

# Texas Register

Volume 14, Number 86, November 21, 1989

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## Texas Register

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Withdrawn Sections—sections withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date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



# TAC Titles Affected

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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 November 10, 1989

To be a member of the Texas Commission on the Arts for a term to expire August 31, 1995: James D. Tittle, 2025 Oldham, Abilene, Texas 79002. Mr. Tittle will be replacing Nancy Ann Davis of Fort Worth, whose term expired.

To be a member of the Texas Board of Aviation for a term to expire February 1, 1995: Oliver Kendall Kelley, 2816 South Hughes, Amarillo, Texas 79109. Mr. Kelley is being appointed to a new position pursuant to House Bill 94, 71st Legislature, Regular Session.

To be a member of the Texas Board of Aviation for a term to expire February 1, 1995: Charles D. Nash, Sr., 1407 Gaston, Austin, Texas 78703. Mr. Nash is being appointed to a new position pursuant to House Bill 94, 71st Legislature, Regular Session.

To be a member of the Texas Board of Aviation for a term to expire February 1, 1993: Stephanie Randolph Roberts, 3901 Pollard, Tyler, Texas 75701. Mrs. Roberts is being appointed to a new position pursuant to House Bill 94, 71st Legislature, Regular Session.

To be a member of the Texas Board of Aviation for a term to expire February 1, 1995: Elton Rust, P.O. Box 458, Waring, Texas 78074. Mr. Rust is being appointed to a new position pursuant to House Bill 94, 71st Legislature, Regular Session.

To be a member of the Texas Diabetes Council for a term to expire February 1, 1991: Michelle C. Cross, 3104-B Mohawk Road, Austin, Texas 78731. Mrs. Cross will be replacing Helen Brogdon of Weatherford, whose term expired.

To be a member of the Fire Department Emergency Board for a term to expire February 1, 1991: Don Comedy, P.O. Box 1058, Haskell, Texas 79521. Mr. Comedy is being appointed to a new position pursuant to House Bill 708, 71st Legislature, Regular Session.

To be a member of the Texas Department of Licensing and Regulation Board for a term to expire February 1, 1993: Paul J. Corkery, 1108 Pebble Creek Road, Fort Worth, Texas 76107. Mr. Corkery is being appointed to a new position pursuant to

House Bill 863, 71st Legislature, Regular Session.

To be a member of the Red River Authority of Texas Board of Directors for a term to expire August 11, 1995: Joe L. Johnson, Jr., 2405 Essex, Wichita Falls, Texas 76308. Mr. Johnson will be replacing Alvin L. Barnes of Wichita Falls, whose term expired.

To be a member of the Texas Space Commission for a term to expire February 1, 1995: Frank Mareah, 2240 Chilton, Houston, Texas 77019. Mr. Mareah is being appointed to a new position pursuant to House Bill 1511, 70th Legislature, Texas Civil Statutes, Article 4413(54).

To be a member of the Texas Space Commission for a term to expire February 1, 1995: Joseph P. Allen, IV, 1410 Antigua Lane, Houston, Texas 77058. Dr. Allen is being appointed to a new position pursuant to House Bill 1511, 70th Legislature, Texas Civil Statutes, Article 4413(54).

To be a member of the Texas Space Commission for a term to expire February 1, 1991: Jerry C. Bostick, 4335 Long Grove, Seabrook, Texas 77586. Mr. Bostick is being appointed to a new position pursuant to House Bill 1511, 70th Legislature, Texas Civil Statutes, Article 4413(54).

To be a member of the Texas Space Commission for a term to expire February 1, 1993: Jack M. Webb, 3434 Locke Lane, Houston, Texas 77027. Mr. Webb is being appointed to a new position pursuant to House Bill 1511, 70th Legislature, Texas Civil Statutes, Article 4413(54).

To be a member of the Texas Space Commission for a term to expire February 1, 1991: Emyre' B. Robinson, 5115 Oak Avenue, Dickinson, Texas 77539. Mrs. Robinson is being appointed to a new position pursuant to House Bill 1511, 70th Legislature, Texas Civil Statutes, Article 4413(54).

To be a member of the Texas Space Commission for a term to expire February 1, 1993: Oran Nicks, 901 Munson Avenue, College Station, Texas 77840. Mr. Nicks is being appointed to a new position pursuant to House Bill 1511, 70th Legislature, Texas Civil Statutes, Article 4413(54).

To be a member of the Texas Space Commission for a term to expire February 1, 1993: Sarah A. Peterson, 3622 Latma,

Houston, Texas 77025. Mrs. Peterson is being appointed to a new position pursuant to House Bill 1511, 70th Legislature, Texas Civil Statutes, Article 4413(54).

To be a member of the Texas Space Commission for a term to expire February 1, 1995: David A. Heuer, 16407 Brambling Dr., Houston, Texas 77059. Mr. Heuer is being appointed to a new position pursuant to House Bill 1511, 70th Legislature, Texas Civil Statutes, Article 4413(54).

To be a member of the Texas Space Commission for a term to expire February 1, 1991: Lenox Carruth, Jr., 10135 Ferndale Road, Dallas, Texas 75238. Mr. Carruth is being appointed to a new position pursuant to House Bill 1511, 70th Legislature, Texas Civil Statutes, Article 4413(54).

To be a member of the Trinity River Authority of Texas Board of Directors for a term to expire March 15, 1995: Maurice Lee Locke, P.O. Box 4010, Liberty, Texas 77575. Mr. Locke will be replacing J. Leard Conner of Dayton, whose term expired.

To be a member of the Task Force on Public Education pursuant to Executive Order WPC-89-19 dated November 9, 1989, for terms at the pleasure of the Governor: Charles Miller, Chairman, 1000 Louisiana, Houston, Texas 77002; Larry Jenkins, 3101 Sweet Gum Cove, Austin, Texas 78735; George W. Strake, Jr., 712 Main Street, Suite 3300, Houston, Texas 77002-3210; and Gary Eugene Wood, P. O. Box 12456, Austin, Texas 78711.

To be a member of the Task Force on Waste Reduction and Minimization for a term at the pleasure of the Governor: James B. Mattly, 1210 Emerald Green, Houston, Texas 77094. Mr. Mattly is being appointed to a new position pursuant to Senate Bill 163, 71st Legislature.

To be a member of the Executive Committee of the Center for Rural Health Initiatives for a term to expire August 31, 1995: Jim Bob Brame, M.D., Box Y, Eldorado, Texas 76936. Dr. Brame is being appointed to a new position pursuant to House Bill 18, 71st Legislature, first called session.

Issued in Austin, Texas on November 14, 1989.

TRD-8910924

William P. Clements, Jr.  
Governor of Texas

## **Executive Order**

**WPC-89-19**

### **ESTABLISHING THE TASK FORCE ON PUBLIC EDUCATION AND DESCRIBING THE SCOPE OF ITS EFFORTS AND METHODS OF OPERATION**

WHEREAS, providing the children of Texas with the opportunity to receive a quality basic education in our primary and secondary public schools is essential to the economic and social development of the state and of primary concern to all Texans; and

WHEREAS, the Texas Supreme Court has held that the public school system is not efficient, meaning "effective or productive of results" and connoting the "use of resources so as to produce results with little waste" and that the public school system does not afford students "a substantially equal opportunity to have access to educational funds"; and

WHEREAS, there is a need to examine the state's public school system from the perspective of improving performance and increasing accountability and efficiency; and

WHEREAS, the Select Committee on Education completed a comprehensive review of the Texas public educational system in 1988 which should be used as the foundation on which this Task Force will build; and

WHEREAS, increasing state expenditures without making necessary structural changes to the public educational system will not provide a permanent solution to the issues addressed in the Edgewood v. Kirby decision;

NOW, THEREFORE, I, William P. Clements, Jr., Governor of Texas, do hereby create and establish the Task Force on Public Education, hereinafter referred to as the TASK FORCE.

#### **I. SCOPE OF THE TASK FORCE EFFORTS**

The primary mission of the TASK FORCE is to develop a blueprint for restructuring public education in Texas to produce an efficient system of public free schools.

To that end the TASK FORCE shall:

- A. Delineate the components and features of a quality basic education which fulfills the State's responsibilities;
- B. Outline a system which most efficiently utilizes resources in delivering a quality basic education, and recommend a method for determining the cost of delivering that quality basic education;
- C. Recommend a system of funding which most effectively delivers that quality basic education; and
- D. Recommend methods and programs which will both measure the results of Texas' public educational system in terms of student, teacher and administrator performance and communicate the results to parents, taxpayers and elected officials, thereby ensuring greater accountability.

#### **II. ORGANIZATION**

- A. The TASK FORCE shall consist of twelve members. The Governor, Lieutenant Governor, and Speaker of the House of Representatives shall each designate four members of the TASK FORCE.
- B. The Governor shall designate the Chair and Vice-Chair from the membership, both of whom shall serve in those positions at the pleasure of the Governor.
- C. The Chair of the TASK FORCE shall establish any committee or sub-committee of the TASK FORCE.
- D. The members of the TASK FORCE shall serve without compensation or reimbursement of expenses.

#### **III. REPORTS**

The TASK FORCE shall submit its report and recommendations regarding the charge given to it herein to the Governor on or before March 1, 1990.

This executive order shall be effective immediately and shall remain in full force and effect until modified, amended, or rescinded by me.

Issued in Austin, Texas on November 9, 1989.

TRD-8910944

William P. Clements, Jr.  
Governor of Texas

# Emergency Sections

An agency may adopt a new or amended section or repeal an existing section on an emergency basis if it determines that such action is necessary for the public health, safety, or welfare of this state. The section may become effective immediately upon filing with the *Texas Register*, or on a stated date less than 20 days after filing, for no more than 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 25. HEALTH SERVICES

### Part II. Texas Department of Mental Health and Mental Retardation

#### Chapter 401. Systems Administration

##### Subchapter B. Interagency Agreements

###### • 25 TAC §401.53

The Texas Department of Mental Health and Mental Retardation (TDMHMR) adopts on an emergency basis new §401.53, concerning the annual plan for new bed development in the Texas ICF/MR Program. Senate Bill 1426 of the 71st Texas Legislature requires the department to create a plan for the development of new ICF-MR beds and to adopt the plan by rule pending approval by the Interagency Council on ICF-MR Facilities. The plan, which has been approved by the council, is adopted by reference on an emergency basis with a proposal for public comment being held pending analysis of local employment impact by the Texas Employment Commission.

The section is adopted on an emergency basis under Texas Civil Statutes, Article 5547-202, which provide the Texas Board of Mental Health and Mental Retardation with rulemaking powers, and under the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, which provides state agencies the authority to adopt on an emergency basis rules required by state or federal law.

###### §401.53. Annual Plan for New Bed Development in the Texas ICF/MR Program.

(a) The Texas Department of Mental Health and Mental Retardation (TDMHMR) adopts by reference as Exhibit J the "Annual Plan for New Bed Development in the Texas ICF/MR Program."

(b) Copies of the plan are filed in the Office of Standards and Quality Assurance, TDMHMR, 909 West 45th Street, Austin, Texas 78756, and may be reviewed during regular business hours.

Issued in Austin, Texas, on November 10, 1989.

TRD-8910805

Pattilou Dawkins  
Chairman  
Texas Board of Mental  
Health and Mental  
Retardation

Effective date: November 13, 1989

Expiration date: March 13, 1990

For further information, please call: (512) 465-4670

## TITLE 28. INSURANCE

### Part I. State Board of Insurance

#### Chapter 27. State Fire Marshal

##### Subchapter F. Flammable Liquids

###### • 28 TAC §§27.601-27.620

The State Board of Insurance adopts on an emergency basis the repeal of §§27.601-27.620, concerning the regulation of the business of storing, handling, or using flammable liquids at retail service stations and at bulk plants operated in conjunction with retail service stations. The repeal on an emergency basis of §§27.601-27.620 as Subchapter F, concerning flammable liquids, is simultaneous with the adoption on an emergency basis of new §§27.601-27.607, as Subchapter F, concerning rules for the safe storage, handling, and use of flammable liquids at retail service stations and aircraft fueling facilities. Notice of the emergency adoption of the new sections appears elsewhere in this issue of the *Texas Register*. Repeal of §§27.601-27.620 on an emergency basis is necessary to enable the board to adopt new §§27.601-27.607 on an emergency basis to provide immediate implementation of amendments by the 71st Legislature to Texas Civil Statutes, Article 9201. An imminent peril to the public health, safety, and welfare requires repeal of §§27.601-27.620 on an emergency basis to provide for the proper functioning of administrative regulation of the storage, handling, and use of certain flammable liquids.

The repeals are adopted on an emergency basis under the Insurance Code, Article 1.04, which authorizes the State Board of Insurance to determine rules in accordance with the laws of this state, and under Texas Civil Statutes, Article 9201, which provide that the board shall formulate, adopt, and promulgate rules and regulations for the safe storage, handling, and use of flammable liquids in accordance with the article.

###### §27.601. Provisions of General Applicability.

###### §27.602. Definitions.

###### §27.603. Retroactivity.

###### §27.604. Capacities of Storage Tanks and Tank Vehicles.

###### §27.605. Clarification and Modification.

###### §27.606. Design and Construction of Tank Storage.

###### §27.607. Appurtenances on Aboveground Tanks at Bulk Plants.

###### §27.608. Installation of Underground Tanks.

###### §27.609. Installation of Tanks Inside of Buildings.

###### §27.610. Testing.

###### §27.611. Piping, Valves, and Fittings.

###### §27.612. Storage and Handling at Retail Service Stations.

###### §27.613. Attendance or Supervision of Dispensing.

###### §27.614. Dispensing Systems.

###### §27.615. Electrical Equipment.

###### §27.616. Heating Equipment.

###### §27.617. Drainage and Waste Disposal.

###### §27.618. Sources of Ignition.

###### §27.619. Fire Control.

###### §27.620. Savings Clause.

Issued in Austin, Texas on November 13, 1989.

TRD-8910831

Nicholas Murphy  
Chief Clerk  
State Board of Insurance

Effective date: November 14, 1989

Expiration date: March 14, 1990

◆ ◆ ◆  
• 28 TAC §§27.601-27.607

The State Board of Insurance adopts on an emergency basis new §§27.601-27.607 as Subchapter F, concerning rules for the safe storage, handling, and use of flammable liquids at retail service stations and aircraft fueling facilities. Adoption of new §§27.601-27.607 is simultaneous with the repeal of existing §§27.601-27.620 as Subchapter F, concerning flammable liquids. Notification of the repeal appears elsewhere in this issue of the *Texas Register*. Adoption of these new sections on an emergency basis is necessary in order to provide immediate implementation of amendments to Texas Civil Statutes, Article 9201. An imminent peril to the public health, safety, and welfare requires adoption of §§27.601-27.607 on an emergency basis to provide for the administrative regulation of the storage, handling, and use of certain flammable liquids as authorized by Article 9201. The new sections set forth the applicability of the subchapter, define terms, and adopt standards. The board has filed with the Office of the Secretary of State, *Texas Register* section, a copy of the National Fire Protection Association standards adopted by reference under new §27.605. Other copies of these standards are available for inspection at the Office of the State Fire Marshal, 333 Guadalupe, Republic Plaza Two, Austin.

