board of the Texas Department of Agriculture met at the Miles Co-operative Gin, Board Room, 1 1/2 miles northwest of Miles on FM 1692. According to the agenda, the board added to agenda previously filed. The emergency status of the revision was necessary for board action for procurement of meaningful assessment collection mandate.

Contact: Kenneth Gully, San Angelo Route, Eola, Texas 76937, (915) 469-3638.

Filed: November 3, 1989, 4:25 p.m.

TRD-8910609

## Texas Antiquities Committee

Friday, November 17, 1989, 9:30 a.m. The Texas Antiquities Committee will meet

in the Stephen F. Austin Building, Room 118, 1700 North Congress Avenue, Austin. According to the agenda, the committee will approve minutes of previous meeting of September 22, 1989; consider staff request to dismiss case without prejudice for want of prosecution by Starr County in the matter of the Roma Suspension Bridge before the committee (relating to withdrawn demolition permit request); discuss proposed rules for implementation of Senate Bill 222, Article 5, Section 111, Incentive to Report Items of Value, 71st Legislature, Regular Session, 1989; discuss removal and repair of Austin moonlight towers, Travis County state archeological landmark; hear a report on activities of the Corpus Christi local review committee; consider a request from the Harris County Heritage Society to transfer 1554 collection to the Corpus Christi Museum; hear a report on a reconnaissance survey of the USS Clifton; and hear a staff report.

Contact: Molly Godwin, P.O. Box 12276, Austin, Texas 78711, (512) 463-6098.

Filed: November 3, 1989, 8:24 a.m.

TRD-8910560

## Interagency Council on Early Childhood Intervention

Tuesday, November 14, 1989, 8:30 a.m. The Interagency Council on Early Childhood Intervention will meet in Room T-607, Texas Department of Health, 1100 West 49th Street, Austin. According to the agenda, the council will approve minutes of previous meeting and consider ECI operational procedures; final rule on what services must be provided to families without charge; fiscal year 1991 request for proposal process, schedule, and issues; 5% salary issues for community centers; ECI value statements; fiscal year 1990 technical assistance/training plan and budget allocations; fiscal year 1990 recognition month and budget for public service announcements; respite care grant and procedure to award funding; advisory committee report (recommendations on restructuring; general recommendations); final report on high risk

tracking projects and adoption of future activities; executive session (annual evaluation of administrator); updates.

Contact: Mary Elder, 1100 West 49th Street, Austin, Texas 78756, (512) 465-2671.

Filed: November 3, 1989, 10:43 a.m.

TRD-8910575

## Texas Department of Criminal Justice

Monday, November 13, 1989, 9 a.m. The Board of the Texas Department of Criminal Justice will meet in the Senate Chamber, State Capitol, Austin. According to the emergency revised agenda, to include the board subcommittee report regarding employee relations. The emergency status was necessary because the situation which prompts this revision had not arisen in time for inclusion in original agenda.

Contact: James A. Lynaugh, P.O. Box 99, Huntsville, Texas 77342-0099, (409) 294-2101.

Filed: November 7, 1989, 8:54 a.m.

TRD-8910683

## Daughters of the Republic of Texas, Inc.

Friday, November 10, 1989, 8:30 a.m. and Saturday, November 11, 1989, at 1 p.m. The Board of Management of the Daughters of the Republic of Texas, Inc. will meet in the Ramada Inn Capitol, Austin. According to the agenda, the board will discuss finishing of reports from Session 1, if necessary; DRT Museum Committee Report, Norma Norton, A. Storage, B. Audit, and C. SAF (Safe Artifacts and Furnishings Committee), Betty Rathbone; DRT Library at the Alamo Report, Pauline Wilson, A. Activities Report, and B. Summerise Foundation; French Legation, Alene Bradley, A. Christmas open house, B. carriage restoration, and C. replacement of committee members; San Jacinto Battle-

field, Marie Russell, A. report read by Dorothy Wright and B. Summerise Commission, a. request for DRT representative from Houston area to represent Texas historical organizations, and b. request for DRT representative from library for commission.

Contact: June Franklin Naylor, 2706 East 17th, Odessa, Texas (915) 332-0169, (915) 366-8360.

Filed: November 3, 1989, 12 noon.

TRD-8910566

## Texas Education Agency

**Friday, November 10, 1989, 8:30 a.m.**  
The Committee on Long-Range Planning of the Texas Education Agency will meet at the William B. Travis Building, Room 1-104, 1701 North Congress Avenue, Austin. According to the agenda, the committee will discuss expert session: year-round education and site-based management; program evaluation study of at-risk student issues: recommendations and concerns of the commissioner's advisory committee on the long-range plan for public education regarding goals 1-4; goals 5-9 of the long-range plan for public education.

Contact: W. N. Kirby, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-8985.

Filed: November 2, 1989, 2:35 p.m.

TRD-8910538

**Friday, November 10, 1989, 8:30 a.m.**  
The Committee on the Permanent School Fund of the Texas Education Agency will meet at the William B. Travis Building, Room 1-109, 1701 North Congress Avenue, Austin. According to the agenda the committee will review the permanent school fund securities transactions and the investment portfolio; recommended permanent school fund investment program for November and December and the funds available for the program.

Contact: W. N. Kirby, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-8985.

Filed: November 2, 1989, 2:35 p.m.

TRD-8910539

**Friday, November 10, 1989, 1:30 p.m.**  
The Committee on Students of the Texas Education Agency will meet at the William B. Travis Building, Room 1-100, 1701 North Congress Avenue, Austin. According to the agenda the committee will consider eligibility for a Texas certificate of high school equivalency: identification and remediation of students with dyslexia and related disorders: migrant education program: grading and reporting requirements, promo-

tion and course credit, and grade level advancement: absences: student assessment: admission, review and dismissal committee, content of the individual educational plan, notice requirements and complaint procedures, surrogate parents, general program requirements, advisory committees, early childhood intervention program for developmentally delayed children: request for approval to correct formatting problems in 19 TAC Chapter 75, curriculum: discussion of issues and new rules pertaining to local district testing programs.

Contact: W. N. Kirby, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-8985.

Filed: November 2, 1989, 2:38 p.m.

TRD-8910536

**Friday, November 10, 1989, 1:30 p.m.**  
The Committee on School Finance of the Texas Education Agency will meet at the William B. Travis Building, Room 1-104, 1701 North Congress Avenue, Austin. According to the agenda the committee will discuss budgeting, accounting, and auditing: state textbook program: proprietary schools and veterans education; tax collections; bilingual education allotment: distribution of foundation school fund: large type textbooks for visually handicapped: request for adoption of schedule for competitive cost review of state textbook depository: request for authorization to submit an application for a grant to continue operation of the desegregation assistance program: request for amendment to the 1989-90 TEA operating budget to support the development of a research clearinghouse and a modified accounting system for federal funds: discussion of a method to prorate the compensatory education allotment; State Board of Education school finance plan.

Contact: W. N. Kirby, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-8985.

Filed: November 2, 1989, 2:36 p.m.

TRD-8910537

**Friday, November 10, 1989, 1:30 p.m.**  
The Committee on Personnel of the Texas Education Agency will meet at the William B. Travis Building, Room 1-111, 1701 North Congress Avenue, Austin. According to the agenda the committee will discuss accreditation of school districts: accreditation on-site teacher interview procedure: assignment of school personnel: certificates and college credentials from other states: teacher career ladder: provisional vocational certificates based on experience and preparation in skill areas: initial approval of alternative teacher certification program in generic special education: contractor to develop the master teacher examination: report on administrator appraisal: certificates based on examination: general requirements for inservice education: teacher appraisal procedures and teacher appraisal instrument, scoring procedures and forms: Texas

teacher appraisal system and options for career ladder funding: master teacher concept with respect to legislation, definitions, appraisal and examination requirements; grant for desegregation assistance program.

Contact: W. N. Kirby, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-8985.

Filed: November 2, 1989, 2:35 p.m.

TRD-8910540

**Saturday, November 11, 1989, 8:30 a.m.**  
The State Board of Education of the Texas Education Agency will meet at the William B. Travis Building, Room 1-104, 1701 North Congress Avenue, Austin. According to the agenda the board will discuss resolutions: Teacher Retirement System: textbooks: advisory committees; State Board of Education appointments: State Board of Education rules on standards of conduct: master plan for vocational education: permanent school fund: budgeting, accounting, and auditing: textbook: proprietary schools and veterans education: tax collections: bilingual education: foundation school fund: large type textbooks: competitive cost review: desegregation assistance: Texas Education Agency operating budget: high school equivalency: dyslexia and related disorders: migrant education: grading and reporting requirements, promotion and grade advancement and course credit; absences: assessment: admission, review and dismissal, individual educational plan, notice requirements and complaint procedures, surrogate parents, program requirements, advisory committees, early childhood intervention: curriculum rule format: assignment of school personnel: record of certificates: certificates and college transcripts from other states: teacher career ladder: vocational certificates: alternative teacher certification: master teacher examination: information material on agency administration.

Contact: W. N. Kirby, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-8985.

Filed: November 2, 1989, 2:34 p.m.

TRD-8910541

## Texas Employment Commission

**Tuesday, November 7, 1989, 8:30 a.m.**  
The Texas Employment Commission will meet in Room 644, TEC Building, 101 East 15th Street, Austin. According to the agenda, the commission will discuss O.D. Johnson, Jr. vs. Bob Blodgett, et al. and Buford Hall vs. Texas Employment Commission, et al.; actions, if any, resulting from executive session; internal procedures of commission appeals; consideration and action on tax liability cases and higher level appeals in unemployment compensation cases listed on commission docket 45; and set date of next meeting.



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

Filed: October 30, 1989, 3:47 p.m.

TRD-8910381

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Tuesday, November 14, 1989, 8:30 a.m. The Texas Employment Commission will meet in Room 644, Texas Employment Commission Building, 101 East 15th Street, Austin. According to the agenda, the commission will discuss prior meeting notes; discussion of and approval for remodeling of Laredo agency-owned building; discussion of and approval for renovation of Houston, San Jacinto Street agency-owned building; internal procedures of commission appeals; consideration and action on tax liability cases and higher level appeals in unemployment compensation cases listed on commission docket 46; and set date of next meeting.

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

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

TRD-8910680

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**Texas Department of Human Services**

Tuesday, November 14, 1989, 1:30 p.m. The Adolescent Pregnancy and Parenthood Advisory Council of the Texas Department of Human Services will meet at the Texas Department of Health, Morton Building, 1100 West 49th Street, Austin. According to the agenda, the council will discuss and act on approval of minutes; amended by-laws; sub-committee report on defining a comprehensive Texas teen pregnancy prevention program; Texas Family Planning Association report on the best decision is an educated decision; school and community sexuality education in Texas; program updates and wrap-up.

Contact: Liz Silbernagel, P.O. Box 149030, Austin, Texas 78714-9030, (512) 450-4163.

Filed: November 6, 1989, 12:24 p.m.

TRD-8910621

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**Industrial Accident Board**

Monday, November 6, 1989, 10 a.m. The Industrial Accident Board met in the Bevington A. Reed Building, 200 East Riverside Drive, 1st Floor, Room 107, Austin. According to the agenda, the board met and discussed approval of board minutes; executive session-litigation-Nino vs I.A.B.; litigation-Nino vs I. A.B.; proposed amendment to board rule 28 TAC §69.25 (c); letter from Texas Employers' Insurance Association regarding mailing of board

awards; reviewed and discussed board files-closed session, Article 8307, §4b, Texas Civil Statutes; reviewed and discussed board activities.

Contact: Inez "Tippy" Foster, 200 East Riverside Drive, 1st Floor, Austin, Texas 78704, (512) 448-7960.

Filed: November 3, 1989, 9:43 a.m.

TRD-8910563

◆ ◆ ◆  
**State Board of Insurance**

Monday, November 13, 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 have a prehearing conference for Title Insurance Hearing scheduled for November 27, 1989.

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

Filed: November 2, 1989, 10:49 a.m.

TRD-8910520

Tuesday, November 14, 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 Number 10531 to consider the application of Frances Tarlton Gordon, Houston, for the renewal of her local recording agent's license by the board.

Contact: O. A. Cassity, III, 1110 San Jacinto, Austin, Texas 78701-1998, (512) 463-6526.

Filed: November 6, 1989, 3:03 p.m.

TRD-8910651

Tuesday, November 14, 1989, 9 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 Number 10540 to consider the application of Ronald Vena Pinkerton, Houston, for a Group I, Legal Reserve Life Insurance Agent's license.

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

Filed: November 6, 1989, 3:03 p.m.

TRD-8910652

Tuesday, November 14, 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 Number 10569 to consider whether disciplinary action should be taken against Avery Ralph Ewers, Fort Worth, who holds a Group I, Legal Reserve Life

Insurance Agent's license issued by the board.

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

Filed: November 6, 1989, 3:03 p.m.

TRD-8910653

Wednesday, November 15, 1989, 4 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 reopen a public hearing, Docket Number 10517, to consider the application for amendment to the Articles of Incorporation of American States Insurance Company of Texas, Dallas, increasing the authorized capital.

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

Filed: November 6, 1989, 3:03 p.m.

TRD-8910654

Thursday, November 16, 1989, 8 a.m. The State Board of Insurance will meet at 1110 San Jacinto Street, Room 414, Austin. According to the agenda, the board will consider decision on workers' compensation rates.

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

Filed: November 6, 1989, 11:09 a.m.

