

Texas Register

Volume 13, Number 53, July 8, 1988

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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Withdrawn Sections—sections withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date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: "13 TexReg 2 issue date," while on the opposite page, page 3, in the lower right-hand corner, would be written "issue date 13 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, 503E Sam Houston 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).

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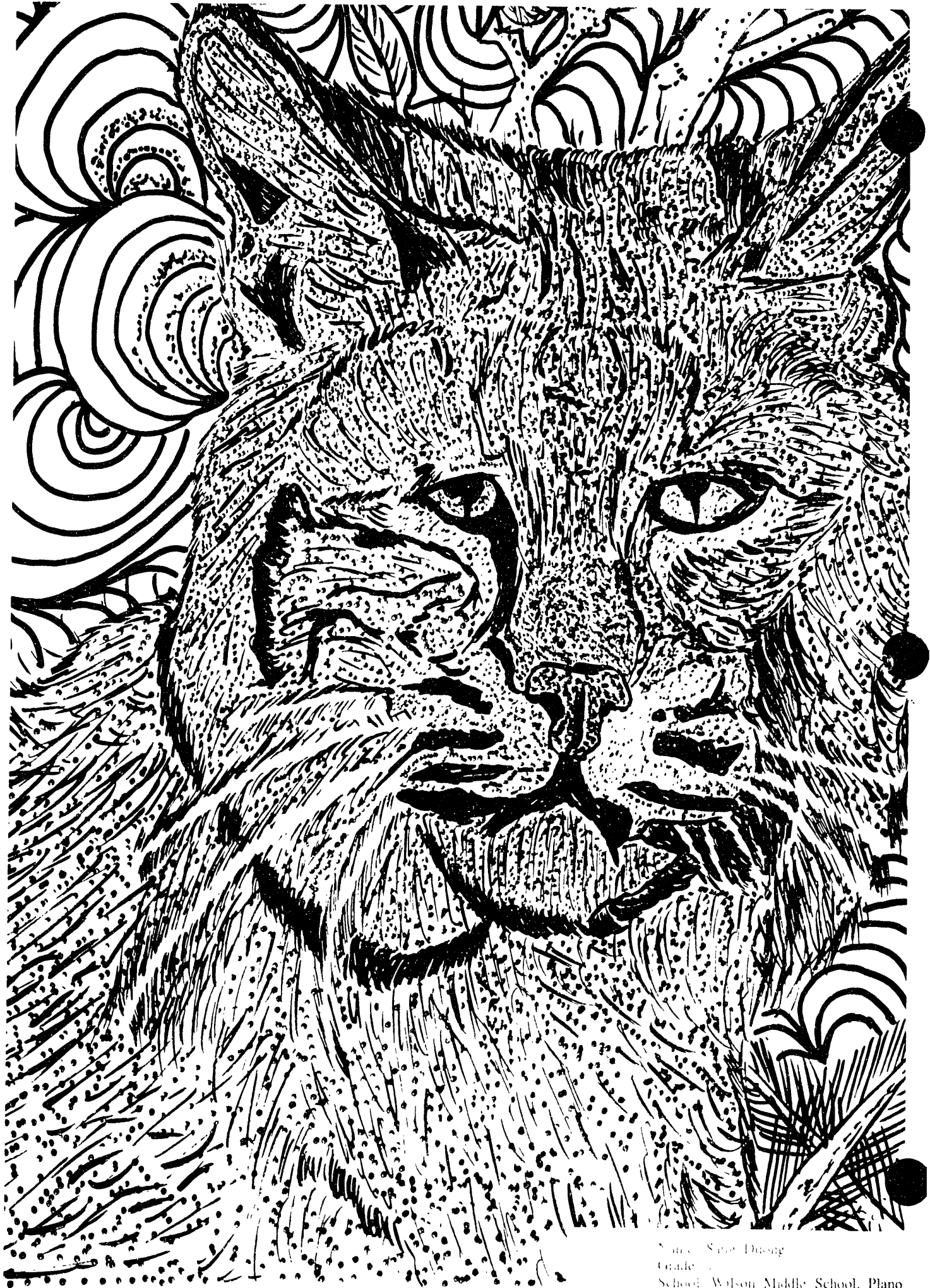
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TAC Titles Affected

TAC Titles Affected—July

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7 TAC §81.20—3321

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22 TAC §141.37—3379

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25 TAC §§402.201-402.222—3409

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TITLE 28. INSURANCE

Part I. State Board of Insurance

28 TAC §1.36—3326

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28 TAC §5.6105—3331

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34 TAC §3.548—3335

34 TAC §3.55—3336

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34 TAC §25.30—3339

34 TAC §27.1—3340

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TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Services

40 TAC §10.1001, §10.1009—3340

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40 TAC §181.900—3411

TITLE 43. TRANSPORTATION

Part I. State Department of Highways and Public Transportation

43 TAC §9.3—3411

43 TAC §9.6, §9.7—3412

43 TAC §§21.600-21.606—3405



Emergency Sections

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

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

TITLE 28. INSURANCE

Part I. State Board of Insurance

Chapter 33. Continuing Care Retirement Facilities

• 28 TAC §§33.1-33.10

The State Board of Insurance adopts on an emergency basis new §§33.1-33.10, concerning general provisions applicable to continuing care retirement facilities. An imminent peril to the public welfare requires adoption of these new sections on an emergency basis in order to remind persons operating or developing continuing care retirement facilities of the need to comply with licensing requirements under recent legislation. New §33.1 states the purpose of this chapter. New §33.2 defines words and terms used in this chapter. New §33.3 describes the scope of applicability of this chapter to providers of continuing care. New §33.4 explains the severability of the provisions of this chapter. New §33.5 explains that violations of this chapter are violations of the Texas Continuing Care Facility Disclosure and Rehabilitation Act (the Act). New §33.6 provides for the payment of fees for filing application for a certificate of authority and for filing an annual disclosure statement in accordance with the Act (Texas Civil Statutes, Article 8876), §22. New §33.7 regulates designations of fiscal years. New §33.8 adopts forms by reference for use in complying with the administration of this chapter. The board has filed copies of these forms with the Secretary of State's Office, *Texas Register* division. Persons desiring copies of the forms can obtain copies from the Senior Deputy Insurance Commissioner for Regulated Lines and Licensing, the State Board of Insurance, 1110 San Jacinto Boulevard, Austin, Texas 78701-1998. New §33.9 provides an address for filings under this chapter. New §33.10 requires responses to inquiries by the commissioner of insurance concerning unregistered facilities.

The new sections are adopted on an emergency basis under Texas Civil Statutes, Article 8876, §3, which provide that the State Board of Insurance may adopt rules as necessary to administer and enforce legislation regulating providers of health-related services and other continuing care to individuals in this state.

§33.1. Purpose. The sections in this chapter implement the Texas Continuing Care Facility Disclosure and Rehabilitation Act, enacted as House Bill 677 by the 70th Legislature, first effective September 1, 1987, and codified as Texas Civil Statutes, Article 8876.

§33.2. Definitions.

(a) The definitions found in the Texas Continuing Care Facility Disclosure and Rehabilitation Act, §2, are incorporated in this chapter.

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

(1) **Act**—The Texas Continuing Care Facility Disclosure and Rehabilitation Act, enacted as House Bill 677 by the 70th Legislature, first effective September 1, 1987, and codified as Texas Civil Statutes, Article 8876.

(2) **Actuarial review**—An analysis which is performed by a qualified actuary in accordance with Generally Accepted Actuarial Principles and Practices (GAAPP) and which addresses the current actuarial balance of the financial condition of a facility. An actuarial review should include but not be limited to the following: actuarial report; statement of actuarial opinion; actuarial balance sheet; cash flow projection; and actuarial methodology, formulae, and assumption.

(3) **Affiliate**—An affiliate of, or person affiliated with a specific person, is a person that directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, the person specified.

(4) **Commissioner**—The commissioner of insurance, his deputies, or the State Board of Insurance, or the staff of the State Board of Insurance, as appropriate.

(5) **Control**—Control, including the terms "controlling," "controlled by," and "under common control with," means the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting securities, by contract other than a commercial contract for goods or non-management services, or otherwise, unless the power is the result of an official position with or corporate office held by the person. Control shall be presumed to exist if any person, directly or indirectly, owns, controls, or holds with the power to vote, or holds irrevocable proxies representing, 10% or more of the voting securities or authority of any other person. This presumption may be rebutted to show that control does not in fact exist.

(6) **Facility**—Each separate place in which a person undertakes to provide continuing care. A place is an establishment, complex, or campus at which a provider engages in the business of providing continuing care. If two or more establishments or complexes are located on the premises, they shall be treated as separate facilities if their operations are administratively independent of each other.

(7) **Provider**—The owner, operator, or responsible person of an institution, building, residence, or other place, whether operated for profit or not, who undertakes to provide continuing care at such facility.

(8) **Qualified actuary**—A member of the American Academy of Actuaries or the Society of Actuaries or a person recognized by the commissioner as having comparable training or experience.

§33.3. Scope. This chapter shall apply to a person operating or developing a facility if all of the following conditions are met.

(1) Continuing care is provided under an agreement that:

(A) requires the payment of an entrance fee of an initial or deferred transfer of money or other property, valued at an amount in excess of three months' rent, made or promised to be made as full or partial consideration for acceptance by a provider of a specified individual as a resident in a facility; and

(B) is either of the life of the individual or for a period of more than one year.

(2) Continuing care contracts were entered into, offered, or solicited on or after September 1, 1987.

(3) Board and lodging are furnished, together with personal care services, nursing services, medical services, or other health-related services, regardless of whether or not the services and the lodging are provided at the same location.

§33.4. Severability. If any provision of this chapter is determined by a court of competent jurisdiction to be inconsistent with the Texas Continuing Care Facility Disclosure and Rehabilitation Act, the Act will apply, but the remaining provisions of this chapter will continue in effect.

§33.5. Violation of Rules. A violation of any provision of this chapter or of any order of the commissioner of insurance or State

Board of Insurance entered by virtue of the provisions of this chapter constitutes a violation of the Texas Continuing Care Facility Disclosure and Rehabilitation Act.

§33.6. Fees.

(a) Each person filing an application for a certificate of authority pursuant to the act, §4, shall pay to the State Board of Insurance the appropriate fee in accordance with the Act, §22.

(b) Each provider filing an annual disclosure statement as required by the Act, §7, shall pay to the State Board of Insurance the appropriate fee in accordance with the Act, §22.

§33.7. Fiscal Year. A fiscal year is a period of 12 months ending on the last day of any month other than December. A fiscal year will be recognized only if it is established as the certificate-of-authority-holder's annual accounting period, and books and records are kept corresponding to that period. The commissioner must be notified of any change of fiscal year under §33.510 of this title (relating to Change of Fiscal Year).

§33.8. Forms. The State Board of Insurance adopts and incorporates herein by reference the following forms, and their use is required, where applicable, for compliance with the provisions of this chapter. These forms are published by the State Board of Insurance and copies of the forms may be obtained from the Senior Deputy Insurance Commissioner for Regulated Lines and Licensing, State Board of Insurance, 1110 San Jacinto Boulevard, Austin, Texas 78701-1998.

(1) CCRC Form #1—application for certificate of authority to do business in the State of Texas

(2) CCRC Form #2—application for certificate of authority to do business in the State of Texas

(3) CCRC Form #3—State of Texas officers and directors page

(4) CCRC Form #4—biographical data for Texas Insurance Department

(5) CCRC Form #4a—instructions for completion of biographical data forms

(6) CCRC Form #5—acknowledgement of delivery of disclosure statement

(7) CCRC Form #6—format for disclosure statement

(8) CCRC Form #6a—instructions for preparation of CCRC disclosure statement for filing with State Board of Insurance

(9) CCRC Form #7—acquisition statement for CCRC

(10) CCRC Form #8—certification of changes to disclosure statement

(11) CCRC Form #9—notice of request to release entrance fee escrow funds

(12) CCRC Form #10—notice of request to release funds from the reserve fund escrow account

§33.9. Address for Filings. All inquiries, correspondence, applications, and other filings under this chapter must be addressed as follows: State Board of Insurance, CCRC Section, 1110 San Jacinto Boulevard, Austin, Texas 78701-1998.

§33.10. Unregistered Facilities. If the commissioner becomes aware of unregistered facilities and makes inquiries to determine the applicability of the Act to the facility, the recipient of an inquiry must respond within 30 days. The commissioner may conduct any necessary investigation or examination regarding the inquiry under the Act, §16, and, if warranted, proceed in district court under the Act, §17.

Issued in Austin, Texas, on June 29, 1988.

TRD-8806674 Nicholas Murphy
 Chief Clerk
 State Board of Insurance

Effective date: June 30, 1988

Expiration date: October 28, 1988

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

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Subchapter B. Qualifying for a Certificate of Authority under the Texas Continuing Care Facility Disclosure and Rehabilitation Act, §4(g)

• 28 TAC §§33.101-33.108

The State Board of Insurance adopts on an emergency basis new §§33.101-33.108, concerning qualifying for a certificate of authority under the Texas Continuing Care Facility Disclosure and Rehabilitation Act (the Act), §4(g). An imminent peril to the public welfare requires adoption of these new sections on an emergency basis in order to remind persons operating or developing continuing care retirement facilities of the need to comply with licensing requirements under recent legislation. The new sections explain licensing requirements necessary to qualify for a certificate of authority, and establish procedures for obtaining a certificate of authority from the State Board of Insurance under the Act (Texas Civil Statutes, Article 8876), §4(g), for operation of a continuing care retirement facility by providers of health-related services and other continuing care to individuals in this state.

The new sections are adopted on an emergency basis under Texas Civil Statutes, Article 8876, §3, which provide that the State Board of Insurance may adopt rules as necessary to administer and enforce legislation regulating providers of health-related services and other continuing care to individuals in this state.

§33.101. Issuance of Certificate of Authority under the Texas Continuing Care Facility Disclosure and Rehabilitation Act, §4(g).

(a) Pursuant to the Act, §4(g), the commissioner shall issue a certificate of

authority to any facility meeting one of the following conditions.

(1) The facility was occupied by one or more residents on September 1, 1987.

(2) The facility was under construction on September 1, 1987.

(3) Substantial financial obligations related to the development of the facility has been incurred prior to September 1, 1987.

(b) Providers owning or controlling more than one facility shall treat those facilities as separate and distinct in form and substance and shall apply for a separate certificate of authority for each.

§33.102. Evidence of Qualification under the Texas Continuing Care Facility Disclosure and Rehabilitation Act, §4(g). A provider filing an application under the Act, §4(g), shall submit convincing evidence to the commissioner that the facility meets one of the conditions set forth in that section. Each application shall be accompanied by the notarized affidavit of the chief executive officer of the provider, or an equivalent responsible person if the provider is not a corporation, attesting to the facts that evidence the facility's qualification under §4(g). In addition, true and correct copies of the following shall be submitted, as appropriate:

(1) contract(s) with one or more residents in the facility, evidencing occupation of the living unit(s) if the facility was occupied by one or more residents on September 1, 1987;

(2) the basic construction contract entered into between the applicant and construction company if the facility was under construction on September 1, 1987, or other supporting evidence that the facility was physically under construction on that date; or

(3) documents, such as cancelled checks, invoices, contractual arrangements, or certification by a certified public accountant of incurrence of obligations, to support the assertion that substantial financial obligations had been incurred in the development of the facility prior to September 1, 1987.

§33.103. Hearing on Section 4(g) Application by Continuing Care Provider. A hearing shall be held in accordance with the Administrative Procedure and Texas Register Act (Texas Civil Statutes, Article 6252-13a), for the commissioner to make a factual determination that an applicant qualifies to receive a certificate of authority under the Act, §4(g) (i.e., the facility was occupied or under construction on September 1, 1987, or the applicant had incurred substantial financial obligations relating to the development of the facility prior to that date).

§33.104. Filing Requirements for Section 4(g) Application by Continuing Care Provider.

(a) The applicant shall submit the appropriate filing fee calculated per the Act, §22. The fee is nonrefundable.

(b) An original and two copies of the entire application must be submitted in three-ring binders with all pages clearly legible and numbered.

(c) Each application binder must contain a table of contents and must be divided with tabs identified to correspond to the items listed in §33.105 of this title (relating to Contents of Section 4(g) Application by Continuing Care Provider). If any item listed in that section is inapplicable to the applicant, a page shall be included behind the tab for that item with a statement explaining the inapplicability.

(d) Narrative material must be typed, double spaced, and clearly legible.

(e) The original of the application becomes the charter file; therefore, all signatures on the required forms in the original application must be originals, not photocopies.

(f) If the application is revised or supplemented during the review process prior to hearing, the applicant must submit an original and two copies of a transmittal letter plus an original and two copies of the revision or supplement specified.

(g) If a page is to be revised, the complete new page must be submitted with the changed item or information clearly marked on the two copies, but not on the original page which is placed in the charter file copy of the application.

§33.105. Contents of Section 4(g) Application by Continuing Care Provider.