The new sections are adopted on an emergency basis under the Insurance Code, Article 1.04, which authorizes the State Board of Insurance to determine rules in accordance with the laws of this state, and under Texas Civil Statutes Article 9201, which provide that the board shall formulate, adopt, and promulgate rules and regulations for the safe storage, handling, and use of flammable liquids in accordance with the article.

**§27.601. Purpose.** The purpose of this subchapter is to administer through the state fire marshal the law set forth in Texas Civil Statutes, Article 9201, regarding the safe storage, handling, and use of flammable liquids at retail service stations and aircraft fueling facilities.

**§27.602. Title.** The sections of this subchapter shall be known as and may be cited as the rules for the safe storage, handling, and use of flammable liquids at retail service stations and aircraft fueling facilities.

**§27.603. Applicability of Sections.** The sections of this subchapter shall apply to any person engaged in the business of the storage, handling, dispensing, and use of flammable liquids at retail service stations, aircraft fueling facilities, and bulk plants operated in conjunction with retail service stations.

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

Aircraft fueling facility—Airport fueling system as defined by National Fire Protection Association Standard 407.

NFPA—The National Fire Protection Association, a nationally recognized standards-making organization.

**§27.605. Adopted Standards.** The board adopts by reference the following copyrighted standards and recommendations, except to the extent they are in conflict with sections of this subchapter or any Texas statutes or federal law. The standards are

published by and are available from the National Fire Protection Association, Batterymarch Park, Quincy, Massachusetts 02269:

(1) NFPA 30-1987, Flammable and Combustible Liquids Code;

(2) NFPA 30A-1987, Automotive and Marine Service Station Code; and

(3) NFPA 407-1985, Aircraft Fuel Servicing.

**§27.606. Retroactivity.** This subchapter applies to underground and aboveground storage tanks in service after the effective date of the subchapter except for underground tanks used by retail service stations in service prior to September 1, 1969, to the extent that such stations in service prior to September 1, 1969, do not create a distinct hazard to life and property.

**§27.607. Severability.** If any provision of this subchapter or the application thereof to any person or circumstance is held invalid for any reason, the invalidity shall not affect the other provisions or any other application of this subchapter which can be given effect without the invalid provisions or application. To this end, all provisions of this subchapter are declared to be severable.

Issued in Austin, Texas on November 13, 1989.

TRD-8910930

Nicholas Murphy  
Chief Clerk  
State Board of Insurance

Effective date: November 14, 1989

Expiration date: March 14, 1990

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

# Proposed Sections

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

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

## TITLE 22. EXAMINING BOARDS

### Part XXIII. Texas Real Estate Commission

#### Chapter 535. Provisions of the Real Estate License Act

##### Licenses

##### • 22 TAC §535.91, §535.92

The Texas Real Estate Commission proposes amendments to §535.91 and §535.92, concerning mandatory continuing education as a condition of license renewal for real estate brokers and salesmen.

The amendments are proposed as part of the commission's implementation of House Bill 1212, 71st Legislature, 1989, which requires Texas real estate licensees to satisfy mandatory continuing education (MCE) requirements as a condition of license renewal or issuance. Most real estate licensees will be required to complete at least 15 hours of approved MCE courses every two years; six hours must be devoted to legal topics such as fair housing laws, agency laws, antitrust laws, case studies involving violations of laws and regulations, and other legal topics approved by the commission. Inactive salesmen are required to satisfy MCE requirements as a condition of returning to active status.

The amendment to §535.91 clarifies that it is the responsibility of a real estate licensee to complete timely MCE courses in order to renew a license. Minor changes are also proposed to make terms used in the section consistent with terms used in Texas Civil Statutes, Article 6573a, and to remove language no longer applicable due to the changes in the commission's computerized records system.

The proposed amendment to §535.92 primarily concerns the process by which real estate licensees are renewed. Under the existing section, the commission mails a renewal notice to each licensee three months prior to the expiration date of the license. A licensee timely renews a license by returning the renewal notice to the commission and paying a renewal fee no later than the 15th day of the month preceding the month the current license expires. The amendment will obligate the commission to advise each licensee of the number of hours of MCE courses for which the licensee has been given credit and the number of any additional MCE hours required for renewal of the license.

The amendment to §535.92 also relieves the commission of the obligation to send a renewal notice to an inactive salesman who has

not provided the commission with a current residence address. Corporations and partnerships licensed as brokers will satisfy MCE requirements through the individual licensees designed as their representatives. Licensees who file a renewal application in a timely manner but fail to complete required MCE courses will be required by the proposed amendment to complete the courses prior to expiration of the license. If MCE requirements are not met prior to the expiration of the license or if the licensee fails to renew timely, an application for a new license will be required, and MCE courses will be required in accordance with Texas Civil Statutes, Article 6573a, §7A. If the application for a new license is filed prior to the expiration of an existing license, the application will be considered a timely renewal for the limited purpose of determining the number of MCE hours required.

The amendment to §535.92 further requires real estate licensees to attend all of an MCE course to obtain credit, limits use of the same course for MCE credit, requires licensees to sign a course completion form certifying attendance, and establish conditions for the acceptance of courses taken to satisfy MCE requirements of another state. A false statement to the commission concerning attendance is deemed a violation of Texas Civil Statutes, Article 6573a, §15(2) and of the amended section, authorizing disciplinary action against the licensee.

Minor changes are also proposed to §535.92 to make terminology used in the section consistent with that found in the enabling legislation.

Donald C. Roose, education officer, has determined that for the first five-year period the proposed sections are in effect there will be fiscal implications for state government as a result of enforcing or administering the sections. The effect on state government will be an estimated additional cost of \$92,214 for the first year and annual cost averaging \$62,000 for each of the remaining four years. These costs are attributed to additional staff, computer programming and hardware acquisition, and operating expenses for the commission. There are no fiscal implications for local government as a result of enforcing or administering the sections.

Mr. Roose also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be the enhancement of real estate brokerage services provided to the public as a result of continuing education courses attended by real estate licensees. There will be no effect on small businesses as a result of enforcing the section. The anticipated economic cost to individ-

uals who are required to comply with the sections as proposed is approximately \$30 annually for tuition for required MCE courses.

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

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

**§535.91. Licensing: Renewal [Certification] Applications.** The licensee has the responsibility to apply for renewal of a license [certification of licensure status] by making proper application [.] and to complete mandatory continuing education (MCE) courses within the time periods required by the Act, §7A. The commission shall mail a renewal application form [A form for use in making this application is mailed] to the licensee's last known business address or, if the licensee is an inactive salesman, to the licensee's last known residence address as shown in the commission's computerized records. [The commission shall have no obligation to mail certification applications to the residence of an inactive salesman until the commission's computerized records system has been modified to permit the entry of the last known residence address of inactive salesmen.] Applications may be made by letter accompanied by the required fee. Failure to receive a license renewal application form from the commission does not relieve a licensee of the [his] obligation to apply for renewal [certification if he desires] to maintain licensure [status].

**§535.92. Renewal [Licensing: Certification]: Time for Filing; Satisfaction of Mandatory Continuing Education Requirements.**

(a) All applications for renewal [annual certification] showing a postmark on or before the last day of the renewal [certification] period are acceptable.

(b) When the last day of the renewal [certification] period falls on a non-business day, renewal [annual certification] applications may be accepted if received or postmarked no later than the first business day following the last day [of the close] of

the renewal [certification] period. "Non-business" days are Saturday, Sunday and state holidays designated in the General Appropriations Act or by other law.

(c) Each real estate license expires on the date shown on the face of the license certificate issued to the licensee. The commission shall issue a license valid until the [certification] date designated [according to the assigned license number]; provided, however, the commission shall not issue a license valid more than 24 months.

(d) [Beginning January 1, 1982, an] An inactive salesman may renew a license [certify licensure status on an inactive basis] by complying with the renewal [certification] procedures established by the commission. An "inactive salesman" is a [currently] licensed salesman who is not sponsored by a [currently] licensed broker. An inactive salesman shall furnish a residence address at the time the salesman becomes inactive, and report all subsequent address changes.

(e) The commission shall establish a time period for each licensee to renew a license [certify licensure status] according to the expiration date [license number] of the license [licensee] involved.

(f) Each licensee shall, as a condition of maintaining a license [licensure privileges], pay the renewal [certification] fee or fees when requested to do so by the commission. Payment of renewal [certification] fees must be made no later than the 15th day of the month preceding the month the current license expires. A licensee who fails timely to pay a renewal [certification] fee must file an original application which must be [has been] approved by the commission to regain licensure. If the original application is filed prior to the expiration of an existing license, the commission may issue the new license prior to completing the investigation of any complaint pending against the applicant without waiving the right to initiate an action to suspend or revoke the license after notice and hearing in accordance with the Act, §17. [For salesmen subject to annual education requirements, the commission may issue a license valid until the date the previous license would have been valid had the certification fee been timely filed.]

(g) The commission shall advise each licensee of the time period for filing a renewal [certification] application and paying the renewal [certification] fee by mailing an appropriate notice to the licensee's last known business address or, if the licensee is an inactive salesman, to the licensee's [inactive salesman's] last known residence address. The notice shall be mailed three months before expiration of the current license. If the licensee is subject to mandatory continuing education (MCE) requirements, the notice must also contain the number of MCE hours for which the licensee has been given

credit and the number of additional MCE hours required for renewal of the license. The commission shall have no obligation to so notify an inactive salesman who has failed to furnish the commission with the salesman's residence address or a corporation or partnership that has failed to designate an officer or partner who meets the requirements of the Act. The commission shall not accept an application for [certification or] renewal of a license issued to a corporation or partnership unless the corporation or partnership has designated an officer or partner who meets the requirements of the Act, including satisfaction of MCE requirements.

(h) If a licensee files a timely application to renew a license but has not satisfied applicable MCE requirements, the commission shall advise the applicant of the number of MCE hours required to renew the license and the time for satisfying MCE requirements. If MCE requirements have not been satisfied by the expiration date of the existing license, the licensee must file an original application for a license which must be approved by the commission before a new license is issued. Original applications are subject to MCE requirements imposed by the Act. The commission shall deem an application filed prior to the expiration of the current license a timely renewal for the purpose of determining the number of MCE hours required. [The commission shall prorate the certification fee for each licensee on the basis of the number of months the license to be issued will be valid; provided, however, the certification fee shall not exceed on an annualized basis the amount set forth in the Act, §11.]

(i) A real estate licensee shall not receive MCE credit for a license renewal unless the licensee attends all of the MCE course. Credit shall not be given for attendance of the same course more than once during the term of the current license or during the two-year period preceding the filing of an original application. Each licensee attending all sessions of a course shall sign the course completion form, MCE Form 7-0. A false statement to the commission concerning attendance at an MCE course shall be deemed a violation of the Act, §15(2), and of this section.

(j) Courses taken by a Texas licensee to satisfy MCE requirements of another state may be approved on an individual basis for MCE credit in this state upon the commission's determination that:

- (1) the Texas licensee was licensed in the other state at the time the course was taken;
- (2) the course was approved for MCE credit by the other state;
- (3) the Texas licensee's successful completion of the course has been

evidenced by a course completion certificate, a letter from the provider, or such other proof as is satisfactory to the commission; and

(4) the subject matter of the course was predominately devoted to a subject acceptable for MCE credit in this state.

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 10, 1989.

TRD-8910873

Mark A. Moseley  
General Counsel  
Texas Real Estate  
Commission

Earliest possible date of adoption: December 22, 1989

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

### Termination of Salesman's Association with Sponsoring Broker

• 22 TAC §535.122

The Texas Real Estate Commission proposes an amendment to §535.122, concerning satisfaction of mandatory continuing education (MCE) requirements by inactive real estate salesmen as a condition of returning to active status.

The amendment is intended to implement the provisions of House Bill 1212, 71st Legislature, 1989, requiring inactive real estate salesmen to complete 15 hours of approved MCE courses as a condition of returning to active status. An inactive salesman is a licensed salesman who is not sponsored by a licensed broker; inactive salesmen must return to active status under the sponsorship of a broker before performing real estate brokerage services.

The proposed amendment would require the new sponsoring broker to receive confirmation from the commission that the inactive salesman has satisfied MCE requirements before the salesman is returned to active status and authorized to act as a real estate agent. Under the present section, the salesman returns to active status when the sponsoring broker notifies the commission of the sponsorship, pays the appropriate fee, and requests issuance of a new license. Since salesmen who obtain licenses under existing education requirements are not also required to complete MCE requirements under House Bill 1212, the proposed amendment provides that an inactive salesman's return to active status during the term of a license issued after satisfaction of other education requirements is not subject to MCE requirements.

Donald C. Roosa, education officer, has determined that for the first five-year period the proposed 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. Roose, 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 enhancement of services provided to the public by real estate salesmen who attend MCE courses after a period of inactivity. There will be no effect on small businesses as a result of enforcing the section. The anticipated economic cost to individuals who are required to comply with the section as proposed is approximately \$90 a year for tuition for MCE courses.

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

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

#### §535.122. Termination of Salesman's Association Reactivation of License.

(a) When a licensed salesman enters the sponsorship of a broker other than the broker named on the salesman's current license certificate, it is necessary that the salesman and broker whose sponsorship he has entered notify the commission within 10 days, submit the appropriate fee, and request that a new license reflecting the new association be issued.

(b) An inactive salesman who enters the sponsorship of a broker and who is subject to MCE requirements is not returned to active status until the salesman's sponsoring broker has received written confirmation from the commission authorizing the salesman to act as a real estate agent. A salesman whose original application or renewal application was subject to educational requirements imposed by the Act, §7, is not subject to MCE requirements as a condition of returning to active status during the term of the license issued from the original application or renewal application. The commission shall not issue a license reflecting the sponsorship or otherwise confirm that the salesman is authorized to act as a real estate agent until the commission has received documentation of satisfaction of MCE requirements in a form acceptable to the commission. For the purposes of this section, the commission may accept a course completion certificate issued by an approved MCE provider as documentation.

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 10, 1989.

TRD-8910874

Mark A. Moseley  
General Counsel  
Texas Real Estate  
Commission

Earliest possible date of adoption: December 22, 1989

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

## Chapter 539. Rules Relating to the Provisions of the Residential Service Company Act

### Subchapter J. Annual Report

#### • 22 TAC §539.91

The Texas Real Estate Commission proposes an amendment to §539.91, concerning annual reports filed by residential service companies.

Residential service companies are licensed by the commission to offer contracts, commonly known as home warranties, whereby the companies undertake to maintain, repair, or replace components or systems of residential property for a specified period of time. As part of its regulation of the industry, the commission requires residential service companies to file annual reports.

The proposed amendment to §539.91 adopts by reference a revised annual report form, Annual Report Form RSC 6-1. New questions in the report require the residential service company to disclose administrative proceedings in any jurisdiction, any transfer of risk of loss to reinsurers or residential service companies during the reporting period, any reports made to the Securities and Exchange Commission during the reporting period, and any financial reports prepared for any other regulatory purpose. The annual report has also been revised to reflect a modification in the method of computing the funded reserve imposed by recent amendments to Texas Civil Statutes, Article 6573a.1; the reserve must be equal to the lesser of an amount equal to the amount of liability multiplied by the ratio of the company's incurred direct losses to contract fees earned by the company during the previous calendar year, or an amount equal to 50% of the amount of liability. The form is also revised to require an income statement for the previous year as well as information on sales and claims activity by quarter.