TRD-8910639

Thursday, November 16, 1989, 9:30 a.m. The State Board of Insurance will meet at 1110 San Jacinto Street, Room 414, Austin. According to the agenda, the board will have a rehearing on the appeal of Savers Annuity Insurance Company from Commissioner's Order 88-0240.

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

Filed: November 6, 1989, 11:09 a.m.

TRD-8910640

Thursday, November 16, 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 Number 10602 to consider the application of David M. Terek, Dallas, to acquire control of Enterprise Life Insurance Company and Enterprise Fire and Casualty Company, Arlington, pursuant to the provisions of Texas Insurance Code, Article 21.49-1, §5.

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

Filed: November 6, 1989, 3:03 p.m.

TRD-8910648

Thursday, November 16, 1989, 1 p.m. The State Board of Insurance will meet at 1110 San Jacinto Street, Room 414, Austin.

According to the agenda, the board will discuss appeal by Minor's Lawn Care, Inc., of an act by Texas Workers' Compensation Assigned Risk Pool concerning refusal to waive and calculation of surcharge applicable to workers' compensation insurance premium.

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

Filed: November 6, 1989, 11:09 a.m.

TRD-8910641

Thursday, November 16, 1989, 3:30 p.m. The State Board of Insurance will meet at 1110 San Jacinto Street, Room 414, Austin. According to the agenda, the board will discuss appeal by Jesse Willie Elliott of Commissioner's Order 89-0773.

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

Filed: November 6, 1989, 11:10 a.m.

TRD-8910642

Friday, November 17, 1989, 9 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 Number 10591 to consider whether disciplinary action should be taken against James Burson Lowry, Forney, Texas, who holds a Group I, Legal Reserve Life Insurance Agent's license and A Group II, Insurance Agent's license issued by the board.

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

Filed: November 6, 1989, 3:02 p.m.

TRD-8910655

Monday, November 20, 1989, 9 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 Number 10543 to consider the application of Larry Darnell Demerson, Houston, for a Group I, Legal Reserve Life Insurance Agent's license.

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

Filed: November 6, 1989, 3:03 p.m.

TRD-8910650

Monday, November 20, 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 Number 10549 to consider the application of Charles Carl Beber, Grapevine/San Augustine, Texas, for the renewal and retention of his Local Recording Agent's license and his Surplus Lines Agent's license.

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

Filed: November 6, 1989, 3:03 p.m.

TRD-8910649

### Texas Low-Level Radioactive Waste Disposal Authority

Thursday, November 16, 1989, 8:30 a.m. The Board of Directors of the Texas Low-Level Radioactive Waste Disposal Authority will meet at the John H. Reagan Building, Room 101, 105 West 15th Street, Austin. According to the agenda, the board will discuss approval of meeting of previous meeting, public information committee meeting, year-to-date financial report, governor's certification discussion, report on site suitability studies, facility design status, amendment to cultural resources contract, and selection of NTP-S34 as preferred disposal site for further analysis. The Authority will meet in executive session to discuss pending litigation and personnel matters.

Contact: L.R. Jacobi, Jr., P.E., 7701 North Lamar, Suite 300, Austin, Texas 78752, (512) 451-5292.

Filed: November 6, 1989, 2:05 p.m.

TRD-8910633

### Texas Medical Disclosure Panel

Saturday, November 11, 1989, 9:30 a.m. The Texas Medical Disclosure Panel will meet in Room T-607, Texas Department of Health, 1100 West 49th Street, Austin. According to the agenda, the panel will swear in reappointed panel members; approve minutes of meetings of April 9, 1989 and May 13, 1989; ratify August 13, 1989 as the effective date for final rules on psychiatric procedures; discuss comments on proposed rules; consider final rules on radiation therapy procedures; old and new business not requiring panel action.

Contact: Nance Kerrigan, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7245.

Filed: October 31, 1989, 8:12 a.m.

TRD-8910400

Saturday, November 11, 1989, 9:30 a.m. The Texas Medical Disclosure Panel will meet in Room M-652, Texas Department of Health, 1100 West 49th Street, Austin. According to the revised agenda the panel will swear in reappointed panel members; approve minutes of meetings of April 9, 1989 and May 13, 1989; ratify August 13, 1989 as the effective date for final rules on psychiatric procedures; discuss comments on proposed rules; consider final rules on radiation therapy procedures; old and new busi-

ness not requiring panel action.

Contact: Nance Kerrigan, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7245.

Filed: November 2, 1989, 10:38 a.m.

TRD-8910527

### Midwestern State University

Thursday, November 9, 1989, 3 p.m. The Board of Regents Executive Committee of Midwestern State University met in the Hardin Administration Building Board Room, Midwestern State University Campus, Wichita Falls. According to the agenda, the committee discussed the Bureau of Business and Government Report; Board of Regents committee appointments; information was received concerning coliseum roof repair; ratification of Marchman construction contract and change orders; and authorization to pursue selection of architect for Bolin Science Hall renovation was requested.

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

Filed: November 3, 1989, 11:56 a.m.

TRD-8910574

Thursday, November 9, 1989, 3:30 p.m. The Board of Regents Finance Committee of Midwestern State University met in the Hardin Administration Building Board Room, Midwestern State University Campus, Wichita Falls. According to the agenda, the committee discussed recommendations concerning purchase of new and replacement vehicles, upgrade of mainframe computer, change in course fees, installment and transcript and graduation fee changes. The Manual of Fiscal Rules and Regulations was presented as information to the board only.

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

Filed: November 3, 1989, 11:56 a.m.

TRD-8910573

Thursday, November 9, 1989, 4 p.m. The Board of Regents Personnel and Curriculum Committee of Midwestern State University met in the Hardin Administration Building Board Room, Midwestern State University Campus, Wichita Falls. According to the agenda, the committee discussed position changes in FY 88-89 and 89-90 budgets; enrollment and small class reports for fall 1989; last day enrollment report for summer 1989 sessions; information was presented concerning employee insurance coverage; recommendation to change B.A. in social work to Bachelor of Social Work; a new Policies and Procedures Manual was presented for approval; discussion of personnel matter in closed session as allowed by

Policies and Procedures Manual was presented for approval; discussion of personnel matter in closed session as allowed by Texas Open Meetings Act, Section 2(g).

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

Filed: November 3, 1989, 11:56 a.m.

TRD-8910572

**Thursday, November 9, 1989, 4:30 p.m.** The Board of Regents Student Affairs Committee of Midwestern State University met in the Hardin Administration Building Board Room, Midwestern State University Campus, Wichita Falls. According to the agenda, the committee discussed information concerning student services.

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

Filed: November 3, 1989, 11:56 a.m.

TRD-8910571

**Thursday, November 9, 1989, 4:45 p.m.** The Board of Regents University Development Committee of Midwestern State University met in the Hardin Administration Building Board Room, Midwestern State University Campus, Wichita Falls. According to the agenda, the committee discussed possible future gift to university and the university's action upon receipt of that gift was presented and discussed in closed session as allowed by the Texas Open Meetings Act §2(f); summary of gifts was presented for period of 9/1/89-10/16/89.

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

Filed: November 3, 1989, 11:56 a.m.

TRD-8910570

**Thursday, November 9, 1989, 5 p.m.** The Board of Regents Athletics Committee of Midwestern State University met in the Hardin Administration Building Board Room, Midwestern State University Campus, Wichita Falls. According to the agenda, the committee discussed the athletics update report for information only.

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

Filed: November 3, 1989, 11:56 a.m.

TRD-8910569

**Friday, November 10, 1989, 9 a.m.** The Board of Regents of Midwestern State University will meet in the Hardin Administration Building Board Room, Midwestern State University Campus, Wichita Falls. According to the agenda, the board will discuss and act on reading and approval of minutes; review and accept financial reports; recommendations from executive, finance, personnel and curriculum, university development and athletics committees; re-

ports will be received from student affairs committee and the president executive session will be held to discuss personnel matter as allowed by Texas Open Meetings Act, §2(g) and gift to university, §2(f).

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

Filed: November 3, 1989, 11:57 a.m.

TRD-8910568

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**Board of Nurse  
Examiners/Board of  
Vocational Nurse  
Examiners**

**Wednesday, November 15, 1989, 10 a.m.** The Joint Advisory Committee on Mandatory Continuing Education of the Board of Nurse Examiners Board of Vocational Examiners will meet in the Frontier Room, Ramada Inn, 5660 North IH 35, Austin. According to the agenda, the committee will discuss organization where the charge from the boards will be presented and future meeting dates will be announced. The issues to be addressed include developing the recommended rules and regulations and implementation of mandatory continuing education. The public is invited to observe.

Contact: Cady Crismon, Box 140466, Austin, Texas 78714, (512) 835-8650.

Filed: November 2, 1989, 10:38 a.m.

TRD-8910526

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**Board of Pardons and  
Paroles**

**Tuesday, November 7, 1989, 9 a.m.** The Board of Pardons and Paroles met at 8610 Shoal Creek Boulevard, Austin. According to the emergency revised agenda, the board added the following item to their agenda: bid proposal for diagnostic tool for substance abuse testing. The emergency status was necessary because the board had to take immediate action to provide a diagnostic testing tool.

Contact: Juanita Llamas, 8610 Shoal Creek Boulevard, Austin, Texas 78758, (512) 459-7249.

Filed: November 3, 1989, 4:22 p.m.

TRD-8910608

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**Monday thru Friday, November 13, 14, 15, 16, and 17, 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, Austin. According to the agenda, the panel will receive, review and consider information and reports concerning prisoners/in-

mates and administrative releasees subject to the board's jurisdiction and initiate and carry through with appropriate action.

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

Filed: November 3, 1989, 11:34 a.m.

TRD-8910565

**Tuesday, November 14, 1989, 1:30 p.m.** The Board of Pardons and Paroles 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; other reprieves, remissions and executive clemency actions.

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

Filed: November 3, 1989, 11:34 a.m.

TRD-8910564

◆ ◆ ◆  
**Texas State Board of Public  
Accountancy**

**Tuesday, November 14, 1989, 9 a.m.** The Public Hearing of the Texas State Board of Public Accountancy will meet at 1033 La Posada, Suite 340, Austin. According to the agenda, the hearing before hearings officer on individuals failing to comply with the board's mandatory continuing education requirement.

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

Filed: November 6, 1989, 4:37 p.m.

TRD-8910684

**Tuesday, November 14, 1989, 1 p.m.** The Public Hearing of the Texas State Board of Public Accountancy will meet at 1033 La Posada, Suite 340, Austin. According to the agenda, the board will conduct a hearing to consider those licensees who failed to pay the license fee in a timely manner.

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

Filed: November 6, 1989, 4:37 p.m.

TRD-8910685

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**Public Utility Commission of  
Texas**

**Monday, November 13, 1989, 10 a.m.** The Relay Service Advisory Committee of the Public Utility Commission of Texas will meet at the Criss Cole Rehabilitation Center Auditorium, 4800 North Lamar, Austin. According to the agenda, the committee will meet to consider issues concerning the development of a statewide dual-party tele-

communications relay system for the hearing- and speech-impaired. The committee was appointed by the Public Utility Commission pursuant to House Bill 174, passed by the Seventy-First Texas Legislature. At this meeting the committee will discuss further issues of the dual-party relay service. Guest speakers will be attending the meeting to present suggestions and recommendations on the implementation of the system. Also, the committee will discuss specifications to be included in a request for proposals that the commission will issue later this year to solicit bids for carriers to provide the relay service.

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

Filed: November 3, 1989, 3:41 p.m.

TRD-8910602

Tuesday, November 14, 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 division will have a prehearing conference in Docket Number 9119; appeal of the office of the Public Utility Counsel of the City of Kerrville Municipal Utility Rate Action.

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

Filed: November 3, 1989, 3:41 p.m.

TRD-8910601

Monday, November 27, 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, the hearings division will have a prehearing conference in Docket Number 8962; Alto Telephone Company Rule 23.54 sheets 70, 71, 72, 72.1 and 75.

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

Filed: November 6, 1989, 3:34 p.m.

TRD-8910679

Monday, November 27, 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, the hearings division will have a third prehearing conference in Docket Number 8975; Eastex Telephone Coop., Inc. Substantive Rule 23.54.

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

Filed: November 6, 1989, 3:35 p.m.

TRD-8910678

Monday, November 27, 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, the hearings division will have a third prehearing conference in Docket Number 9039; Kerrville Telephone Company, Substantive Rule 23.54.

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

Filed: November 6, 1989, 3:34 p.m.

TRD-8910677

Monday, November 27, 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, the hearings division will have a third prehearing conference in Docket Number 8996; Guadalupe Valley Telephone Coop., Inc., Substantive Rule 23.54.

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

Filed: November 6, 1989, 3:35 p.m.

TRD-8910676

Monday, November 27, 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, the hearings division will have a third prehearing conference in Docket Number 8980; Wes-Tex Telephone Coop., Inc., Substantive Rule 23.54.

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

Filed: November 6, 1989, 3:35 p.m.

TRD-8910675

Monday, November 27, 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, the hearings division will have a third prehearing conference in Docket Number 8979; Comanche County Telephone Company, Substantive Rule 23.54.

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

Filed: November 6, 1989, 3:35 p.m.

TRD-8910674

Monday, November 27, 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, the hearings division will have a third prehearing conference in Docket Number 8978; Fort Bend Telephone Company, Substantive Rule 23.54.

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

Filed: November 6, 1989, 3:36 p.m.