(a) The appropriate number of copies of the following items as applicable shall be submitted, organized as provided in §33.104 of this title (relating to Filing Requirements for Section 4(g) Application by Continuing Care Provider):

(1) CCRC Form #2 (Application for Certificate of Authority to do Business in the State of Texas);

(2) CCRC Form #3 (State of Texas Officers and Directors page);

(3) certified copy of all basic organizational documents of the applicant and amendments thereto, including articles of incorporation, certificate of incorporation, bylaws, partnership agreements, etc.;

(4) certified copy of assumed name certificate;

(5) letter from Internal Revenue Service recognizing tax-exempt status under Internal Revenue Code;

(6) a chart or listing clearly representing the identities of and interrelationships among affiliates;

(7) contract between applicant and any third party for management of the facility;

(8) appropriate documents to satisfy the requirements of §33.102 of this title (relating to Evidence of Qualifications under the Texas Continuing Care Facility Disclosure and Rehabilitation Act, §4(g));

(9) any other relevant material the applicant wishes to furnish to familiarize the commissioner with the applicant's operations; and

(10) any additional information relating to items required under paragraphs (1)-(9) of this subsection, as the commissioner may require as needed for proper consideration.

(b) The 180-day period in which the commissioner shall issue an order approving or disapproving an application for a certificate of authority shall begin after it is determined by the commissioner's staff that all required material is included in the application.

§33.106. Deficient Section 4(g) Application by Continuing Care Provider. If any of the items required under §33.105 of this title (relating to Contents of Section 4(g) Applications by Continuing Care Provider) is deemed insufficient by the commissioner's staff, the applicant shall be notified and given 30 days from the date of notice to correct the deficiencies. If, after the 30 days have expired, the deficiencies have not been corrected, the commissioner's staff may take any one of the following actions:

(1) return the application, in which event the applicant must completely refile in order to be considered for a certificate of authority, except that no additional filing fee need be paid; or

(2) proceed to hearing on deficient application.

§33.107. Applicability of the Texas Continuing Care Facility Disclosure and Rehabilitation Act and Rules Thereunder to Facilities Covered by the Act, Section 4(g). The entire Act and the rules in this chapter apply to facilities qualifying for certificate of authority under the Act, §4(g), except as follows.

(1) Subchapter C of this chapter does not apply to these facilities; instead, the application process for certificate of authority contained in this subchapter applies.

(2) The general requirements for annual disclosure statement revision and for establishment of escrow accounts are modified as provided in the Act, §20, and in §33.108 of this title (relating to Transition under the Texas Continuing Care Facility Disclosure and Rehabilitation Act, §20).

§33.108. Transition under the Texas Continuing Care Facility Disclosure and Rehabilitation Act, Section 20.

(a) The transition set forth in the Act, §20, and in this section applies only to a facility that was occupied by one or more residents on September 1, 1987.

(b) The provider of a facility that was occupied by one or more residents on

September 1, 1987, must file annual revised disclosure statements with the State Board of Insurance as provided by the Act, §7, beginning with a statement that covers the provider's most recent fiscal year that begins on or after September 1, 1987.

(c) The provider of a facility that was occupied by one or more residents on September 1, 1987, must comply with the escrow requirements imposed under the Act, §8 and §9, not later than September 1, 1990. If the commissioner determines that such provider is unable to comply with this section after making a good faith effort to do so, the commissioner may by order extend the time for compliance for a reasonable period of time, not to exceed 180 days.

Issued in Austin, Texas, on July 1, 1988.

TRD-8806719

Nicholas Murphy
Chief Clerk
State Board of Insurance

Effective date: July 1, 1988

Expiration date: October 29, 1988

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

Subchapter C. Application for Continuing Care Provider for Certificate of Authority

• 28 TAC §§33.201-33.206

The State Board of Insurance adopts on an emergency basis new §§33.201-33.206, concerning application by a continuing care provider for a certificate of authority under the Texas Continuing Care Facility Disclosure and Rehabilitation Act, (the Act). An imminent peril to the public welfare requires adoption of these new sections on an emergency basis in order to remind persons operating or developing continuing care retirement facilities of the need to comply with licensing requirements under recent legislation. The new sections explain requirements and procedures for application for a certificate of authority under the Act (Texas Civil Statutes, Article 8876).

The new sections are adopted on an emergency basis under Texas Civil Statutes, Article 8876, §3, which provide that the State Board of Insurance may adopt rules as necessary to administer and enforce legislation regulating providers of health-related services and other continuing care to individuals in this state.

§33.201. Scope. This subchapter establishes the procedure for application for certificate of authority under the Act, §4(g). For applications pursuant to the Act, §4(g), refer to subchapter B of the chapter.

§33.202. Incorporated Entities Only. Except for persons qualifying for certificates of authority under the Act, §4(g), the commissioner shall limit issuance of certificates of authority to incorporated entities.

§33.203. Filing Requirements for Application.

(a) The applicant shall submit the filing fee of \$10,000. The fee is nonrefundable.

(b) An original and two copies of the entire application must be submitted in three-ring binders with all pages clearly legible and numbered.

(c) Each application binder must contain a table of contents and must be divided with tabs identified to correspond to the items listed in §33.204 of this title (relating to Contents of Application). If any item listed in that section is inapplicable to the applicant, a page shall be included behind that tab for that item with a statement explaining the inapplicability.

(d) Narrative material must be typed, double spaced, and clearly legible.

(e) The original of the application becomes the charter file; therefore, all signatures on the required forms in the original application must be originals, not photocopies.

(f) If the application is revised or supplemented during the review process prior to hearing, the applicant must submit an original and two copies of a transmittal letter plus an original and two copies of the revision or supplement specified.

(g) If a page is to be revised, the complete new page must be submitted with the changed item or information clearly marked on the two copies but not on the original page, which is placed in the charter file copy of the application.

§33.204. Contents of Application.

(a) The appropriate number of copies of the following items as applicable shall be submitted, organized as provided in §33.203 of this title (relating to Filing Requirements for Application):

(1) CCRC Form #1 (Application for Certificate of Authority to do Business in the State of Texas);

(2) CCRC Form #3 (State of Texas Officers and Directors page);

(3) CCRC Form #4 (Biographical Data for Texas Insurance Department);

(4) basic organizational documents and all amendments thereto, with a certification bearing the original signature of an officer of the applicant that the document is a true, accurate, and complete copy of the original, which documents shall include articles of incorporation, bylaws, and the resolution by the board of directors reflecting corporate approval of the project;

(5) certified copy of assumed

name certificate;

(6) letter from Internal Revenue Service recognizing tax-exempt status under Internal Revenue Code;

(7) chart or listing clearly representing the identities and interrelationship among affiliates showing the percentage of each class of voting securities of each affiliate which is owned or controlled, directly or indirectly, by another affiliate, or indicating the basis of control if other than by ownership or control of voting securities;

(8) agreements establishing the escrow accounts described in the Act, §8 and §9, or a verified statement of why an escrow is not required, such agreements to be accompanied by the following:

(A) name and address of escrow agent;

(B) names and addresses of persons under contracts or agreements with monies on deposit with the escrow agent; and

(C) statement or set of instructions that the provider will use or send to the escrow agent to request a release of funds under the provisions of the Act, §8 or §9;

(9) complete disclosure statement meeting the requirements of the Act, §6;

(10) any service contract or agreement with an affiliate;

(11) management contract if the facility will be managed on a day-to-day basis by a person other than individuals directly employed by the provider;

(12) independent feasibility study;

(13) actuarial review as defined in §323.2 of this title (relating to Definitions);

(14) all priority agreements, reservation agreements, or any other type of contract or agreement which the provider is using in solicitation or offering of contracts, contracting, or collection of funds, if not included in the disclosure statement;

(15) financial statements dated no more than 90 days prior to the application submission date, if not included in the disclosure statement;

(16) documentation evidencing a commitment to the provider for any permanent mortgage loan or other long-term financing arrangement;

(17) list or description of liens which attach to any part of the facility before, during, or after construction;

(18) legal description of real property on which the facility is or will be located; and

(19) any additional information relating to items required under paragraphs (1)-(18) of this subsection, as the commissioner may require as needed for proper consideration.

(b) The 180-day period in which the commissioner shall issue an order approving or disapproving an application for a certificate of authority shall begin after it is determined by the commissioner's staff that all required material is included in the application.

§33.205. Deficient Application. If any of the items required under §33.204 of this title (relating to Contents of Application) is deemed insufficient by the commissioner's staff, the applicant shall be notified and given 30 days from the date of notice to correct the deficiencies. If, after the 30 days have expired, the deficiencies have not been corrected, the commissioner's staff may take any one of the following actions:

(1) return the application, in which event the applicant must completely refile in order to be considered for a certificate of authority, except that no additional filing fee need be paid; or

(2) proceed to hearing on the deficient application.

§33.206. Hearing on Application. Following review of the application by the commissioner's staff, a hearing shall be held in accordance with the Administrative Procedure and Texas Register Act (Texas Civil Statutes, Article 6252-13a), for the commissioner to make the determinations required under the Act, §4(c).

Issued in Austin, Texas, on July 1, 1988.

TRD-8806720 Nicholas Murphy
Chief Clerk
State Board of Insurance

Effective date: July 1, 1988

Expiration date: October 29, 1988

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

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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 4. AGRICULTURE Part I. Texas Department of Agriculture

Chapter 1. General Practice and Procedure

• 4 TAC §1.14

The Texas Department of Agriculture proposes an amendment to §1.14, concerning the issuance of licenses or permits. The amendment establishes a 15 day deadline for either acceptance or denial of an application for a license covered by Texas Civil Statutes, Article 6252-13b.1, establishes a process by which an applicant may appeal directly to the commissioner to determine if good cause exists for delay, and sets out guidelines for determining if good cause exists for delay of processing of such license or permit applications. The amendment is proposed to meet requirements of Texas Civil Statutes, Article 6252-13b.1, which require every state agency issuing licenses or permits covered by Texas Civil Statutes, Article 6252-13b.1, which require more than a seven day period to process, to set up deadlines in which a license or permit applicant must be notified of the acceptance or denial of his or her application, and a process by which an applicant may appeal a delay in processing of his or her application.

The department has determined that all licenses or permits issued by the department, there are two types of licenses or permits which are covered by Texas Civil Statutes, Article 6252-13b.1, and which have required more than seven days median processing time. These are licenses issued under the department's Agricultural Protective Act (APA) Program, and certificates issued for a business to sell or ship sweet potatoes.

According to the data collected from March 1987 to February 1988, on the APA licenses, the minimum time for processing new applications was one day, the median time was 12 days and the maximum time was 32 days. For sweet potato certificates, the median time from the last required inspection to issuance of the certificate was 14 days. The department has, since February 1988, restructured the process for issuance of APA licenses and has determined that those licenses can be issued within a 15 day period.

Melodie Krane, budget analyst, 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 or small businesses as a result of enforcing or administering the section.

Priscilla Jarvis, operations analyst, has deter-

mined 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 decreasing the time in which individual applicants may receive licenses or permits. There is no anticipated economic cost to individuals who are required to comply with the section as proposed.

Comments on the proposal may be submitted within 30 days to Priscilla Jarvis, Operations Analyst, P.O. Box 12847, Austin, Texas 78711.

The amendment is proposed under Texas Civil Statutes, Article 6252-13b.1, which require all state agencies which issue licenses or permits to adopt rules regarding procedures for processing certain licenses or permits.

§1.14. Licenses.

(a) (No change.)

(b) For licenses covered by Texas Civil Statutes, Article 6252-13b.1, when licensing is not required by statute to be preceded by notice and opportunity for hearing, the following shall [will] apply.

(1) [If] An [an] applicant for an initial license or renewal of a license shall submit to the department in a timely fashion all applications, forms, bonds, tests, data, fees, and other material required by law to precede the issuance of such initial license or renewal license.[.]

(2) The [the] department shall within 15 days of the receipt of all such submissions, issue a written notice to the applicant which states that the application is complete and accepted or that the application is deficient [make an initial determination of whether such license shall be granted or denied and forthwith notify the applicant in writing of its determination]. If such license is denied, the written notice shall set forth in detail the reasons for the denial and specify what additional information is required.

(3) An [The] applicant may contest the [initial] determination made by [of] the department or the department's, failure to comply with the time period established in subsection (b)(2) of this section by filing a notice of protest. A notice of protest shall be filed with the commissioner within 15 days of receipt by the applicant of the notice of such [initial] determination, or in the case of a contest of the time for processing, within 30 days of the department's receipt of an applica-

tion.

(4) Notice of protest being timely filed, the application shall be administered as a contested case as provided for in the Act and Chapter 1 of this title (relating to General Practice and Procedure).

(5) If notice of protest is not timely filed, such [initial] determination shall become final.

(6) In the case of a protest as to the time for processing, if the commissioner determines that the specified time periods for processing have been exceeded and that there is no good cause to exceeding the deadline, the license or permit filing fee shall be reimbursed in full to the applicant.

(7) The term "good cause" as used in this section shall be found if:

(A) the number of permits to be processed exceeds by 15% or more the number of permits processed in the same calendar quarter of the preceding year;

(B) TDA must rely on another public or private entity for all or part of its permit processing, and the delay is caused by the other entity; or

(C) any other conditions exist giving the agency good cause for exceeding the period established for processing a permit: i.e. time delays due to public hearings and related matters.

(8)[(2)] When a licensee has made a timely and sufficient application for the renewal of a license or a new license for any activity of a continuing nature, the existing license does not expire until the application has been acted upon by the department, except as otherwise provided by applicable statute.

(9)[(3)] If timely and sufficient application for the renewal of a license is not made, the department may terminate the effectiveness of such license at the end of its stated term without notice or opportunity for a hearing.

(10)[(4)] Except as provided for by applicable statute, a license may not be revoked, suspended, annulled, or amended, but upon notice to the licensee and an op-

portunity for a hearing unless the revocation, suspension, annulment, or amendment is made upon motion of the licensee. Actions for the revocation, suspension, annulment, or amendment of a license shall be administered as a contested case as provided for in the Act and Chapter 1 of this title (relating to General Practice and Procedure).

(c) (No change.)

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

Issued in Austin, Texas, on June 30, 1988.

TRD-8806717

Dolores Alvarado Hibbs
Director of Hearings
Texas Department of
Agriculture

Earliest possible date of adoption: August 8, 1988

For further information, please call: (512) 463-7583

Chapter 6. Boll Weevil Control

• 4 TAC §§6.1-6.4

The Texas Department of Agriculture proposes new §§6.1-6.4, concerning boll weevil control. The Texas Department of Agriculture proposes new §§6.1-6.4 for boll weevil control which establish boll weevil pest management zones, with respective cotton planting and destruction dates. The department is authorized to establish and enforce these planting and destruction dates under authority of the Texas Agriculture Code, Chapter 74, Subchapter A.

Paul B. Martin, director, past management section, TDA, has determined that there will be fiscal implications as a result of enforcing or administering the section. The effect on state government for the first five-year period the sections are in effect will be an estimated additional cost of \$75,000 in 1989, \$82,500 in 1980, \$90,750 in 1991, \$99,825 in 1992, and \$109,808 in 1993. For the first five-year period the proposed sections are in effect there will be no fiscal implications for local government or small businesses as a result of enforcing or administering the sections.

Mr. Martin also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be that less detrimental environmental harm will result from compliance with the sections since use of pesticides in cotton systems will be reduced. Moreover, it will cost farmers in Texas less to produce cotton because of the decrease in the use of pesticides, yields will be increased due to reduced weevil numbers and cotton products will be cheaper to buy for the consumer because cotton will cost less to produce. There is no anticipated economic cost to individuals who are required to comply with the sections as proposed.

Comments on the proposal may be submitted to Paul Martin, Director of Pest Management Section, P.O. Box 12847, Austin, Texas

78711.

The new sections are proposed under Texas Agriculture Code, §71.004, which provide the Texas Department of Agriculture with the authority to establish regulated areas, dates, and appropriate methods of destruction of cotton for boll weevil management.

§6.1. Public Nuisance. The *Anthonomus Grandis* Boheman, known as the boll weevil, is a public nuisance and a menace to the cotton industry, and its control is a public necessity.

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

Cotton destruction date—After a growing season, the last date for destroying (killing) cotton.

Destruction of cotton—Killing or destroying of cotton plants, stalks, fruit, bolls, squares, blooms, foliage, terminals, and root system, except the harvested lint and seed that has been temporarily stored in the field.

Pest management zone—A geographical zone of all or part of one or more counties established by the Texas Department of Agriculture, under the authority of the Texas Agriculture Code, Chapter 74, Subchapter A for control of boll weevil.

Planting dates—The time period within which the cotton planting will be completed in a boll weevil pest management zone.

Volunteer cotton—Cotton developing from incidental seeds, and regrowth from cotton that has not been destroyed completely within a pest management zone.

§6.3. Regulated Areas of Boll Weevil Pest Management Zones.

(a) The Lower Rio Grande Valley boll weevil pest management zone includes all lands in Cameron, Hidalgo, Starr, Willacy, Jim Hogg, Brooks, Zapata counties and the southern part of Kenedy County encompassing that area below an eastwest line through Katherine and Armstrong.

(b) The Lower Coastal Bend and South Texas boll weevil pest management zone, Area (1), includes all lands in Aransas, Duval, Jim Wells, Kleberg, Nueces, San Patricio, Webb, and South and East of Highway 59 of Bee and Live Oak counties. Area (2) of this zone includes all lands in Calhoun, Dimmitt, Goliad, LaSalle, McMullen, Refugio, Victoria and north and west of Highway 59 of Bee and Live Oak counties.

(c) The El Paso Valley Boll Weevil Pest Management Zone includes all lands in El Paso County and that portion of Hudspeth County bounded by IH-10 on the north, the El Paso County line on the west, the Rio Grande River on the south and a

line from old Fort Quitman north along Highway 34 to IH-10 on the east.