Jack Morris, director of programs, has determined that for the first five-year period the proposed 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. Morris 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 enhancement of consumer protection resulting from early detection of material changes in the solvency of licensed residential service companies. 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 Jack Morris, Director of Programs, Texas Real Estate Commission, P.O. Box 12188, Austin, Texas 78711-2188.

The amendment is proposed under Texas Civil Statutes, Article 6573a.1, §5, which provide the Texas Real Estate Commission with the authority to adopt, promulgate, and enforce rules and regulations necessary to effectuate the intent and purposes of that law.

§539.91. Annual Report Form RSC 6-1 [6-0]. The Texas Real Estate Commission adopts by reference attached Annual Report Form RSC 6-1 [6-0] approved by the commission in October 1989 [February 1991]. This document is published by and available from the Texas Real Estate Commission, P.O. Box 12188 [4920 North Interregional Highway], Austin, Texas 78711-2188 [78751].

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 10, 1989.

TRD-8910871

Mark A. Moseley  
General Counsel  
Texas Real Estate  
Commission

Earliest possible date of adoption: December 22, 1989

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

## Subchapter N. Hazardous Financial Condition

#### • 22 TAC §539.137

The Texas Real Estate Commission proposes an amendment to §539.137, concerning quarterly reports filed by residential service companies.

Residential service companies are licensed by the commission to offer contracts, commonly known as home warranties, whereby the companies undertake to maintain, repair, or replace components or systems of residential property for a specified period of time. As part of the regulation of the residential service industry, the commission requires companies to file quarterly reports.

The proposed amendment to §539.137 adopts by reference a revised quarterly report form, Quarterly Report Form RSC 7-1. New questions in the report require the residential service company to disclose administrative proceedings in any jurisdiction, any transfer of risk of loss to reinsurers or residential service companies during the reporting period, any reports made to the Securities and Exchange Commission during the reporting period, and any financial reports prepared for any other regulatory purpose. The quarterly report has also been revised to reflect a modification in the method of computing the funded reserve imposed by recent amendments to Texas Civil Statutes, Article 6573a.1; the reserve must be equal to the lesser of an amount equal to the amount of liability multiplied by the ratio of the company's incurred direct losses to contract fees earned by the company during the previous calendar year, or an amount equal to 50% of the amount of liability. The residential service

company is also required to disclose whether the company has been licensed or doing business in other states and whether there are any currently active lawsuits in which the company is a defendant. A number of questions were forwarded for clarification.

Jack Morris, director of programs, 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. Morris 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 enhancement of consumer protection resulting from early detection of material changes in the solvency of licensed residential service companies. There will be no effect on small businesses. There is no anticipated economic cost to per-

sons who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Jack Morris, Director of Programs, Texas Real Estate Commission, P.O. Box 12188, Austin, Texas 78711-2188.

The amendment is proposed under Texas Civil Statutes, Article 6573a.1, §5, which provides the Texas Real Estate Commission with the authority to adopt, promulgate, and enforce rules and regulations necessary to effectuate the intent and purposes of that law.

**§539.137. Quarterly Report Form RSC 7-1 [7-0].** The Texas Real Estate Commission adopts by reference attached Quarterly Report Form RSC 7-1 [7-0] approved by the commission in October 1989 [April 1981]. This document is published by and available from the Texas Real Estate Commission.

also P.O. Box 12188 (4920 North Interregional Highway), Austin, Texas 78711-2188 [78791].

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 10, 1989.

TRD-8910872

Mark A. Moseley  
General Counsel  
Texas Real Estate  
Commission

Earliest possible date of adoption: December 22, 1989

For further information, please call: (512) 465-9660



# 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 40. SOCIAL SERVICES AND ASSISTANCE

### Part IX. Texas Department on Aging

#### Chapter 297. Homemaker I Service Standards

##### Statutes and Regulations

- 40 TAC §§297.1, 297.3, 297.5, 297.7, 297.9, 297.11, 297.13, 297.15, 297.17, 297.19, 297.21, 297.23

Pursuant to Texas Civil Statutes, Article 6252-13, §5(b), and 1 TAC §91.24(b), the proposed amendment to §§297.1, 297.3, 297.5, 297.7, 297.9, 297.11, 297.13, 297.15, 297.17, 297.19, 297.21, 297.23, submitted by the Texas Department on Aging has been automatically withdrawn, effective November 14, 1989. The amendment as proposed appeared in the May 12, 1989, issue of the *Texas Register* (14 TexReg 2342).

TRD-8910915

#### Chapter 298. Homemaker II. Service Standards

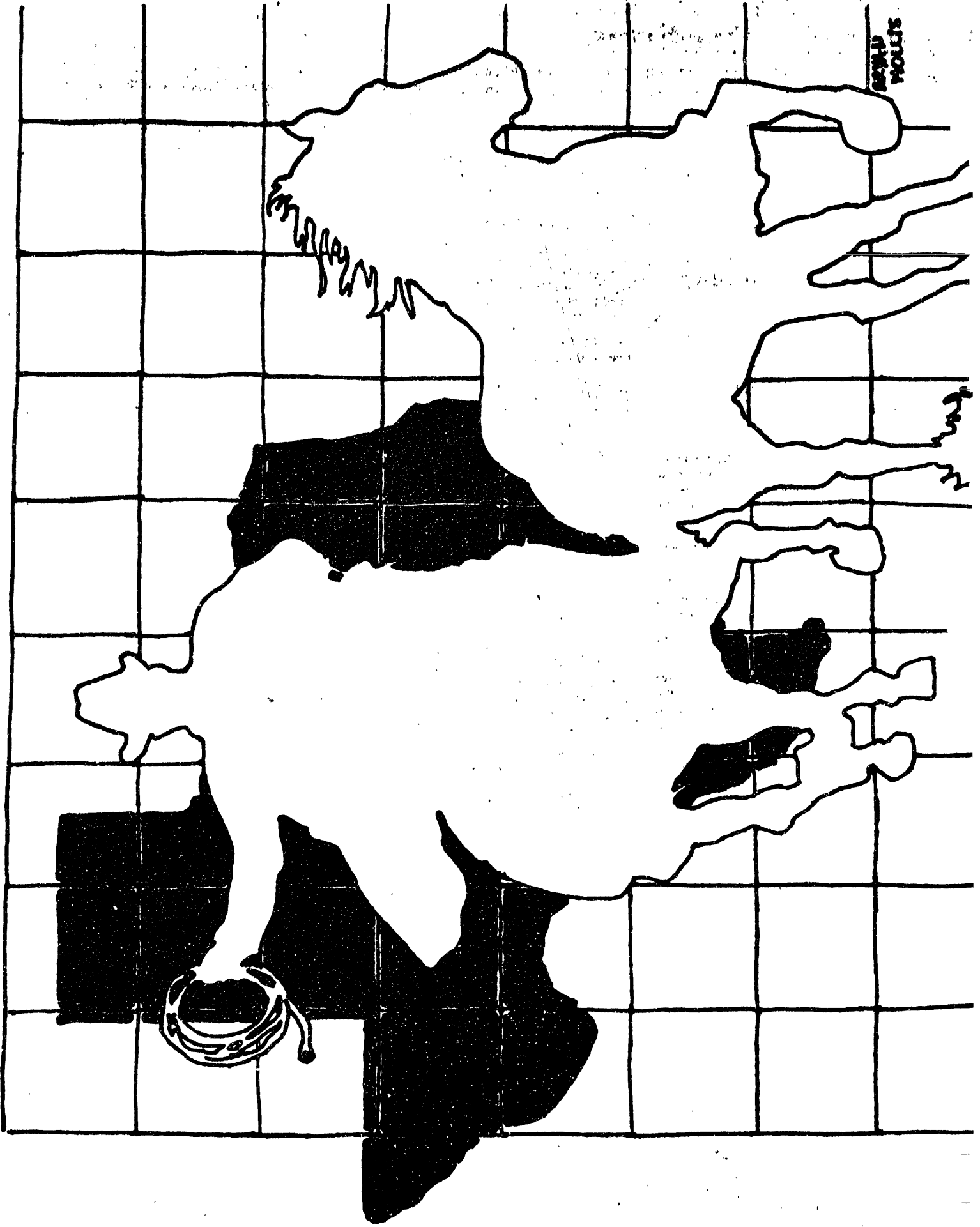
##### Statutes and Regulations

- 40 TAC §§298.1, 298.3, 298.5, 298.7, 298.9, 298.11, 298.13, 298.15, 298.17, 298.19, 298.21, 298.23

Pursuant to Texas Civil Statutes, Article 6252-13, §5(b), and 1 TAC §91.24(b), the proposed amendment to §§298.1, 298.3, 298.5, 298.7, 298.9, 298.11, 298.13, 298.15, 298.17, 298.19, 298.21, 298.23, submitted by the Texas Department on Aging has been automatically withdrawn, effective November 14, 1989. The amendment as proposed appeared in the May 12, 1989, issue of the *Texas Register* (14 TexReg 2348).

TRD-8910916

STYON  
HOLTS



# Adopted Sections

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

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

## TITLE 19. EDUCATION

### Part I. Texas Higher Education Coordinating Board

#### Chapter 1. Agency Administration

##### Subchapter A. General Provisions

###### • 19 TAC §§1.7

The Texas Higher Education Coordinating Board adopts new §1.7, without changes to the proposed text as published in the June 9, 1989, issue of the *Texas Register* (14 TexReg 2748).

The new section will provide a clearer petition process.

The new section will clarify the format by which any interested person may petition the board requesting the adoption of a section.

No comments were received regarding adoption of the new section.

The new section is adopted under Texas Civil Statutes, Article 6252-13a, which provide the Coordinating Board with the authority to adopt rules regarding petition for the adoption of rules.

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

Issued in Austin, Texas on November 10, 1989.

TRD-8910927

James McWhorter  
Assistant Commissioner for  
Administration  
Texas Higher Education  
Coordinating Board

Effective date: December 5, 1989

Proposal publication date: June 9, 1989

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

##### Subchapter B. Hearings and Appeals

###### • 19 TAC §§1.21-1.56

The Texas Higher Education Coordinating Board adopts the repeal of §§1. 21-1.56, without changes to the proposed text as published in the June 9, 1989, issue of the *Texas Register* (14 TexReg 2749).

The repeal of these sections will provide a clearer hearing procedures process.

This subchapter is being repealed and rewritten to clarify hearing procedures in contested areas. The sections will adopt by reference the provisions of the Administrative and Texas Register Act and set forth the procedures for the administration of all appeals before the board.

No comments were received regarding adoption of the repealed sections.

The repeals are adopted under Texas Civil Statutes, Article 6252-13a, which provide the Coordinating Board with the authority to adopt rules regarding hearings and appeals.

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 10, 1989.

TRD-8910932

James McWhorter  
Assistant Commissioner for  
Administration  
Texas Higher Education  
Coordinating Board

Effective date: December 5, 1989

Proposal publication date: June 9, 1989

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

###### • 19 TAC §§1.21-1.40

The Texas Higher Education Coordinating Board adopts new §§1.21-1.40. Sections 1.26, 1.33, 1.35, 1.39, and 1.40 are adopted with changes to the proposed text as published in the June 9, 1989, issue of the *Texas Register* (14 TexReg 2750). Sections 1.21-1.25, 1.27-1.32, 1.34, and 1.36-1.38 are adopted without changes and will not be republished.

The new sections will provide a clearer hearing procedures process.

The new sections are adopted to clarify hearing procedures in contested areas. These sections will incorporate by reference the provisions of the Administrative and Texas Register Act and set forth the procedures for the administration of all appeals before the board.

No comments were received regarding adoption of the new sections.

The new sections are adopted under Texas Civil Statutes, Article 6252-13a, which provide the Coordinating Board with the authority to adopt rules regarding hearings and appeals.

###### §1.26. Petition for Hearing.

(a) A request for a hearing shall be made by a petition filed with the commis-

sioner within 45 calendar days after the decision, order, ruling, or failure to act complained of is rendered.

(b) A petition for hearing shall contain the following:

(1) a description of the decision, order, ruling, or failure to act complained of;

(2) the date of the decision, order, ruling, or failure to act;

(3) a statement of the facts of which petitioner is aware of which petitioner believes to be true, which would lead to a reasonable conclusion that petitioner is entitled to the relief sought;

(4) a statement of the reason the petitioner is entitled to have the board take the action; and

(5) a description of the action petitioner wants the board to take on petitioner's behalf.

(c) Nothing in this section requires that petitioner plead all evidence relied upon. However, all issues relied upon by petitioner must be raised in the petition, and petitioner will not be allowed the opportunity to present evidence on issues not raised in the petition for hearing.

(d) The petition for hearing shall be filed with the commissioner by personal delivery or by certified mail. A certificate evidencing service shall be included in the petition for hearing.

###### §1.33. Prehearing Conference.

(a) In any appeal, the hearing officer or a party may move for the setting of a prehearing conference. The hearing officer will direct that the parties appear at a specific time for a conference prior to a hearing for the purposes of considering any of the following:

(1) the formulation or simplification of issues;

(2) admission of certain assertions of fact or stipulations;

(3) the procedure at the hearing;

(4) any limitation, where possible, of the number of witnesses; and/or

(5) such other matters as may aid in the simplification of the proceeding or the disposition of matters in controversy, including the settlement of matters in dispute.

(b) Action taken at the conference shall be reduced to writing and delivered to all parties.

**§135. Dismissal or Withdrawal of an Appeal.**

(a) The hearing officer may, on the motion of a party, dismiss an appeal without a hearing for the following reasons: compromise; unnecessary duplication of proceedings; res judicata (a matter already decided by a court); withdrawal; mootness; untimely filing; lack of jurisdiction; or failure to prosecute.

(b) Petitioner may withdraw the appeal at any time prior to the board's decision.

**§139. Board Meeting to Consider Hearing Officer's Report.**

(a) A board meeting shall be held within 60 days after the hearing is finally closed to consider the report of the hearing officer and to issue a final decision or order. In a contested case heard by other than a majority of the board members, the board may prescribe a longer period of time within which the board shall meet and issue a final decision or order. The extension, if so prescribed, shall be announced at the conclusion of the hearing.

(b) At least 15 days notice shall be given by the commissioner to all parties to a hearing of the time and place of the board meeting at which the report of the hearing officer will be considered by the board.

**§140. Evidence Before the Board.**

(a) Those parties appearing at the board meeting at which the report of the hearing officer is considered by the board, who have filed written objections to the report of the hearing officer, may make oral arguments at the discretion of the board. The board may limit the time allowed for oral arguments by parties as it deems appropriate. The person or persons designated to represent the staff at the hearing may file written comments and make oral arguments to the report in the same manner as other parties.

(b) No party shall be allowed to introduce evidence before the board at the meeting at which the report of the hearing officer is considered unless leave to present such newly discovered evidence has been heard by a hearing officer and the hearing officer has determined that such newly discovered evidence was unavailable at the time of the hearing and is material to the matter presented for board determination.

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 10, 1989.

TRD-8910833

James McWhorter  
Assistant Commissioner for  
Administration  
Texas Higher Education  
Coordinating Board

Effective date: December 5, 1989

Proposal publication date: June 9, 1989

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

◆ ◆ ◆  
**Chapter 21. Student Services**  
**Subchapter B. Determining**  
**Residence Status**

• 19 TAC §§21.22, 21.24, 21.27

The Texas Higher Education Coordinating Board adopts amendments to §§21. 22, 21.24, and 21.27, without changes to the proposed text as published in the September 22, 1989, issue of the *Texas Register* (14 TexReg 4885).