TRD-8910673

Monday, November 27, 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, the hearings division will have a third prehearing conference in Docket Number 8977; Lake Dallas Telephone Company, Substantive Rule 23.54.

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

Filed: November 6, 1989, 3:36 p.m.

TRD-8910672

Monday, November 27, 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, the hearings division will have a third prehearing conference in Docket Number 8974; South Plains Telephone Coop., Inc. Substantive Rule 23.54.

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

Filed: November 6, 1989, 3:36 p.m.

TRD-8910671

Monday, November 27, 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, the hearings division will have a third prehearing conference in Docket Number 8968; Colorado Valley Telephone Coop., Inc. Substantive Rule 23.54.

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

Filed: November 6, 1989, 3:36 p.m.

TRD-8910670

Monday, November 27, 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, the hearings division will have a third prehearing conference in Docket Number 8973; Taylor Telephone Coop., Inc. Substantive Rule 23.54.

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

Filed: November 6, 1989, 3:36 p.m.

TRD-8910669

Monday, November 27, 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, the hearings division will have a third prehearing conference in Docket Number 8967; GTE Southwest Incorporated Rule 23.54, Section 23, Sheets 5, 6, 6A, 7, and 8.

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

Filed: November 6, 1989, 3:37 p.m.

TRD-8910668

Monday, November 27, 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, the hearings division will have a third prehearing conference in Docket Number 8969; Coleman County Telephone Cooperative, Inc., Rule 23.54, Section 8, Sheets 6-9.

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

Filed: November 6, 1989, 3:37 p.m.

TRD-8910667

Monday, November 27, 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, the hearings division will have a third prehearing conference in Docket Number 8966; Hill Country Telephone Coop., Rule 23.54, Section 10, Sheets 1, 7-9 and 10.

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

Filed: November 6, 1989, 3:37 p.m.

TRD-8910666

Monday, November 27, 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, the hearings division will have a third prehearing conference in Docket Number 8965; United Telephone Company, Rule 23.54, Section 21, Sheets 1-6A.

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

Filed: November 6, 1989, 3:37 p.m.

TRD-8910665

Monday, November 27, 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, the hearings division will have a third prehearing conference in Docket Number 8964; Contel of Texas, Rule 23.54, Schedule A-1, Sheet 1.41 and 44.

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

Filed: November 6, 1989, 3:38 p.m.

TRD-8910664

Monday, November 27, 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, the hearings division will have a third prehearing conference in Docket Number 8963; San Marcos Telephone Company, Rule 23.54, Section 7, Sheets 5, 6, 7, and 8.

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

Filed: November 6, 1989, 3:38 p.m.

TRD-8910663

Monday, November 27, 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, the hearings division will have a third prehearing conference in Docket Number 8961; Conroe Telephone Company, Rule 23.54, Sheets 102, 103, 104, 104.1 and 107.

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

Filed: November 6, 1989, 3:38 p.m.

TRD-8910662

Monday, November 27, 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, the hearings division will have a third prehearing conference in Docket Number 8960; Lufkin Telephone Exchange, Rule 23.54, Sheets 113, 114, 115, 115.1 and 118.

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

Filed: November 6, 1989, 3:38 p.m.

TRD-8910661

Monday, November 27, 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, the hearings division will have a third prehearing conference in Docket Number 8976; Five Area Telephone Coop., Inc. Substantive Rule 23.54.

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

Filed: November 6, 1989, 3:38 p.m.

TRD-8910660

Monday, November 27, 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, the hearings division will have a third prehearing conference in Docket Number 8981; Muenster Telephone Corporation, Substantive Rule 23.54.

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

Filed: November 6, 1989, 3:38 p.m.

TRD-8910659

Monday, November 27, 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, the hearings division will have a third prehearing conference in Docket Number 9004; Central Telephone Company, Substantive Rule 23.54.

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

Filed: November 6, 1989, 3:39 p.m.

TRD-8910658

Monday, November 27, 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, the hearings division will have a third prehearing conference in Docket Number 8998; Cameron Telephone Company, Inc. Substantive Rule 23.54.

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

Filed: November 6, 1989, 3:39 p.m.

TRD-8910657

Monday, November 27, 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, the hearings division will have a third prehearing conference in Docket Number 8982; Central Texas Telephone Coop., Inc. Substantive Rule 23.54.

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

Filed: November 6, 1989, 3:39 p.m.

TRD-8910656

## Task Force on Public Utility Regulation

Monday, November 13, 1989, 9 a.m. The Task Force on Public Utility Regulation will meet in the Lieutenant Governor's Committee Room, Room 220, Austin. According to the agenda, the task force will discuss approval of minutes; consideration of draft legislation; consideration of the draft of the final report; and other business.

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

Filed: November 3, 1989, 1:59 p.m.

TRD-8910590

## Texas Racing Commission

Monday, November 6, 1989, 9 a.m. The Texas Racing Commission met at the John H. Reagan Building, Room 101, 105 West 15th Street, Austin. According to the emergency revised agenda, the commission discussed personnel matters, including: the naming of a temporary acting executive secretary and other appropriate officers for the commission; salaries for personnel; and duties of personnel. The emergency status was necessary to address the sudden vacancy in the office of Executive Secretary.

Contact: Paula Cochran Carter, 400 West 15th Street, Austin, Texas 78701, (512) 476-7223.

Filed: November 2, 1989, 1:23 p.m.

TRD-8910521

## Railroad Commission of Texas

Monday, November 13, 1989, 9 a.m. The Railroad Commission of Texas will meet at the William B. Travis Building, Room 12-126, 1701 North Congress Avenue, Austin. According to the agenda, the commission will consider and act on the OIS Director's Report on division administration, budget, procedures, and personnel matters.

Contact: Brian Schaible, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6710.

Filed: November 3, 1989, 1:28 p.m.

TRD-8910583

Monday, November 13, 1989, 9 a.m. The Railroad Commission of Texas will meet at the William B. Travis Building, Room 12-126, 1701 North Congress Avenue, Austin. According to the agenda, 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: November 3, 1989, 1:29 p.m.

TRD-8910582

Monday, November 13, 1989, 9 a.m. The Railroad Commission of Texas will meet at the William B. Travis Building, 12th Floor Conference Room, 1701 North Congress Avenue, Austin. According to the agenda, 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: Office of the Executive Director, P.O. Drawer 12967, Austin, Texas 78711-2967, (512) 463-7274.

Filed: November 3, 1989, 1:29 p.m.

TRD-8910581

Monday, November 13, 1989, 9 a.m. The Railroad Commission of Texas will meet at the William B. Travis Building, 12th Floor Conference Room (12-126), 1701 North Congress Avenue, Austin. According to the agenda, 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: November 3, 1989, 1:29 p.m.

TRD-8910580

Monday, November 13, 1989, 9 a.m. The Railroad Commission of Texas will meet at the William B. Travis Building, 12th Floor Conference Room (12-126), 1701 North Congress Avenue, Austin. According to the agenda, the commission will consider and act on various matters within the jurisdiction of the commission. In addition, the commission will consider items previously posted for open meeting and at such meeting verbally postponed or continued to this date. With regard to any item, the commission may take various 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: November 3, 1:30 p.m.

TRD-8910578

Monday, November 13, 1989, 9 a.m. The Railroad Commission of Texas will meet at the William B. Travis Building, Room 12-126, 1701 North Congress Avenue, Austin. According to the agenda, 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-possible action.

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

Filed: November 3, 1989, 1:27 p.m.

TRD-8910593

Monday, November 13, 1989, 9 a.m. The Railroad Commission of Texas will meet at the William B. Travis Building, Room 12-126, 1701 North Congress Avenue, Austin. According to the agenda, 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 Bogan, P.O. Drawer 12967, Austin, Texas 78711-2967.

Filed: November 3, 1989, 1:28 p.m.

TRD-8910592

Monday, November 13, 1989, 9 a.m. The Railroad Commission of Texas will meet at the William B. Travis Building, Room 12-126, 1701 North Congress Avenue, Austin. According to the agenda, the commission will consider and act on category determinations under §§102(c)(1)(B), 102(c)(1)(C), 103, 107, and 108 of the Natural Gas Policy Act of 1978.

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

Filed: November 3, 1989, 1:28 p.m.

TRD-8910591

## Texas Rehabilitation Commission

Wednesday, November 15, 1989, 2 p.m. The Board of the Texas Rehabilitation Commission will meet at the Brown-Healy Building, 4900 North Lamar, Public Hearing Room, 1st Floor, Austin. According to the agenda, the board will introduce guests, discuss approval of minutes of the meeting of September 15, 1989 and prior meeting; commissioner's comments; executive session; and board working session-disability determination services.

Contact: Charles Schiesser, 4900 North Lamar, Suite 7300, Austin, Texas 78751, (512) 483-4050.

Filed: November 6, 1989, 12:35 p.m.

TRD-8910623

Thursday, November 16, 1989, 8:30 a.m. The Board of the Texas Rehabilitation Commission will meet at the Moreton Building, Texas Department of Health, 7th Floor, Room 739, 49th and Grover Streets, Austin. According to the agenda, the board will introduce guests, present plaque honoring Robert L. Moody, Moody Foundation,

Galveston; and continuation of board working session-disability determination services.

Contact: Charles Schiesser, 4900 North Lamar, Suite 7300, Austin, Texas 78751, (512) 483-4050.

Filed: November 6, 1989, 12:32 p.m.

TRD-8910622

## Texas State Technical Institute

Tuesday, November 7, 1989, 2 p.m. The Board of Regents, Facilities Committee of the Texas State Technical Institute had a rescheduled meeting with a Teleconference Call at the Texas State Technical Institute System Building, Waco. According to the agenda, the committee discussed the approval of plans and specifications for construction of the student center and gymnasium at Harlingen. The original meeting was scheduled November 2, 1989 at 2 p.m.

Contact: Theodore A. Talbot, 3801 Campus Drive, Waco, Texas 76705, (817) 867-4894.

Filed: November 3, 1989, 9:05 a.m.

TRD-8910562

## University Interscholastic League

Wednesday, November 8, 1989, 1 p.m. The State Executive Committee of the University Interscholastic League met at the Crest Hotel on Town Lake in the Brazos Room, 1st Street and Congress Avenue, Austin. According to the agenda, the committee discussed appeal of District Executive Committee decision to disqualify Carter High School in accordance with §150.

Contact: Bonnie Northcutt, (512) 471-5883.

Filed: November 3, 1989, 1:48 p.m.

TRD-8910584

## University of Texas Health Center at Tyler

Thursday, November 9, 1989, 12 p.m. The Animal Research Committee of the University of Texas Health Center at Tyler met in the Chaplain's Conference Room, University of Texas Health Center Highways 155 South and 271 North, Tyler. According to the agenda, the committee discussed approval of the October minutes; chairman's report on activities since last meeting; old business-training tapes and new requirements on literature searches; new business-new form for annual review of protocols; protocol review-#77, use of

rats in study of endocrine control of parturition and #78, use of mice in study of elastase and skin elasticity.

Contact: Dr. Barry Peterson, P.O. Box 2003, Tyler, Texas 75710.

Filed: November 2, 1989, 1:16 p.m.

TRD-8910519

## Texas Water Commission

Tuesday, November 14, 1989, 10 a.m. The Texas Water Commission will meet at 1700 North Congress Avenue, Stephen F. Austin Building, Room 118, Austin. According to the agenda, the commission will consider various matters within the regulatory jurisdiction of the commission. In addition, the commission will consider items previously posted for open meeting and at such meeting verbally postponed or continued to this date. With regard to any item, the commission may take various actions, including but not limited to scheduling an item in the entirety or for particular action at a future date or time.

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

Filed: November 6, 1989, 9:20 a.m.

TRD-8910620

Monday, December 18, 1989, 1 p.m. The Office of Hearings Examiner of the Texas Water Commission will meet at the Lubbock County Courthouse, Commissioners Courtroom, 904 Broadway, Lubbock. According to the agenda, the office will discuss application by the City of Lubbock for amendment to Permit Number 10353-02 authorizing disposal by irrigation or by makeup water for the Southwestern Public Service Company's Jones Power Plant. The plant site is at the eastern terminus of East 38th Street, south of the Fort Worth and Denver Railroad bridge crossing of the North Fork Double Mountain Fork of the Brazos River, approximately one mile northwest of the intersection of State Highway-Loop 289 and Farm-to-Market Road 835, in the southeastern portion of the City of Lubbock, Lubbock County, Texas. The plant site and irrigated land are in the drainage area of the North Fork of the Double Mountain Fork of the Brazos River which is a tributary of the Double Mountain Fork of the Brazos River, Segment Number 1241 of the Brazos River Basin.

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

Filed: November 3, 1989, 1:37 p.m.

TRD-8910579

## REGIONAL MEETINGS

### Meetings Filed November 2, 1989

The Austin Transportation Study, Planning Process Subcommittee met at the Austin Central Library, 4th Floor Auditorium, 800 Guadalupe, Austin, November 6, 1989, at 1:30 p.m. Information may be obtained from Joseph P. Gieselman, 811 Barton Springs Road, Suite 700, Austin, Texas, (512) 472-7483.

The Bexar-Medina-Atascosa Counties Water Control 7 Improvement District No. 1, Board of Directors met at the District Office, Highway 81, Natalia, November 6, 1989, at 10:00 a.m. Information may be obtained from C. A. Mueller, P.O. Box 170, Natalia, Texas 78059, (512) 663-2132.