§6.4. Authorized Planting and Cotton Destruction Dates.

(a) Except as provided in subsection (c) of this section, all cotton in the regulated areas of the boll weevil pest management zones must be destroyed by the following cotton destruction deadlines:

(1) Lower Rio Grande Valley Boll Weevil Pest Management Zone:

(A) planting dates: February 1-April 20;

(B) cotton destruction date: By September 15.

(2) Lower Coastal Bend and South Texas boll weevil pest management zone:

(A) Area (1):

(i) planting dates: February 1-April 15;

(ii) cotton destruction date: By September 10.

(B) Area (2):

(i) planting dates: March 1-May 1;

(ii) cotton destruction date: For Dimmitt County: By October 10;

(iii) cotton destruction date: For all other counties in Area (2): By October 1.

(3) El Paso Valley Boll Weevil Pest Management Zone:

(A) planting dates: March 1-May 15;

(B) cotton destruction date: By February 1.

(b) Volunteer cotton must also be destroyed until planting of the following cotton crop in the spring.

(c) The commissioner may on written request by a farm owner or operator, grant an extension of the planting or cotton destruction dates. An extension may be granted due to adverse weather conditions or other good cause. When an extension due to other good cause is needed, the department may request a recommendation for the committee.

(d) Where there is a conflict between the planting and cotton destruction dates set for counties in the pest management zones established under this chapter, and the planting and host plant destruction dates set for those same counties under §§5.171-5.179 of this title (relating to Quarantined Pest; Definitions; Quarantine Area;

Quarantined Articles; Movement of Quarantined Articles; Permits; Inspection and Disposal; Pink Bollworm Quarantine Zones; and Authorized Planting and Stalk Destruction Dates), the dates set under this chapter shall take precedent.

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 June 30, 1988.

TRD-8806716

Dolores Alvarado Hibbs
Director of Hearings
Texas Department of
Agriculture

Earliest possible date of adoption: August 8, 1988

For further information, please call: (512) 463-7583

TITLE 16. ECONOMIC REGULATION

Part II. Public Utility Commission of Texas

Chapter 23. Substantive Rules

Customer Service and Protection

• 16 TAC §23.52

The Public Utility Commission of Texas proposes an amendment to §23.52, concerning tel-assistance and lifeline service. The proposed amendment ensures that tel-assistance and lifeline service will be provided to eligible customers without charging service order charges to the customer for transferring into or out of tel-assistance service.

Diane Friday, telephone rate analyst, 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 or small businesses as a result of enforcing or administering the section.

Ms. Friday 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 increased affordability of basic local telephone service for individuals who qualify for tel-assistance service under the provisions of this section. There is no anticipated economic cost to individuals who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Phillip A. Holder, Secretary of the Commission, 7800 Shoal Creek Boulevard, Suite 450N, Austin, Texas 78757, within 30 days after publication.

The amendment is proposed under Texas Civil Statutes, Article 1446c, §16, which provide the Public Utility Commission of Texas with the authority to make and enforce rules reasonably required in the exercise of its powers and jurisdiction.

§23.52. Tel-Assistance and Lifeline Service.

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

(e) Certification of eligibility to LECs. The department will provide each LEC an initial list of persons eligible for tel-assistance service. Changes to the list will be provided by the department to each LEC on a monthly basis. The LEC shall identify those individuals to whom it is providing telephone service and shall determine if the existing telephone service arrangements meet the required criteria. Within 60 days after receipt of the list, the LEC shall begin reduced billing for those persons whose telephone service arrangements meet the requirements. If the telephone service arrangements do not meet the requirements, the LEC shall advise the applicant of changes that would be required to satisfy the Tel-Assistance Service Program criteria. The LEC shall advise the applicant that persons choosing not to make necessary changes to their telephone service arrangements will not receive tel-assistance service. If the applicant chooses to make changes in the telephone service arrangements, the LEC shall begin reduced billing at the time the change of service goes into effect. The applicant shall not be charged for changes in telephone service arrangements that are made in order to qualify for tel-assistance service, or for service order charges associated with transferring the account into or out of tel-assistance service. [provided that reimbursement for expenses related to such changes is available from the Universal Service Fund.] Persons on the list who did not have telephone service at the time that the department provided the list to the LECs are responsible for initiating a request for service from their serving LEC. The LEC shall begin reduced billing to such persons at the time service is established, if the telephone service arrangements satisfy the program criteria. After tel-assistance service is established, if the recipient requests a change in telephone service arrangements such that the new arrangements do not meet the program requirements, before making such changes the LEC shall advise the consumer that the requested changes will result in removal of the tel-assistance service discount. If the consumer then chooses to have such changes made, the discount shall be removed at the time the change of service goes into effect. The LEC shall notify the department on a monthly basis of changes in the status of individuals on the department's eligibility list.

(f) (No change.)

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

Issued in Austin, Texas, on June 30, 1988.

TRD-8806676

Phillip A. Holder
Secretary
Public Utility Commission
of Texas

Earliest possible date of adoption: August 8, 1988

For further information, please call: (512) 458-0100

• 16 TAC §23.53

The Public Utility Commission of Texas proposes an amendment to §23.53, concerning a universal service fund. The proposed amendment will allow for the inclusion of resellers of WATS-type service among the companies who contribute to the fund; all for the fund administrator to receive additional reports from utilities when they are required; and to clearly identify the methods the utilities will be using in reporting minutes to the administrator which will be used for making an assessment to telecommunications utilities.

Diane Friday, telephone rate analyst, 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 or small businesses as a result of enforcing or administering the section.

Ms. Friday 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 increased affordability of basic local telephone service for individuals who qualify for tel-assistance service under the provisions of §23.52. There is no anticipated economic cost to individuals who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Phillip A. Holder, Secretary of the Commission, 7800 Shoal Creek Boulevard, Suite 450N, Austin, Texas 78757, within 30 days after publication.

The amendment is proposed under Texas Civil Statutes, Article 1446c, §16, which provide the Public Utility Commission of Texas with the authority to make and enforce rules reasonably required in the exercise of its powers and jurisdiction.

§23.53. Universal Service Fund.

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

(c) Administration of universal service fund.

(1) (No change.)

(2) Assessments to telecommunications utilities.

(A) Local exchange companies (LECs) shall submit monthly reports to the administrator showing intrastate local switching access minutes of use for telecommunications utilities [billed to interexchange carriers] and showing the LEC's [total intrastate toll minutes converted to] equivalent access minutes of use, developed in accordance with paragraph (3) of this subsection. Telecommunications utilities other than LECs shall submit monthly reports to the administrator showing additional data that is required by the administrator to calculate the assessment rate.

(B) Local exchange companies shall submit monthly reports in accordance with paragraph [(3)](4)(B) of this subsection showing the lost revenue associated with the provision of tel-assistance service.

(C) The agencies which qualify to receive reimbursements from the USF in accordance with paragraph [(3)](4)(A) of this subsection shall file monthly reports with the administrator showing the costs incurred for the previous period which are directly and reasonably associated with the administration of the universal service fund and with tel-assistance service.

(D) The administrator shall establish a reserve for such contingencies as late payments and uncollectibles in an amount authorized by the commission.

(E)[(D)] The administrator shall establish an assessment rate to be applied to all telecommunications utilities based upon the total claims [costs to be reimbursed] for the current period, including claims [costs] reported under subparagraphs (B), (C) and (D) [and (C)] of this paragraph, divided by the total industry [equivalent toll] access minutes of use for the period reported. Total industry access minutes of use shall include intrastate local switching access minutes of use and LEC equivalent access minutes of use as developed under paragraph (3) of the subsection. The assessment for each telecommunications utility shall be in the amount of that utility's [equivalent toll] access minutes of use multiplied by the assessment rate for the period.

(3) Methodologies for developing industry access minutes of use.

(A) Intrastate local switching access minutes of use (MOU) are all minutes for which telecommunications utilities are billed the local switching rate element (e.g. LS1, LS2) from the LEC's intrastate access service tariff. These minutes shall include sent paid, sent collect, and originating 800 service. For services not billed the local switching rate element, intrastate local switching access MOU will be the assumed MOU as defined in the LEC's intrastate access service tariff multiplied by the number of intrastate voice grade equivalent circuits billed to that telecommunications utility.

(B) LEC intrastate equivalent access minutes of use shall include sent paid, sent collect, and originating 800 service, and shall be derived using the following methods.

(i) CABS conversion method. The carrier access billing system

conversion process which uses Attempts Per Message Factors (ATMF), Non-Conversion Time Additives (NCTA), and Terminating to Originating Ratios (T/O) will be applied to LEC intrastate toll MOU (which include originating and terminating minutes billed in accordance with the LEC's message toll and WATS tariff) to derive LEC intrastate equivalent access MOU. If the date and/or mechanized systems required to perform this CABS conversion process are not available, the dial equipment conversion method shall be used if available.

(ii) Dial Equipment Minutes (DEM conversion method. Unweighted dial equipment minutes of use (which include originating and terminating minutes billed in accordance with the LEC's message toll and WATS tariff, and which are adjusted to reflect total toll usage in accordance with separations procedures) will be divided by the toll access time ration to derive LEC intrastate equivalent access MOU. If DEM information is not available, the LEC will use the message conversion method as follows.

(iii) Message conversion method. The LEC's intrastate toll message volume (which includes all messages billed in accordance with the LEC's message toll and WATS tariff) will be multiplied by the industry surrogate holding time (developed by the administrator based upon an average holding time for companies using the CABS conversion method or the DEM conversion method.) The product will be divided by the toll access time ration to derive LEC intrastate equivalent access minutes of use.

(4)[(3)] Disbursements to qualify companies and agencies.

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

(d) (No change.)

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

Issued in Austin, Texas, on June 30, 1988.

TRD-8806675

Phillip A. Holder
Secretary
Public Utility Commission
of Texas

Earliest possible date of adoption: August 8, 1988

For further information, please call: (512) 458-0100

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TITLE 22. EXAMINING BOARDS

Part XVI. Texas State Board of Physical Therapy Examiners

Chapter 321. Definitions

• 22 TAC §321.1

The Texas State Board of Physical Therapy Examiners proposes an amendment to §321.1, concerning definitions. The board has defined these terms used in the Act in order to clarify the intent of the Physical Therapy Practice Act.

Lois M. Smith, executive director, 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 or small businesses as a result of enforcing or administering the section.

Ms. Smith 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 clarification. There is no anticipated economic cost to individuals who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Lois M. Smith, 313 East Rundberg Lane, Suite 113, Austin, Texas 78753.

The amendment is proposed under Texas Civil Statutes, Article 4512e, §3(e), which provide the Texas State Board of Physical Therapy Examiners with the authority to adopt rules consistent with the Texas Physical Therapy Practice Act to carry out its duties in administering the Act.

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

Physical therapist assistant—The supervision of the physical therapist assistant shall include the following.

(A) The supervising [A] physical therapist is [must be] responsible for and will participate in the patient's care.

(B) The supervising [A] physical therapist must be on call and readily available.

(C) A current written [treatment] plan of care will be formulated for each patient by [under the care of] the physical therapist. The plan of care [Plans] shall be revised following periodic reevaluations by the physical therapist, not to exceed 30 days.

(D) The physical therapist may assign responsibilities to the physical therapist assistant as defined in the Accreditation Handbook, The American Physical Therapy Association—January 1985.

Refer to standard VI criterion B, subsection 2, pages 28 and 29. The physical therapist assistant may not:

- (i) (No change.)
 - (ii) alter a plan of care [treatment programs] or goals;
 - (iii) recommend wheelchairs, orthoses, prostheses, other assistive devices, or alterations to architectural barriers to persons [other than a physical therapist];
 - (iv) (No change.)
- (E) (No change.)

Physical therapy—[Treatment] Utilization of [employs for therapeutic effects] exercises, rehabilitative procedures, massage, manipulations and [such] physical agents including, but not limited to, mechanical devices, heat, cold, air, light, water, electricity, and sound in the aid of diagnosis or treatment.

Physical therapy aide—All rules governing the direction of the physical therapist assistant are further modified for the physical therapy aide.

(A) The physical therapist or physical therapist assistant is responsible for the supervision of the [A] physical therapy aide [will be under the supervision of a physical therapist or physical therapist assistant]

(B) The physical therapy aide may participate in nontreatment activities within the scope of their on-job-training.]

(B)[C] The physical therapy aide may support physical therapy [participate in patient care treatment] activities within the scope of on-the-job-training and with on-site supervision of a physical therapist assistant who is within reasonable proximity of the physical therapy aide. [therapist or the physical therapist assistant]

(C)[D] The physical therapy aide may not:

- (i) evaluate, assess, and/or initiate physical therapy [perform the initial treatment instruction.] including exercise instruction [to a patient] ; or
- (ii) write or sign physical therapy [treatment related] documents in the permanent record.

Supervision—The person or persons responsible for the practice of the physical therapist, physical therapist assistant, or physical therapy aide.

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 June 27, 1988.

TRD-8806636

Lois M. Smith
Executive Director
Texas State Board of
Physical Therapy
Examiners

Earliest possible date of adoption: August 8, 1988

For further information, please call: (512) 835-1846

Chapter 337. Display of License

• 22 TAC §337.2

The Texas State Board of Physical Therapy Examiners proposes an amendment to §337.2, concerning display of license and consumer information sign. The board has changed the address to the new board office location.

Lois M. Smith, executive director, 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 or small businesses as a result of enforcing or administering the section.

Ms. Smith 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 clarification. There is no anticipated economic cost to individuals who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Lois M. Smith, 313 East Rundberg Lane, Suite 113, Austin, Texas 78753.

The amendment is proposed under Texas Civil Statutes, Article 4512e, §3(e), which provide the Texas State Board of Physical Therapy Examiners with the authority to adopt rules consistent with the Texas Physical Therapy Practice Act to carry out its duties in administering the Act.

§337.2. Consumer Information Sign. The consumer information sign shall read: Complaints regarding non-compliance with the Texas Physical Therapy Practice Act can be directed to the Texas State Board of Physical Therapy Examiners, 313 East Rundberg Lane, Suite 113, Austin, Texas 78753. [1300 East Anderson Lane, Building C, Suite 260, Austin, Texas 78752.] The minimum size of the sign shall be five inches by seven inches.

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 June 27, 1988.

TRD-8806635

Lois M. Smith
Executive Director
Texas State Board of
Physical Therapy
Examiners

Earliest possible date of adoption: August 8, 1988

For further information, please call: (512) 835-1846

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Services

Chapter 15. Medicaid Eligibility

Subchapter W. Medicare Benefits and Buy-in

The Texas Department of Human Services (DHS) proposes amendments to §15.2201, concerning Medicare buy-in, and §15.3412, concerning budget to determine applied income, in its Medicaid Eligibility chapter. Under this proposal, the department would no longer pay the Medicare Part B (SMIB) premium for medical assistance only clients in long-term care. The personal needs allowance will continue to be protected, because the deduction of the SMIB premium precedes the personal needs allowance in the applied income calculation.

Brian Packard, associate commissioner for budget, planning, and economic analysis, 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 for the first five-year period the sections will be in effect is an estimated savings of \$9,529,420 for fiscal year 1989; \$10,856,874 for fiscal year 1990; \$12,233,887 for fiscal year 1991; \$13,585,899 for fiscal year 1992; and \$14,907,337 for fiscal year 1993. There will be no fiscal implications for local government or small businesses.

Mr. Packard also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be that state funds will be saved by drawing additional federal matching funds. There is no anticipated economic cost to individuals who are required to comply with the proposed sections.

Comments on the proposal may be submitted to Cathy Rossberg, Administrator, Policy Development Support Division-405, Texas Department of Human Services 222-E, P.O. Box 2960, Austin, Texas 78769, within 30 days of publication in the *Texas Register*.

• 40 TAC §15.2201

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

§15.2201. Medicare Buy-in.

- (a) (No change.)
- (b) The effective date for enrollment in state buy-in is not the same for all

recipients. Individuals with Part B coverage at the time of Medicaid certification are enrolled as follows:

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

(3) TP02 and TP14 recipients are eligible for buy-in effective the second month after the month of certification. However, the two-month waiting period does not apply if the TP14 certification is due to a transfer from another type program with no break in Medicaid coverage, or if the recipient is recertified after being denied in error. In these situations, eligibility for buy-in enrollment is continuous.]

(3)[(4)] For individuals not eligible for Part B of Medicare at the time of Medicaid certification, the effective day of buy-in is the month in which the individual becomes eligible for Part B. Once enrolled, the individual remains enrolled as long as eligibility for both Medicaid and Medicare continue. Buy-in enrollment is not available for three months prior eligibility periods.

(4)[(5)] SSA stops [will stop] charging the recipient for Part B premiums beginning with the month after buy-in enrollment has been acknowledged by SSA. SSA reimburses [will reimburse] the individual for any premiums paid between the effective date of buy-in enrollment and the month enrollment was actually accomplished. If Part B premiums are still being deducted from a recipient's social security check more than three months after a recipient is certified for Medicaid coverage, a memorandum should be sent to [the] SAVERR Data Control [Section], SMIB Correspondence Unit, [Financial Services Branch,] state office, requesting assistance in establishing buy-in for the recipient.

(c) (No change.)

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

Issued in Austin, Texas, on July 1, 1988.

TRD-8806714

Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Proposed date of adoption: September 1, 1988.