The amendments will provide enforcement of federal law.

The amendments are necessary to reflect changes in federal laws and rules that affect state rules. They will function as clarification of the state rules and as some program protection from high default rates.

No comments were received regarding adoption of the amendments.

The amendments are adopted under the Texas Education Code, Chapter 52, which provide the Coordinating Board with the authority to adopt rules regarding determining residence status.

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 10, 1989.

TRD-8910836

James McWhorter  
Assistant Commissioner for  
Administration  
Texas Higher Education  
Coordinating Board

Effective date: December 5, 1989

Proposal publication date: September 22, 1989

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

◆ ◆ ◆  
**Subchapter J. The Physician**  
**Student Loan Repayment**  
**Program**

• 19 TAC §§21.256, 21.259, 21.262

The Texas Higher Education Coordinating Board adopts amendments to §§21. 256, 21.259, and 21.262, without changes to the proposed text as published in the September

**Subchapter C. Hinson-**  
**Hazlewood College Student**  
**Loan Program for all Loans**  
**Which Are Subject to the**  
**Provisions of the Guaranteed**  
**Student Loan Program, the**  
**College Access Loan**  
**Program, the Health**  
**Education Assistance Loan**  
**Program and the Health**  
**Education Loan Program**

• 19 TAC §§21.53, 21.55-21.57,  
21.59

The Texas Higher Education Coordinating Board adopts amendments to §§21. 53, 21.55-21.57, and 21.59, without changes to the proposed text as published in the September 19, 1989, issue of the *Texas Register* (14 TexReg 4839).

The amendments will provide enforcement of prohibiting schools from hiring commissioned recruiters to enroll unqualified students for educational courses.

The amendments will bring the rules into compliance with changes in federal law. The amendments will protect loan holders and the loan program from the practices of institutions which employ recruiters of students on commission basis and/or which enroll significant numbers of students who are underprepared or unsuited for the course work to be attempted.

No comments were received regarding adoption of the amendment.

The amendments are adopted under the Texas Education Code, Chapter 52, which provide the Coordinating Board with the authority to adopt rules regarding the Hinson-Hazlewood College Student Loan Program.

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

Issued in Austin, Texas on November 10, 1989.

TRD-8910837

James McWhorter  
Assistant Commissioner for  
Administration  
Texas Higher Education  
Coordinating Board

Effective date: December 5, 1989

Proposal publication date: September 19, 1989

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

19, 1989, issue of the *Texas Register* (14 TexReg 4840).

The amendments will make the sections easier to understand.

The changes to §21.256(3) will limit loan repayments under the subparagraph to physicians who are graduates of the Texas Family Practice Residency Training Program and who practice in a Health Manpower Shortage Area of the state. Changes to §21.259 and §21.262 allow loans made by out-of-state lenders to qualify for repayment and permit repayments to be made on eligible loans which are not subject to another repayment program.

No comments were received regarding adoption of the amendment.

The amendments are adopted under the Texas Education Code, Vernon's Texas Code Annotated, Chapter 61, Subchapter J, which provide the Coordinating Board with the authority to adopt rules regarding the physician student loan repayment program.

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

Issued in Austin, Texas on November 10, 1989.

TRD-8910935

James McWhorter  
Assistant Commissioner for  
Administration  
Texas Higher Education  
Coordinating Board

Effective date: December 5, 1989

Proposal publication date: September 19, 1989

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

## Subchapter M. Texas College Work-Study Program

### • 19 TAC §§21.401-21.410

The Texas Higher Education Coordinating Board adopts new §§21.401-21.410, without changes to the proposed text as published in the September 22, 1989, issue of the *Texas Register* (14 TexReg 4885).

The new sections will allow more money to be available for students in higher education.

The new sections will authorize allocation of the funds appropriated for the Texas College Work-Study Program. The new sections set forth the guidelines for eligibility for the Texas College Work-Study Program.

No comments were received regarding adoption of the new section.

The new sections are adopted under the Texas Education Code, §§56.071-56.077, which provides the Coordinating Board with the authority to adopt rules regarding the Texas College Work-Study Program.

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

Issued in Austin, Texas on November 10, 1989.

TRD-8910934

James McWhorter  
Assistant Commissioner for  
Administration  
Texas Higher Education  
Coordinating Board

Effective date: December 5, 1989

Proposal publication date: September 22, 1989

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

## TITLE 22. EXAMINING BOARDS

### Part X. Texas Funeral Service Commission

#### Chapter 201. Licensing and Enforcement-Practice and Procedure

##### • 22 TAC §201.12

The Texas Funeral Service Commission adopts new §201.12, without changes to the proposed text as published in the October 13, 1989, issue of the *Texas Register* (14 TexReg 5469).

The new section sets the procedures to allow senior citizens aged 65 or older to apply for a retired license.

The new section sets procedures to apply for retired active or retired inactive licenses as provided by Texas Civil Statutes, Article 4582b.

No comments were received regarding adoption of the new section.

The new section is adopted under Texas Civil Statutes, Article 4582b, §5, which provide the Texas Funeral Service Commission with the authority to promulgate rules and regulations.

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 13, 1989.

TRD-8910884

Larry A. Farrow  
Executive Director  
Texas Funeral Service  
Commission

Effective date: December 4, 1989

Proposal publication date: October 13, 1989

For further information, please call: (512) 834-9992

## Part XVII. Texas State Board of Plumbing Examiners

### Chapter 361. Administration

#### General Provisions

##### • 22 TAC §361.6

The Texas State Board of Plumbing Examiners adopts an amendment to §361.6, without changes to the proposed text as published in

the October 13, 1989, issue of the *Texas Register* (14 TexReg 5473).

The amendment has been adopted in order to comply with the Plumbing License Law, §13, decreasing the license fees.

The adopted section will comply with the directive of the Plumbing License Law, §13.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 6243-101, §§5(a), 12, and 13, which provide the board with the authority to adopt rules, regulations, and procedures as may be necessary.

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 14, 1989.

TRD-8910925

Lynn Brown  
Administrator  
Texas State Board of  
Plumbing Examiners

Effective date: December 5, 1989

Proposal publication date: October 13, 1989

For further information, please call: (512) 438-2145

## Part XVIII. Texas State Board of Podiatry Examiners

### Chapter 375. Rules Governing Conduct

##### • 22 TAC §375.3, §375.10

The State Board of Podiatry Examiners adopts amendments to §375.3 and §375.10, without changes to the proposed text as published in the May 19, 1989, issue of the *Texas Register* (14 TexReg 2451).

The Board of Podiatry Examiners adopts the amendments in order to be in compliance with the relatively recent developments in advertising rules as they relate to the Anti-Trust Law.

The amendments are more precise in that the board will now be in compliance with the Federal Trade Commission.

No comments were received regarding adoption of the amendments.

The amendments are adopted under Texas Civil Statutes, Articles 4568(j) and 4590(e), which provide the State Board of Podiatry Examiners with the authority to adopt all reasonable or necessary rules, regulations, and by-laws not consistent with the laws of this state, or of the United States, to govern its proceedings and activities, the regulation of the practice of podiatry, and the enforcement of the law regulating the practice of podiatry.

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 14, 1989.

Sandra Marshall  
Certifying Official,  
Administrative  
Technician II  
Texas State Board of  
Podiatry Examiners

Effective date: December 6, 1989

Proposal publication date: May 19, 1989

For further information, please call: (512)  
834-0558

◆ ◆ ◆  
• 22 TAC §§375.4, 375.6, 375.7

The State Board of Podiatry Examiners adopts the repeal of §§375.4, 375.6, and 375.7, without changes to the proposed text as published in the May 16, 1989, issue of the *Texas Register* (14 TexReg 2409).

The board has determined that the sections being repealed in the Chapter, Rules Governing Conduct, are no longer needed.

The sections being repealed are no longer applicable to the Chapter for Rules Governing Conduct.

No comments were received regarding adoption of the repeals.

The repeals are adopted under Texas Civil Statutes, Article 4568(j) and 4590(e), which provide the Texas State Board of Podiatry Examiners with the authority to adopt all reasonable or necessary rules, regulations, and by-laws not inconsistent with the law regulating the practice of podiatry, the law of this state, or of the United States to govern its proceeding and activities, the regulation of the practice of podiatry, and the enforcement of the law regulating the practice of podiatry.

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 14, 1989.

TRD-8910948

Sandra Marshall  
Certifying Official,  
Administrative  
Technician II  
Texas State Board of  
Podiatry Examiners

Effective date: December 6, 1989

Proposal publication date: May 16, 1989

For further information, please call: (512)  
834-0558

## TITLE 25. HEALTH SERVICES

### Part II. Texas Department of Mental Health and Mental Retardation

#### Chapter 401. System Administration

##### Subchapter G. Community Mental Health and Mental Retardation Centers

◆ ◆ ◆  
• 25 TAC §§401.451-401.461

The Texas Department of Mental Health and Mental Retardation (TDMHMR) adopts new §§401.451-401.461. Sections 401.453 and §401.457 are adopted with changes to the proposed text as published in the August 22, 1989, issue of the *Texas Register* (14 TexReg 4218-4221). Sections 401.451, 401.452, 401.454-401.456, and 401.4358-401.461 are adopted without changes and will not be republished. The new subchapter replaces Chapter 403, Subchapter A, concerning community mental health/mental retardation centers, which is repealed in this issue of the *Texas Register*.

The new subchapter updates procedures consistent with changes in state and federal law, including legislation passed in the 71st session of the Texas Legislature. The new subchapter enacts the intent of Senate Bill 463, which requires TDMHMR to approve a community center's plan for services before the community center can be established. It also implements House Bill 590, which prescribes procedures to be followed in the acquisition of real property and provides bonding authority to community centers, and Senate Bill 1426, which requires local communities to prescribe and make available for public review the criteria and procedures used to select members of boards of trustees. The proposed new sections reflect changes in federal policy as expressed in the Anti-Drug Abuse Act of 1988 (Public Law 100-690).

Section 401.457 is revised on adoption to clarify that subsection (e) applies to purchase, lease-purchase, or any other transaction, the result of which will be the community center's ownership of real property. Subsection (k) of the same section is revised on adoption to make clear that community center fund deposits must be secured in a manner that protects the funds, either through the Federal Deposit Insurance Corporation, the Federal Savings and Loan Insurance Corporation, or through collateral.

Public comment concerning the proposal was received from the Life Management Center, El Paso. It was noted that the definition of "core services" in §401.453 did not reflect legislative intent because it stated that TDMHMR is responsible for providing core services, not ensuring that they are available in each local service area. The department concurs and the definition has been revised.

The new sections are adopted under Texas Civil Statutes, Article 5547-202, §2.11, which provide the Texas Board of Mental Health and Mental Retardation with rulemaking powers.

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

**Act**—The Texas Mental Health and Mental Retardation Act, Texas Civil Statutes, Article 5547-201 et seq., as amended.

**Board**—The Texas Board of Mental Health and Mental Retardation.

**Board of trustees**—A body of not less than five nor more than nine persons selected and appointed in accordance with the Act, §3.02 which has administrative responsibility for the program of mental health and/or mental retardation services provided by a community center under its jurisdiction.

**Commissioner**—The commissioner of the Texas Department of Mental Health and Mental Retardation. The commissioner is the state mental health authority and the state mental retardation authority for Texas.

**Community center**—A center established under the Act, Article 3.

**Contract period**—The beginning date through the ending date of a contract, usually from September 1 of each year through August 31 of the following year.

**Core services**—Services to be provided for each local service area as stipulated in the Act, Article 4, §3, including:

(A) 24-hour emergency screening and rapid crisis stabilization services;

(B) community-based crisis residential service or hospitalization;

(C) community-based assessments, including the development of interdisciplinary treatment plans and diagnosis and evaluation services;

(D) family support services, including respite care;

(E) case management services;

(F) medication-related services, including medication clinics, laboratory monitoring, medication education, mental health maintenance education, and the provision of medication; and

(G) psychosocial rehabilitation programs, including social support activities, independent living skills, and vocational training.

**Department**—The Texas Department of Mental Health and Mental Retardation.

**Local agency**—A city, county, hospital district, school district, or any organizational combination of two or more of these.

**Local match**—Required local financial participation/contributions which represent on a contract-specific basis the amount of local funding the MHMRA commits to complement the TDMHMR funding for the contracted services, expressed in the contract as a dollar amount or as a funding percentage of the state general revenue contract for services funds, to include city government tax funds; county government tax funds; other tax funds, which are funds from other local taxing authorities such as a school district, a hospital district, etc.; patient fees-insurance-reimbursements, including reimbursements for patient services, drugs, and tuition from patient's resources and/or patient's personal insurance policies and sources such as a local school district (Senate Bill 230), Champous, Veterans Administration, COG and other allowable city or county patient fee reimbursements; and miscellaneous income and contributions including income from production income from work activities, transfers from reserve funds of local revenues, interest and rental income donations, contributions and other non-taxing authority income or earnings; and in-kind goods and services.

**Local mental health authority**—A component of the TDMHMR service delivery system designated by the department to direct, operate, facilitate, or coordinate the delivery of mental health services for a local service area.

**Local mental retardation authority**—A component of the TDMHMR service delivery system designated by the department to direct, operate, facilitate, or coordinate the delivery of mental retardation services for a local service area.

**Local service area**—A geographic area composed of one or more Texas counties delimiting the population which may receive services from a community center in its function as a local mental health and/or local mental retardation authority.

**Mental health services**—All services concerned with research, prevention, and detection of mental disorders and disabilities and all services necessary to treat, care for, control, supervise, and rehabilitate mentally disordered and disabled persons, including persons mentally disordered and disabled from alcoholism and drug addiction.

**Mental retardation services**—All services concerned with research, prevention, and the detection of mental retardation and all services related to the education, training, habilitation, care, treatment, supervision, and control of mentally retarded persons, except the education of school-age individuals that the public educational system is authorized to provide.

**Subcontractor**—A local agency, qualified person, or organization with which the board of trustees contracts to deliver a portion of the services funded by or through TDMHMR.

*§401.457. Standards of Administration for Boards of Trustees.*

(a) Each board of trustees is accountable to the department for the effective use of all funds received from or through TDMHMR and all funds required for local match and is accountable also to local, state, and federal agencies which may contribute funds for operating the community center.

(b) Boards of trustees shall submit quarterly financial and performance reports to the department in a format prescribed by the department no later than the last work day of the month following the end of the reporting period, except for fiscal year-end reports which will be submitted no later than the last work day of the second month following the end of the fiscal year. The submission dates shall be extended for 30-calendar-day increments in unusual circumstances when requested by the community center and approved by the department.

(c) It is expected that each community center will institute effective management procedures which will assure the maximum utilization of all funds received from or through TDMHMR and all funds required for local match and will facilitate the achievement of the goal of delivering services of high quality for the lowest possible cost.

(d) Boards of trustees shall obtain advance written approval from the commissioner or his designee for any building alterations, renovation and/or repair maintenance expenses exceeding \$50,000 for each project per fiscal year per community center if TDMHMR or local match funds are to be used.