The Burnet County Appraisal District, Board of Directors met at 215 South Pierce Street, Burnet, November 7, 1989, at 6:00 p.m. Information may be obtained from Barbara Ratliff, Drawer E, Burnet, Texas 78611, (512) 756-8290.

The Concho Valley Council of Governments, Executive Committee met at 5002 Knickerbocker Road, San Angelo, November 8, 1989, at 7:00 p.m. Information may be obtained from Robert R. Weaver, P.O. Box 60050, San Angelo, Texas 76903, (915) 944-9666.

The Fisher County Appraisal District, Board of Directors will meet at the Fisher County Appraisal/Tax Office in the Fisher County Courthouse, Roby, November 14, 1989, at 7:30 p.m. Information may be obtained from Teddy Kral, P.O. Box 516, Roby, Texas 79543.

The Fisher County Appraisal District, Appraisal Review Board will meet at the Fisher County Commissioner's Courtroom in the Fisher County Courthouse, Roby, November 17, 1989, at 9:00 a.m. Information may be obtained from Teddy Kral, P.O. Box 516, Roby, Texas 79543.

The Lower Colorado River Authority, Energy Operations and Planning and Public Policy Committee met at 3700 Lake Austin Boulevard, Austin, November 6, 1989, at 1:00 p.m. Information may be obtained from Glen E. Taylor, P.O. Box 220, Austin, Texas 78767, (512) 473-3250.

The Red River Authority of Texas, Board of Directors will meet at the Wichita Falls Activity Center, 607 Tenth Street, Room 216, Wichita Falls, November 16, 1989, at 9:30 a.m. Information may be obtained from Ronald J. Glenn 520 Hamilton Building, Wichita Falls, Texas 76301, (817) 723-8697.

The Scurry County Appraisal District, Board of Directors met at 2612 College Avenue, Snyder, November 7, 1989, at 7:00 p.m. Information may be obtained from L. R. Peveler, 2612 College Avenue, Snyder, Texas 79549, (915) 573-8549.

The Tax Appraisal District of Bell County, Board of Directors will meet at the Tax Appraisal District Building, 411 East Central, Belton, November 15, 1989, at 7:00 p.m. Information may be obtained from Mike Watson, P. O. Box 390, Belton, Texas 76513-0390, (817) 939-5841.

The Texas Municipal Power Agency (TMPA), Board of Directors met at Gibbons Creek Steam Electric Station Administration Building, 2-1/2 miles North of Carlos, November 9, 1989, at 10:00 a.m. Information may be obtained from Carl Shahady, P.O. Box 7000, Bryan, Texas 77805, (409) 873-2013.

The Upshur County Appraisal District, Board of Directors will meet at the Upshur County Appraisal District Office, Warren and Trinity Streets, Gilmer, November 13, 1989, at 1:00 p.m. Information may be obtained from Louise Stracener, P.O. Box 280, Gilmer, Texas 75644, (214) 843-3041.

TRD-8910515

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**Meetings Filed November 3, 1989**

The Austin-Travis County MHMR Center, Finance and Control Committee met at 1430 Collier Street, Austin, November 8, 1989, at 12:00 noon. Information may be obtained from Sharon Taylor, (512) 447-4141.

The Barton Springs/Edwards Aquifer Conservation District, Board of Directors regular meeting met at 1124-A Regal Row, Austin, November 6, 1989, at 7:00 p.m. Information may be obtained from Bill E. Couch, 1124-A Regal Row, Austin, Texas 78748.

The Capital Area Governor's Planning Council, Regional Review Committee will meet at 2520 I.H. 35 South, Suite 100, Austin, November 15, 1989, at 8:30 a.m. Information may be obtained from Donald L. Stence, 2520 I.H. 35 South, Suite 100, Austin, Texas 78704-5798, (512) 443-7653.

The Coastal Bend Council of Governments, Membership will meet in the Commissioners' Courtroom, Nueces County Courthouse, 3rd Floor, 901 Leopard Street, Corpus Christi, November 10, 1989, at 2:00 p.m. Information may be obtained from John P. Buckner, P.O. Box 9909, Corpus Christi, Texas 78469, (512) 883-5743.

The Dallas Area Rapid Transit, By Laws Ad Hoc Committee met at 601 Pacific Avenue, Dallas, November 7, 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, Planning and Development Committee met at 601 Pacific Avenue, Dallas, November 7, 1989, at 3:00 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Ave-

nue, Dallas, Texas 75202, (214) 658-6237.

The Golden Crescent Service Delivery Area, Private Industry Council, Inc. met at 301 Colony Creek Drive, Victoria, November 8, 1989, at 6:30 p.m. Information may be obtained from Charles Steele, P.O. Box 164, Victoria, Texas 77902.

The Grand Parkway Association, met at 5757 Woodway, 140 East Wing, Houston, November 8, 1989, at 8:15 a.m. Information may be obtained from Larry W. Nettles, 2823 First City Tower, 1001 Famin, Houston, Texas 77002-6760, (713) 654-4586.

The Lampasas County Appraisal District, Board of Directors met at 109 East Fifth, Lampasas, November 8, 1989, at 9:30 a.m. Information may be obtained from Dana Ripley, P.O. Box 175, Lampasas, Texas 76550, (512) 556-8058.

The Lavaca County Central Appraisal District, Appraisal Review Board met at the Lavaca County Central Appraisal District, 113, North Main, Hallettsville, November 8, 1989, at 9:00 a.m. Information may be obtained from Diane Munson, P.O. Box 386, Hallettsville, Texas 77964, (512) 798-4396.

The Liberty County Central Appraisal District, Board of Directors will meet at 1820 Sam Houston, Liberty, November 15, 1989, 9:30 a.m. Information may be obtained from Sherry Greak, P.O. Box 10016, Liberty, Texas 77575.

The Liberty County Central Appraisal District, Appraisal Review Board will meet at 1820 Sam Houston, Liberty, November 16, 1989, at 9:30 a.m. Information may be obtained from Sherry Greak, P.O. Box 10016, Liberty, Texas 77575.

The Region IX Education Service Center, Board of Directors will meet at Region IX Education Service Center Board Room, 301 Loop 11, Wichita Falls, November 14, 1989, at 1:00 p.m. Information may be obtained from Jim O. Rogers, 301 Loop 11, Wichita Falls, Texas 76305, (817) 322-6928.

The Sulphur-Cypress Soil and Water Conservation District #419, met at 1603 North Jefferson, Mt. Pleasant, November 8, 1989, at 8:30 a.m. Information may be obtained from Beverly Amerson, 1603 North Jefferson, Mt. Pleasant, Texas 75455, (214) 572-5411.

TRD-8910559

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**Meetings Filed November 6, 1989**

The Archer County Appraisal District, Board of Directors will meet at the district office, 211 South Center, Archer City, November 15, 1989, at 5:00 p.m. Information may be obtained from Edward Trigg, III, Box 1141, Archer City, Texas 76351, (817)

574-2172.

The Austin-Travis County MHMR Center, Board of Trustees, Personnel Committee had an emergency meeting at 1430 Collier Street, Austin, November 7, 1989, at 6:00 p.m. The emergency status was necessary because was advised that November 7, 1989 was only day meeting could be held with a quorum present. Information may be obtained from Sharon Taylor, 1430 Collier Street, Austin, Texas 78704, (512) 440-4031.

The Garza County Appraisal District, Board of Directors had an emergency meeting at the Appraisal Office in the Courthouse, Post, November 9, 1989, at 8:00 a.m. The emergency status was necessary because of the need to pay bills. Information may be obtained from Jean M. Westfall, P.O. Drawer F, Post, Texas 79356, (806) 495-3518.

The Gonzales County Appraisal District, Board of Directors met at 928 St. Paul Street, Gonzales, November 9, 1989, at 5:00 p.m. Information may be obtained from Glenda Strackbein, P.O. Box 867, Gonzales, Texas 78629, (512) 672-2879.

The Gonzales County Appraisal District, Appraisal Review Board will meet at 928 St. Paul Street, Gonzales, November 14, 1989, at 1:00 p.m. Information may be obtained from Glenda Strackbein, P.O. Box 867, Gonzales, Texas 78629, (512) 672-2879.

The Gulf Bend MHMR Center, Board of Trustees met at 1404 Village Drive, Victoria, November 9, 1989, at 12:00 noon. Information may be obtained from Gulf Bend MHMR Center, 1404 Village Drive, Victoria, Texas 77901, (512) 575-0611.

The Hale County Appraisal District, Board of Directors will meet at the Golden Corral Family Steakhouse, 2606 Olton Road, Plainview, November 16, 1989, at 7:00 p.m. Information may be obtained from Linda Jaynes, 302 West 8th Street, Plainview, Texas 79072, (806) 293-4226.

The Hunt County Tax Appraisal District, Board of Directors met in the board room, 4801 King Street, Greenville, November 9, 1989, at 7:00 p.m. Information may be obtained from Joe Pat Davis or Shirley Smith, P.O. Box 1339, Greenville, Texas 75401, (214) 454-3510.

The Lamb County Appraisal District, Board of Directors had an emergency meeting in the Board Meeting Room, 331 LFD Drive, Littlefield, November 9, 1989, at 7:00 p.m. The emergency status was necessary because of the need to hire a chief appraiser per Pearl Walker. Information may be obtained from Murlene J. Godfrey, P.O. Box 552, 330 Phelps Avenue, Littlefield, Texas 79339-0552, (806) 385-6474.

The Mason County Appraisal District, will meet at 206 Ft. McKavitt Street, Ma-



son, November 15, 1989, at 7:00 p.m. Information may be obtained from Neal Little, P.O. Box 1119, Mason, Texas 76856, (915) 347-5989.

The Nortex Regional Planning Commission, Executive Committee will meet at the Hilton Hotel, Wichita II Room, 401 Broad Street, Wichita Falls, November 16, 1989, at 12:00 noon. Information may be obtained from Dennis Wilde, 2101 Kemp Boulevard, Wichita Falls, Texas, (817) 322-5281.

The Nortex Regional Planning Commission, North Texas State Planning Region Consortium will meet at the Hilton Hotel, Wichita II Room, 401 Broad, Wichita Falls, November 16, 1989, at 1:00 p.m. Information may be obtained from Judge Bobbie Owen, Jack County Courthouse, Jacksboro, Texas 76056, (817) 567-2241.

The Palo Pinto Appraisal District, Board of Directors will meet at the Palo Pinto County Courthouse, Palo Pinto, November 15, 1989, at 3:00 p.m. Information may be obtained from Jack Samford, P.O. Box 250, Palo Pinto, Texas 76072, (817) 659-1234.

The Region VII Education Service Center, Board of Directors will meet at Days Inn, Highway 259 South, Henderson, November 16, 1989, at 7:00 p.m. Information may be obtained from Don J. Peters, 818 East Main, Kilgore, Texas, (214) 984-3071.

The Rockwall County Appraisal District, Appraisal Review Board had an emergency meeting at 106 North San Jacinto, Rockwall, November 9, 1989, at 8:30 a.m. The emergency status was necessary to hear late protest. Information may be obtained from Ray E. Helm, 106 North San Jacinto, Rockwall, Texas 75087, (214) 771-2034.

The San Antonio River Authority Employees Retirement Fund, Board of Trustees will meet at the SARA General Offices, 100 East Guenther Street, San Antonio, November 15, 1989, at 1:45 p.m. Information may be obtained from Fred N. Pfeiffer, P.O. Box 830027, San Antonio, Texas 78283-0027, (512) 227-1373

The San Antonio River Authority, Board of Directors will meet at the SARA General Offices, 100 East Guenther Street, San Antonio, November 15, 1989, at 2:00 p.m. Information may be obtained from Fred N. Pfeiffer, P.O. Box 830027, San Antonio, Texas 78283-0027, (512) 227-1373.

The Tarrant Appraisal District, Tarrant Appraisal Review Board will meet at 2309 Gravel Road, Fort Worth, November 14, 1989, at 8:30 a.m. Information may be ob-

tained from Coordinator to the ARB, 2309 Gravel Road, Fort Worth, Texas 76118, (817) 284-8884.

The Tarrant Appraisal District, Tarrant Appraisal Review Board will meet at 2309 Gravel Road, Fort Worth, November 15 and 16, 1989, at 8:30 a.m. Information may be obtained from Coordinator to the ARB, 2309 Gravel Road, Fort Worth, Texas 76118, (817) 284-8884.

The Texas Municipal Power Agency, Board of Directors met at Gibbons Creek Steam Electric Station, 2 1/2 miles north of Carlos on FM 244, Carlos, November 9, 1989, at 10:00 a.m. Information may be obtained from Carl Shahady, P.O. Box 7000, Bryan, Texas 77805, (409) 873-2013.