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

Subchapter II. Budgeting for Individuals Related to the SSI Program

• 40 TAC §15.3412

The amendment is proposed under the Human Resources Code, Title 2, Chapters 22 and 32, which provides the department with the authority to administer public and medical assistance programs.
§15.3412. Budget to Determine Applied Income.

(a) Individuals living in non ICF-MR facilities. If an individual(s) living in a non ICF-MR Title XIX long-term care facility is eligible for medical assistance only, the caseworker must determine the amount of personal income or applied income the individual(s) must pay for nursing care. The caseworker must follow the procedure at the time of application and for every re-termination.

(1) The caseworker uses the following budget steps to determine applied income for individuals and couples.

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

(C) If the individual is Medicare eligible, subtract the amount of the Medicare Part B (SMIB) premium.

(D)[(C)] Subtract the personal needs allowance of \$30 from available income for an individual budget. The remainder is the applied income.

(E)[(D)] Subtract the personal needs allowance of \$60 from available income for a couple. Divide the remainder by two to determine the applied income for each spouse.

(2) The caseworker uses the following budget steps to determine applied income for a companion case.

(A) (No change.)

(B) For the month(s) after the month of separation:

(i) (No change.)

(ii) If the applicant/recipient is Medicare eligible, subtract the amount of the Medicare Part B (SMIB) premium;

(iii)[(ii)] if the income of the ineligible spouse equals or exceeds the full SSI standard payment amount for an individual, but is equal to or less than the fair standard income level, disregard the income of the spouse. Subtract the personal needs allowance of \$30 from the individual's own income. The remainder is the applied income;

(iv)[(iii)] if the income of the ineligible spouse is less than the full SSI standard payment amount for an individual, add the spouse's income to the income of the applicant/recipient. Subtract the personal needs allowance of \$25 for the eligible individual from the combined income. Subtract the full SSI standard payment amount for an individual as an allowance for the ineligible spouse. The remainder is the applied income;

(v)[(iv)] if the income of the spouse exceeds the fair standard income

level, the caseworker computes applied income according to the procedures outlined in §15.3413 of this title (relating to Fair Standard Contributions from Ineligible Spouse).

(b) Individuals living in ICF-MR facilities. The caseworker uses the following budget steps to determine the applied income for an applicant or recipient living in an approved public or private ICF-MR facility. The difference in the applied income calculation for this group is that an additional protected earned income allowance is granted to the individual if the individual has earned income in excess of \$30 per month. The purpose of the additional allowance is to provide the ICF-MR recipient, who has a short-term or long-term objective of semi-independent or independent living, the additional resources to make the transition possible.

(1) The caseworker uses the following steps to determine applied income for individuals.

(A) (No change.)

(B) If the individual is Medicare eligible, subtract the amount of the Medicare Part B (SMIB) premium.

(C)[(B)] Determine the personal needs allowance as follows for an individual:

(i)-(iii) (No change.)

(D)[(C)] Total gross income minus the total personal needs allowance is the applied income.

(2) (No change.)

(3) The caseworker uses the following budget steps to determine the applied income for a companion situation.

(A) For the month of separation:

(i) (No change.)

(ii) If the individual is Medicare eligible, subtract the amount of the Medicare Part B (SMIB) premium;

(iii)[(ii)] determine the eligible individual's personal needs allowance, including the amount of protected income (if any), based on his separate income;

(iv)[(iii)] subtract the eligible individual's personal needs allowance from the combined gross income;

(v)[(iv)] subtract the SSI standard payment amount for an individual as an allowance for the ineligible spouse. The remainder is the applied income for the applicant;

(B) For the month(s) after the month of separation:

(i) (No change.)

(ii) If the individual is Medicare eligible, subtract the amount of the Medicare Part B (SMIB) premium;

(iii)/(ii) determine the personal needs allowance, including the protected earned income allowance, if any, of the eligible individual based on his own income;

(iv)/(iii) if the income of the ineligible spouse equals or exceeds the full SSI standard payment amount for an individual, but is equal to or less than the fair standard income level, disregard the income of the spouse. Subtract the individual's personal needs allowance from his income. The remainder is the applied income;

(v)/(iv) if the income of the ineligible spouse is less than the full SSI standard payment amount for the individual, add the spouse's income to the income of the individual. Subtract the eligible individual's personal needs allowance from the combined income. Subtract the full SSI standard payment amount for an individual as an allowance for the ineligible spouse. The remainder is the applied income;

(vi)/(v) if the income of the ineligible spouse exceeds the fair standard income level, the caseworker computes applied income according to the procedures outlined in §15.3413 of this title (relating to Fair Standard Contributions from Ineligible Spouse).

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

Issued in Austin, Texas, on July 1, 1988.

TRD-8806713

Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Proposed date of adoption: September 1, 1988.

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

◆ ◆ ◆
TITLE 43.

TRANSPORTATION

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

**Chapter 21. Right-of-Way
Division**

**Leasing of Highway Right-of-
Way**

• 43 TAC §§21.600-21.606

The State Department of Highways and Public Transportation proposes new §§21.600-

21.606, concerning leasing of highway right-of-way. Rules are needed to implement the leasing of certain highway right-of-way not being used for highway purposes. The new sections set forth the procedures and requirements for leasing the right-of-way.

L. E. Clarke, state right-of-way engineer, right-of-way division, has determined that there will be fiscal implications as a result of enforcing or administering the sections. The effect on state government for the first five-year period the section will be in effect will be an estimated additional cost of \$22,649 in fiscal year 1988; \$44,199 in fiscal year 1989; \$65,749 in fiscal year 1990; and \$87,298 for fiscal years 1991 and 1992. There will also be an estimated increase in revenue of \$121,751 in fiscal year 1988; \$304,601 in fiscal year 1989; \$535,851 in fiscal year 1990; \$1,066,702 in fiscal year 1991; and \$1,392,702 in fiscal year 1992.

Mr. Clarke 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 more efficient management of state assets resulting in increased revenue to the state by leasing highway right-of-way not being used for highway purposes. There is no anticipated economic cost to individuals who are required to comply with the sections as proposed.

Comments on the proposal may be submitted to L. E. Clarke, State Right-of-Way Engineer, Right-of-Way Division, P.O. Box 5075, Austin, Texas 78763-5075.

The new section is proposed under Texas Civil Statutes, Articles 6666 and 6673a-3, §§1-4, which provide the State Department of Highways and Public Transportation with the authority to establish rules and regulations for the conduct of the work of the department and for the department to lease certain state-owned property.

§21.600. Purpose. Highway right-of-way not being used for highway purposes may be leased by the State Department of Highways and Public Transportation. These sections set forth the requirements and procedures to be used for leasing right-of-way. These sections apply only to the use of right-of-way by valid leasehold interests and not to permissive use by license or permit as authorized by law.

§21.601. Definitions. The following words and terms, when used in the sections under this undesignated head, shall have the following meanings, unless the context clearly indicates otherwise.

Commission—The State Highway and Public Transportation Commission.

Department—The State Department of Highways and Public Transportation.

Deputy Director—The Deputy Director, Design and Construction, for the State Department of Highways and Public Transportation or the deputy director's authorized representative.

District—One of the twenty-four district offices of the department having the

responsibility of administering in their area the leasing of right-of-way in accordance with the sections of this title.

District Engineer—The chief executive officer in charge of a district of the department.

FHWA—The Federal Highway Administration.

Person—An individual, corporation, organization, government, governmental subdivision or agency or any other legal entity.

State—The State of Texas.

§21.602. Highway Right-of-Way to be Leased. Any part of the right-of-way for, or the airspace above or underground space below, a highway that is a part of the state highway system may be authorized for lease at the sole discretion of the commission provided the following findings are made:

(1) that the area to be leased will not be needed for highway purposes during the period of the lease;

(2) that the lease will be consistent with beautification, safety, maintenance and operation of the state highway system;

(3) that the lease will be economically beneficial to the department; and

(4) that the lease will comply with all applicable state and federal rules, regulations, procedures and laws.

§21.603. Methods of Awarding Leases.

(a) Leases for highway right-of-way will be awarded on a sealed bid basis with the department having the right to reject all bids provided that leases for highway right-of-way may be negotiated with owners to be consistent with property rights owned by others than the state. Fair market value as determined by the department is to be charged as a minimum for leases of all highway right-of-way.

(b) On all leases of highway right-of-way to be awarded on a sealed bid basis, said lease sales shall be advertised at least 20 days before the day of the lease sale by having a notice thereof published in the English language once a week for three consecutive weeks preceding such lease sales in a newspaper of general circulation in the county in which the highway right-of-way is located and shall contain bid proposals as determined by the deputy director.

§21.604. Lease Agreement. A lease for highway right-of-way as authorized by the commission must be by written agreement executed by the lessee and the deputy director. The lease shall be in the form prescribed by the deputy director and shall include, as a minimum but not necessarily be limited to, the following provisions as determined by the deputy director to be applicable:

(1) information necessary to contact the party responsible for developing and operating the leased right-of-way;

(2) the amount of the lease rent, any required deposits, the time period of the lease, and the method of payment of the rental amounts or deposits;

(3) a statement of the authorized use of the leased right-of-way;

(4) a statement that any change in the authorized usage of the leased right-of-way is subject to prior written approval by the department;

(5) a detailed description of the right-of-way to be leased which may be three-dimensional where vertical limits are needed;

(6) the general design for the usage of the leased right-of-way, including any improvements to be constructed, and such maps, plans, or sketches as are necessary to set out the pertinent features in relation to the highway right-of-way, and a description of any temporary improvements to be provided by the lessee;

(7) a statement that any significant revision in the design of the improvements described in paragraph (4) of §21.605 of this title (relating to General Requirements) is subject to prior written approval by the department;

(8) a statement that the department shall have the right to approve all construction and plans for construction on the leased right-of-way;

(9) permitting the employees of and any representatives authorized by the department to enter the leased right-of-way for the purpose of inspection, maintenance, or reconstruction of highway facilities when and as necessary, or to determine compliance with the terms and conditions of the lease;

(10) a statement that any improvements to occupy the leased right-of-way will be maintained so as to assure that any structures in the area within the highway right-of-way will be kept in good condition, both as to safety and appearance, and that such maintenance will be accomplished in a manner so as to cause no unreasonable interference with highway use;

(11) a statement that in the event that the deputy director determines that the responsible party has failed in its maintenance obligation, the department may have the right to enter the right-of-way to perform such work, all at the expense and liability of the lessee;

(12) forfeiture of deposits, payment to the department of litigation costs or any other expense incurred by the department due to nonperformance of the terms of the lease agreement;

(13) performance bond when considered necessary by the department;

(14) adequate insurance naming the department as a co-insured by the lessee or responsible party in an amount and form acceptable to the department for the payment of any damages which may occur during the time period of the lease and to save the state harmless, except that the deputy director may waive such requirement when the lease is with a county, city, state agency, or the federal government and when such entity is assigned the specific responsibility for payment of any related damages occurring to the highway facility and to the public for personal injury, loss of life, or property damage;

(15) a statement that the lease may be terminated when, in the sole opinion of the commission, the leased area and facilities cease to be used or are abandoned;

(16) the lease to be terminated by the commission when, in the sole opinion of the commission, there is noncompliance with the terms of the lease or the conditions are violated and such noncompliance or violation is not corrected within a reasonable length of time determined by the deputy director after written notice of noncompliance or violation has been given. (In the event the lease is terminated and the commission deems it necessary to request the removal of temporary improvements occupying the premises, the removal shall be accomplished by the responsible party in a manner prescribed by the deputy director and at no cost to the department);

(17) a statement that the lease and leased premises shall not be transferred, assigned or conveyed to another party without prior written approval by the department;

(18) requiring the lease or any improvements on the leased right-of-way to be kept free of all liens or not to be used as security for any loan;

(19) a statement that the lessee assumes all risks of losses resulting from the lease;

(20) description of nondiscrimination requirements; and

(21) any other provisions which are deemed necessary by the deputy director.

§21.605. *General Requirements.* Leasing of highway right-of-way shall be subject to the following as deemed applicable by the deputy director.

(1) All matters relative to the leasing of highway right-of-way are subject to the approval of FHWA.

(2) The use of leased right-of-way beneath the established gradeline of a highway shall provide sufficient vertical and horizontal clearances for the construction, operation, maintenance, ventilation, and safety of highway facilities.

(3) The use of leased highway right-of-way above the established gradeline of the highway shall provide for vertical and horizontal clearances.

(4) Piers, columns, or any other portion of any improvements to be constructed on the leased right-of-way shall not be erected in a location which will interfere with the visibility or reduce sight distance or in any other way interfere with the safety and free flow of traffic on highway facilities.

(5) The structural supports for any improvements to be constructed on the leased right-of-way shall be located to clear all horizontal and vertical dimensions specified by design standards of the department.

(6) The use of leased right-of-way shall not result in either highway or nonhighway users being unduly exposed to hazardous conditions because of highway location, design, maintenance, and operation.

(7) Appropriate safety precautions and features necessary to minimize the possibility of injury to users of either the highway facility or leased right-of-way due to traffic accidents occurring on the highway or accidents resulting from nonhighway uses shall be provided. All structures constructed above highway facilities shall include adequate enclosure to prevent people or objects from falling. Improvements on leased right-of-way shall not be approved for construction over or under the highways, unless the plans therefore contain adequate provisions, acceptable to the department, for evacuation of the structures or facilities in case of a major accident endangering the occupants of such structures or facilities.

(8) Any improvements constructed on the leased right-of-way shall be fire resistant in accordance with the provisions of the local applicable building codes. The leased premises shall not be used for the manufacture or storage of flammable, explosive, or hazardous material or for any occupation which is deemed by the department to be a hazard to highway or nonhighway users. In cases where the department questions the acceptability of the existing local applicable building codes, conformance with a nationally accepted model building code or any other code acceptable to the department may be required.

(9) Structures built over highway right-of-way shall occupy no more length of the highway than prescribed by the department.

(10) The design, occupancy, and use of any structure over or under a highway facility shall be such that neither the use, safety, appearance, nor the enjoyment of the highway will be adversely affected by fumes, vapors, odors, drippings, droppings, or discharges of any kind therefrom from such structure.

(11) All on-premise signs, displays, or devices must have prior written approval by the district engineer and shall be restricted to those indicating ownership and type of on-premise activities.

(12) Construction of any structure above or below a highway shall not require any temporary or permanent change in alignment or profile of an existing highway without prior written approval by the department.

(13) Where the department is of the opinion that the proposed use of leased right-of-way requires changes in or additions to existing highway facilities for the proper operation and maintenance of such facilities, the changes or additions shall be provided without cost to the department.

(14) Improvements on leased right-of-way shall be designed and constructed in a manner which will permit access to highway facilities for the purpose of inspection, maintenance, and reconstruction when necessary.

(15) Persons desiring to lease highway right-of-way may be required to furnish an attorney's title opinion establishing to the department's satisfaction that the lease will be consistent with property rights owned by others.

(16) Persons desiring to lease highway right-of-way shall furnish at their

own expense all engineering and other reports, designs, and findings requested by the department.

§21.606. Requests To Lease.

(a) Any person desiring to lease highway right-of-way shall submit to the district engineer of the district in which the right-of-way is located a written request to lease. Each request shall include, as a minimum, the following:

(1) the name and address of the person requesting the lease;

(2) a written description of the area of highway right-of-way to be leased, improvements (if any) proposed to be constructed, the intended use of the proposed leased highway right-of-way, and a proposed period of lease;

(3) sketches or drawings showing the area to be leased, proposed improvements to be constructed, including utilities to service such improvements, existing highways or other improvements, all means of proposed access to the area, and preliminary drainage plans;

(4) adequate information to support findings by the commission to authorize leasing of the highway right-of-way; and

(5) the name, address, and telephone number of the individual authorized

to furnish any additional information desired by the department regarding a request to lease.

(b) The district engineer shall request any additional information, reports or data of any kind deemed necessary in addition to the written request referred to in subsection (a) of this section in order to comply with the requirements of this section.

(c) Requests to lease shall be sent by the district engineer to the right-of-way division in the Austin office of the department for processing and for preparing recommendations to the commission, the deputy director, and FHWA.

(d) The district engineer shall inform the person desiring to lease of the actions taken on the request to lease.

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 June 29, 1988.

TRD-8806649

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

Earliest possible date of adoption: August 8, 1988

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





Name: Travis Smith
Grade: 7
School: Wilson Middle School, Plano

Withdrawn Sections

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

TITLE 25. HEALTH AND HUMAN SERVICES

Part II. Texas Department of Mental Health and Mental Retardation

Chapter 402. Client Assignment and Continuity of Services

Subchapter F. Continuity of Services Mental Retardation

• 25 TAC §§402.201-402.222

Pursuant to Texas Civil Statutes, Article 6252-13, §5(b), and 1 TAC §91. 24(b), the proposed amendments to §§402.201-402.222, submitted by the Texas Department of Mental Health and Mental Retardation have been automatically withdrawn, effective July 5, 1988. The amendments as proposed appeared in the January 1, 1988, issue of the *Texas Register* (13 TexReg 43).

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.

TRD-8806806

Filed: July 5, 1988



Chapter 405. Client (Patient) Care

Subchapter J. Criteria for Placement of Residents in Community Intermediate Care Facilities

• 25 TAC §§405.231-405.246

Pursuant to Texas Civil Statutes, Article 6252-13, §5(b), and 1 TAC §91. 24(b), the proposed amendments to §§405.231-405.246, submitted by the Texas Department of Mental Health and Mental Retardation have been automatically withdrawn, effective July 5, 1988. The amendments as proposed appeared in the January 1, 1988, issue of the *Texas Register* (13 TexReg 43).