(e) Boards of trustees must ensure that a community center receives written approval from the department prior to purchase, lease-purchase, or any other transaction, the result of which will be the community center's ownership of real property including buildings if any department funds or local funds required to match department funds are involved. A community center must notify the department 60 days prior to entering a legally binding obligation to purchase, lease-purchase, or otherwise enter into a transaction, the result of which will be the community center's ownership of real property including buildings in cases in which no department funds or local funds required to match department funds are involved. Upon request, the commissioner may waive the 60-day requirement on a case-by-case basis.

(f) In acquiring real and personal property pursuant to subsection (e) of this section and constructing improvements in connection with such acquisitions, boards of trustees are authorized to issue bonds or notes in accordance in Texas Civil Statutes, Article 717k-6 and 717q, and may enter into contracts as defined in, in accordance with, and with the effect provided by the Local Government Code, §§271.003-009.

(1) The limitations regarding real property and the construction of improvements contained in the Local Government Code, §§271.003-271.009, shall not be applicable to community centers.

(2) Boards of trustees shall ensure that any bonds or notes issued by the community center receive the approval of the attorney general of the State of Texas prior to issuance.

(g) Boards of trustees shall retain all financial records, supporting documents, statistical records, and any other documents pertinent to community center budgets, contracts, performance/workload measure, and clients served for a period of five years after the submission of the final reports. If audit findings have not been resolved at the end of five years, the records shall be retained until resolution of the audit findings.

(h) Each board of trustees shall expend annually its required local match and TDMHMR funds in the same ratio as the required local match is to the TDMHMR funds.

(i) Boards of trustees may accept special gifts for long-range projects and plans. These funds must be kept separate from the operating budget of the community center and may not be used for local matching purposes if reserved for long-term projects and plans. An annual accounting of these reserve funds (center trust, endowment, or foundation resources) shall be made to the department.

(j) Boards of trustees shall comply with the Open Meetings Law, Texas Civil Statutes, Article 6252-17, as amended.

(k) Boards of trustees shall require depositories of community center funds to secure deposits through the Federal Deposit Insurance Corporation or the Federal Saving and Loan Insurance Corporation, or to secure deposits using collateral in a manner that protects the deposited funds.

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 10, 1989.

TRD-8910894  
Pattilou Dawkins  
Chairman  
Texas Department of  
Mental Health Mental  
Retardation

Effective date: December 4, 1989

Proposal publication date: August 22, 1989

For further information, please call: (512) 465-4670

◆ ◆ ◆  
Subchapter H. Designation as  
Single Portal Authority

• 25 TAC §401.505, §401.508

The Texas Department of Mental Health and





of dysfunction of the person served can be safely and potentially effectively treated in the units as an alternative to hospitalization. Such verification is documented in the clinical record.

(E) A physical examination is completed and documented for all persons with mental illness admitted to the CSU within 24 hours of admission or on the following Monday if admission occurs on the weekend, unless a physical examination has been done within 72 hours prior to admission and findings are available, have been reviewed by the responsible physician, and such review is authenticated by the physician's dated and timed signature.

(F) A comprehensive medical history is obtained and documented for all persons with mental illness admitted to the CSU within 24 hours of admission or on the following Monday if admission occurs on the weekend, unless a comprehensive medical history has been done within 72 hours prior to admission and findings are available, have been reviewed by the responsible physician, and such review is authenticated by the physician's dated and timed signature.

(G) An intake assessment, which includes description and analysis of current living situations and developmental, social, ethnic, cultural, economic, emotional, and behavioral factors significant to admission, is performed and documented for each person served within two working days of admission by a qualified professional staff member.

(4) With regard to the provision of therapeutic programming and a therapeutic milieu, the following standards apply.

(A) The required treatment/program plan is developed and documented in the person's plan of service within five working days of admission to the CSU.

(B) No less frequently than weekly for the first month after admission to the CSU and no less frequently than every two weeks thereafter, a review of the treatment/program plan is accomplished and documented to include a review of the readiness of the person served for a less restrictive environment.

(C) The responsible physician approves, signs, and dates treatment/program plans and treatment/program plan reviews of all persons served in the CSU.

(D) The CSU provides, directly or by referral to a psychosocial rehabilitation program or day treatment/partial

hospitalization services of the MHA, therapeutic programming designed to meet the needs of persons served.

(E) When the CSU provides therapeutic programming to persons with mental illness by a referral to a psychosocial rehabilitation program or day treatment/partial hospitalization service of the MHA, those persons whose acuity levels are such that referral is precluded are provided therapeutic programming on the CSU.

(F) The therapeutic programming provided meets the needs of the individual person served as identified in the assessment of each person. Programming provided may include, but is not limited to, personal-social adjustment skills; independent living skills; reality orientation; special interest groups (e.g., substance abuse, crisis intervention, life review, etc.); sensorimotor stimulation; and educational programs.

(G) The CSU provides or coordinates transportation to nonresidential programs and other program activities, as necessary.

(H) When clothing is provided, it is properly fitted and appropriate to the season, the person's age, and generally accepted community norms.

(I) The CSU has and implements written policies and procedures regulating the use of PRN (pro re nata or as needed) medication orders and standing order medications which are approved by the chief physician of the CSU.

(J) The CSU has and implements written policies and procedures for suicide and homicide precautions which include written criteria for placing a person on suicide and homicide precaution status and which are approved by the chief physician of the CSU.

(K) All staff providing services on the CSU are trained in the application of suicide and homicide precaution procedures prior to assuming duty of the CSU.

(L) In CSU's, medication is administered by an RN or LVN. Persons with mental illness who have been assessed as capable may self-administer medication with supervision of an RN or LVN and providing the prescribing physician has given a written order for the person to self-administer with supervision.

(M) The CSU develops and implements policies and procedures to ensure that personal possessions of persons

with mental illness are readily available to them unless clinically contraindicated in the persons' plan of service.

(N) Communication and coordination of inter-shift staff changes occur and are documented. Communications regarding special needs or problem areas are noted.

#### **§401.649. Licensed Crisis Stabilization Unit Reporting Requirements.**

(a) Each MHA shall report to the department, within one working day, any death of a person on a CSU and any fire occurring on a CSU.

(b) Each MHA shall make any required reports relating to abuse or neglect of persons on a CSU, as specified in Chapter 404, Subchapter A of this title, (relating to Client Abuse and Neglect in TDMHMR Facilities), and Chapter 404, Subchapter B of this title (relating to Client Abuse and Neglect in Community Mental Health and Mental Retardation Centers), as appropriate.

(c) (No change.)

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

Issued in Austin, Texas on November 10, 1989.

TRD-8910892

Pattilou Dawkins  
Chairman  
Texas Department of  
Mental Health and  
Mental Retardation

Effective date: December 4, 1989

Proposal publication date: August 22, 1989

For further information, please call: (512) 465-4670

### ◆ ◆ ◆ Subchapter L. TDMHMR In-Home and Family Support

• 25 TAC §§401.683, 401.685, 401.686, 401.688

The Texas Department of Mental Health and Mental Retardation (TDMHMR) adopts amendments to §401.683, 401.685, 401.686, and 401.688, without changes to the proposed text as published in the August 22, 1989, issue of the *Texas Register* (14 TexReg 4224-4225). The amendments enact House Bill 1347 of the 71st Texas Legislature, which amends provisions of the Texas Mental Health and Mental Retardation Act relating to support programs for persons who are mentally disabled, and establish an administrative control mechanism for individual plans for services.

Amendments to §401.683 revise definitions of "family" and "person with a mental disability" to be consistent with House Bill 1347. Amendments to §401.685 clarify that in addition to other criteria, persons living independently must be 18 years of age or older to be eligible for support. In §401.686, it is clarified

that written plans are approved as specified by the administering agency. Section 401.688(b) is amended to authorize the commissioner or the commissioner's designee to individually grant additional amounts of support to persons.

No comments were received regarding adoption of the amendments.

The amendments are adopted under Texas Civil Statutes, Article 5547-202, §2. 11, which provide the Texas Board of Mental Health and Mental Retardation with rulemaking powers.

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 10, 1989.

TRD-8910891  
Pattilou Dawkins  
Chairman  
Texas Department of  
Mental Health and  
Mental Retardation

Effective date: December 4, 1989

Proposal publication date: August 22, 1989

For further information, please call: (512) 465-5670

## Chapter 403. Other Agencies and the Public

### Subchapter A. Community Mental Health and Mental Retardation Centers

#### • 25 TAC §§403.1-403.17

The Texas Department of Mental Health and Mental Retardation (TDMHMR) adopts the repeal of §§403.1-403.17, without changes to the proposed text as published in the August 22, 1989, issue of the *Texas Register* (14 TexReg 4225-4226). The subchapter is replaced by new Chapter 401, Subchapter G of this title, which is contemporaneously adopted in this issue of the *Texas Register*.

Several provisions of the old sections are included in the new subchapter or in other new sections in Chapter 401, Subchapter E of this title, relating to contracts management.

No comments were received regarding adoption of the repeals.

The repeals are adopted under Texas Civil Statutes, Article 5547-202, §2.11, which provides the Texas Board of Mental Health and Mental Retardation with rulemaking powers.

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 10, 1989.

TRD-8910890  
Pattilou Dawkins  
Chairman  
Texas Department of  
Mental Health and  
Mental Retardation

Effective date: December 4, 1989

Proposal publication date: August 22, 1989

For further information, please call: (512) 465-4670

## Chapter 405. Client (Patient) Care

### Subchapter C. Life-Sustaining Treatment

#### • 25 TAC §405.53

The Texas Department of Mental Health and Mental Retardation (TDMHMR) adopts an amendment to §405.53, amendments to Exhibit A (adopted by reference in §405.56), and amendments to Exhibit B (adopted by reference in §405.57), without changes to the proposed text as published in the July 14, 1989, issue of the *Texas Register* (14 TexReg 3388). The amendment would enact Senate Bill 1785 of the 71st Texas Legislature, which amends the Texas Natural Death Act.

Amendments to §405.53 add definitions of "competent," and "incompetent," and would revise the definition of "terminal condition" consistent with amendments to the Texas Natural Death Act. Exhibit A, the Texas Natural Death Act, and Exhibit B, forms for directives, have been updated to reflect changes in the Texas Natural Death Act pursuant to Senate Bill 1785.

Public comments concerning the proposal were received from Advocacy, Inc., Austin. The commenter suggested that predicating the provisions of the subchapter on the medical determination of whether an individual is competent or incompetent is inconsistent with the tenets of the Mentally Retarded Person's Act (MRPA). The commenter suggested that the question at issue was whether an individual can give legally adequate consent, not whether the individual is competent or incompetent, and that the MRPA definition of "legally adequate consent" should be added to the rule and be applied equally to people with mental illness. The commenter noted that neither competency nor the ability to give legally adequate consent is a medical decision and that to base such a decision on reasonable medical judgment violates state and constitutional rights of persons with mental illness and mental retardation. The commenter distinguishes between the inability to give legally adequate consent as a sequelae of the terminal physical condition versus the condition of mental retardation or mental illness, and suggests that in the latter case, temporary guardianships for the purpose of decisionmaking should be required. The commenter also suggested that if the individual has a guardian, TDMHMR should nevertheless solicit the individual's legally adequate consent. If the individual and guardian disagree, or if the individual with a guardian is unable to express his or her wishes because of mental illness or mental retardation, TDMHMR should return to the court granting the guardianship and ensure that the court specifically grants the guardian the right to make this specific decision. The department responds that the subchapter is predicated on the Texas Natural Death Act, which applies without exception to all citizens of Texas.

The amendment is adopted under Texas Civil Statutes, Article 5547-202, §2. 11, which provide the Texas Board of Mental Health and Mental Retardation with rulemaking powers.

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 10, 1989.

TRD-8910889  
Pattilou Dawkins  
Chairman  
Texas Department of  
Mental Health and  
Mental Retardation

Effective date: December 4, 1989

Proposal publication date: July 14, 1989

For further information, please call: (512) 465-4670

## Chapter 407. Internal Facilities Management

### Lease of TDMHMR Surplus Property

#### • 25 TAC §407.120

The Texas Department of Mental Health and Mental Retardation (TDMHMR) adopts new §407.120 with changes to the proposed text as published in the September 15, 1989, issue of the *Texas Register* (14 TexReg 3914). The title of the section would be changed by adding the modifier surplus.

Senate Bill 542 of the 71st Texas Legislature, which takes effect on August 28, 1989, establishes a procedure for the sale or lease of state land that applies unless state agency enabling legislation authorizes otherwise. The Texas Mental Health and Mental Retardation Act, Texas Civil Statutes, Article 5547-205, §5.03, establishes a procedure for TDMHMR to manage surplus property, including the lease, transfer, or disposal of surplus real property. The new section further provides that the Texas Board of Mental Health and Mental Retardation will adopt rules to protect the best interests of the State of Texas. The purpose of the adoption is to enact statutory intent that the department manage surplus property under the provisions of Texas Civil Statutes, Article 5547-205.

Public comment concerning the proposal was received from the Texas Alliance for the Mentally Ill (TEXAMI), Austin, which requested that language be added to indicate that the declaration of surplus property and resulting lease or any other use of surplus land will be used to directly benefit priority populations associated with the leased property. It was also requested that language be added to indicate that proceeds flowing through the Capitol Trust Fund shall be expended for facility improvement and construction projects for priority populations of the leasing facility. The department responds that proceeds from the lease of surplus property are by statute deposited to the Capitol Trust Fund for use only by TDMHMR (as referenced in subsection (f)). The department intends that such proceeds be used to directly benefit the priority population of the leasing facility whenever

possible and practical, but of necessity must reserve the right to allocate funds for any purpose in its mission or to any area of the state in need.

The new section is adopted under Texas Civil Statutes, Article 5547-202, which provide the Texas Board of Mental Health and Mental Retardation with rulemaking powers.

**§407.120. Lease of TDMHMR Surplus Property.**

(a) Commercial leases may only be executed for department property that the Texas Board of Mental Health and Mental Retardation has declared to be surplus property in accordance with Texas Civil Statutes, Article 5547-205, §5.03(a).

(b) Proposals to lease surplus property shall be made to the board by the department or by the General Land Office. All lease proposals shall be advertised at least once a week for four consecutive weeks in at least two newspapers, one of which shall be published in the city where the property is located, or in the nearest daily paper thereto, and the other in a paper with statewide circulation. The advertisement shall summarize the lease proposal, provide the name and address of a person to whom interested parties may submit bids for consideration by the department, and state where a copy of the proposal and the board's criteria for awarding the lease can be obtained.

(c) The department shall review any bids received based upon the adopted criteria, and may conduct a review of other factors which it deems to be appropriate on any or all bids.

(d) Prior to the award of any lease that will have a term exceeding five years, the board shall be apprised of all bids received.

(e) The department may reject any and all bids.

(f) Proceeds from a lease shall be used and held in accordance with Texas Civil Statutes, Article 5547-205, §5.03(b).

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 10, 1989.

TRD-8910888

Patliou Dewina  
Chairman  
Texas Department of  
Mental Health and  
Mental Retardation

Effective date: December 4, 1989

Proposal publication date: September 15, 1989

For further information, please call: (512) 485-4870

◆ ◆ ◆  
**TITLE 34. PUBLIC FINANCE**

**Part I. Comptroller of Public Account**

**Chapter 3. Tax Administration**

**Subchapter K. Hotel Occupancy Tax**

◆ ◆ ◆  
• **34 TAC §3.163**

The Comptroller of Public Accounts adopts an amendment to §3.163, without changes to the proposed text as published in the August 29, 1989, issue of the *Texas Register* (14 TexReg 4406).