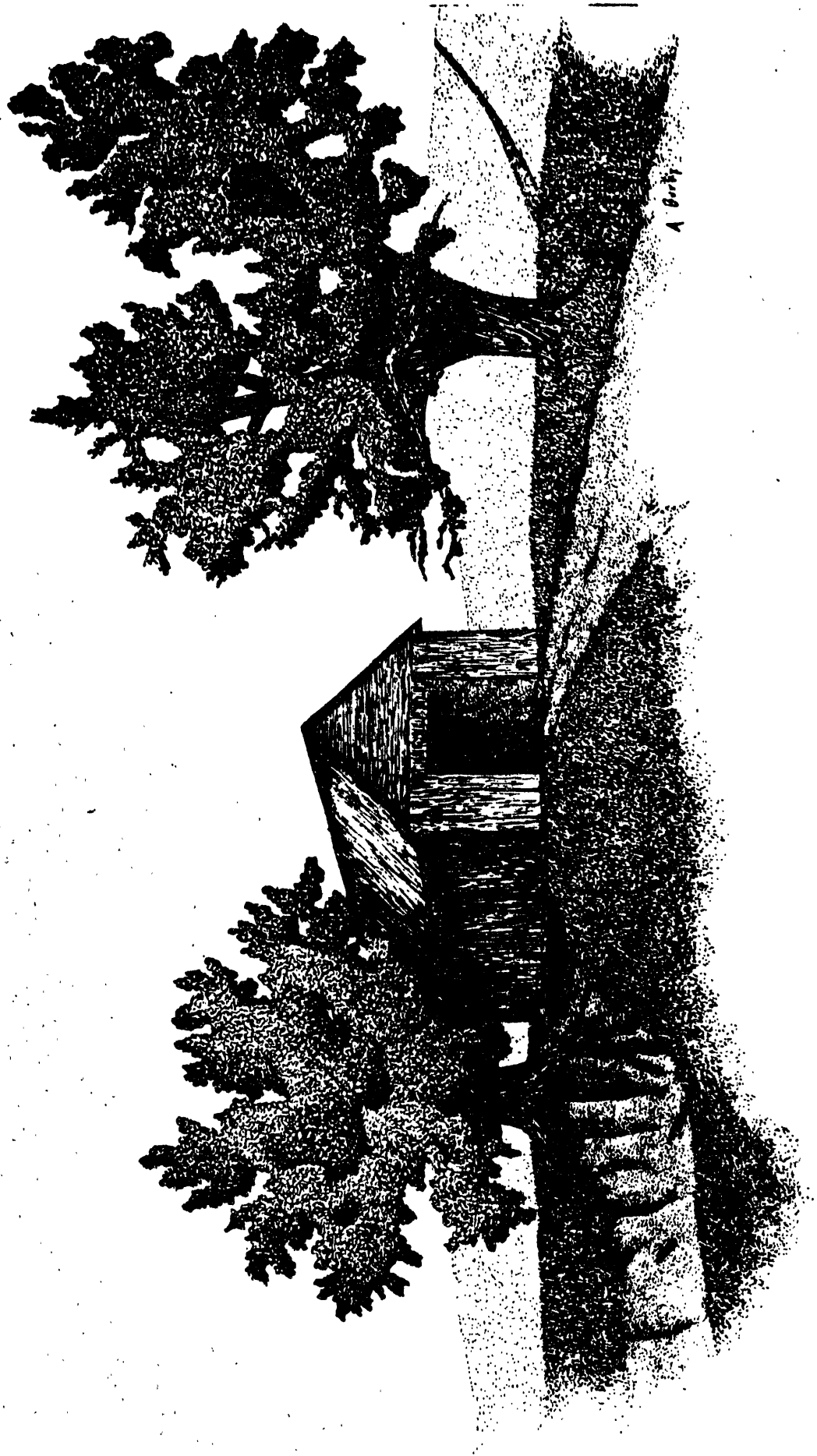
TRD-8910612

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Meetings Filed November 7,  
1989

The Wise County Appraisal District, Board of Directors had an emergency meeting at 206 South State Street, Decatur, November 9, 1989, at 9:00 a.m. The emergency status was necessary because it was the only time convenient for the month. Information may be obtained from Brenda Jones, 206 South State, Decatur, Texas 76234, (817) 627-3081, ext. 70.

TRD-8910682

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# In Addition

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

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

## Texas Department of Banking Notices of Application

Texas Civil Statutes, Article 342-401a, require any person who intends to buy control of a bank to file an application with the banking commissioner for the commissioner's approval to purchase control of a particular bank. A hearing may be held if the application is denied by the commissioner.

On November 1, 1989, the banking commissioner received an application to acquire control of the Aledo State Bank, Aledo, by Richard McKithan, Fort Worth; Joe Ferguson, Bedford; Randolph Tareilo, Arlington; and Ethel McKithan, Fort Worth.

Additional information may be contained from William F. Aldridge, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 479-1200.

Issued in Austin, Texas, on November 1, 1989.

TRD-8910544 William F. Aldridge  
Director of Corporate Activities  
Texas Department of Banking

Filed: November 2, 1989

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

Texas Civil Statutes, Article 342-401a, require any person who intends to buy control of a bank to file an application with the banking commissioner for the commissioner's approval to purchase control of a particular bank. A hearing may be held if the application is denied by the commissioner.

On November 1, 1989, the banking commissioner received an application to acquire control of the Eden Financial Corporation, Eden, by the Stribling Family Trust, San Angelo.

Additional information may be obtained from: William F. Aldridge, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 479-1200.

Issued in Austin, Texas, on November 1, 1989.

TRD-8910545 William F. Aldridge  
Director of Corporate Activities  
Texas Department of Banking

Filed: November 2, 1989

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

## Texas Department of Commerce Notice of Amendment to Final Statement

The Texas Department of Commerce (Commerce) announces a proposed amendment to the State of Texas' federal fiscal year 1988 final statement which governs the Texas Community Development Program. The final state-

ment is being amended to allow the executive director of Commerce to allocate up to \$3.4 million in unused federal community development block grant/Texas capital funds for eligible community development, economic development, urgent need, and emergency projects.

Written comments on the proposed amendment will be accepted through Wednesday, November 15, 1989. All federal fiscal year 1988 funds must be obligated on that date. Comments should be submitted to Ruth Cedillo, Director of the Texas Community Development Program, Texas Department of Commerce, P.O. Box 12728, Austin, Texas 78711.

Issued in Austin, Texas on November 1, 1989.

TRD-8910476 William D. Taylor  
Executive Director  
Texas Department of Commerce

Filed: November 1, 1989

For further information, please call: (512) 472-5058

## Weekly Report on the 1989 Allocation of the State Ceiling on Certain Private Activity Bonds

The Tax Reform Act of 1986 (the Tax Act) imposes a volume ceiling on the aggregate principal amount of private activity bonds that may be issued within the State of Texas during any calendar year. The state ceiling for Texas, imposed by the Tax Act for calendar year 1989, is \$839,250,000.

State legislation, Texas Civil Statutes, Article 5190.9a, (the Act), established the allocation process for the State of Texas. The Act specifies that prior to October 1, one-third of the state ceiling is to be made available to qualified mortgage bonds and of that one-third, one-third is available to the Texas Housing Agency. One-fourth of the state ceiling is available to state-voted issues, and the balance of the state ceiling is available for all other issuers of bonds requiring an allocation. On or after October 1, that portion of the state ceiling available for reservations shall become available to any issuer for any bonds requiring an allocation.

Generally, the state ceiling is allocated on a first-come, first-served basis, with the Texas Department of Commerce administering the allocation system.

The information that follows is a weekly report of the allocation activity for the period, October 16, 1989-October 20, 1989.

Weekly report on the 1989 allocation of the state ceiling on certain private activity bonds as pursuant to Texas Civil Statutes, Article 5190.9(a).

Total amount of the \$839,250,000 state ceiling remaining unreserved as of October 20, 1989: \$0-.

Comprehensive listing of bond issues which have received a reservation date pursuant to the Act from October 16,

1989-October 20, 1989: none.

Comprehensive listing of bonds issued and delivered as pursuant to the Act from October 16, 1989-October 20, 1989: Corpus Christi Housing Finance Corporation, eligible borrowers, mortgage credit certificates, \$14,819,000.

Issued in Austin, Texas, on October 30, 1989.

TRD-8910475 William D. Taylor  
Executive Director  
Texas Department of Commerce

Filed: November 1, 1989

For further information, please call: (512) 472-5059

**Office of Consumer Credit  
Commissioner**

**Notice of Rate Ceilings**

The consumer credit commissioner of Texas has ascertained the following rate ceilings by use of the formulas and methods described in Texas Civil Statutes, Title 79, Articles 1.04, 1.05, 1.11, and 15.02, as amended (Texas Civil Statutes, Articles 5069-1.04, 1.05, 1.11, and 15.02).

Type of Rate Ceilings	Effective Period (Dates are Inclusive)	Consumer <sup>(3)</sup> /Agricultural/Commercial <sup>(4)</sup> thru \$250,000	Commercial <sup>(4)</sup> over \$250,000
Indicated (Weekly) Rate - Art. 1.04(a)(1)	11/06/89-11/12/89	18.00%	18.00%
Monthly Rate <sup>(1)</sup> Art. 1.04(c)	11/01/89-11/30/89	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 <sup>(3)</sup>	10/01/89-12/31/89	18.00%	N.A.
Lender Credit Card Quarterly Rate - Art. 15.02(d) <sup>(3)</sup>	10/01/89-12/31/89	15.52%	N.A.
Standard Annual Rate - Art. 1.04(a)(2) <sup>(2)</sup>	10/01/89-12/31/89	18.00%	18.00%
Retail Credit Card Annual Rate - Art. 1.11 <sup>(3)</sup>	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 30, 1989.

TRD-8910543 Al Endsley  
Consumer Credit Commissioner

Filed: November 2, 1989

For further information, please call: (512) 479-1280

**Texas Education Agency  
Request for Applications**

RFA #701-90-029.

Description. The Texas Education Agency requests applications for participation in a research study assessing the effectiveness of a technology-based physical science cur-

riculum with students identified as at-risk and enrolled in an alternative academic program pursuant to the provisions of the Elementary and Secondary Education Act, Chapter 2. The intent of the program is to determine the effect of a technology-based delivery system on the content achievement, process skill achievement, and attitude of at-risk students toward science. The physical science program to be used is the Texas Learning Technology Group's (TLTG) Interactive Videodisc Physical Science Program. The technology research program provides funds for the acquisition of the TLTG physical science courseware, hardware systems, and teacher training.

**Eligible Applicants.** School districts, cooperatives of school districts, and cooperatives of school districts with an education service center that have an alternative education program for students identified as at-risk are eligible to apply. To be considered for participation in this project, the alternative academic program must have been in operation for at least one year and include a science curriculum that covers the physical science essential elements. It is not necessary that the physical science essential elements be taught as a separate course; they may be integrated with another discipline. The alternative academic program may be located within a school or on a separate campus. It may operate before, during, or after the regular school hours and should provide a modification of the traditional method of instruction in the content areas. Alternative disciplinary programs, such as in-school suspension, are not considered an alternative academic program.

**Dates of Projects.** The funding available for this program is \$300,000. Up to 10 secondary alternative academic programs will be selected for participation in the program. The amount of each award will vary depending on the number of students enrolled in physical science in the alternative academic program.

**Selection Criteria.** Alternative academic programs will be selected to participate based on the statement of need, geographic location, district size, student and teacher demographics, and local commitment.

**Further Information.** A copy of the complete request for application (RFA #701-90-029) may be obtained by writing or calling the Document Control Center, Texas Education Agency, Room 6-108, William B. Travis Building, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9304.

For clarifying information about this request for applications, contact Dr. Geoffrey Fletcher, Director, Division of Educational Technology, Texas Education Agency, (512) 463-9087.

**Deadline for Receipt of Applications.** The deadline for submitting an application is 5 p.m., December 15, 1989.

Issued in Austin, Texas, on November 1, 1989.

TRD-8910535      W. N. Kirby  
                                 Commissioner of Education

Filed: November 2, 1989

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

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## Texas Department of Health Diabetes Complications Intervention Grant

The Texas Department of Health (TDH) is requesting proposals to provide contract services to the department's diabetes programs within the Chronic Disease Prevention Program. The services would address the prevention of

blindness and lower extremity amputations due to diabetes, and coexisting diabetes and hypertension for public health clients.

**Description of Activities.** The activities include detection, intervention, patient education, referral for treatment, and appropriate follow-up services for prevention of diabetic complications such as diabetic eye disease, lower extremity amputations, and problems caused by coexistent hypertension and diabetes in public health clients aged 18 years and older.

**Eligible Applicants.** Eligible applicants for this program are city/county health departments, community health centers, primary care centers, and other federally funded health centers serving a large number of medically indigent clients with diabetes located in Public Health Regions 3, 6, 7, and 8.

**Budget Limitations.** The department will award one contract. The maximum grant award will not exceed \$75,000.

**Contract Period.** The proposed contract period is from January 8, 1990-August 31, 1990.

**Date Due.** Proposals from applicants are due by 5 p.m. on or before January 8, 1990. Please mail grant application to Charlene Laramey, Director, Chronic Disease Prevention Program, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756. Proposals received late, for any reason, will not be considered.

**Final Selection.** The department's Chronic Disease Prevention Program will make the selection. The department reserves the right to accept or reject any or all of the proposals submitted and is under no legal requirement to execute a contract on the basis of this advertisement.

**Contact.** The request for proposal application form and additional information may be obtained from Dora McDonald, Diabetes Program, Chronic Disease Prevention Program, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7534.

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

TRD-8910610      Robert A. MacLean, M.D.  
                                 Deputy Commissioner for Professional  
                                 Services  
                                 Texas Department of Health

Filed: November 6, 1989

For further information, please call: (512) 458-7378

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## The Diabetes Education Network Grant (DEN)

The Texas Department of Health (TDH) is requesting proposals to provide contract services to the Department's diabetes programs within the Chronic Disease Prevention Program. The Diabetes Education Network Grant (DEN) will support the development of comprehensive diabetes patient and professional education programs to benefit diabetic public health clients.