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.

TRD-8806807

Filed: July 5, 1988



Subchapter BB. Admissions, Transfers, Furloughs, and Discharges State Schools for the Retarded

• 25 TAC §§405.691-405.724

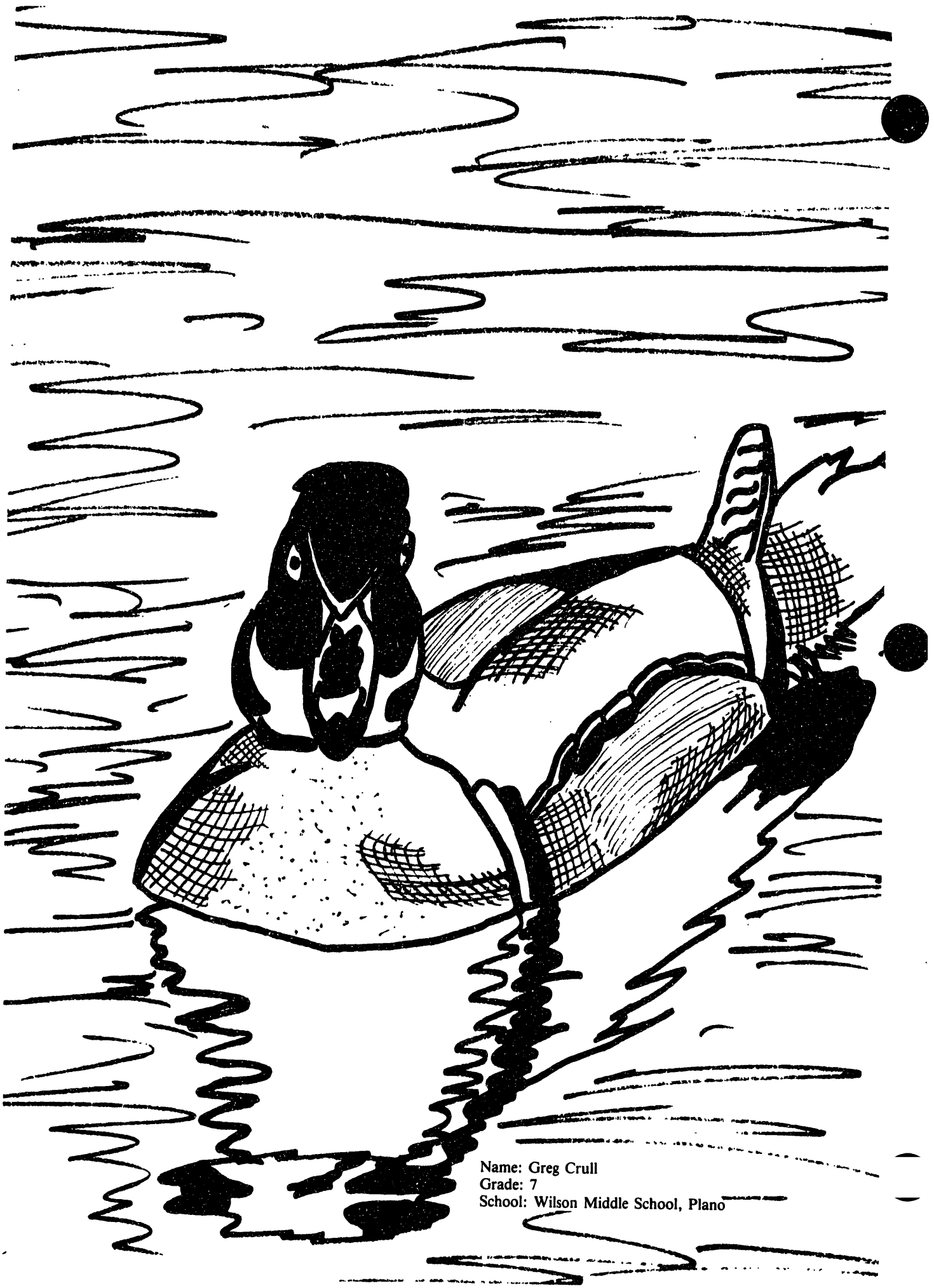
Pursuant to Texas Civil Statutes, Article 6252-13, §5(b), and 1 TAC §91. 24(b), the proposed amendments to §§405.691-405.724, submitted by the Texas Department of Mental Health and Mental Retardation have been automatically withdrawn, effective July 5, 1988. The amendments as proposed appeared in the January 1, 1988, issue of the *Texas Register* (13 TexReg 43).

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.

TRD-8806808

Filed: July 5, 1988





Name: Greg Crull
Grade: 7
School: Wilson Middle School, Plano

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 13. CULTURAL RESOURCES

Part VII. State Preservation Board

Chapter 111. Rules and Regulations of the Board

• 13 TAC §111.15

The State Preservation Board adopts new §111.15, without changes to the proposed text as published in the May 17, 1988, issue of the *Texas Register* (13 TexReg 2293).

The section is adopted to set a uniform policy for the use of the capitol for film or video production.

The section explains who approves such and on what grounds it may be denied. The section also explains what is and is not allowable. The section details who schedules production dates and what requirements there are.

No comments were received regarding adoption of the new section.

The new section is adopted under Texas Civil Statutes, Article 6145-14, which provide the State Preservation Board with the authority to adopt rules concerning the buildings, their contents, and their grounds.

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 June 29, 1988.

TRD-8806624 Michael Schneider
Administrative Assistant
State Preservation Board

Effective date: July 20, 1988

Proposal publication date: May 17, 1988

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

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part VI. Texas Commission for the Deaf

Chapter 181. General Rules of Practice and Procedure

• 40 TAC §181.900

The Texas Commission for the Deaf adopts new §181.900, with changes to the proposed

text as published in the January 1, 1988, issue of the *Texas Register* (13 TexReg 50).

The new section concerns an interagency memorandum of understanding among the Texas Department of Corrections, the Texas Board of Pardons and Paroles, the Texas Rehabilitation Commission, the Texas Commission for the Deaf, the Texas Department of Human Services, and the Texas Commission for the Blind, to establish a continuity of care program for released physically handicapped inmates.

The commission adopts the new section pursuant to the requirements of the 70th Legislature 1987, Chapter 1049, which became effective January 1, 1988.

The agencies must function in accordance with law to implement the continuity of care program for released disabled or physically handicapped inmates.

The commission initiated a minor change to the text of §181.900(b). The word "disabled" was added to the first part of the sentence in order to use the standard term for a person who is disabled or physically handicapped in consistency with both federal and state regulations.

No comments were received regarding adoption of the new section.

The new section is adopted under the provisions of the 70th Legislature, 1987, Chapter 1049, which provides the Texas Commission for the Deaf with the authority to adopt an interagency memorandum of understanding with the Texas Department of Corrections, the Texas Rehabilitation Commission, the Texas Commission for the Blind, the Texas Commission for the Deaf, the Texas Department of Human Services, and the Texas Board of Pardons and Paroles, as required by the 70th Legislature, 1987, Chapter 1049. A copy of this memorandum of understanding is available at the Texas Commission for the Deaf located at 510 South Congress Avenue, Suite 300, Austin, or a copy may be obtained by writing to the Texas Commission for the Deaf, P.O. Box 12904, Austin, Texas 78711, or by calling (512) 469-9891.

§181.900. *Coordination with Other Organizations*

(a) The services and activities of the commission are coordinated with relevant services and activities implemented by other public or private organizations, to the extent that the services and activities of other organizations tend to bear or impact upon the purposes, duties, and responsibilities of the commission as defined in applicable statutes.

(b) With respect to the commission's responsibility for disabled or physically handicapped inmates within the Texas

prison system, the commission adopts by reference a memorandum of understanding between the Texas Department of Corrections, the Texas Rehabilitation Commission, the Texas Commission for the Blind, the Texas Commission for the Deaf, the Texas Department of Human Services, and the Texas Board of Pardons and Paroles, as required by the 70th Legislature, 1987, Chapter 1049. A copy of this memorandum of understanding is available at the Texas Commission for the Deaf located at 510 South Congress Avenue, Suite 300, Austin, or a copy may be obtained by writing to the Texas Commission for the Deaf, P.O. Box 12904, Austin, Texas 78711, or by calling (512) 469-9891.

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 June 30, 1988.

TRD-8806682 Larry D. Evans
Executive Director
Texas Commission for the Deaf

Effective date: July 21, 1988

Proposal publication date: January 1, 1988

For further information, please call: (512) 469-9891

TITLE 43. TRANSPORTATION

Part I. State Department of Highways and Public Transportation

Chapter 9. Construction Division

Construction Division Practice and Regulations

• 43 TAC §9.3

The State Department of Highways and Public Transportation adopts the repeal of §9.3, without changes to the proposed text as published in the May 6, 1988, issue of the *Texas Register* (13 TexReg 2155). Repeal of this section is required by the contemporaneous adoption of new §9.3 which incorporates certain of the repealed provisions in an amended form, including the denial of bidding proposals to a contractor that is currently disqualified by an agency of the federal government, as required by amendments to Debarment and Suspension (Non-Procurement) 49 Code of Federal Regulations Part 29 (1987), as well

as a contractor that is currently disqualified by the State Highway and Public Transportation Commission. The reenacted section will also require disclosure of such information through a certification by the contractor both at the time a bidding proposal on a federal-aid project is requested and at the time it is submitted to the department.

No comments were received regarding adoption of the repeal.

The repeal is adopted under Texas Civil Statutes, Articles 6666 and 6674i, which provide the State Highway and Public Transportation Commission with the authority to establish rules and regulations for the conduct of the work of the State Department of Highways and Public Transportation, and to promulgate rules for bidders on all contracts proposed to be made by the department for highway improvement contracts.

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 June 29, 1988.

TRD-8806657 Diane L. Northam
Administrative Technician
State Department of
Highways and Public
Transportation

Effective date: July 21, 1988

Proposal publication date: May 6, 1988

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



The State Department of Highways and Public Transportation adopts new §9. 3, without changes to the proposed text as published in the May 6, 1988, issue of the *Texas Register* (13 TexReg 2155). The section replaces existing §9.3 of this title (relating to Proposals to Bid (Contracting Specifications)), which is being contemporaneously repealed. The new section reenacts and clarifies the repealed provisions concerning types of projects, proposals and classes of contractors, and denies bidding proposals to a contractor that is currently disqualified by an agency of the federal government, as required by amendments to Debarment and Suspension (Non-

Procurement) 49 Code of Federal Regulations Part 29 (1987), as well as a contractor that is currently disqualified by the State Highway and Public Transportation Commission. The new section will also require disclosure of such information through a certification by the contractor both at the time a bidding proposal on a federal-aid project is requested and at the time it is submitted to the department.

No comments were received regarding adoption of the new section.

The new section is adopted under Texas Civil Statutes, Articles 6666 and 6674i, which provide the State Highway and Public Transportation Commission with the authority to establish rules and regulations for the conduct of the work of the State Department of Highways and Public Transportation, and to promulgate rules for bidders on all contracts proposed to be made by the department for highway improvement contracts.

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 June 29, 1988.

TRD-8806656 Diane L. Northam
Administrative Technician
State Department of
Highways and Public
Transportation

Effective date: July 21, 1988

Proposal publication date: May 6, 1988

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



• 43 TAC §9.6, §9.7

The State Department of Highways and Public Transportation adopts new §9. 6 and §9.7, without changes to the proposed Texas as published in the May 6, 1988, issue of the *Texas Register* (13 TexReg 2155). The amended sections incorporate expanded grounds for suspending or debarbing a contractor in order to be consistent with amendments to the federal regulations relating to federal-aid programs and projects, Debarment and Suspension (Non-Procurement) 49 Code of Federal Regulations Part 29 (1987).

Those federal amendments provide the basis for an agency within the United States Department of Transportation to give effect to suspension or debarment action by any other agency within the department, and will, in final form, provide the basis for government-wide effectiveness of such actions by an agency of the federal government. Subsection (c)(1)(C) of §9.6 and subsection (c)(2)(D) of §9.7 are therefore each amended by including as grounds for debarment or suspension, respectively, the disqualification of a contractor by any agency of the federal government and not just by the Federal Highway Administration as presently stated. In addition, the underlying reasons for federal disqualification to be recognized by the department in such actions are expanded to include those grounds upon which state administrative sanctions may be imposed under §9.8, concerning Supplemental Procedures for Suspension or Debarment of a Contractor.

No comments were received regarding adoption of the amendments.

The amendments are adopted under Texas Civil Statutes, Articles 6666 and 6674i, which provide the State Highway and Public Transportation Commission with the authority to establish rules and regulations for the conduct of the work of the State Department of Highways and Public Transportation, and to promulgate rules for bidders on all contracts proposed to be made by the department for highway improvement contracts.

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 June 29, 1988.

TRD-8806655 Diane L. Northam
Administrative Technician
State Department of
Highways and Public
Transportation

Effective date: July 21, 1988

Proposal publication date: May 6, 1988

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



Open Meetings

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

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

Posting of open meeting notices. All notices are posted on the billeting 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 Adult Probation Commission

Friday, July 8, 1988, 9 a.m. The Commission meeting for the Texas Adult Probation Commission will be held in Suite 600, Building B, 8100 Cameron Road, Austin. According to the agenda, the commission will hear program services report; grant applications; contract residential services; Travis County, hear executive division report; guidelines for adult probation officer certification; resolution honoring Don R. Stiles, executive director; service awards for staff; set date and time for next meeting; discuss other administrative business; and meet in executive session for personnel issues.

Contact: Virginia Grote, 8100 Cameron Road, Suite 600, Building B, Austin, Texas 78753, (512) 834-8188.

Filed: June 30, 1988, 3:45 p.m.

TRD-8806696

Texas Bond Review Board

Wednesday, July 6, 1988, 10 a.m. The Texas Bond Review Board met in the Senate Chamber, State Capitol, Austin. According to the agenda, the board called to order; considered proposed issue-Texas Public Finance Authority; Texas Department of Corrections bonds; discussed other business; and adjourned. The emergency status was necessary to allow timely consideration of application for bond issuance requested by an unexpected application.

Contact: Tom K. Pollard, Room 700, Sam Houston Building, Austin, Texas 78711, (512) 463-1741.

Filed: June 30, 3:13 p.m.

TRD-8806679

Friday, July 8, 1988, 10 a.m. The Staff Planning Session of the Texas Bond Review Board will meet in the Sergeant's Committee Room, State Capitol, Austin. The board will discuss West Texas State University-Combined Fee Revenue Bonds, Series 1988.

Contact: Tom K. Pollard, Room 700, Sam Houston Building, Austin, Texas 78711, (512) 463-1741.

Filed: June 30, 3:13 p.m.

TRD-8806680

Texas Board of Chiropractic Examiners

Saturday, July 9, 1988, 8:30 a.m. The Texas Board of Chiropractic Examiners will meet at the Driskill Hotel, Austin. According to the agenda, the board will meet in executive session to discuss personnel matters, specifically, the evaluation of the executive secretary of the board.

Contact: Clay Salyer, D.C., 200 East Blackjack, Dublin, Texas 76446, (817) 445-2205.

Filed: June 30, 1988, 1:30 p.m.

TRD-8806660

State Cogeneration Council

Friday, July 22, 1988, 10 a.m. The State Cogeneration Council will meet in Room 102, John H. Reagan Building, 105 West 15th Street, Austin. According to the agenda, the council will approve minutes of the May 20, 1988, meeting; hear presentation by the Texas Air Control Board and the attorney general's office; review and approve proposed project approval procedures; hear public comment on agenda items; discuss project application procedures; discuss pending state agency cogeneration project; and set agenda for the next meeting.

Contact: Michelle Jacobs, P.O. Box 12428, Austin, Texas 78701, (512) 463-1931.

Filed: July 5, 1988, 9:18 a.m.

TRD-8806809

Texas Department of Commerce

Tuesday, July 12, 1988, 11 a.m. The Board of Directors for the Texas Department of Commerce will meet in Suite 1100, 816 Congress Avenue, Austin. According to the agenda, the board will discuss administration, personnel, and budget matters. The board also will meet in executive session.

Contact: Mary Lane, (512) 572-5059.

Filed: June 30, 1988, 4:15 p.m.

TRD-8806701

Tuesday, July 12, 1988, 2 p.m. The Board of Directors for the Texas Department of Commerce will meet in Room 103, John H. Reagan Building, 105 West 15th Street, Austin. According to the agenda, the board will call order; introduce board members; approve prior meeting minutes; consider extension of tourism advertising contract for fiscal year 1989; consider public relations contract; consider formation of the Loan Administration Board for the purpose of approving loans under the Rural Industrial Development Act; consider approval of enterprise zone projects for remainder of state fiscal year; consider 1990-1991 biennium budget submission; and discuss enterprise zone program.

Contact: Mary Lane, (512) 572-5059.

Filed: June 30, 1988, 4:15 p.m.

TRD-8806702

Court Reporters Certification Board

Saturday, July 16, 1988, 8:30 a.m. The Court Reporters Certification Board will meet in the Conference Room, 510 South Congress Avenue, Austin. According to the agenda, the board will conduct disciplinary hearing in Cause 88101201; grade licensing exams in executive session; review minutes from previous meeting; consider statistical information from previous exam; hold preliminary reviews in Causes 88226302, 8820703, 88022904, 88051405, and 88091306; consider fiscal year 1990-1991

appropriations request; and discuss future goals and objectives for the agency and any other business that may come before the board.