The amendment provides an exemption from the Texas Hotel Occupancy Tax for state agencies, agencies of the federal government, diplomatic personnel, and employees traveling on official business for these agencies. Employees traveling on official business for religious, charitable, and educational organizations are exempt from the state tax.

One comment was received. An individual of the Texas Hotel and Motel Association felt that exempting religious, charitable, and educational organizations from the state occupancy tax but not the local occupancy taxes would create confusion on the part of the traveling public. The Comptroller's response was that he is aware of the possible confusion which may exist, but his office has distributed bulletins and brochures to hotel operators and the general public to make them aware of the changes to the state tax.

The amendment is adopted under the Tax Code, §111.002, which provides the Comptroller with the authority to prescribe, adopt,

and enforce rules relating to the administration and enforcement of the provisions of the Tax Code, Title 2.

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

Issued in Austin, Texas on November 13, 1989.

TRD-8910888

Bob Bullock  
Comptroller of Public  
Accounts

Effective date: December 4, 1989

Proposal publication date: August 29, 1989

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

◆ ◆ ◆  
• **34 TAC §3.164**

The Comptroller of Public Accounts adopts an amendment to §3.164, without changes to the proposed text as published in the August 29, 1989, issue of the *Texas Register* (14 TexReg 4406).

The amendment provides for a revised Hotel Occupancy Tax Exemption Certificate. The revised exemption certificate will make it easier for hotel operators to determine the appropriate exemption to be extended to their guests.

One comment in support of the amendment was received. An individual of the Texas Hotel and Motel Association felt the revised certificate should be of help in curbing abuses relating to the exemptions. The Comptroller agrees.

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

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

Issued in Austin, Texas on November 13, 1989.

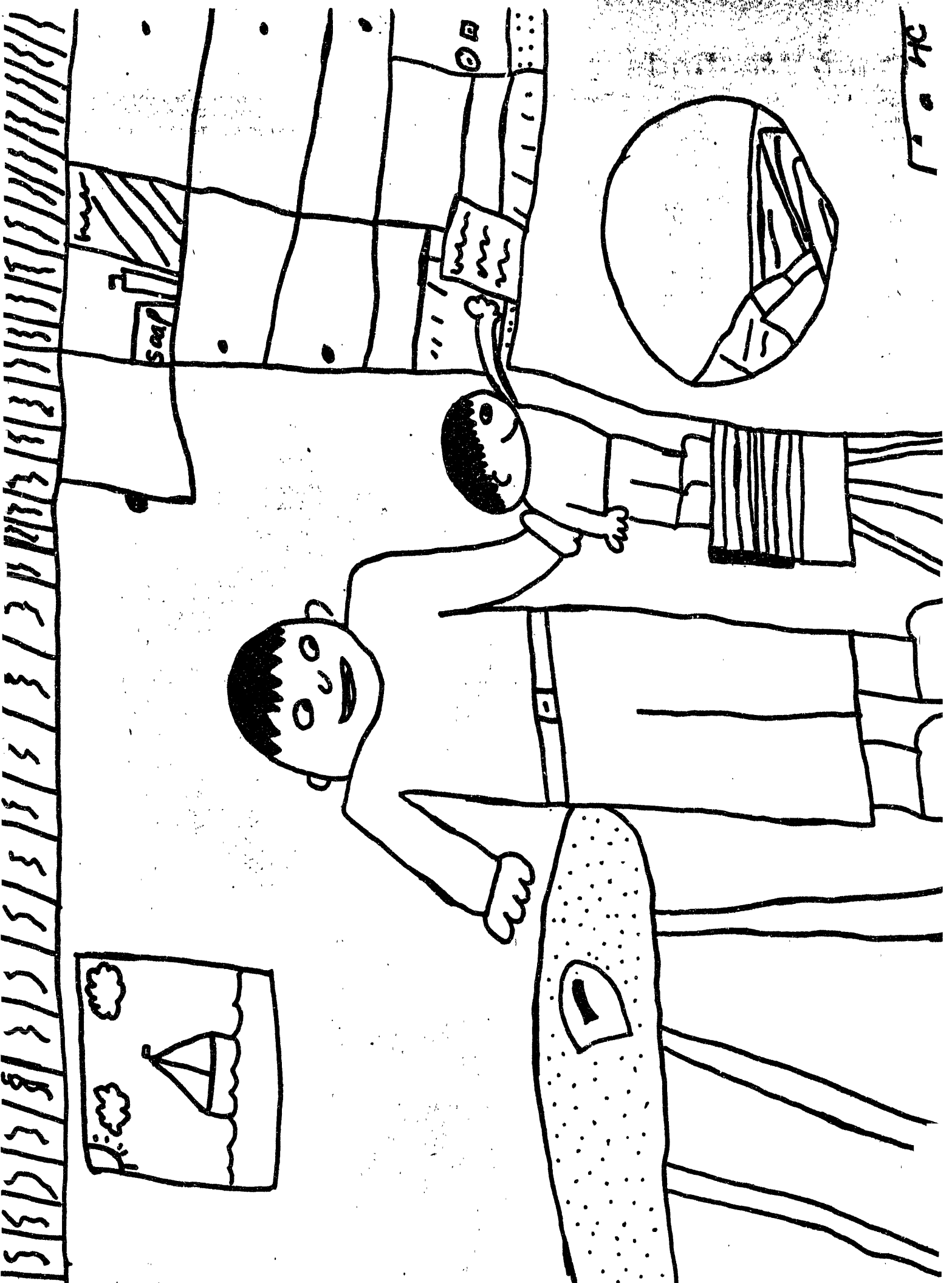
TRD-8910888

Bob Bullock  
Comptroller of Public  
Accounts

Effective date: December 4, 1989

Proposal publication date: August 29, 1989

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



# Open Meetings

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

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

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

## Texas Department of Agriculture

**Monday, November 27, 1989, 10 a.m.** The Texas Department of Agriculture will meet at the district office at Expressway 83, two blocks west of Morningside Road, San Juan. According to the agenda, the department will conduct an administrative hearing to: show cause for the denial of application for licensure as a commission merchant filed by Gustavo Martinez doing business as Robert's Son Packing.

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

Filed: November 15, 1989, 10:41 a.m.

TRD-8910959

**Monday, November 27, 1989, 1 p.m.** The Texas Department of Agriculture will meet at the district office at Expressway 83, two blocks west of Morningside Road, San Juan. According to the agenda, the department will conduct an administrative hearing to review: alleged violations of Texas Agriculture Code §103.001 by David Distributing Company as petitioned by Farmer's Marketing Service.

Contact: Dolores Alvarado Hibbs, P.O. Box 12847, Austin, Texas 78711, (512) 463-7583.

Filed: November 15, 1989, 10:42 a.m.

TRD-8910955

**Monday, November 27, 1989, 3 p.m.** The Texas Department of Agriculture will meet at the district office, Expressway 83, two blocks west of Morningside Road, San Juan. According to the agenda, the department will conduct an administrative hearing to review: alleged violations of Texas Agriculture Code and/or Texas Administrative Code by Randy Colvin doing business as Mid-Valley Dusters, holder of commercial applicator license.

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

Filed: November 15, 1989, 10:41 a.m.

TRD-8910960

**Thursday, November 30, 1989, 10 a.m.** The Texas Department of Agriculture will meet at the district office at Expressway 83, two blocks west of Morningside Road, San Juan. According to the agenda, the department will conduct an administrative hearing to review: alleged violation of Texas Agriculture Code §103.001 by Pe: Womack doing business as Quality Valley Growers, Inc. as petitioned by C. E. Duncan Produce.

Contact: Bruce Fant, P.O. Box 12847, Austin, Texas 78711, (512) 463-7589.

Filed: November 15, 1989, 10:41 a.m.

TRD-8910957

**Thursday, November 30, 1989, 1 p.m.** The Texas Department of Agriculture will meet at the district office at Expressway 83, two blocks west of Morningside Road, San Juan. According to the agenda, the department will conduct an administrative hearing to review: alleged violation of Texas Agriculture Code §103.001 by Washington Enterprises, Inc. as petitioned by Valley Central Sales, Inc.

Contact: Bruce Fant, P.O. Box 12847, Austin, Texas 78711, (512) 463-7589.

Filed: November 15, 1989, 10:42 a.m.

TRD-8910956

**Thursday, November 30, 1989, 3 p.m.** The Texas Department of Agriculture will meet at the district office at Expressway 83, two blocks west of Morningside Road, San Juan. According to the agenda, the department will conduct an administrative hearing to review: alleged violation of Texas Agriculture Code §103.001 by Valley Central Sales, Inc. as petitioned by Gregorio Torres.

Contact: Bruce Fant, P.O. Box 12847, Austin, Texas 78711, (512) 463-7589.

Filed: November 15, 1989, 10:41 a.m.

TRD-8910958

**Thursday, December 7, 1989, 6:45 a.m.** The Texas Rice Producers Board of the Texas Department of Agriculture will meet at the Texas A&M University Research Center, Route 7, Box 999, Beaumont. According to the agenda, the board will discuss the minutes; review 1989-90 income

and expense budget; and new business.

Contact: Curtis Leonhardt, 6699 Rookin, Houston, Texas 77074, (713) 270-6699.

Filed: November 14, 1989, 3:00 p.m.

TRD-8910939

## Texas Alcoholic Beverage Commission

**Wednesday, November 29, 1989, 10:30 a.m.** The Texas Alcoholic Beverage Commission will meet at 1600 West 38th Street, Room 320, Austin. According to the agenda, the commission is discuss approval of minutes of October 23, 1989; administrator's and staffs' report of agency activity; approve affidavit of destruction of tested alcoholic beverages; and presentation of request by Texans for Responsible Alcohol Consumption.

Contact: W. S. McBeath, P.O. Box 13127, Austin, Texas 78711, (512) 458-2500.

Filed: November 14, 1989, 1:22 p.m.

TRD-8910922

## Texas Council on Alzheimer's Disease and Related Disorders

**Tuesday, November 28, 1989, 9 a.m.** The Texas Council on Alzheimer's Disease and Related Disorders 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 special recognition; special legislative session; alzheimer's disease population; options for independent living program (respite care); Omnibus Budget Reconciliation Act; Texas index level of effort resolution; Texas Higher Education Coordinating Board; committee report; committee workshop and biennial report; and other business not requiring council action.

Contact: Morris H. Craig, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7534.

Filed: November 15, 1989, 9:41 a.m.

TRD-8910950

### State Bar of Texas

Friday, November 17, 1989, 1 p.m. The Executive Committee of the State Bar of Texas met at the Texas Law Center, Room 206-207, 1414 Colorado, Austin. According to the emergency revised agenda, the committee discussed the reconsidered form of Buchmeyer Series. The emergency status was necessary because it was urgent that item be considered at this meeting because of deadline for publication.

Contact: Paula Welch, 1414 Colorado Street, Austin, Texas 78711, (512) 463-1451.

Filed: November 16, 1989, 9:36 a.m.

TRD-8910987

### Texas Commission for the Blind

Monday, November 20, 1989, 10 a.m. The Board of the Texas Commission for the Blind held an emergency meeting at the Dallas/Fort Worth Marriott Hotel, 8440 Freepoint Parkway, Irving. According to the agenda, the board discussed the approval of minutes from August 14, 1989; committee reports; executive director's year-end report on agency activities; discussed and acted on adoption of a resolution to authorize use of revenue from pay telephones on commission properties pursuant to Senate Bill 222, 71st Legislature; election of a board vice-chairman; executive session pursuant to Article 6252-17, §2(e) and §2(g), Texas Civil Statutes to discuss personnel and pending legal matters; confirmation of executive director's employment for fiscal year 1990. The emergency status was necessary because of a conflict in meeting accommodations. A place was not available and confirmed until November 14th in the area designated for consumer accessibility.

Contact: Jean Wakefield, P.O. Box 12866, Austin, Texas 78711, (512) 459-2601.

Filed: November 14, 1989, 4:19 p.m.

TRD-8910942

### Texas Education Agency

Tuesday, November 21, 1989, 2 p.m. The Interagency Coordinating Council (ICC) on At Risk Youth of the Texas Education Agency will conduct an emergency meeting in Room 2301, Brown-Heatley State Office Building, 4900 North Lamar, Austin. According to the agenda, the council will discuss the "Compendium" update; status report on the ICC publication "Dropout Prevention and Recovery"; discussion of

options for paper supply/reimbursement to the Texas Department of Corrections for printing the "Compendium"; briefing on portions of Senate Bill 1668 by Senator Judith Zaffirini; survey of topics of interest to council members; time and date of next meeting. The emergency status was necessary because the agency finds it is of urgent public necessity for this meeting to be held to enable the council to complete designated tasks according to approved timelines.

Contact: Federico Miller, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9512.

Filed: November 15, 1989, 4:28 p.m.

TRD-8910985

### Office of the Governor, Criminal Justice Division

Tuesday, December 5, 1989, 8:30 a.m. The Governor's Task Force on Drug Abuse, Drug Policy Subcommittee of the Office of the Governor, Criminal Justice Division will meet at the Embassy Suites Hotel, 1800 South Second Street, McAllen. According to the agenda, the task force will meet to solicit testimony from law enforcement officials and other interested persons regarding the illegal drug and violent crime problem in Texas for development of the statewide drug strategy.

Contact: Georgia Whitehead, 201 East 14th Street, Austin, Texas 78701, (512) 463-1919.

Filed: November 15, 1989, 9:50 a.m.

TRD-8910951

Wednesday, December 6, 1989, 8:30 a.m. The Governor's Task Force on Drug Abuse, Drug Policy Subcommittee of the Office of the Governor, Criminal Justice Division will meet at the Doubletree Hotel, 2001 Post Oak Boulevard, Houston. According to the agenda, the task force will meet to solicit testimony from law enforcement officials and other interested persons regarding the illegal drug and violent crime problem in Texas for development of the statewide drug strategy.

Contact: Georgia Whitehead, 201 East 14th Street, Austin, Texas 78701, (512) 463-1919.

Filed: November 15, 1989, 9:50 a.m.

TRD-8910952

Thursday, December 7, 1989, 8:30 a.m. The Governor's Task Force on Drug Abuse, Drug Policy Subcommittee of the Office of the Governor, Criminal Justice Division will meet at the Arlington Hilton Hotel, 2401 East Lamar Boulevard, Arlington. According to the agenda, the task force will meet to solicit testimony from law enforcement officials and other interested persons regarding the illegal drug and violent crime problem in Texas for development of

the statewide drug strategy.

Contact: Georgia Whitehead, 201 East 14th Street, Austin, Texas 78701, (512) 463-1919.

Filed: November 15, 1989, 9:52 a.m.

TRD-8910953

Friday, December 8, 1989, 8:30 a.m. The Governor's Task Force on Drug Abuse, Drug Policy Subcommittee of the Office of the Governor, Criminal Justice Division will meet at the Westin Paso Del Norte Hotel, 101 South El Paso Street, El Paso. According to the agenda, the task force will meet to solicit testimony from law enforcement officials and other interested persons regarding the illegal drug and violent crime problem in Texas for development of the statewide drug strategy.

Contact: Georgia Whitehead, 201 East 14th Street, Austin, Texas 78701, (512) 463-1919.