**Description of Activities.** The activities include: support for a diabetes education facilitator team composed of a nurse educator, nutritionist/dietitian, and a clerk who would develop patient and professional education programs for medically indigent clients; and the development, coordination, and integration of comprehensive preventive and treatment services for medically indigent diabetic clients.

**Eligible Applicants.** Eligible applicants for this grant

are county health departments, community health centers, primary care centers, and other ambulatory treatment facilities serving a large number of medically indigent clients with diabetes located in Public Health Regions 3, 6, 7, and 8. Applicants should have ambulatory outpatient treatment facilities, or have a contract with such facilities for provision of care to public health clients.

**Budget Limitations.** The department will award one contract for the DEN Grant. A maximum of \$110,000 will be available in Fiscal Year 1990. Funding for 1991 will be available if applicant demonstrates achievement of 1990 goals and presents a completed application for continuation funding. The continuation application will be available by May, 1990.

**Contract Period.** The proposed contract period is from January 8, 1990-August 31, 1990.

**Date Due.** Proposals from applicants are due by 5 p.m. on or before January 8, 1990. Please mail grant application to Charlene Laramey, Director, Chronic Disease Prevention Program, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756. Proposals received late, for any reason, will not be considered.

**Final Selection.** The department's Chronic Disease Prevention Program will make the selection. The department reserves the right to accept or reject any or all of the proposals submitted and is under no legal requirement to execute a contract on the basis of this advertisement.

**Contract.** The request for proposal application form and additional information may be obtained from Dora McDonald, Diabetes Program, Chronic Disease Prevention Program, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7534.

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

TRD-8910811      Robert A. MacLean, M.D.  
Deputy Commissioner for Professional  
Services  
Texas Department of Health

Filed: November 6, 1989

For further information, please call: (512) 458-7378



### Intents to Revoke a Radioactive Material License

The Bureau of Radiation Control, Texas Department of Health, is seeking the revocation of Radioactive Material License Number L03932, issued to Dallas Central Diagnostic Imaging Center, because the agency determined that the licensee is no longer located at 5445 La Sierra Drive, Dallas, Texas 75231. The licensee has not notified the agency of a change of address and no forwarding address is available.

All attempts by the agency to contact the licensee by telephone, by mail, and by inspection have been unsuccessful. Therefore, the Texas Department of Health, Bureau of Radiation Control, recommends that the radioactive material license 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 radioactive material license 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

hearing be timely filed, the radioactive material license will be revoked at the end of the 30-day period of notice.

Issued in Austin, Texas on November 3, 1989.

TRD-8910608      Robert A. MacLean, M.D.  
Deputy Commissioner for Professional  
Services

Filed: November 3, 1989

For further information, please call: (512) 835-7000.



The Bureau of Radiation Control, Texas Department of Health, is seeking the revocation of Radioactive Material License Number L03635, issued to Jerry Quinn, D.P.M., because the agency determined that the licensee is no longer located at 10784 FM 1960 West, Houston, Texas 77070. The licensee has not notified the agency of a change of address and no forwarding address is available.

All attempts by the agency to contact the licensee by telephone, by mail, and by inspection have been unsuccessful. Therefore, the Texas Department of Health, Bureau of Radiation Control, recommends that the radioactive material license 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 radioactive material license 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 hearing be timely filed, the radioactive material license will be revoked at the end of the 30-day period of notice.

Issued in Austin, Texas on November 3, 1989.

TRD-8910605      Robert A. MacLean, M.D.  
Deputy Commissioner for Professional  
Services  
Texas Department of Health

Filed: November 3, 1989

For further information, please call: (512) 835-7000.



### Intent to Revoke an In Vitro Testing General License Acknowledgement

The Bureau of Radiation Control, Texas Department of Health, is seeking the revocation of In Vitro Testing General License Acknowledgement Number G01525, issued to High Technology Laboratory, because the agency determined that the licensee is no longer located at 900 West Randol Mill Road, Suite 102, Arlington, Texas 76011. The licensee has not notified the agency of a change of address and no forwarding address is available.

All attempts by the agency to contact the licensee by telephone, by mail, and by inspection have been unsuccessful. Therefore, the Texas Department of Health, Bureau of Radiation Control, recommends that the general license acknowledgement 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 general license acknowledgement 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 hearing be timely filed, the general license acknowledgement will be revoked at the end of the 30-day period of notice.

Issued in Austin, Texas on November 3, 1989.

TRD-8910603 Robert A. MacLean, M.D.  
Deputy Commissioner for Professional Services  
Texas Department of Health

Filed: November 3, 1989

For further information, please call: (512) 835-7000.

## Licensing Actions for Radioactive Materials

The Texas Department of Health has taken actions regarding licenses for the possession and use of radioactive materials as listed in the table below. The subheading labeled "Location" indicates the city in which the radioactive material may be possessed and/or used. The location listing "Throughout Texas" indicates that the radioactive material may be used on a temporary basis at job sites throughout the state.

### NEW LICENSES ISSUED:

<u>Location</u>	<u>Name</u>	<u>License#</u>	<u>City</u>	<u>Amend- ment #</u>	<u>Date of Action</u>
Carrollton	Satco Products, Inc.	L04248	Brentwood, N.Y.	0	10/12/89
San Antonio	San Antonio Warm Springs Rehabilitation Hospital	L04311	San Antonio	0	10/23/89
Throughout Texas	Nuclear Scanning Services, Inc.	L04339	Houston	0	10/19/89
Throughout Texas	A & A Tubular Inspection, Inc.	L04314	Channelview	0	10/19/89
Throughout Texas	Reed Engineering Group	L04343	Dallas	0	10/19/89

### AMENDMENTS TO EXISTING LICENSES ISSUED:

<u>Location</u>	<u>Name</u>	<u>License#</u>	<u>City</u>	<u>Amend- ment #</u>	<u>Date of Action</u>
Alvin	Oxy Petrochemicals, Inc.	L03363	Alvin	6	10/18/89
Arlington	Arlington Memorial Hospital	L02217	Arlington	26	10/16/89
Austin	South Austin Medical Center	L03273	Austin	18	10/16/89
Austin	South Austin Medical Center	L03273	Austin	17	09/26/89
Austin	Austin Radiological Association	L00545	Austin	55	10/20/89
Azle	Harris Methodist Northwest	L03230	Azle	7	10/16/89
Beaumont	St. Elizabeth Hospital	L00269	Beaumont	46	10/23/89
Brownwood	Brownwood Regional Hospital, Inc.	L02322	Brownwood	17	10/23/89
Dallas	Southern Methodist University	L02887	Dallas	7	10/16/89
Dallas	Doctors Hospital	L01366	Dallas	25	10/15/89
Dallas	Donald L. Levene, M.D., FACO	L03817	Dallas	5	10/16/89
Deer Park	Rollins Environmental Services (TX), Inc.	L02870	Deer Park	6	10/12/89
Denton	Denton Community Hospital	L04003	Denton	3	10/16/89
El Paso	El Paso Diagnostic Center	L03206	El Paso	5	10/16/89
El Paso	El Paso Diagnostic Center	L03206	El Paso	6	10/26/89
El Paso	El Paso Cancer Treatment Center	L01847	El Paso	24	10/25/89
Fort Worth	Rosedale Radiology	L04131	Fort Worth	1	10/18/89
Friendswood	Iso-Tex Diagnostics, Inc.	L02999	Friendswood	18	10/12/89
Gregory	Occidental Chemical Corporation	L04259	Ingleside	1	10/11/89
Harlingen	Valley Baptist Medical Center	L01909	Harlingen	30	09/28/89
Hondo	Medina Community Hospital	L03323	Hondo	5	10/23/89
Houston	General Welding Works, Inc.	L02895	Houston	20	10/17/89
Houston	IMAGENTS, Inc.	L04107	Houston	6	10/12/89

### AMENDMENTS TO EXISTING LICENSES ISSUED CONTINUED:

Houston	Engineers and Fabricators Company	L00981	Houston	39	10/17/89
Houston	Rice University	L00311	Houston	30	10/16/89
Houston	Westbury Hospital	L02471	Houston	10	10/16/89
Houston	The Institute for Rehabilitation and Research	L04000	Houston	4	10/23/89

Houston	University of Texas M.D. Anderson Cancer Center	L02972	Houston	5	10/31
Houston	Anacon, Inc.	L03214	Houston	3	10/21
Liberty	National Pipe and Tube Company	L03848	Liberty	2	10/10/89
Lubbock	Methodist Hospital	L00483	Lubbock	57	10/16/89
Mesquite	Charter Suburban Hospital	L02428	Mesquite	16	10/16/89
Nacogdoches	Terry A. Boulware, M.D., P.A.	L04326	Nacogdoches	2	10/16/89
Orange	Baptist Hospital, Orange	L01597	Orange	15	10/18/89
Orange	Chevron Chemical Company	L00031	Orange	26	10/18/89
Palestine	Memorial Hospital Foundation - Palestine, Inc.	L02728	Palestine	13	10/11/89
Palestine	Memorial Hospital Foundation - Palestine, Inc.	L02728	Palestine	14	10/27/89
Pasadena	ARCO Chemical Company	L03474	Pasadena	6	10/13/89
Pasadena	Texas Chiropractic College	L03715	Pasadena	2	10/16/89
Port Arthur	Chevron U.S.A., Inc.	L00054	Port Arthur	36	10/16/89
San Antonio	St. Luke's Lutheran Hospital	L03309	San Antonio	12	10/19/89
San Antonio	Cancer Therapy and Research Center	L01922	San Antonio	23	10/20/89
San Antonio	J. L. Mims, Jr., M.D.	L01250	San Antonio	12	10/25/89
San Antonio	Bexar County Department of Public Works	L02109	San Antonio	10	10/19/89
Sugar Land	John D. Huff, M.D.	L02864	Sugar Land	3	10/23/89
Terrell	Colonial Hospital	L02934	Terrell	7	10/26/89
Throughout Texas	Western Stress, Inc.	L04084	Houston	7	10/16/89
Throughout Texas	CBI NA-CON, Inc.	L01902	Houston	17	10/16/89
Throughout Texas	MQS Inspection Incorporated	L00087	Elk Grv. Vill., IL	48	10/16/89
Throughout Texas	Cotton Houston, Inc.	L03920	Huffman	16	10/17/89
Throughout Texas	Midwest Inspection Service	L03120	Perryton	24	10/17/89
Throughout Texas	BIX Testing Laboratories	L02143	Baytown	39	10/06/89
Throughout Texas	Dick Heine, Inc.	L04235	Tyler	4	10/10
Throughout Texas	Texas Department of Health	L01155	Austin	40	10/12
Throughout Texas	All American Maintenance, Inc.	L01336	San Antonio	16	10/17/89
Throughout Texas	Professional Service Industries, Inc.	L00931	Lombard, Illinois	72	10/13/89
Throughout Texas	Associated Testing Laboratories, Inc.	L01553	Houston	12	10/13/89
Throughout Texas	AnAid, Inc.	L03171	Dickinson	12	10/17/89
Throughout Texas	Texas Instruments, Inc.	L00946	Dallas	51	10/13/89
Throughout Texas	Geotest Engineering, Inc.	L02735	Houston	19	10/11/89
Throughout Texas	Cotton Houston, Inc.	L03920	Huffman	16	10/17/89
Throughout Texas	Pro Inspection, Inc.	L03906	Odessa	5	10/20/89
Throughout Texas	ABCO Industries, Inc.	L03153	Abilene	8	10/17/89
Throughout Texas	Syncor International Corporation	L01911	Houston	73	10/23/89
Throughout Texas	In-House Inspection Company	L03381	Huffman	11	10/17/89
Throughout Texas	Technical Welding Laboratory, Inc.	L02187	Pasadena	51	10/24/89
Throughout Texas	Global X-Ray & Testing Corp.	L03663	Houston	7	10/20/89
Throughout Texas	Tru-Tag Systems, Inc.	L03783	Houston	10	10/17/89
Throughout Texas	ARCO Oil and Gas Company	L00134	Plano	42	10/19/89
Victoria	E. I. Du Pont Nemours & Co., Inc.	L00386	Victoria	50	10/03/89
Victoria	Citizens Medical Center	L00283	Victoria	44	10/26/89
Waco	Baylor University	L01136	Waco	16	10/23/89
Waller	Progressive Metals, Inc.	L02831	Waller	17	10/17/89
Wichita Falls	Wichita Falls Clinic	L00523	Wichita Falls	19	10/16/89

RENEWALS OF EXISTING LICENSES ISSUED:

Location	Name	License#	City	Amend- ment #	Date of Action
Austin	Allan Shivers Radiation Therapy Center	L03726	Austin	6	10/16/89



Beaumont	E. L. Graham Hospital	L03310	Cisco	6	10/16/89
Duncanville	Mallinckrodt, Inc.	L03580	Dallas	7	10/20/89
Houston	Pan American Industries, Inc.	L03669	Houston	4	10/13/89
Throughout Texas	Texas Nuclear Corporation	L01105	Austin	26	10/06/89

**TERMINATIONS OF LICENSES ISSUED:**

Location	Name	License#	City	Amendment #	Date of Action
Beaumont	Saint Elizabeth Hospital	L01580	Beaumont	14	10/23/89
Duncanville	Dallas Eye Institute	L03315	Duncanville	1	10/23/89
Houston	Rice University	L00513	Houston	34	10/19/89

In issuing new licenses and amending and renewing existing licenses, the Texas Department of Health, Bureau of Radiation Control, has determined that the applicants are qualified by reason of training and experience to use the material in question for the purposes requested in accordance with *Texas Regulations for Control of Radiation* in such a manner as to minimize danger to public health and safety or property and the environment; the applicants proposed equipment, facilities, and procedures are adequate to minimize danger to public health and safety or property and the environment; the issuance of the license(s) will not be inimical to the health and safety of the public or the environment; and the applicants satisfy any applicable special requirements in the *Texas Regulations for Control of Radiation*.