Contact: Peggy Liedtke, 510 South Congress Avenue, Suite 312, Austin, Texas 78704, (512) 463-1630.

Filed: July 1, 1988, 9:24 a.m.

TRD-8806718

Texas Education Agency

Friday, July 8, 1988. Various committees for the State Board of Education, Texas Education Agency will meet in the William B. Travis Building, 1701 North Congress Avenue, Austin, unless otherwise noted. Times and agendas follow.

9 a.m. The Committee of the Whole will meet in Room 1-104 to consider proposed TEA operating budget, fiscal year 1988-1989; proposed 1990-1991 biennial operating budget request; proposed fiscal year 1988-1989 program budget; preliminary proposed 1990-1991 biennial program budget request; request for approval of criteria for eligibility to take the Texas academic skills program test; Texas educational assessment of minimum skills-request for proposals; recipients of 1988 distinguished service awards and the J. Warren Hitt distinguished service award; and discuss pending litigation in executive session in accordance with Texas Civil Statutes, Article 6252-17, §2(e).

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

Filed: June 30, 1988, 1:21 p.m.

TRD-8806662

1:30 p.m. The Committee for Personnel will meet in Room 1-100 to discuss requirements for assignment of school personnel; training for school board members; adoption of skills to be measured by the Texas academic skills program test; training for school board members; adoption of skills to be measured by the Texas academic skills program test and examinee fees; request for approval for special education pilot project by the Region XX Education Service Center Alternative Certification Program; discuss proposed amendment to 19 TAC, Chapter 141, Subchapter A, Certification of Teachers in General; assignment of teachers eligible to teach the course life management skills in grades seven or eight; and review major issues raised on teacher appraisal and the teacher career ladder at recent public hearings.

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

Filed: June 30, 1988, 1:21 p.m.

TRD-8806667

1:30 p.m. The Committee for Students will meet in Room 1-111 to consider state vocational education allotment; curriculum; request for approval of the Texas educational assessment of minimum skills tests and passing standards for school year 1988-1989; request for authorization for the commissioner of education to establish an advisory committee on student assessment; petition for adoption of an amendment to 19 TAC §89.223, content of the individual education plan; discuss proposed amendment to 19 TAC, Chapter 89, Subchapter G, Special Education; request for proposal-Texas educational assessment of minimum skills; proposed changes to the list of approved tests for special language programs; hear report on the evaluation of gifted and talented education, compensatory education, and bilingual education programs; and hear the report on 1988 curriculum cluster review meetings.

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

Filed: June 30, 1988, 1:21 p.m.

TRD-8806665

1:30 p.m. The Committee for Finance and Programs will meet in Room 1-104 to consider the permanent school fund; state vocational education allotment; transportation services; per capital apportionment, 1988-1989 and 1987-1988; occupant protection programs; workplace literacy partnership grant program, regional planning efforts in occupational education and training; Apprenticeship and Training Advisory Committee; large type textbooks; funds for textbooks; school district annual performance report; request for proposals-Texas educational assessment of minimum skills; long-range TEA plan for information systems; SBOE sunset process for advisory committees; student attendance accounting; status report on Select Committee on Education, Sunset Commission review and legislative matters; Texas textbook system; annual audit plan of TEA for 1988-1989; report of Texas Council of Vocational Education; proprietary school and veterans education; Texas learning technology group physical science project.

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

Filed: June 30, 1988, 1:21 p.m.

TRD-8806661

3:30 p.m. The Committee for Long-Range Planning will meet in Room 1-110 to consider regional education service centers; accreditation status of Westminster Independent School District; status report on the accreditation of school districts; request for approval of the preliminary budget and update on the long-range plan for technology; and request for approval of the TEA long-range plan for information systems.

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

Filed: June 30, 1988, 1:21 p.m.

TRD-8806664

7 p.m. The State Board of Education will meet in the Longhorn Room, Guest Quarters Hotel, 303 West 15th Street, Austin. According to the agenda, the board will (at dinner) receive reports from the chairmen of the State Board of Education committees, i.e., Committee for Finance and Programs, Committee for Students, Committee for Personnel, Committee for Long-Range Planning, and Committee of the Whole, concerning items discussed in the committee meetings on Friday, July 8, 1988.

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

Filed: June 30, 1988, 1:21 p.m.

TRD-8806666

Saturday, July 9, 1988, 8:30 a.m. The State Board of Education will meet in Room 1-104 to consider TEA operating budget for fiscal year 1988-1989; 1990-1991 biennial operating budget; fiscal year 1988-1989 program budget; 1990-1991 biennial program budget; Texas academic skills program (TASP) test; permanent school fund; vocational education; transportation services; per capita apportionment, 1988-1989 and 1987-1988; occupant protection programs; workplace literacy partnership grant; regional planning efforts for occupational education and training; apprenticeship and training; large type textbooks funds for textbooks; annual performance report; Texas educational assessment of minimum skills (TEAMS); long-range plan for information systems; SBOE sunset process for advisory committees; attendance accounting; TEAMS test and passing standards, 1988-1989; advisory committee on assessment; individual education plan; assignment of school personnel; school board members; TASP test and examinee fees; alternative certification program; education service centers; accreditation of Westminster ISD; long-range plan for technology; and Special Language Program and Texas learning technology group physical science project

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

Filed: June 30, 1988, 1:21 p.m.

TRD-8806663

Wednesday, July 13, 1988, 8:30 p.m. The Continuing Advisory Committee for Special Education for the Texas Education Agency will meet in the Longhorn Room, Guest Quarters Hotel, 303 West 15th Street, Austin. According to the agenda, the committee will approve minutes of the April 13, 1988, meeting; approve letter of certifica-

tion; discuss problems and unmet needs; hear report on emotionally disturbed task force; TEA monitoring visits in 1987-1988; allocation of money on special priority projects; mediation and complaints issues; petition of transition rule; personnel preparation survey update; and hear least restrictive environment task force report.

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

Filed: June 30, 1988, 1:21 p.m.

TRD-8806669

◆ ◆ ◆ Advisory Commission on State Emergency Communications

Wednesday, July 13, 1988, 9:30 a.m. The Advisory Commission on State Emergency Communications will meet in Room 104, John H. Reagan Building, 15th Street and Congress Avenue, Austin. According to the agenda, the commission will recognize guests; approve minutes of the previous meeting; hear committee reports from the Public Information Committee, Administrative Committee, Finance Committee, and the Regional Plan Committee; consider final adoption of Rule 251. 1, related to the standards for developing the 9-1-1 regional plans; hear public comment; and discuss new business and schedule future meetings.

Contact: Mary A. Boyd, P.O. Box 13206, Austin, Texas, (512) 463-1812.

Filed: July 1, 1988, 4:06 p.m.

TRD-8806773

◆ ◆ ◆ State Employee Incentive Commission

Tuesday, July 12, 1988, 10 a.m. The State Employee Incentive Commission will meet in Room 105, John H. Reagan Building, Austin. According to the agenda, the commission will introduce guests, members present, approve minutes of the June 14, 1988, meeting, hear reports on attorney general's opinion, executive director position, and administrative activities and systems, presentation of commission rules and procedures, discuss commission staffing options, present budget, and discuss new business.

Contact: S. Mitchell McCasland, P.O. Box 12428, Austin, Texas 78711, (512) 463-1778.

Filed: July 1, 1988, 4:26 p.m.

TRD-8806795

Texas Department of Health

Friday, July 8, 1988

1 p.m. The Texas Emergency Medical Services Advisory Council of the Texas Department of Health will meet in the Austin Hilton Inn, 6000 Middle Fiskville Road, IH-35 and US Highway 290, Austin. According to the agenda summary, the council will approve minutes of the previous meeting; hear the associate commissioner's report, bureau chief's report, chairperson's report, legislative committee report, and goals committee report; consider messages and communications to TEMSAC and other business.

Contact: Gene Weatherall, 1100 West 49th Street, Austin, Texas 78756, (512) 465-2601.

Filed: June 30, 1988, 3:52 p.m.

TRD-8806700

4 p.m. The Environmental Health Committee of the Texas Board of Health will meet in Room T-604, 1100 West 49th Street, Austin. According to the agenda summary, the committee will hold discussion concerning proposed rule to adopt a memorandum of understanding among the Texas Department of Health, Texas Water Commission, Texas Air Control Board, and the Texas Water Development Board; discussion concerning executive summary relating to the regulation of on-site sewerage facilities, as required by House Bill 1875 and proposed fee increases for hazard communication.

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

Filed: June 30, 1988, 3:52 p.m.

TRD-8806699

Various committees for the Texas Board of Health of the Texas Department of Health will meet at 1100 West 49th Street, Austin. Dates, times, room numbers, and agendas follow.

Saturday, July 9, 1988, 7:30 a.m. The Executive Committee will meet in Room G-103 to discuss items of procedure for upcoming board of health meeting.

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

Filed: July 1, 1988, 4:15 p.m.

TRD-8806780

Saturday, July 9, 1988, 8 a.m. The Chronically Ill and Disabled Children's Services and Maternal and Child Health will meet in Room G-107 for ratification of the executive committee's adoption of emergency amendments to the WIC state plan of operations and WIC policy and procedure manual; amendments to WIC state plan of operations and the WIC policy and procedure manual, and adoption by reference of federal regulations concerning the WIC special

supplemental food program; proposed, adopted, and emergency rules concerning the chronically ill and disabled children's services program; final adoption of rule concerning memorandum of understanding relating to a coordinated statewide family planning program.

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

Filed: July 1, 1988, 4:15 p.m.

TRD-8806787

Saturday, July 9, 1988, 10 a.m. The Personnel Committee will meet in Room T-604 to consider appointments and reappointment to the hospital data advisory committee; appointment to the respiratory care practitioner advisory board; and appointments to the Texas emergency medical services advisory council.

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

Filed: July 1, 1988, 4:15 p.m.

TRD-8806786

Saturday, July 9, 1988, 10:30 a.m. The Alternate Care Committee will meet in Room T-507 for proposed amendments to the rules concerning the licensing of professional counselors.

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

Filed: July 1, 1988, 4:15 p.m.

TRD-8806781

Saturday, July 9, 1988, 10:30 a.m. The Emergency and Disaster Committee will meet in Room T-407 for final adoption of emergency management services rules concerning certification by reciprocity; final adoption of the repeal of the existing EMS rule and new rule concerning continuing education for EMS personnel; and final adoption of amendments to EMS rules concerning vehicle permits, request for variances, course approval, certification of course coordinators, instructors, and examiners.

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

Filed: July 1, 1988, 4:15 p.m.

TRD-8806785

Saturday, July 9, 1988, 11 a.m. The Hospitals Committee will meet in Room G-107 for proposed amendments to Chapter 11 of the Texas hospital licensing standards relating to hospital patient transfers.

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

Filed: July 1, 1988, 4:15 p.m.

TRD-8806783

Saturday, July 9, 1988, 11 a.m. The Nursing Home Committee will meet in Room T-507 for approval of reorganization of the advisory committee for nursing home affairs, and discuss proposed revision to administrative penalties for nursing homes.

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

Filed: July 1, 1988, 4:15 p.m.

TRD-8806784

Saturday, July 9, 1988, noon. The Disease Control Committee will meet in Room T-604 for a proposed rule concerning the certification of contract laboratories and proposed rule concerning the training of laboratorians in small community hospitals, small independent laboratories, and public health laboratories.

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

Filed: July 1, 1988, 4:15 p.m.

TRD-8806782

Saturday, July 9, 1988, 1 p.m. The Texas Board of Health will meet in Room T-610 for approval of minutes; commissioner's report; update on AIDS and WIC expansion programs; approval of board resolution; committee reports (alternate care, budget, chronically ill and disabled childrens services, maternal and child health services, disease control, emergency and disaster, environmental, hospitals, nursing homes, personnel, and public health promotion); proposed and final rules concerning chronically ill and disabled children's services; proposed rules concerning professional counselors, laboratories, and hospital patient transfers; final rules concerning WIC state plan of operations, WIC policies and procedures manual, adoption by reference of federal regulations of WIC program, statewide family planning program, and emergency management services; and announcements and comments requiring no board action.

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

Filed: July 1, 1988, 4:15 p.m.

TRD-8806779

Texas Higher Education Coordinating Board

Wednesday, July 13, 1988, 9 a.m. The Administrative Council for the Texas Higher Education Coordinating Board will meet in Boardroom 255, Bevington A. Reed Building, 200 East Riverside Drive, Austin. According to the agenda, the council will

present and discuss nondiscrimination issues relating to the optional retirement program.

Contact: James McWhorter, P.O. Box 12788, Austin, Texas 78711, (512) 462-6420.

Filed: July 1, 1988, 11 a.m.

TRD-8806725

Texas Housing Agency

Wednesday, July 13, 1988, 9 a.m. The Board of Directors for the Texas Housing Agency will meet in Suite 300, THA Conference Room, 811 Barton Springs Road, Austin. According to the agenda, the board will meet in executive session for pending and contemplated litigation, including *Stimley vs. HA*, and other personnel matters including the employment and compensation package of the executive administrator designee; discuss and possibly act on the employment and compensation package of executive administrator designee; informational report on the status and cost of financial audit for fiscal year 1987, including "extra work" billings and additional requests for engagement; discuss and possibly act on engagement for financial audit purposes of Ernst and Whinney for fiscal year 1988; and discuss and possibly act on issuing requests for proposals for financial audit services.

Contact: Karen D. Cheney, P.O. Box 3941, Austin, Texas, (512) 474-2974.

Filed: July 1, 1988, 1:48 p.m.

TRD-8806751

Wednesday, July 13, 1988, 1 p.m. The Ad Hoc Tax Credit Committee for the Texas Housing Agency will meet in Suite 300, HA Conference Room, 811 Barton Springs Road, Austin. According to the agenda, the committee will approve minutes of the May 6, 1988, meeting; and consider and possibly act on applications for the low income rental housing tax credit program.

Contact: Karen D. Cheney, P.O. Box 3941, Austin, Texas, (512) 474-2974.

Filed: July 1, 1988, 1:48 p.m.

TRD-8806752

Industrial Accident Board

Tuesday, July 5, 1988, 9:30 a.m. The Industrial Accident Board met in Room 107, First Floor, Bevington A. Reed Building, 200 East Riverside Drive, Austin. According to the agenda, the board adopted proposed rules published in the June 6, 1988, (13 TexReg 2726); repeal of entire undesignated head "General Medical Provisions", Title 28, Part II, Chapter 42; new sections 28 TAC §§42. 105-42.115; revised board rules, Title 28, Part II, Chapter 42,

"Medical Benefits": amending subchapters A, "General Medical Provisions", and B, "Medical Cost Containment", and adding new subchapters C, "Utilization Guidelines", and D, "Dispute Resolution"; discussed and considered revised notice of injury and claim for compensation form; discussed and considered registration of health care providers under Article 8306, §12(f); reviewed board files (this portion closed pursuant to workers' compensation statute); and reviewed and discussed board activities.

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

Filed: July 1, 1988, 3:40 p.m.

TRD-8806759

State Board of Insurance

The State Board of Insurance will meet in the Insurance Building, 1110 San Jacinto Boulevard, Austin. Dates, times, rooms, and agendas follow.

Tuesday, July 12, 1988, 9 a.m. The Commissioner's Hearing Section will meet in Room 342, to consider Docket 9948-Whether disciplinary action should be taken against Joe W. Lanier, Monahans, who holds a local recording agent's license issued by the board.

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

Filed: July 1, 1988, 3:30 p.m.

TRD-8806802

Tuesday, July 12, 1988, 10 a.m. The board will meet in Room 414, to consider proposal for decision in the appeal of W.A. Pitchford, M.D. from action of the Texas Medical Liability Insurance Underwriting Association; consider personnel matters concerning Fire Marshal, Statistical and Rate Development, Information Services, and Commissioner; and litigation matters concerning Fire Marshal and Commissioner.

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

Filed: July 1, 1988, 4:04 p.m.

TRD-8806772

Tuesday, July 12, 1988, 1:30 p.m. The Commissioner's Hearing Section will meet in Room 342, to consider Docket 9959-Application of Robert Edward Richard, San Antonio, for a Group II, health and accident insurance agent's license.

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

Filed: July 1, 1988, 3:30 p.m.

TRD-8806801

Friday, July 15, 1988, 9 a.m. The Commissioner's Hearing Section will meet in Room 342, to consider Docket 9723-Whether disciplinary action should be taken against Julius Ott Duncan, Jr., Dallas, who holds a local recording insurance agent's license issued by the board.

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

Filed: July 1, 1988, 3:31 p.m.

TRD-8806800

Friday, July 15, 1988, 1:30 p.m. The Commissioner's Hearing Section will meet in Room 342, to consider Docket 9966-Application for amendment to the articles of incorporation of Association Casualty Insurance Company, Austin, in regard to director liability.

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

Filed: July 1, 1988, 3:31 p.m.

TRD-8806799

Friday, July 15, 1988, 1:30 p.m. The Commissioner's Hearing Section will meet in Room 342, to consider Docket 9974-Whether disciplinary action should be taken against Kevin Paul Kooyman, Carrollton and Dallas, who holds a group I, legal reserve life insurance agent's license and a group II, health and accident insurance agent's license issued by the board.