Filed: November 15, 1989, 9:52 a.m.

TRD-8910954

### Texas Commission on Jail Standards

Wednesday, November 15, 1989, 9 a.m. The Texas Commission on Jail Standards held an emergency meeting at the Employees Retirement Building, Room 100, 18th and Brazos Streets, Austin. According to the agenda, the commission discussed new business: Denton County; directors report; new commission member. The emergency status was necessary because of unexpected development requiring the immediate attention of the commission.

Contact: Jack E. Crump, P.O. Box 12985, Austin, Texas 78711, (512) 463-5505.

Filed: November 14, 1989, 10:42 a.m.

TRD-8910923

### Texas Department of Licensing and Regulation

Wednesday, November 22, 1989, 9 a.m., The Vehicle Storage Facility Division of the Texas Department of Licensing and Regulation will meet at 920 Colorado, E. O. Thompson Building, 10th Floor Conference Room, Austin. According to the agenda, rescheduled from November 1, 1989, the division will consider denial of application for license for respondent's, Irwin's Mobil Service Station, for violation of Article 6687-9a of Texas Civil Statutes and the department's vehicle storage facility rules and regulations.

Contact: Elvis G. Schulze, 920 Colorado, Austin, Texas 78701, (512) 463-3127.

Filed: November 14, 1989, 4:01 p.m.

TRD-8910941

## Long-Term Care Coordinating Council for the Elderly

**Tuesday, November 28, 1989, 1:30 p.m.**  
The Long-Term Care Coordinating Council for the Elderly will meet at the Bienvivir Senior Health Services, 6000 Welch, Suite A-2, El Paso. According to the agenda, the council will discuss approval of minutes of previous meeting; bylaws; report to Sunset Advisory Commission; schedule of future council meetings; history, purpose and function of Bienvivir Senior Health Services; and tour of Bienvivir Senior Health Services.

Contact: Peggy Davidson Seely, P.O. Box 12786, Austin, Texas 78711, (512) 444-2727.

Filed: November 15, 1989, 4:36 p.m.

TRD-8910981

## 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 met in Room 101, John H. Reagan Building, Austin. According to the emergency revised agenda, the board will discuss interagency contract with the Bureau of Economic Geology to provide quality assurance support. The emergency status was necessary to enable quality assurance program to continue without interruption.

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

Filed: November 15, 1989, 3:37 p.m.

TRD-8910974

## Board of Vocational Nurse Examiners

**Monday-Wednesday, December 4-6, 1989, 8 a.m.** The Board of Vocational Nurse Examiners will meet at the Ramada Inn Airport (Frontier Room), 5660 North IH 35, Austin. According to the agenda, the board will discuss; approval of minutes; education report (program matters, program actions, proposed rule revisions of rules 235.11, 233.21, 233.22, 233.64, 233.82, 233.1, and 233.24); TPAPIN presentation; executive director's report; unfinished business (peer assistance update, consent agenda, pre-conference hearings); new business (budget update, proposed rule revisions of rules 231.90, 231.92, and 235.18 TPAPIN contract extension, exam site costs, tri-council representative); administrative hearings; 8 a.m. 12/5-administrative hearings; 8 a.m. 12/6-administrative hearings, agreed orders/voluntary surrenders. On call; executive session to discuss personnel changes.

Contact: Marjorie A. Bronk, 9101 Burnet Road, #105, Austin, Texas 78758, (512) 835-2071.

Filed: November 14, 1989, 2:07 p.m.

TRD-8910938

## Texas Department of Highways and Public Transportation

**Wednesday, November 22, 1989, 9:30 a.m.** The State Highway and Public Transportation Commission of the State Department of Highways and Public Transportation will meet at the Dewitt C. Greer State Highway Building, 11th and Brazos Streets, Auditorium, Room 101 and 101-A, First Floor, Austin. According to the agenda, the commission will conduct public hearings for various highway, bridge, and FM road requests in Brazos, El Paso, Ellis, Grayson, Harris, Henderson and Tarrant Counties will be held in the auditorium, Room 101, 1st Floor and upon completion of public hearings the commission will meet in Room 101-A, to execute contract awards and routine minute orders, including 55 and 65 mph speed zone; consider decisions on presentations from public hearing dockets; consider authorization and related matters on public transportation; consider staff reports/recommendations; consider agreement with City of Laredo for United States portion of a proposed bridge; and consider reports on proposed rules for employee substance abuse program and House Bill 2060 relating to the issuance of truck permits. Executive session to be counseled on litigation. Agenda available in Room 203, Dewitt C. Greer Building.

Contact: Myrna Klipple, Dewitt C. Greer State Highway Building, Room, 203, 11th and Brazos Streets, Austin, Texas 78711, (512) 463-8616.

Filed: November 14, 1989, 2:24 p.m.

TRD-8910926

## Public Utility Commission of Texas

**Thursday, November 30, 1989, 9 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 hold a prehearing conference in Docket Number 9125; application of Southwestern Bell Telephone Company for expansion of Plexar Custom Service for the City of Fort Worth.

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

Filed: November 14, 1989, 2:45 p.m.

TRD-8910928

**Wednesday, December 6, 1989, 1 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 division will hold a rescheduled hearing (rescheduled from November 22, 1989) on the merits in Docket Number 9011; application of GTE Southwest incorporated to set CentraNet service rates for the University of North Texas.

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

Filed: November 14, 1989, 2:44 p.m.

TRD-8910929

**Thursday, January 11, 1990, 10 a.m.** The Hearings Section of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450N, Austin. According to the agenda, the hearings section will conduct a prehearing conference in Docket Number 8672; application of Southwestern Bell Telephone Company to provide Plexar Custom Service to specific customers.

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

Filed: November 15, 1989, 2:16 p.m.

TRD-8910968

**Thursday, January 11, 1990, 2 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 conduct a prehearing conference in Docket Number 8289; petition of the City of Panorama Village, for termination of mandatory extended area service between the cities of Panorama Village and New Waverly.

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

Filed: November 15, 1989, 2:17 p.m.

TRD-8910967

**Tuesday, January 30, 1990, 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 hearings division will conduct a hearing on the merits in Docket Number 9079; application of Muenster Telephone Corporation of Texas to reflect the merger of Valley View Telephone Company into Muenster Telephone Company.

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

Filed: November 15, 1989, 2:15 p.m.

TRD-8910970

Wednesday, April 18, 1990, 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 hearings division will conduct a hearing on the merits in Docket Number 8672; application of Southwestern Bell Telephone Company to provide Plexar Custom Service to specific customers.

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

Filed: November 15, 1989, 2:16 p.m.

TRD-8910969

## The Texas A&M University

Friday, November 24, 1989, 10 a.m. The Board of Regents Planning and Building Committee of the Texas A&M University will meet at the MSC Annex, Board Meeting Room, Texas A&M University, College Station. According to the agenda, the committee will evaluate employee's performance and receive reports from the chancellor of the Texas A&M University System.

Contact: Vickie E. Burt, Texas A&M University System, College Station, Texas 77843-1122, (409) 845-9603.

Filed: November 15, 1989, 10:48 a.m.

TRD-8910966

## Regional Meetings

### Meetings Filed November 14, 1989

The Comal Appraisal District, Appraisal Review Board will meet at 430 West Mill Street, New Braunfels, December 5, 1989, at 10:00 a.m. Information may be obtained from R. Richard Rhodes, Jr., P.O. Box 311222, New Braunfels, Texas 78131-1222, (512) 625-8597.

The Dewitt County Appraisal District, Board of Directors met at the Dewitt County Appraisal Office, 103 Bailey Street,

Cuero, November 20, 1989, at 7:30 p.m. Information may be obtained from John Haliburton, P.O. Box 4, Cuero, Texas 77954, (512) 275-5753.

The Education Service Center, Region XIII, Board of Directors met at the Education Service Center, Region XIII, Room 205, 5701 Springdale, Austin, November 29, 1989, at 12:45 p.m. Information may be obtained from Dr. Joe Parks, 5701 Springdale Road, Austin, Texas 78723, (512) 929-1313.

The Gregg Appraisal District, Appraisal Review Board will meet at 2010 Gilmer Road, Longview, November 21, 1989, at 9:00 a.m. Information may be obtained from William T. Carroll, 2010 Gilmer Road, Longview, Texas 75604, (512) 759-0015.

The Henderson County Appraisal District, Appraisal Review Board held an emergency meeting at 1751 Enterprise, Athens, November 16, 1989, at 9:30 a.m. The emergency status was necessary because of the need to hear protest. Information may be obtained from Helen Marchbanks, 1751 Enterprise, Athens, Texas 75751, (214) 675-9296.

The Hood County Appraisal District, Appraisal Review Board will meet at 1902 West Pearl Street, Granbury, November 21, 1989, at 9:30 a.m. Information may be obtained from Harold Chesnut, 1902 West Pearl, Granbury, Texas 76048, (817) 573-2471.

The Lamar County Appraisal District, Regular Board Meeting will be held at 521 Bonham Street, Paris, November 21, 1989, at 5:00 p.m. Information may be obtained from Joe Welch, 521 Bonham Street, Paris, Texas 75460, (214) 785-7822.

The North Texas Municipal Water District, Board of Directors will meet at the administrative offices, 505 East Brown Street, Wylie, November 30, 1989, at 4:00 p.m. Information may be obtained from Carl W. Riehn, 505 East Brown Street, Wylie, Texas 75098, (214) 442-5405.

TRD-8910918

## Meetings Filed November 15, 1989

The Pecan Valley Mental Health Mental Retardation Region, Board of Trustees will meet at the Clinical Office, 104 Charles Street, Granbury, November 22, 1989, at 8:00 a.m. Information may be obtained from Dr. Theresa Mulloy, P.O. Box 973, Stephenville, Texas 76401, (817) 965-7806.

The Rio Grande Valley Municipal Water Authority, Board will meet at the Embassy Suites Hotel, 1800 South 2nd Street, McAllen, November 29, 1989, 12:00 noon. Information may be obtained from Ersel G. Lantz, 3505 Boca Chica # 303, Brownsville, Texas 78520, (512) 541-1660.

TRD-8910943

## Meetings Filed November 16, 1989

The Eastland County Appraisal District, Appraisal Review Board will meet at the Eastland County Courthouse-Commissioner's Courtroom, Main Street, Eastland, November 29, 1989, at 10:00 a.m. Information may be obtained from Steve Thomas, Box 914, Eastland, Texas 76448.

The Houston-Galveston Area Council, Board of Directors will meet at 2100 South Braeswood, Houston, November 21, 1989, at 10:00 a.m. Information may be obtained from Marjorie Baker, H-GAC, P.O. Box 22777, Houston, Texas 77227-2777, (713) 993-4596.

The Houston-Galveston Area Council, Board of Directors Annual Workshop will meet at 2100 South Braeswood, Houston, November 21, 1989, at 10:45 a.m. Information may be obtained from Marjorie Baker, H-GAC, P.O. Box 22777, Houston, Texas 77227-2777, (713) 627-3200.

The San Patricio County Appraisal District, Board of Directors will have a special meeting at the Appraisal District Office, Sinton, November 29, 1989, at 9:30 a.m. Information may be obtained from Kathryn Vermillion, P.O. Box 938, Sinton, Texas 78387, (512) 364-5402.

TRD-8910984



# In Addition

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

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

## State Banking Board Notice of Hearing

As no opposition has been noted in the application for domicile change by the Moulton State Bank, Moulton, the hearing previously scheduled for Monday, November 20, 1989, has been cancelled.

Issued in Austin, Texas on November 13, 1989.

TRD-8910940 William F. Aldridge  
Director of Corporate Activities  
Texas Department of Banking

Filed: November 14, 1989

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

## Office of Consumer Credit Commissioner Notice of Rate Ceilings

The consumer credit commissioner of Texas has ascertained the following rate ceilings by use of the formulas and methods described in Texas Civil Statutes, Title 79, Articles 1.04, 1.05, 1.11, and 15.02, as amended (Texas Civil Statutes, Articles 5069-1.04, 1.05, 1.11, and 15.02).

<u>Type of Rate Ceilings</u>	<u>Effective Period (Dates are Inclusive)</u>	<u>Consumer<sup>(3)</sup>/Agri- cultural/Commercial<sup>(4)</sup> thru \$250,000</u>	<u>Commercial<sup>(4)</sup> over \$250,000</u>
Indicated (Weekly) Rate - Art. 1.04(a)(1)	11/13/89-11/19/89	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 Quar- terly 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:

Judgment Rate - Art. 1.05,  
Section 2

10/01/89-12/31/89

18.00%

N.A.

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 November 13, 1989.

TRD-8910899

Al Endsley  
Consumer Credit Commissioner

Filed: November 13, 1989

For further information, please call: (512) 479-1280

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**Court Reporters Certification Board**  
Certification of Court Reporters

Following examination of applicants on October 20, 1989, the Court Reporters Certification Board has certified to the Supreme Court that the following individuals are qualified in the method indicated to practice shorthand reporting pursuant to the Government Code, Texas Civil Statutes, Chapter 52.

Machine Shorthand: Teresa Stuard Arseneau-Arlington; Jana Kay Bald-Houston; Robin Rae Blackwell-Benton-Lewisville; Christina A. Bohren-El Paso; Tracy Lyn Bratz-San Antonio; Janise G. Castillo-Sweetwater; Betsy Mock Clifton-Temple; Christy Denise Daughtery-Dallas; Vicki

Jamean Dawson-Seabrook; Jain Ellen Delanois-Irving; Pamela Densmore-Justin; Melinda Lee Derrick-Arlington; Sherri Lyn Doxey-Houston; Susan Kimberly Eddings-Austin; Kay Danielle Gallivan-Dallas; Candace Rae Garrison-Bullard; Lori Lanette Goodgion-San Antonio; Tenli A. Gree-Houston; Sydnee Yosene Hammond-Brownsville; Deborah Kay Harmon-Dallas; Gary Landon Hillyard-El Paso; Sharon Marie Hitt-Mesquite; Candie L. Jeffries-Austin; Lisa A. Jenkins-Austin; Karen Renea Kennedy-Burleson; Karla K. Kimbrell-Irving; Angela Lorraine King-Arlington; Lisa Shay Legg-Irving; Lisa Yvonne Lindsey-Everman; Denise Michelle Locke-Stephenville; Patti R. Ludwig-Ennis; Melissa Leigh Merritt-Santa Fe, New Mexico; Lisa Beth Mooneyham-Denton; Tina Gail Morris-Abilene; Christine Jeanette Neal-Humble; Tonda Gunstream Outlaw-San Antonio; Cynthia Jeanette Owens-Houston; Laura Lee Precht-Vidor; Jayne M. Reeves-Irving; Jenifer Lynn Riske-Garland; Lesley Alison Ritchie-San Antonio; Deborah Mae Roberts-Arlington; Susan Joan Robidas-Alvin; Richard H. Rosmarin-Plantation, Florida; Karen Annette Russell-Houston; Dawn Cherie Scoggins-Helotes; Desere Tania Shoemaker-Irving; Keva Van Slyke-Richmond; Donna L. Smith-Houston; Letitia Dawn Smith-Santa Fe, New Mexico; Alicia Stevenson-Rowlett;

Della Marie Strube-Cedar Creek; Laura Lake Thomason-San Antonio; Melanie Channelle Tyson-Arlington; Susan L. Villanueva-Chicago, Illinois.