This notice affords the opportunity for a hearing on written request of a licensee, applicant, or "person affected" within 30 days of the date of publication of this notice. A "person affected" is defined as a person who is resident of a county, or a county adjacent to the county, in which the radioactive materials are or will be located, including any person who is doing business or who has a legal interest in land in the county or adjacent county, and any local government in the county; and who can demonstrate that he has suffered or will suffer actual injury or economic damage due to emissions of radiation. A licensee, applicant, or "person affected" may request a hearing by writing David K. Lacker, Chief, Bureau of Radiation Control (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756-3189.

Any request for a hearing must contain the name and address of the person who considers himself affected by agency action, identify the subject license, specify the reasons why the person considers himself affected, and state the relief sought. If the person is represented by an agent, the name and address of the agent must be stated.

Copies of these documents and supporting materials are available for inspection and copying at the office of the Bureau of Radiation Control, Texas Department of Health, 1212 East Anderson Lane, Austin, from 8 a.m. to 5 p.m. Monday-Friday (except holidays).

Issued in Austin, Texas, on November 3, 1989.

TRD-8910607 Robert A. MacLean, M.D.  
Deputy Commissioner for Professional Services  
Texas Department of Health

Filed: November 3, 1989

For further information, please call (512) 835-7000.

**Preliminary Report**

Pursuant to the Health and Safety Code, Chapter 401, as amended by Chapters 172, 840, 913, and 930, Acts of the 71st Legislature, 1989, the Bureau of Radiation Control issued a preliminary report for assessment of administrative penalties and notice of violation to Technical Welding Laboratory, Inc., 2815 Lilac Street, Pasadena, Texas 77503, holder of Radioactive Material License Number L02187. The agency recommends and proposes a total assessment of \$83,000 for violations committed by the license.

Information concerning the preliminary report may be obtained by contacting Richard A. Ratliff, Bureau of Radiation Control, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756-3189, (512) 835-7000.

Issued in Austin, Texas on November 3, 1989.

TRD-8910604 Robert A. MacLean, M.D.  
Deputy Commissioner for Professional Services

Filed: November 3, 1989

For further information, please call: (512) 835-7000.

**Public Hearing**

The Department will conduct a public hearing on the following municipal solid waste disposal site:

Browning-Ferris, Incorporated has filed Application Number 1236-B with the Texas Department of Health for amendment of its permit for an existing Type I municipal solid waste site located in northeast Hutchins, 1.75 miles east-northeast of the intersection of IH-45 and IH-20, 750 feet south of IH-20, at the east end of Langdon Drive, in Dallas County. The proposed amendment is to allow landfilling to be approximately 60 feet higher above ground than originally permitted. No additional acreage is being sought.

The site consists of approximately 115.55 acres of land, and is to daily receive approximately 1200 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, (formerly Vernon's Texas Civil Statutes, Article 4477-7) as may be amended by Chapters 400, 536, 583, 639-641, 678, 703-705, 1143-1144, and 1175 of the Acts of the 71st Legislative Session, 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 the Holiday Inn, 1515 North Beckley, De Soto, at 9 a.m. on Thursday, December 14, 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 5 office located at 2561 Matlock Road, Arlington, Texas 76015; (817) 460-3032.

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

TRD-8910617 Robert A. MacLean, M.D.  
Deputy Commissioner for Professional Services  
Texas Department of Health

Filed: November 6, 1989

For further information, please call: (512) 458-7271

## Industrial Accident Board Notice of Non-Enforcement

At the October 30, 1989, public meeting of the Industrial Accident Board, the board agreed unanimously not to enforce subsection (b) of board rule 28 TAC §43.20, which sets December 1, 1989, as the first date for compliance with the requirement that all workers' compensation insurance carriers: (1) provide their insureds with written information regarding the insured's rights and responsibilities under the workers' compensation laws; and (2) file a copy of such information with the board. The provisions of subsection (a) of this section, including that establishing the annual date for compliance to be August 1, continue to apply.

Issued in Austin, Texas, on November 1, 1989.

TRD-8910508 Richard Fulcher  
Acting Executive Director  
Industrial Accident Board

Filed: November 1, 1989

For further information, please call: (512) 448-7960

At the October 30, 1989, public meeting of the Industrial Accident Board, the board agreed unanimously not to enforce the requirement established in subsection (c)(2) of board rule 28 TAC §42.155, that the insurance carrier file a copy of the medical audit summary sheet with the board. The requirement, as stated, is suspended beginning Octo-

ber 30, 1989, and the suspension continues until further notice.

Issued in Austin, Texas on November 1, 1989.

TRD-8910509 Richard Fulcher  
Acting Executive Director  
Industrial Accident Board

Filed: November 1, 1989

For further information, please call: (512) 448-7960

## State Board of Insurance Company Licensing

The following applications have been filed with the State Board of Insurance and are under consideration:

1. Application for admission to do business in Texas of Vision Financial Corporation, a foreign third party administrator. The home office is in Wilmington, Delaware.
2. Application for incorporation in Texas of First Service Group, Inc., a domestic third party administrator. The home office is in Houston.
3. Application for admission to do business in Texas of Lockwood, Dipple and Green, Inc., a foreign third party administrator. The home office Woburn, Massachusetts.

Issued in Austin, Texas, on October 31, 1989.

TRD-8910525 Nicholas Murphy  
Chief Clerk  
State Board of Insurance

Filed: November 2, 1989

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

The following applications have been filed with the State Board of Insurance and are under consideration:

1. Application for admission to do business in Texas of National Colonial Insurance Company, a foreign casualty insurance company. The home office is in Topeka, Kansas.
2. Application for incorporation in Texas of Colonial Bankers Life Insurance Company, a domestic life insurance company. The home office is in Fort Worth.
3. Application for admission to do business in Texas of Financial Dynamics Administrators, Inc., a foreign third party administrator. The home office Salt Lake City, Utah.
4. Application for admission to do business in Texas of AIM Administrators, Inc., a foreign third party administrator. The home office is in Phoenix, Arizona.
5. Application for incorporation in Texas of Burk and Associations, Inc., a domestic third party administrator. The home office is in San Antonio.
6. Application for incorporation in Texas of Managed Healthcare, Inc., a domestic third party administrator. The home office is in Houston.
7. Application for incorporation in Texas of Glennie Management Corporation, a domestic third party administrator. The home office is in Katy.

Issued in Austin, Texas, on November 2, 1989.

TRD-8910524 Nicholas Murphy  
Chief Clerk  
State Board of Insurance

Filed: November 2, 1989

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

The following applications have been filed with the State Board of Insurance and are under consideration:

1. Application for name change by Capital National Life Insurance Company, a domestic life insurance company. The home office is in San Antonio. The proposed new name is CitySavings Life Insurance Company.
2. Application for admission to do business in Texas of Aseguradora Cuauhtemoc, S.A., a foreign casualty insurance company. The home office is in D. F. Mexico.
3. Application for incorporation in Texas of Flex Corporation, a domestic third party administrator. The home office Houston.
4. Application for incorporation in Texas of Southwestern Underwriters Agency, Inc., a domestic third party administrator. The home office is in Dallas.

Issued in Austin, Texas, on October 30, 1989.

TRD-8910523      Nicholas Murphy  
                         Chief Clerk  
                         State Board of Insurance

Filed: November 2, 1989

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

## Texas Parks and Wildlife Department Notices of Public Hearing to Remove Sand and Gravel

Notice is hereby given that Schramme Construction Company, whose address is 5607 Highway 36 South Rosenberg, Fort Bend County, Texas 77471, on October 13, 1989, filed an application with the Texas Parks and Wildlife Department for a sand and gravel permit: "to remove up to 300 cubic yards of sand and 300 cubic yards of gravel per month from the Brazos River starting approximately 2.5 miles northeast of FM 723 river bridge for a distance of 500 feet, adjacent to properties of Freddie Stavinoha, Dan Schlicher and Clarence Otto."

Pursuant to commission rule, the executive director has appointed an examiner to conduct a hearing on this application at: 2 p.m., November 20, 1989, Conference Room C-200, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, Travis County, at which time all interested parties may appear and be heard. Evidence or testimony may be presented orally or in writing by affidavit or deposition. All evidence offered must be subject to cross-examination or otherwise qualify as admissible evidence under the Texas Rules of Civil Evidence in order to be considered by the commission. Written evidence should be filed with the examiner prior to the hearing date.

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

The record of this proceeding will include evidence and testimony taken at the public hearing. The hearing may be continued from time to time and place to place, if necessary to develop all relevant evidence bearing on the subject of the hearing. The examiner retains the authority to schedule or reschedule hearings as deemed necessary. Further information concerning any aspect of the applica-

tion, if available, may be obtained by contacting Rollin MacRae, Wetlands Coordinator, Resource Protection Division, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, Texas 78744, (512) 389-4639. Information concerning any procedures of the hearing or scheduling may be obtained by contacting Jennifer Mellett, Hearing Examiner, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, Texas 78744, (512) 389-4867.

Issued in Austin, Texas, on November 3, 1989

TRD-8910589      Jennifer Mellett  
                         Hearing Examiner  
                         Texas Parks and Wildlife Department

Filed: November 3, 1989

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

Notice is hereby given that the Transco Offshore Gathering Company, whose address is 2800 Post Oak Boulevard, P.O. Box 1396, Houston, Texas 77251, on September 29, 1989, filed an application with the Texas Parks and Wildlife Department for a sand and gravel permit: "to disturb the state owned bottom of the Gulf of Mexico for the purpose of installation of a 16-inch diameter natural gas pipeline, from the offshore boundary of state lands (the three marine league line) in State Land Tract 565-L to an existing pipeline in Tract 558-L in the Matagorda Island Area."

Pursuant to commission rule, the executive director has appointed an examiner to conduct a hearing on this application at: 2 p.m., November 20, 1989, Conference Room C-200, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, Travis County, at which time all interested parties may appear and be heard. Evidence or testimony may be presented orally or in writing by affidavit or deposition. All evidence offered must be subject to cross-examination or otherwise qualify as admissible evidence under the Texas Rules of Civil Evidence in order to be considered by the commission. Written evidence should be filed with the examiner prior to the hearing date.

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

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

Issued in Austin, Texas, on November 3, 1989.

TRD-8910587      Jennifer Mellett  
                         Hearing Examiner  
                         Texas Parks and Wildlife Department

Filed: November 3, 1989

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

Notice is hereby given that the Loan Star Aquaculture Inc., whose address is Star Route, Box 388, Palacios, Texas 77465, on August 15, 1989, filed an application with the Texas Parks and Wildlife Commission for a sand, gravel, and marl permit: "to temporarily disturb approximately 1,186 cubic yards of sand, gravel, and marl of the bed of Matagorda Bay to install a 24" water intake pipeline 800 feet long and filter system located 2,100 feet east of FM 3280, southwest of Palacios, Matagorda County, Texas."

Pursuant to commission rule, the executive director has appointed an examiner to conduct a hearing on this application at: 2 p.m., November 20, 1989, Conference Room C-200, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, Travis County, at which time all interested parties may appear and be heard. Evidence or testimony may be presented orally or in writing by affidavit or deposition. All evidence offered must be subject to cross-examination or otherwise qualify as admissible evidence under the Texas Rules of Civil Evidence in order to be considered by the commission. Written evidence should be filed with the examiner prior to the hearing date.

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

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

Information concerning any procedures of the hearing or scheduling may be obtained by contacting Jennifer Mellett, Hearing Examiner, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, Texas 78744, (512) 389-4867.

Issued in Austin, Texas, on November 3, 1989.

TRD-8910586 Jennifer Mellett  
Hearing Examiner  
Texas Parks and Wildlife Department

Filed: November 3, 1989

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

## Notice of Public Hearing to Revoke Commercial License

Resident commercial bay shrimp boat license, Number 336-3598-9; resident commercial oyster boat license, Number 306-00079-0; resident general commercial fisherman's vessel license, Number 375-668-0.

Notice is hereby given to James Selwin Stringo, to show cause why the previously listed licenses should not be terminated and revoked for the following grounds, to wit: on or about January 6, 1988, respondent was observed taking oysters from West Galveston Bay in violation of the Texas Parks and Wildlife Code, Chapter 76, §§76.201-76.216 (now the Health and Safety Code, Chapter 436,

Subchapter B, §§436.011-436.026), from an area designated by the state commissioner of health to be polluted waters.

This hearing is called pursuant to the authority granted to the Texas Parks and Wildlife Department in the Texas Parks and Wildlife Code, Chapter 12, §§12.501-12.507.

Pursuant to 31 TAC §51.28, the executive director has appointed an examiner to conduct a hearing on this application at 2 p.m. November 21, 1989, Room C-200, Texas Parks and Wildlife Department Headquarters, 4200 Smith School Road, Austin, Texas 78744, at which time respondent may appear in person or by attorney to answer the charges presented. Evidence or testimony may be presented orally or in writing by affidavit or deposition. All evidence offered must be subject to cross-examination or otherwise qualify as admissible evidence under the Texas Rules of Civil Evidence in order to be considered by the examiner and department. Written evidence should be filed with the examiner prior to the hearing date.