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

Filed: July 1, 1988, 3:31 p.m.

TRD-8806798

Monday, July 18, 1988, 9 a.m. The Commissioner's Hearing Section will meet in Room 342, to consider Docket 9965-Whether disciplinary action should be taken against Raymond Moran McDonald, San Antonio, who holds a group I, legal reserve life insurance agent's license and a fire and casualty local recording insurance agent's license issued by the board.

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

Filed: July 1, 1988, 3:31 p.m.

TRD-8806797

Texas Legislative Budget Board

Wednesday, July 6, 1988, 2 p.m. The Legislative Budget Board met in emergency session in Room 310, State Capitol, Austin. According to the agenda, the board hear a report by the State Purchasing and General Services Commission on the construction

and acquisition of additional office space to house state agencies; report by the Department of Human Services on proposed expansion of programs; report by the Board of Pardons and Paroles on a proposal to establish return to custody facilities and expand halfway house program; report by the Texas Department of Mental Health and Mental Retardation, regarding fiscal years 1988 and 1989 funding requirements; and any other business that might come before the board. The emergency status was necessary as it was the only date within two weeks that a quorum could be present.

Contact: Jim Oliver, Room 207-A, Capitol, Austin, Texas 78711, (512) 463-1166.

Filed: June 30, 1988, 4:08 p.m.

TRD-8806712

Texas State Library and Archives Commission

Friday, July 15, 1988, 10 a.m. The Texas State Library and Archives Commission will meet in Room 314, Lorenzo de Zavala Archives and Library Building, 1201 Brazos Street, Austin. According to the agenda, the commission will approve minutes of the May 2, 1988, meeting; consider amendment to Rule 1.74 of the Library Systems Act; consider approval of the annual plan and long-range plan, Title I disadvantaged services grants, Title II public library construction grants, Title III interlibrary cooperation grants; consider the commission long-range plan; hear reports from the Special Committee on the organization of state agencies, the advisory panel considering revision of current laws relating to the management and preservation of local government records, and attorney general's opinion concerning membership of non-public libraries in a regional library system.

Contact: Raymond Hitt, P.O. Box 12927, Austin, Texas 78711, (512) 463-5460.

Filed: July 1, 1988, 9:19 a.m.

TRD-8806721

Texas Department of Mental Health and Mental Retardation

Friday, July 8, 1988, 9 a.m. The Texas Board of Mental Health and Mental Retardation will meet in the Auditorium, Central Office, 909 West 45th Street, Austin. According to the revised agenda, the board will hear citizens comments; approve minutes of the April 21 and 22, 1988, meeting; and consider appointments to CPAC and designation of vice chairman. Deaf interpreters will be available, but will be released if service is not requested within the first hour of the meeting.

Contact: James A. Adkins, P.O. Box 12668, Austin, Texas, (512) 465-4588.

Filed: June 30, 1988, 4:17 p.m.

TRD-8806703

Texas Board for Licensure of Nursing Home Administrators

Wednesday, July 13, 1988, 10 a.m. The Texas Board for Licensure of Nursing Home Administrators will meet in Suite 310, 4800 North Lamar Boulevard, Austin. According to the agenda, the board will introduce new board member, invocation, roll call, agenda approval, approval of April 13, 1988, meeting minutes, hear reports from Suitability Committee, Special Projects Committee, Education Committee, Texas Department of Human Services, Texas Department of Health, executive director, Executive Committee and chair, and personal appearances.

Contact: Janet M. Moore, 4800 North Lamar Boulevard, Suite 355, Austin, Texas 78758, (512) 458-1955.

Filed: July 5, 1988, 9:49 a.m.

TRD-8806812

Pan American University

Wednesday, July 6, 1988, 10 a.m. The Board of Regents Development Committee for Pan American University met for an agenda revision in the Boardroom, Administration Building, Pan American University, Edinburg. According to the agenda summary, the committee accepted gift from the United States Department of Education.

Contact: Miquel A. Nevarez, Pan American University, Edinburg, Texas, (512) 381-2100.

Filed: July 1, 1988, 11:52 a.m.

TRD-8806749

Wednesday, July 6, 1988, 10:30 a.m. The Board of Regents Academic Affairs Committee for Pan American University met for an agenda revision in the Boardroom, Administration Building, Pan American University, Edinburg. According to the agenda summary, the committee met in executive session to consider status of possible charges, discipline against university employee.

Contact: Miquel A. Nevarez, Pan American University, Edinburg, Texas, (512) 381-2100.

Filed: July 1, 1988, 11:52 a.m.

TRD-8806748

Friday, July 22, 1988, 2 p.m. The Board of Regents Committee to Study Feasibility for Pan American University will meet in

the Boardroom, Administration Building, Pan American University, Edinburg. According to the agenda, the board will hold a committee meeting for organization, planning, and discussion concerning feasibility of affiliation between Pan American University and the Reynaldo G. Garza School of Law.

Contact: Miguel A. Nevarez, Pan American University, Edinburg, Texas, (512) 381-2100.

Filed: July 5, 1988, 9:50 p.m.

TRD-8806810

Board of Pardons and Paroles

Monday-Friday, July 11-15, 1988, 1:30 p.m. daily, except 11 a.m. on Friday. A three-member panel of the Board of Pardons and Paroles will meet at 8610 Shoal Creek Boulevard, Austin. According to the agenda, the panel will receive, review, and consider information and reports concerning prisoners and inmates and administrative releasees subject to the board's jurisdiction and initiate and carry through with appropriate action.

Contact: Mike Roach, 8610 Shoal Creek Boulevard, Austin, Texas 78759, (512) 459-2713.

Filed: July 1, 1988, 10:23 a.m.

TRD-8806724

Tuesday, July 12, 1988, 1:30 p.m. The Board of Pardons and Paroles will consider executive clemency recommendations and related actions (other than out of country conditional pardons), including: full pardons/restoration of civil rights of citizenship; emergency medical reprieves; commutations of sentences; and other reprieves, remissions, and executive clemency actions.

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

Filed: July 1, 1988, 10:23 p.m.

TRD-8806723

Tuesday, July 12, 1988, 9:30 a.m. The Board of Pardons and Paroles will meet at 8610 Shoal Creek Boulevard, Austin. According to the agenda, the board will consider and act on minutes of the June 7, 1988, and June 20, 1988, meetings; review organizational charts; memorandums of understanding; parole officer qualifications; promotional procedures; administrative reviews; ratification of memo regarding special case reviews and cases in disciplinary status; consider special case review policy; media contract; parole eligibility and time credit calculations; internal affairs investigator; hear report format; conference atten-

dance and trip reports; hear public input and comments; and hear the executive director's report.

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

Filed: July 1, 1988, 3:28 p.m.

TRD-8806757

State Property Tax Board

Tuesday, July 12, 1988, 9 a.m. The State Property Tax Board will meet in the Agency Conference Room, 9501 North IH 35, Austin. According to the agenda, the board will approve minutes of the May 25-27, 1988, board meeting; intangible appeals hearings; certification of intangible values apportioned to each county; certification of rolling stock values apportioned to each county; board consideration of various proposed rules, rule amendments, and forms; board consideration of final approval of the section of the General Appraisal Manual dealing with House Bill 2445; board consideration of audit recommendation related to the 1986 school district taxable value findings; board consideration of audit recommendation related to the 1987 school district taxable value findings; review of board authority delegated to the executive director; and registration and certification of SPTB field appraisers with the Board of Tax Professional Examiners; and consider proposed rule amendments to change intangible appeals procedures.

Contact: Ron Patterson, 9501 North IH 35, Austin, Texas, (512) 834-4800.

Filed: July 1, 1988, 11:33 a.m.

TRD-8806746, 8806788

Public Utility Commission of Texas

The Public Utility Commission of Texas will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin. Dates, times, and agendas follow.

Tuesday, July 12, 1988, 10 a.m. The Hearings Division will consider Docket 8227-Application of San Miguel Electric Cooperative, Inc. for authority to implement a reduction in rates.

Contact: Phillip A. Holder, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: June 30, 1988, 1:48 p.m.

TRD-8806671

Tuesday, July 19, 1988, 2 p.m. The Hearings Division will consider Docket 8221-Application of GTE Southwest Incorporated for authority to implement special prefix dial IT service.

Contact: Phillip A. Holder, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: June 30, 1988, 1:47 p.m.

TRD-8806670

Thursday, August 4, 1988, 10 a.m. The Hearings Division will consider Docket 7789-Petition of the general counsel for a rulemaking proceeding to determine a method and develop a framework for the separation of costs.

Contact: Phillip A. Holder, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: June 30, 1988, 1:46 p.m.

TRD-8806672

Monday, August 8, 1988, 10 a.m. The Hearings Division will consider Docket 7789-Petition of the general counsel for a rulemaking proceeding to determine a method and develop a framework for the separation of costs.

Contact: Phillip A. Holder, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: June 30, 1988, 1:45 p.m.

TRD-8806673

Friday, August 12, 1988, 10 a.m. The Hearings Division will consider Docket 8219-Application of B-K Electric Cooperative, Inc. for a large power service rate.

Contact: Phillip A. Holder, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: June 29, 1988, 4:12 p.m.

TRD-8806650

Tuesday, August 16, 1988, 10 a.m. The Hearings Division will consider Docket 7297-Inquiry of the general counsel into intrastate WATS overcharges and petition for refunds.

Contact: Phillip A. Holder, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: July 1, 1988, 3:24 p.m.

TRD-8806804

Texas Racing Commission

Monday, July 11, 1988, 11 a.m. The Texas Racing Commission will meet in the Third Floor Auditorium, First State Bank Building, 400 West 15th Street, Austin. According to the agenda, the commission will hold roll call, approve minutes; discuss role of veterinarians in the regulation of horse and greyhound racing, presentation by Donald Wilson, executive director, State Board of Veterinary Examiners; approve resolution recognizing horsemen's official representative in Texas, presentation by Ricky

Knox, executive director, Texas Horse Racing Association; discuss Texas Greyhound Breeders Association being recognized as the official breeders registry in Texas for greyhounds in the Texas Breed Program, presentation by Bill Messer; discuss contracting the Drug Testing and Quality Assurance Program of the Association of Racing Commissioners International, Inc.; review and adopt fiscal year 1989 operating budget; vote on proposed rules for publication in the Texas Register; and consider old and new business.

Contact: Nancy Fisher, P.O. Box 12080, Austin, Texas 78701, (512) 476-7223.

Filed: July 1, 1988, 3:29 p.m.

TRD-8806758

Railroad Commission of Texas

Monday, July 11, 1988, 9 a.m. The Railroad Commission of Texas will meet in the 12th Floor Conference Room, William B. Travis Building, 1701 North Congress Avenue, Austin. Agendas follow.

The Administrative Services Division will consider and act on the division director's report on division administration, budget, procedure, and personnel matters.

Contact: Roger Dillon, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-7527.

Filed: July 1, 1988, 11:07 a.m.

TRD-8806735

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

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

Filed: July 1, 1988, 11:07 a.m.

TRD-8806737

The commission will consider and act on the executive director's report on commission budget and fiscal matters, administrative and procedural matters, personnel and staffing, state and federal legislation, and contracts and grants.

Contact: C. Tom Clowe, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-7274.

Filed: June 17, 1988, 11:07 a.m.

TRD-8806733

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

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

Filed: July 1, 1988, 11:07 a.m.

TRD-8806728

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

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

Filed: July 1, 1988, 11:07 a.m.

TRD-8806729

The Office of Information Services will consider and act on the division director's report on division administration, budget, procedures, and personnel matters.

Contact: Brian W. Schaible, P.O. Drawer 12967, Austin, Texas 78704, (512) 463-6710.

Filed: July 1, 1988, 11:07 a.m.

TRD-8806736

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

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

Filed: July 1, 1988, 11:07 a.m.

TRD-8806734

The Legal Division will consider and act on the legal division's report on division administration, budget, procedures, and personnel matters; proposed and pending litigation, including but not limited to, discussion and/or action on the following: FERC Orders 500, 500 A-C, and related litigation in the D.C., Fifth, Third, and Seventh Circuits.

Contact: G. Gail Watkins, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6921.

Filed: June 17, 1988, 11:06 a.m.

TRD-8806730

LP-Gas Division will consider and act on division director's report on division administration, budget, procedures, and personnel matters.

Contact: Thomas D. Petru, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6931.

Filed: July 1, 1988, 11:07 a.m.

TRD-8806732

The Oil and Gas Division will consider rescinding category determinations under §102(c)(1)(C), and 103 of the Natural Gas Policy Act of 1978.

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

Filed: July 1, 1988, 11:07 a.m.

TRD-8806739

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

Contact: Sonia O'Neal, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-7325:

Filed: July 1, 1988, 11:07 a.m.

TRD-8806727

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

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

Filed: July 1, 1988, 11:07 a.m.

TRD-8806726

The Oil and Gas Division will consider Docket 10-87,017-Hearing to review the rules in various Panhandle Fields, RRC District 10, for the purpose of the commission considering a motion for oral argument.

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

Filed: July 1, 1988, 4:41 p.m.

TRD-8806796

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

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

Filed: July 1, 1988, 11:07 a.m.

TRD-8806740

The Office of Research and Statistical Analysis will consider and act on the division director's report on division administration, budget, procedures, and personnel matters.

Contact: Gail Gemberling, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6976.

Filed: July 1, 1988, 11:07 a.m.

TRD-8806741

The Surface Mining Division will consider various matters within the regulatory juris-

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

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

Filed: July 1, 1988, 11:07 a.m.

TRD-8806731

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

Contact: G. Gail Watkins, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-7122.

Filed: July 1, 1988, 11:07 a.m.

TRD-8806738

Tuesday, July 19, 1988, 10 a.m. The Oil and Gas Division will consider Docket 20-92,084-Statewide oil and gas hearing.

Contact: Paula Middleton, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6729.

Filed: July 1, 1988, 11:04 a.m.

TRD-8806742

Texas Savings and Loan Department

Wednesday, July 13, 1988, 9:30 a.m. The Texas Savings and Loan Department will meet in Suite 201, 2601 North Lamar Boulevard, Austin. According to the agenda, the department will accumulate a record of evidence in regard to the application of La Hacienda Savings Association, San Diego, Duval County, to relocate the home office from 54 Gravis, San Diego, to 11330 IH 10 West, Suite 5100, San Antonio, Bexar County, from which record the commissioner will determine whether to grant or deny the application.

Contact: Nancy O. Ricketts, 2601 North Lamar Boulevard, Suite 201, Austin, Texas 78758, (512) 479-1250.

Filed: July 1, 1988, 8:26 a.m.

TRD-8806707

School Land Board

Tuesday, July 12, 1988, 10 a.m. The School Land Board will meet in the General

Land Office, Room 831, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the board will approve minutes of the previous meeting; consider bid received on marginal number one at the May 3, 1988, sealed bid land sale; consider nominations, terms, condition, and procedures for the October 4, 1988, lease sale; pooling applications; report on lease suspension granted to Coastal Oil and Gas Corporation and Tenneco Oil Company; applications to lease highway right-of-way for oil and gas; status report on suspended state leases; report on the sale of excess acreage; excess acreage applications Terrell, Parker, and Hansford Counties; direct sales, Grimes, Jim Wells, Limestone, Wheeler, and Hall Counties; easement application by the City of Austin on Camp Mabry; discuss future lease, Old Queen Isabella Causeway State Fishing Pier; coastal public lands, commercial lease applications, easement applications, lease applications, cabin permit requests, renewals and assignments; and meet in executive session to discuss and consider land trade transactions.

Contact: Linda K. Fisher, 1700 North Congress Avenue, Room 836, Austin, Texas 78711, (512) 463-5016.

Filed: July 1, 1988, 4:12 p.m.

TRD-8806777

State Securities Board

Thursday, July 21, 1988, 9:30 a.m. The Securities Commissioner for the State Securities Board will meet at 1800 San Jacinto, Austin. According to the agenda, a hearing will be held to determine whether the registration of Texas Secured Investments, Inc., as a securities dealer and the registration of H-H Partners as a securities dealer should be granted or denied and whether the registration of Marcia J. Houston, as the registered principal of Texas Secured Investments, Inc., and the registered principal of H-H Partners should be granted or denied.

Contact: John Morgan, 1800 San Jacinto, Austin, Texas 78711, (512) 474-2233.

Filed: June 30, 1988, 4:49 p.m.

TRD-8806704

Wednesday, September 28, 1988, 10 a.m. The Securities Commissioner of the State Securities Board will meet at 1800 San Jacinto, Austin. According to the agenda, the commissioner will determine whether a cease and desist order should be issued prohibiting the sale of securities by Oreo Mines, Inc., Bill W. Schmidt, William R. Cook, Oreo, Inc., and Douglas W. Litchfield.

Contact: John Morgan, 1800 San Jacinto, Austin, Texas 78711, (512) 474-2233.

Filed: June 30, 1988, 4:49 p.m.

TRD-8806705

Texas Southern University

Friday, July 15, 1988, 10 a.m. The Board of Regents of Texas Southern University will meet in Room 203, Sterling Student Life Center, 3100 Cleburne Avenue, Houston. According to the agenda, the board will meet to consider: minutes; matters relating to financial reporting systems, fiscal reports from the administration; investments; and consideration of the biennium budget request, and the 1989 fiscal year budget; and information items; construction change orders; payment to architects contractors and engineers; authorization and ratification of contracts and awards; review of on going construction and current contractual relations; personnel actions; report of academic activities; programs; and hold an executive session.