Issued in Austin, Texas, on November 13, 1989.

TRD-8910949 Peg Liedtke  
Executive Secretary  
Court Reporters Certification Board

Filed: November 15, 1989

For further information, please call: (512) 463-1630

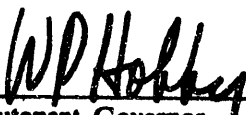
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**Office of the Governor  
Legislative Budget Board Contingent  
Orders**


The Legislative Budget Board met on November 13, 1989, to consider, among other items, the Governor's Budget Execution Proposal to require the approval of the Department of Information Resources prior to the expenditure of funds by the State Board of Insurance for the purchase of hardware and software. The Governor's Proposal was published in the *Texas Register* on October 31, 1989. After holding a public hearing on the proposal and after appropriate deliberation, the Budget Board adopted a motion on November 13, 1989, to change the proposal so that it reads as follows.

As authorized by the Texas Government Code, §317.002(a), relating to budget execution authority and in accordance with Article V, §128, and Article I, Riders 14 and 18 to State Board of Insurance appropriations made by Senate Bill Number 222, 71st Legislature, Regular Session, I make the following budget execution proposal:

Of the unexpended balances reappropriated to the State Board of Insurance by Rider 18, the board may not expend more than \$1.5 million. Any amounts expended pursuant to this approval may be for the purchase of hardware and software only, subject to the following restrictions and other applicable law.

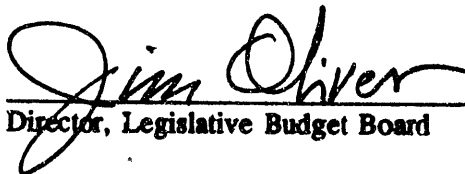
It is further provided that the Department of Information Resources shall review all proposed hardware and software purchases of the State Board of Insurance that exceed the thresholds set by rule of the Department of Information Resources and inform the Office of the Governor and the Legislative Budget Board of any proposed hardware or software purchases which are not in compliance with the five-year plan of the State Board of Insurance as submitted to the Department of Information Resources. All expenditures made by the State Board of Insurance for hardware or software purchase falling below the thresholds set by the Department of Information Resources shall be reported on a monthly basis to the Department of Information Resources. The review and approval required herein is in lieu of that required by Riders 14 and 18 and shall apply, regardless of the source of funds.

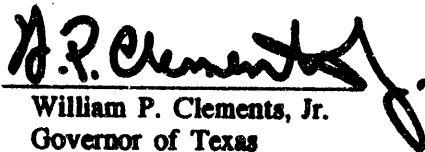
  
\_\_\_\_\_  
Lieutenant Governor  
Chairman, Legislative Budget Board

  
\_\_\_\_\_  
Speaker of the House  
Vice Chairman, Legislative Budget Board

I certify that this Legislative Budget Board contingent Order was adopted on November 13, 1989 by the following vote:

On the part of the Senate                      Yeas: 4                      Nays: 0  
On the part of the House                      Yeas: 4                      Nays: 0

  
\_\_\_\_\_  
Director, Legislative Budget Board

Approved:   
William P. Clements, Jr.  
Governor of Texas

Date: 11/14/89

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**Texas Department of Health  
Preliminary Report**

Pursuant to Chapter 401, Health and Safety Code, as

amended by Chapters 172, 840, 913, and 930, Acts of the 71st Legislature, Regular Session, 1989, the Bureau of Radiation Control issued a Preliminary Report for Assessment of Administrative Penalties and Notice of Violation to Jahn Dental Supply Company, 1202 North Flores Street, P.O. Box 2142, San Antonio, Texas 78212, holder of

Certificate of Registration Number R-06739. The agency recommends and proposes a total assessment of \$6,500 for violations committed by the licensee.

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 10, 1989.

TRD-8910900 Robert A. MacLean, M.D.  
Deputy Commissioner for Professional Services  
Texas Department of Health

Filed: November 13, 1989

For further information, please call: (512) 835-7000

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**Texas Department of Human Services  
Public Notice Open Solicitation**

Pursuant to 40 TAC §16.1513 and the Human Resources Code, Title 2, Chapters 22 and 32, as amended in the

September 29, 1989, issue of the *Texas Register* (14 TexReg 5099), Texas Department of Human Services (TDHS) is announcing an open solicitation period of 30 days, effective the date of this public notice, for counties where Medicaid contracted nursing facility occupancy rates exceed the threshold (90% occupancy) in each of five months in the continuous March-August 1989, six-month period. Potential contractors seeking to contract for existing beds which are currently licensed as nursing home beds or hospital beds in the counties identified in this public notice must submit a written reply (as described in 40 TAC §16.1513) to TDHS, Provider Services Division, Mail Code 350-E, P.O. Box 149030, Austin, Texas 78714-9030. The written reply must be received by TDHS by 5 p.m. December 21, 1989, the last day of the open solicitation period. Potential contractors will be placed on a waiting list for the primary selection process in the order in which the Texas Department of Health originally licensed the beds that are being proposed for Medicaid participation. The primary selection process will be completed on January 2, 1990. If there are insufficient available beds after the primary selection to reduce occupancy rates to less than 80%, TDHS will place a public notice in the *Texas Register* announcing an additional open solicitation period for those individuals wishing to construct a facility.

Occupancy rates for identified threshold counties are listed below:

County Number	County Name	Number of Months Over	Mar	Apr	May	June	July	Aug
103	Hartley	5	92.8	91.3	91.3	92.1	91.7	89.7
218	Sutton	5	87.6	94.4	95.8	97.1	97.4	93.1

Issued in Austin, Texas on November 15, 1989.

TRD-8910946 Cathy Rossberg  
Agency Liaison, Policy Development Services  
Texas Department of Human Services

Filed: November 15, 1989.

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

◆ ◆ ◆  
Pursuant to 40 TAC §16.1513 and the Human Resources Code, Title 2, Chapter 22 and 32, as amended in the September 29, 1989, issue of the *Texas Register* (14 TexReg 5099), the Texas Department of Human Services

(TDHS) is announcing the reopening of the open solicitation period for counties identified in the April 25, May 16, and September 5, 1989, issue of the *Texas Register* (14 TexReg 2043, 2433, and 4558). Potential contractors desiring to construct 90-bed nursing facilities in any of the counties identified in this public notice must submit a written reply (as described in 40 TAC §16.1513(1)) to TDHS, Provider Services Division, Mail Code 350-E, P.O. Box 149030, Austin, Texas 78714-9030. Upon receipt of a reply from a potential contractor, TDHS will place a notice in the *Texas Register* to announce the closing date of the reopened solicitation period.

COUNTY NUMBER	COUNTY NAME	COUNTY NUMBER	COUNTY NAME
BANDERA	010	JIM HOGG	124
BOSQUE	018	LAVACA	143
COTTLE	051	LEE	144
DEWITT	062	PANOLA	183
DUVAL	066	RAINS	190
GILLESPIE	086	REEVES	195
GOLIAD	088	SAN JACINTO	204
HANSFORD	098	SOMERVILL	213
HARDIN	100	SWISHER	219
JACKSON	120		

Issued in Austin, Texas, on November 15, 1989.

TRD-8910946 Cathy Rossberg  
Agency Liaison, Policy Development Services  
Texas Department of Human Services

Filed: November 15, 1989.

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

## North Central Texas Council of Governments

### Consultant Proposal Request

This request by the North Central Texas Council of Governments (NCTCOG) for consultant services is filed under the provision of Texas Civil Statutes, Article 6252-11C.

**Background.** NCTCOG intends to select a consultant to develop an innovative marketing approach for a travel demand management (e.g., rideshare, variable work hours) campaign that will directly increase public awareness throughout the Dallas-Fort Worth metropolitan area. The consultant will design, develop, and produce materials which include, at a minimum, a TDM log, pocket folders, envelopes, stationery and press release shells, brochures, fact sheet, video, television and radio public service announcements, and a slide presentation with a script. All materials will be used collectively by the Dallas Area Rapid Transit (DART) and the Fort Worth Transportation Authority (FWTA); therefore, a regional theme is important.

**Contract Award Procedures.** The firm selected to perform this study will be recommended by a consultant selection committee. The committee will use evaluation criteria and methodology consistent with the scope of services contained in the Request for Proposals. The NCTCOG Executive Board will review the selection committee's recommendation, and if it is found acceptable, will issue an award of contract.

The North Central Texas Council of Governments, in accordance with Title VI of the Civil Rights Act of 1964, 78 Statute 252, 42 United States Code 2000d to 2000d-4; and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation issued pursuant to each act, hereby notifies all bidders that it will affirmatively insure that in regard to any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, sex, age, or national origin in consideration of an award.

Respondents must be willing to abide by all applicable regulations of the Urban Mass Transportation Administration, United States Department of Transportation, including inspection and audit.

The contract will comply with all federal and state law and regulations applicable to subcontractors, including but not limited to equal employment opportunity, Davis-Bacon Act, and records management.

**Due Date.** Proposals must be submitted no later than 12 noon, Thursday, November 30, 1989, to Shirley Henry, North Central Texas Council of Governments, 616 Six Flags Drive, Second Floor, P.O. Drawer COG, Arlington, Texas 76005-5888. For more information and copies of the Request for Proposals, contact Shirley Henry, (817) 640-3300.

Issued in Austin, Texas on November 8, 1989.

TRD-8910869

William J. Pitstick  
Certifying Official  
North Central Texas Council of  
Governments

Filed: November 13, 1989

For further information, please call: (817) 640-3300

## Texas Rehabilitation Commission Cancellation of Request for Proposals

The Texas Rehabilitation Commission hereby cancels the Request for Proposals for outside legal counsel published in October 31, 1989, issue of the *Texas Register* (14 TexReg 5804).

Issued in Austin, Texas on November 14, 1989.

TRD-8910921

Charles W. Schlessor  
Assistant Commissioner  
Texas Rehabilitation Commission

Filed: November 14, 1989

For further information, please call: (512) 483-4051

## Texas Water Development Board Request for Proposals

The Texas Water Development Board (board) requests, pursuant to 31 Texas Administrative Code (TAC) §355.13(a), the submission of regional planning proposals from political subdivisions leading to the award of a contract for the first phase of a two-phase study to evaluate and determine the most feasible alternatives to meet water supply needs, estimate the costs associated with implementing feasible water supply alternatives, and identify institutional arrangements to provide water services for the Nueces River Basin service area including the counties of Aransas, Bee, Brooks, Duval, Jim Wells, Kleberg, Live Oak, McMullen, Nueces, San Patricio, and Refugio. In order for a political subdivision to receive a grant, the applicant must have the authority to plan, implement, and operate water supply facilities.

**Description of Planning Objectives.** The purpose of this project is to prepare a plan that documents service needs, identifies feasible alternatives to meet water supply needs, and presents estimates of costs and schedules associated with providing water supply source, conveyance, treatment, and distribution system(s). A water conservation plan and a drought management plan will be developed to ensure that existing and future sources are used efficiently and as a basis for confirming demand projections of future need.

The water supply potential of the Nueces River Basin service area will be identified. An evaluation shall be made of the current and future yield of the Choke Canyon/Lake Corpus Christi reservoir system. Future surface water demands and associated cost estimates for respective implementation phases for a 50-year planning period shall be made. An analysis shall be made to determine if additional surface water resources are available from other basins to serve the Nueces River Basin service area. An evaluation will be made of actual volumes of water recharging the Edwards Aquifer, and an estimate will be prepared of the additional quantity of water that could be recharged using dams or selected techniques to improve recharging volumes. A computer simulation model will be developed for the Nueces River Basin service area which will be compatible with existing models in use with adjoining river basins. The model will be used to determine the impact on the yield of Choke Canyon/Lake Corpus Christi from increases or decreases in surface water supplies, and will be used to evaluate the additional recharge potential for the Edwards Aquifer and its effect on Nueces River Basin water rights and yields. The planning period for the proposed work shall extend from 1990 through the year 2040 and shall include project implementation sched-

ules by service area and by type of service facility and activity for the respective phases.

Plan preparation will need to be closely coordinated with similar planning efforts being conducted by the Edwards Underground Water District, the City of San Antonio, the City of Corpus Christi, the South Texas Water Authority, and other water suppliers in the region. Coordination will avoid duplication and ensure regional compatibility of alternatives.

**Description of Funding Consideration.** The board has determined that there is an urgent need for regional water supply planning in the Nueces River Basin and surrounding area. Fifty percent state funding for a state amount of up to \$50,000 has been authorized from the board's Research and Planning Fund. 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 Texas Administrative Code (TAC), §355.13(a)(3).

The selected proposer will have 90 days from board approval to enter into the contract and to demonstrate to the executive administrator that it has its matching share committed and available.

**Deadlines and Contact Person for Additional Information.** Ten copies of the full regional planning proposal

must be filed with the board prior to 5 p. m., December 18, 1989. The application must be directed to G. E. Kretzschmar, Executive Administrator, Texas Water Development Board, P.O. Box 13231, Austin, Texas 78711-3231.

Requests for information, regional planning objectives, and applicable planning rules in accordance with 31 TAC, §§355.10-355.19 may be directed to Gordon Thorn at the address in the preceding paragraph or by calling (512) 463-8031.

**Statement of Contract Terms and Required Completion Date.** Procedures for awarding contracts shall comply with the Texas Water Code, §15.406, and with 31 TAC §§355.10-355.19. Contractual agreement and associated funding will terminate on August 31, 1990. Completion date: August 31, 1990.

Issued in Austin, Texas on November 13, 1989.

TRD-8910919

Suzanne Schwartz  
General Counsel  
Texas Water Development Board

Filed: November 14, 1989

For further information, please call: (512) 463-1850.



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A Guide to Texas State Agencies

## Office of Consumer Credit Commissioner

In 1963, the Texas Regulatory Loan Act provided for establishment of the Office of Regulatory Loan Commissioner. Its scope was limited to licensing and regulating lenders who made loans of \$1,500 or less at a rate of interest in excess of 10% per annum.

Four years later, the Legislature moved to substantially revise the Texas Credit Code, concluding in its declaration of legislative intent: "Credit abuses now existing in our state stem from the fact that many types of credit transactions are not now subject to effective public regulation and control and the penalties imposed for usury do not provide effective or workable safeguards in this vital area of economic activity." The Office of Regulatory Loan Commissioner was renamed the Office of Consumer Credit Commissioner and its functions expanded "... to protect the citizens of Texas from abusive and deceptive practices now being perpetrated by unscrupulous operators, lenders and vendors in both cash and credit consumer transactions ..."

The office now licenses and examines lenders who make installment loans for personal, family and household use, the purchase of motor vehicles and second mortgages. In this capacity, the agency is responsible for regulating pawn shops. The agency also registers retail sellers who finance and/or prepare retail installment contracts for the purchase of consumer goods and services, manufactured housing and motor vehicles, and those who purchase or service such contracts.

Pursuant to the Code, the office periodically computes and publishes certain interest rate ceilings in the *Texas Register* and in the *Credit Code Letter*. It also publishes bracket adjustments for some types of credit transactions annually.

One of the agency's goals is to encourage and aid the development of educational and debt counseling programs that promote the prudent and beneficial use of consumer credit by the public. The Office of Consumer Credit Commissioner is located in Austin and may be contacted at (512) 479-1280.

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