This hearing will be held under the authority of the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, §18(c), and the rules of the Texas Parks and Wildlife Commission, 31 TAC §51.21 et. seq.

The record of this proceeding will include testimony and other evidence taken at the public hearing. The hearing may be continued from time to time and place to place, if necessary, to develop all relevant evidence bearing on the subject of the hearing. The examiner retains the authority to schedule or reschedule hearings as deemed necessary. Further information concerning any aspect of the hearing, if available, may be obtained by contacting Paul M. Shinkawa, Branch Chief, Legal and Permits, Resource Protection Division, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, Texas 78744, (512) 389-4585. Information concerning any procedures of the hearing or scheduling may be obtained by contacting Jennifer Mellett, Hearing Examiner, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, Texas 78744, (512) 389-4867.

Issued in Austin, Texas, on November 3, 1989.

TRD-8910585 Jennifer Mellett  
Hearing Examiner  
Texas Parks and Wildlife Department

Filed: November 3, 1989

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

## Texas Tech University Health Sciences Center Consultant Proposal Request

This invitation for offers of consulting services is made pursuant to Texas Civil Statutes, Article 6252-11c (Vernon's Supplement 1989). Texas Tech University Health Sciences Center is seeking private consultant services to assist in the identification of viable candidates for the position of associate dean for the Amarillo Regional Academic Health Center. The associate dean is the senior administrative and academic officer for the Amarillo campus and reports to the dean of the Texas Tech University School of Medicine.

Consultants with a proven record of success in similar employment searches may submit their offers to Dr. Ted Kantner, Chairman, Amarillo Associate Dean Search Committee, Texas Tech University HSC, 3601 4th Street,

Lubbock, Texas 79430 (806) 743-2775. Deadline for submitting offers is 5 p.m. Central Standard Time, November 23, 1989.

Criteria for selecting the successful consultant includes, but is not limited to: demonstrated success and competence in searches for senior academic/administrative positions in a medical or health sciences center environment; ability to meet the demands of the subject search in an expeditious manner; the percentage of the total search effort that is provided by the consultant; and the total cost of the consultant. Preference will be given, should other qualifications be equal, to consultants whose principal place of business is in Texas or who will manage the consulting engagement wholly from one of its offices in Texas.

Texas Tech University Health Sciences Center is desirous of completing the associate dean search space. In order to accomplish this goal the successful consultant will be contacted as soon as possible after the deadline for submitting offers, and will be expected to immediately initiate his or her efforts upon execution of the consulting contract. The effective starting date of the contract will be 40 calendar days from the date of the publication in which this notice is carried.

Texas Tech University Health Sciences Center reserves the right to withdraw this offer, and such offer is made contingent upon approval or waiver by the governor of Texas regarding a finding of fact pursuant to Senate Bill 222, Article V, Section 69, 71st Legislature, 1989.

Issued in Lubbock, Texas on October 31, 1989.

TRD-8910616 Dr. Robert W. Lawless  
President  
Texas Tech University Health Sciences  
Center

Filed: November 6, 1989

For further information, please call: (806) 742-2121

## 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 Envir-O-Spec, Inc., No Permit, on October 27, 1989, assessing \$9,000 in administrative penalties (\$4,500 deferred and waived pending compliance).

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 30, 1989.

TRD-8910493 Gloria A. Vasquez  
Notices Coordinator  
Texas Water Commission

Filed: November 1, 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 Triple J Ranch and Allstates Chemical Corporation (No SWR Number for Triple J; SWR Number 40009 for Allstates), on October 27, 1989, assessing \$45,600 in administrative penalties (\$9,200 deferred and waived pending timely compliance).

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

Issued in Austin, Texas, on October 30, 1989.

TRD-8910483 Gloria A. Vasquez  
Notices Coordinator  
Texas Water Commission

Filed: November 1, 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 W. A. Matkin, Permit Number 13262-01, on October 27, 1989, assessing \$1,500 in administrative penalties.

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

Issued in Austin, Texas, on October 30, 1989.

TRD-8910501 Gloria A. Vasquez  
Notices Coordinator  
Texas Water Commission

Filed: November 1, 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 Paris, Permit Number 10479-02 on October 27, 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 30, 1989.

TRD-8910502 Gloria A. Vasquez  
Notices Coordinator  
Texas Water Commission

Filed: November 1, 1989

For further information, please call: (512) 463-8069.

Filed: November 1, 1989

For further information, please call: (512) 463-8069.

◆ ◆ ◆  
**Texas Water Development Board**  
**Requests for Proposals**

In response to the Texas Water Development Board's allocation of \$50,000 for fiscal year 1990 authorized under the Texas Water Code, §15.404, and pursuant to 31 TAC §355.54(a)(2), the board requests the submission of proposals to expand the board's statewide ground-water quality monitoring program by the collection of ground-water quality data during fiscal year 1990.

The topics of research for which proposals will be considered include, but are not limited to, monitoring ground-water quality: (1) for nitrate concentrations in areas having a high concentrations of feedlots, dairies, or chicken/turkey ranches; (2) for fertilizers, nitrates, pesticides, arsenic, etc., in areas of intense farming having shallow or quickly recharged aquifers; (3) for minerals in the vicinity of mining activities; (4) for salts in areas of likely/existing saline water intrusion; (5) for dissolved solids changes and salinity in heavily pumped areas and areas undergoing substantial water level changes; (6) for heavy metals in areas with large concentrations of industrial facilities; (7) for salinity and TOC in environmentally sensitive areas; and (8) for heavy metals and organics in areas where industrial/agricultural endeavors may impact the quality of spring-flow. The monitoring is not to be related to specific facilities regulated by state government. Proposals must address topics that will expand the board's ground-water quality monitoring program while maintaining its quality control/assurance policies. All data collected must be entered into the board's ground-water data files.

The board will provide funding from the research and planning fund to not exceed 50% for a state amount of up to \$50,000 for the Ground-Water Quality Monitoring Program. In the event that no acceptable proposal is submitted, the board retains the right to make no award of contract funds as specified by provisions of 31 TAC §355.54(a)(3). Each applicant will have 90 days from the date of board approval of an application to execute a contract and demonstrate to the executive administrator of the board that it has the local matching share committed and available.

The board's procedures for evaluating and selecting proposals and applications for assistance awards are set forth in 31 TAC §355.57. Proposals will be reviewed and considered for funding as they are received.

All proposals must conform to all of the requirements in 31 TAC §§355.51-355.60. Incomplete applications will not be considered, so every effort must be made to supply all the necessary information.

Ten copies of each proposal and application must be submitted to G. E. Kretzschmar, Executive Administrator, Texas Water Development Board, P.O. Box 13231, 1700 North Congress Avenue, Room 513, Austin, Texas 78711-3231. Proposals and applications must be received in the board's Austin office by 5 p.m. (CST), December 11, 1989. Work must be completed by July 31, 1990, at which time the applicant must submit to the board a draft.

Potential applicants desiring more information can write to the following people at the preceding address or call them at the listed numbers: Henry Alvarez, (512) 445-1420 or Phillip Nordstrom, (512) 445-1434.

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 Seabrook Seafoods, Inc., Permit Number 02078 on October 27, 1989, assessing \$9,000 in administrative penalties (\$6,000 deferred and waived pending compliance), and imposing stipulated penalties.

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

Issued in Austin, Texas, on October 30, 1989.

TRD-8910503 Gloria A. Vasquez  
Notices Coordinator  
Texas Water Commission

Filed: November 1, 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 Houston Traffic and Transportation Department, No SWR Number, on October 27, 1989, assessing \$22,080 in administrative penalties.

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

Issued in Austin, Texas, on October 30, 1989.

TRD-8910504 Gloria A. Vasquez  
Notices Coordinator  
Texas Water Commission

Filed: November 1, 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 Glenn Neans, Permit Number 11320-01, on October 30, 1989, assessing \$9,000 in administrative penalties.

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

Issued in Austin, Texas, on October 30, 1989.

TRD-8910505 Gloria A. Vasquez  
Notices Coordinator  
Texas Water Commission

A final report covering the work completed and incorporating review comments must be submitted to the board by August 31, 1990, unless then this requirement is extended at a later date by the board.

Procedures for awarding contracts shall comply with the Texas Water Code, §154.404, and Article 664-4, where applicable, and with 31 TAC §§355.51-355.60. Contractual agreements and associated funding will terminate on August 31, 1990.

Completion Date: August 31, 1990.

Issued in Austin, Texas, on November 1, 1989.

TRD-8910561/ Suzanne Schwartz  
General Counsel  
Texas Water Development Board

Filed: November 3, 1989

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



The Texas Water Development Board requests, pursuant to 31 Texas Administrative Code (TAC) §355.54(a), the submission of proposals leading to the possible award of a contract for fiscal year 1990 to conduct research that evaluates the feasibility of effectively utilizing on-site wastewater treatment throughout the State of Texas. Specifically, the research is intended to investigate and demonstrate the best available technologies to improve the quality of wastewater treatment for all state residents not presently served by centralized treatment systems or adequate on-site treatment systems.

**Description of Planning Objectives.** The purpose of the project is to develop research findings that: (1) characterize the present use of on-site wastewater treatment systems and practices throughout the state; (2) establish the nature and extent of present surface water and groundwater quality problems resulting from improper on-site wastewater treatment; (3) determine the regional suitability and effectiveness of on-site wastewater treatment alternatives; and (4) demonstrate and evaluate appropriate on-site wastewater treatment technology in six regions of the State of Texas. Initial emphasis must be given to regions containing counties statutorily defined as economically distressed areas.

Work tasks to be addressed by the research project include: (1) thoroughly reviewing applicable literature and evaluating existing data; (2) developing technical design guidelines for appropriate system technology for the six regions of concern; (3) designing, installing, demonstrating, and evaluating appropriate technology by region; (4)

synthesizing, evaluating, and reporting results.

**Description of Funding Consideration.** The board will provide funding from the research and planning fund not to exceed \$200,000 for state fiscal year 1990.

In the event that no acceptable proposal is submitted, the board retains the right to make no award of contract funds as authorized by 31 TAC §355.54(a)(3). The selected applicant will be expected to execute a research contract with the board and commence work as soon as possible after board approval of a formal application.

**Review Criteria and Procedure.** The board's criteria for eligibility and procedures for selecting proposals for research assistance are set forth in 31 TAC §355.55 and §355.57, respectively. Research shall not duplicate work planned or underway by state agencies.

**Guidelines for Proposal Contracts.** Proposals must conform to all of the requirements in 31 TAC §355.56, in particular, and 31 TAC §§355.51-355.61, in general.

**Deadlines and Contact Person for Additional Information.** Ten copies of the research proposal must be filed with the board prior to 5 p.m. on November 28, 1989. A contract must be executed and work must be underway as soon as possible after board approval of an application. A report covering research work conducted during state fiscal year 1990 must be submitted to the board by August 31, 1990, unless this request is extended at a later date by the board. Research proposals must be directed to G. E. Kretzchmar, Executive Administrator, Texas Water Development Board, P.O. Box 13231, Austin, Texas 78711-3231.

Requests for information, research objectives, and applicable research rules in accordance with 31 TAC §§355.51-355.60 may be directed to T. James Fries at the preceding address or (512) 463-7926.

**Statement of Contract Terms and Required Completion Date.** Procedures for awarding contracts shall comply with Texas Civil Statutes, Article 6252-11c, and with Article 664-4, where applicable, and with 31 TAC §§355.51-355.60. Contractual agreements and associated funding will terminate on August 31, 1990. Completion Date: August 31, 1990.

Issued in Austin, Texas on November 3, 1989.

TRD-8910613 Suzanne Schwartz  
General Counsel  
Texas Water Development Board

Filed: November 6, 1989.

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



# profiles

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*A Guide to Texas State Agencies*

## Comptroller of Public Accounts

Created by the Constitution of 1876, the Comptroller of Public Accounts is the state's chief fiscal officer and tax administrator. The office currently collects some 26 taxes and appraises 463 active state funds.

Prior to the start of each legislative session, the comptroller submits the Biennial Revenue Estimate to the governor and the Legislature. This report serves as a guide in preparing the state's budget. The comptroller must certify that any appropriation of state funds falls within anticipated revenue constraints.

To improve financial management practices at the city and county levels, the comptroller operates the Local Government Program. Staff members produce a quarterly newsletter, conduct seminars and training workshops, and provide consultation services to local officials.

Besides its administrative duties, the Comptroller's Office is responsible for regulating the bingo and amusement machine industries. The comptroller is an ex-officio member of the Texas Racing Commission, which licenses, monitors and accounts for all pari-mutuel activities. The comptroller is also a member of

two non-regulatory agencies: the Guaranteed Student Loan Corporation, which serves as the lender of last resort for student loans; and the State Bond Review Board, which oversees all bonds issued by the state.

Over the past decade, the agency has taken steps to streamline tax collection and improve services to taxpayers and state agencies. Audit offices have been established to supervise tax collection from out-of-state companies doing business in Texas. The comptroller's tax divisions were consolidated into one division, allowing citizens to call one phone number for any type of tax assistance. Also, staff are now cross-trained in all tax areas.

One of the office's goals is to reduce the volume of paperwork the taxpayer must complete and, in turn, the comptroller must process. The agency is also studying the feasibility and cost of implementing a new Statewide Accounting System for state agencies.

The Comptroller of Public Accounts is located in Austin and may be reached at (512) 463-4600.