Contact: Everett O. Bell, Houston, Texas 77004, (713) 529-8911.

Filed: June 30, 1988, 2:51 p.m.

TRD-8806677

Special Committee on Organization of State Agencies

Wednesday, July 6, 1988, 1 p.m. The Subcommittee on General Government Services for the Special Committee on Organization of State Agencies met in emergency session in Room 103, John H. Reagan Building, 105 West 15th Street, Austin. According to the agenda, the subcommittee received information and discuss with invited participants the potential combination of state tax collection and related functions; consolidated aircraft pooling within the State Purchasing and General Services Commission (affected agencies have been notified and invited to participate); and conducted work session to discuss preliminary findings and recommendations concerning all agencies under the responsibility of the subcommittee. The emergency status resulted from requirements of the full committee and its meeting schedule which precluded the normal advance notice.

Contact: Jay Stanford, P.O. Box 13206, Austin, Texas 78711, (512) 463-1812.

Filed: July 1, 1988, 4:07 p.m.

TRD-8806774

Friday, July 8, 1988, 9 a.m. The Subcommittee on Public Protection, Criminal Justice, and Corrections for the Special Committee on Organization of State Agencies will meet in emergency session rescheduled

from June 30, 1988, in the Old Supreme Courtroom 310, State Capitol, Austin. According to the agenda, the subcommittee will receive public testimony and consider the organizations responsibilities and operations of Texas State Agencies involved with public protection, criminal justice, and corrections activities; and discuss and consider potential alternative organization structures for carrying out some or all of these functions. The emergency status is necessary as the meeting is rescheduled due to illness, and the meeting schedule for the full committee requires that the subcommittee conduct its business on a schedule that does not allow the usual advance notice.

Contact: Susan Hadley, P.O. Box 13206, Austin, Texas 78711, (512) 463-1812.

Filed: July 1, 1988, 4:07 p.m.

TRD-8806775

Thursday, July 14, 1988, 9:30 a.m. The Special Committee on Organization of State Agencies will meet in Room 109, John H. Reagan Building, 105 West 15th Street, Austin. According to the agenda, the committee will consider minutes from the previous meeting and reports from the subcommittee on Economic Development, Regulatory, Local Affairs, Finance, Professional Licensing, Natural Resources, Recreation, and Cultural Affairs, General Government Services, and Public Protection, Criminal Justice, and Corrections; consider preliminary subcommittee findings, which may include alternative organizational structures, as well as data requirements for further study and future meeting schedules; and possibly invite testimony from selected organization.

Contact: Jay G. Stanford, P.O. Box 13206, Austin, Texas 78711, (512) 463-1812.

Filed: July 1, 1988, 4:07 p.m.

TRD-8806776

Texas State Technical Institute

Tuesday, July 5, 1988, 10 a.m. The Executive Committee, Board of Regents for Texas State Technical Institute met in emergency session by conference call, TSTI System Administration Building, Waco. According to the agenda, the committee discussed basement and right-of-way to the Building Systems Technology Building at TSTI Harlingen. The emergency status was necessary as utilities must be submitted by July 7, 1988.

Contact: Theodore A. Talbot, (817) 799-3611, ext. 3900.

Filed: July 1, 1988, 3:26 p.m.

TRD-8806756

Texas Water Commission

Tuesday, July 5, 1988, 9 a.m. The Texas Water Commission will met for an emergency agenda revision in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the commission considered the application of Hildago County Irrigation 16, for approval of extension of time for \$2,100,000 tax bonds. The emergency status was necessary as requested by the district prior to expiration of the 60 day time limit to sell bonds to allow the expeditious completion of the project in order to conserve as much water as possible.

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

Filed: June 30, 1988, 4:16 p.m.

TRD-8806710

Thursday, July 7, 1988, 10 a.m. The Office of Hearing Examiner met in the Basement, El Paso City Hall, corner of Santa Fe and Missouri Streets, El Paso. According to the agenda summary, the examiner consider Docket 7578-G-Rate increase of Butterfield Mobile Home Park Water System.

Contact: Peggy O. Maxwell, P.O. Box 13087, Austin, Texas 78711, (512) 463-7899.

Filed: July 1, 1988, 4:20 p.m.

TRD-8806791

Friday, July 8, 1988, 10 a.m. The Office of Hearings Examiner will meet in Room 1149A, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the office will consider Docket 7443-G-Rate increase of Saratoga Water Company.

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

Filed: July 1, 1988, 4:20 p.m.

TRD-8806790

Friday, July 8, 1988, 10 a.m. The Office of Hearings Examiner will meet in the City Council Chambers, El Paso City Hall, corner of Santa Fe and Missouri Streets, El Paso. According to the agenda summary, the examiner will consider Docket 7524-R-Public hearing on the rate increase of U.R.L.A.U.B.

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

Filed: July 1, 1988, 4:19 p.m.

Monday, July 11, 1988, 10 a.m. The Office of Hearings Examiner will meet in Room 102, John H. Reagan Building, 105 West 15th Street, Austin. According to the agenda summary, the examiner will consider Docket 7461-R-Rate increase of McKee Water Service Company and on the appeal of McKee Water Service Company of rates set by the City Council of North Richland Hills.

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

Filed: July 1, 1988, 4:20 p.m.

TRD-8806792

Tuesday, July 12, 1988, 9 a.m. The commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the commission will consider unlimited tax bonds, revenue bond issue, surplus funds, escrowed funds, cease and desist order, certificates of convenience and necessity, amendments, minor amendments, renewals, extensions of time, temporary permits, hazardous waste permits, adoption of the repeal of 31 Texas Administrative Code, proposed amendments to 31 Texas Administrative Code, adoption of rules, commission orders, petition of appointment of a director, motions for rehearing, and extension of time on action on motions for rehearing.

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

Filed: July 1, 1988, 4:22 p.m.

TRD-8806794

Wednesday, July 13, 1988, 10 a.m. The commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the commission will consider application of Mobil Oil Corporation for a Texas Water Code §26.0191 emergency order.

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

Filed: July 1, 1988, 4:21 p.m.

TRD-8806793

Wednesday, July 13, 1988, 10 a.m. The Texas Water Commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the commission will consider the application for creation of Wimberley Special Utility District.

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

Filed: June 30, 1988, 4:16 p.m.

TRD-8806711

Thursday, August 18, 1988, 10 a.m. The Office of Hearings Examiner for the Texas Water Commission will meet in the Second Floor Commissioner's Courtroom, Titus County Courthouse, corner of Jefferson and First Streets, Mount Pleasant. According to the agenda, the examiner will consider Texas Utilities Mining Company, Skyway Tower, 400 North Olive Street, L.B. 85, Dallas, Texas 75201, who has applied to the commission for renewal of Permit 02697, which authorizes discharges from the Monticello Lignite Mining Area at a volume viable with rainfall. The area is located

within a 20 mile radius of Monticello Reservoir, which is located approximately one mile south of FM Road 127 and five miles southwest of the City of Mount Pleasant, Titus County. The effluent is discharged into tributaries of Cypress Creek in Segments 0404 and 0408 of the Cypress Creek Basin and also tributaries of the Sulphur River in Segment 0303 of the Sulphur River Basin.

Contact: Joe O'Neal, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: June 30, 1988, 4:17 p.m.

TRD-8806709

Regional Meetings

Meetings Filed June 30, 1988

The Dallas Area Rapid Transit, Budget and Finance Committee, and Planning and Development Committee-of-the-Whole, met in emergency session at 601 Pacific Avenue, Dallas, on June 30, 1988, at 4 p.m., and on July 1, 1988, at 2 p. m., respectively. The Minority Affairs Committee will meet on July 5, 1988, at 4 p.m. at the same location. The Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202.

The Hood County Appraisal District, Appraisal Review Board, met at 1902 West Pearl, Granbury, on July 6 and 8, 1988, at 8:30 a.m. daily. Information may be obtained from Harold Chesnut, 1902 West Pearl, Granbury, Texas 76048, (817) 573-2471.

The Central Appraisal District of Rockwall County, Appraisal Review Board, met at 106 North San Jacinto, Rockwall, on July 6 and 7, 1988, at 8:30 a.m. daily. Information may be obtained from Ray E. Helm, 106 North San Jacinto Boulevard, Rockwall, Texas 75087, (214) 771-2034.

The Sabine Valley Regional MHMR Center, Board of Trustees, will meet in Suite E, 107 Woodbine Place, Central Administration, Longview, on July 11, 1988, at 7 p.m. Information may be obtained from Ron Cookston, P.O. Box 6800, Longview, Texas 75608, (214) 758-2471.

The Tarrant Appraisal District, Appraisal Review Board, met at 2309 Gravel Road, Fort Worth, on July 1, 5-8, 11-16, 18-22, at 8:30 a.m. daily. Information may be obtained from Linda R. Freeman, 2309 Gravel Road, Fort Worth, Texas 76118, (817) 284-8884.

The Wheeler County Appraisal District, Board of Directors, will meet at the County Courthouse Square, Wheeler, on July 11, 1988, at 2 p.m. Information may be obtained from Marilyn Copeland, P.O. Box 349, Wheeler, Texas 79096, (806) 826-5900.

TRD-8806658

Meetings Filed July 1, 1988

The Texas Association of Regional Councils, Board of Directors, will meet on the First Floor, Shoreline Room, Sheraton Marina Hotel, 300 North Shoreline Boulevard, Corpus Christi, on July 8, 1988, at 9:15 a.m. Information may be obtained from Katherine B. Ray, 508 West 12th Street, Austin, Texas 78701, (512) 478-4715.

The Barton Springs-Edwards Aquifer Conservation District, Board of Directors, met in Suite F, 909 North Loop 4, Buda, on July 7, 1988, at 7 p.m. Information may be obtained from Ralph Roming, 909 North Loop 4, Suite F, Buda, Texas 78610, (512) 282-8441.

The Comal Appraisal District, Board of Directors, met at 430 West Mill Street, New Braunfels, on July 7, 1988, at 6:30 p.m. and 7:30 p.m. The Appraisal Review Board will meet at the same location on July 18, 1988, 9 a.m. Information may be obtained from R. Richard Rhodes, P.O. Box 311222, New Braunfels, Texas 78131-1222, (512) 625-8597.

The Dallas Area Rapid Transit, Planning and Development Committee-of-the-Whole, met at 601 Pacific Avenue, Dallas, on July 5, 1988, at 2 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237.

The Dallas Central Appraisal District, Board of Directors, met in Suite 500, 1420 West Mockingbird Lane, Dallas, on July 6, 1988, at 7:30 a.m. Information may be obtained from Rick L. Kuehler.

The Dawson Central Appraisal Review Board, Appraisal Review Board, met in the District Office, Lamesa, on July 6, 1988, at 8:30 a.m. Information may be obtained from Tom Anderson, P.O. Box 797, Lamesa, Texas 79331, (806) 872-7060.

The Eastland County Appraisal District, Board of Directors, will meet in the Commissioner's Courtroom, Eastland County Courthouse, Eastland, on July 13, 1988, at 1 p.m. Information may be obtained from Steve Thomas, P.O. Box 914, Eastland, Texas 76448.

The Hays County Appraisal District, Appraisal Review Board, will meet in the Municipal Building, 632 A East Hopkins, San Marcos, on July 11, 1988, at 9 a.m. The Board of Directors will meet at the same location on July 14, 1988, 3:30 p.m. Information may be obtained from Lynnell Sedlar, 632 A East Hopkins Municipal Building, San Marcos, Texas 78666, (512) 754-7400.

The Henderson County Appraisal District, Board of Directors, will meet at 1751 Enterprise, Athens, on July 11, 1988, at 7:30 p.m. Information may be obtained from Helen Marchbanks, 1751 Enterprise, Athens, Texas, (214) 675-9296.

The Hunt County Tax Appraisal District, Board of Directors, met in emergency session at the Tax Appraisal District Office, 4801 King Street, Greenville, on July 6, 1988, at 7 p.m. Information may be obtained from Joe Pat Davis or Linda S. Haynes, P.O. Box 1339, Greenville, Texas 75401, (214) 454-3510.

The Lavaca County Central Appraisal District, Board of Directors, will meet at 113 North Main, Hallettsville, on July 11, 1988, at 4 p.m. The Appraisal Review Board will meet at the same location on July 14, 1988, at 2 p.m. and July 19, 1988, at 9 a.m. Information may be obtained from Diane Munson, P.O. Box 386, Hallettsville, Texas 77964, (512) 798-4396.

The San Antonio River Authority, Board of Directors, will meet in the General Officers Conference Room, 100 East Guenther Street, Bexar County, San Antonio, on July 13, 1988, at 2 p.m. Information may be obtained from Fred N. Pfeiffer, P.O. Box 830027, San Antonio, Texas 78283-0027, (512) 227-1373.

TRD-8806715

Meetings Filed July 5, 1988

The Archer County Appraisal District, Board of Directors, met at 211 South Center, Archer City, on July 13, 1988, at 4:30 p.m. Information may be obtained from Edward Trigg, P.O. Box 1141, Archer City, Texas 76351, (817) 574-2172.

The Bexar Appraisal District, Appraisal Review Board, will meet at 535 South Main, San Antonio, on July 8, 1988, at 9 a.m. The Board of Directors will also meet on July 18, 1988, at 5:30 p.m. Information may be obtained from Walter Stoneham, 535 South Main, San Antonio, Texas 78204, (512) 224-8511.

The Blanco County Appraisal District, Appraisal Review Board, will meet in the Courthouse Annex, Johnson City, on July 8, 13, and 14, 1988, at 3 p. m. and 10 a.m., respectively. The Board of Directors will also meet on July 12, 1988, at 6 p.m. Information may be obtained from Hollis Petri, P.O. Box 338, Johnson City, Texas 78636, (512) 868-4624.

The Brazos Valley Development Council, Personnel Committee and Executive Committee, will meet at 3006 East 29th Street, Bryan, on July 14, 1988, at 11 a.m. and 1:30 p.m., respectively. Information may be obtained from Glenn J. Cook, 3006 East 29th Street, Bryan, Texas, (409) 776-2277.

The Brown County Appraisal District, Board of Directors, will meet at 403 Fisk Avenue, Brownwood, on July 11, 1988, at 7 p.m. Information may be obtained from Bob Young, 403 Fisk Avenue, Brownwood, on July 11, 1988, at 7 p.m. Information may be obtained from Bob Young, 403 Fisk Avenue, Brownwood, Texas 76801, (915)

643-5676.

The Canadian River Municipal Water Authority, Board of Directors, will meet at Sanford Dam, Sanford, on July 13, 1988, at 11 a.m. Information may be obtained from John C. Williams, P.O. Box 99, Sanford, Texas 79078, (806) 865-3325.

The Comal Appraisal District, Appraisal Review Board, will meet at 430 West Mill Street, New Braunfels, on July 26 and 27, and August 23-25, 1988, at 9 a.m. daily. Information may be obtained from R. Richard Rhodes, Jr., P.O. Box 311222, New Braunfels, Texas 78131-1222, (512) 625-8597.

The Dallas Central Appraisal District, Appraisal Review Board, will meet in Suite 500, 1420 West Mockingbird Lane, Dallas, on July 8, 1988, at 2 p.m. Information may be obtained from Rick L. Kuehler, 1420 West Mockingbird Lane, Suite 500, Dallas, Texas 75247, (214) 631-0520.

The Deep East Texas Private Industry Council, Inc. council and Executive Com-

mittee will meet at the Rodeway Inn, Highway 59 South, Lufkin, on July 13, 1988, at 2 p.m. and 1 p.m., respectively. Information may be obtained from Charlene Meadows and W. Floyd Clark, Lufkin, Texas, (409) 634-2247 and 653-4654.

The Erath County Appraisal District, Board of Directors, will meet at 1390 Harbin Drive, Stephenville, on July 12, 1988. Information may be obtained from Jerry Lee, 1390 Harbin Drive, Stephenville, Texas 76401, (817) 965-5434.

The Central Appraisal District of Johnson County, Board of Directors, will meet at 109 North Main, Cleburne, on July 14, 1988, at 4:30 p.m. Information may be obtained from Jackie Gunter, 109 North Main, Cleburne, Texas 76031, (817) 645-3986.

The Lamb County Appraisal District, Appraisal Review Board, will meet at 330 Phelps Avenue, Littlefield, on July 12, 1988, at 9:30 a.m. Information may be obtained from Murlene J. Godfrey, 330 Phelps Avenue, Littlefield, Texas (806) 385-6474.

The Mason County Appraisal District, will meet at 206 Ft. McKavitt Street, Mason, on July 13, 1988, at 7:30 p.m. Information may be obtained from Neal Little, P.O. Box 1119, Mason, Texas 76856, (915) 347-5989.

The San Antonio River Industrial Development Authority, Board of Directors, will meet at 100 East Guenther, San Antonio, on July 13, 1988, at 11 a. m. Information may be obtained from Fred N. Pfeiffer, P.O. Box 830027, San Antonio, Texas 78283-0027, (512) 227-1373.

The Upshur County Appraisal District, Board of Directors, will meet at Warren and Trinity Streets, Gilmer, on July 11, 1988, at 1 p.m. Information may be obtained from Louise Stracener, P.O. Box 280, Gilmer, Texas 75644, (214) 843-3041.

The Wheeler County Appraisal District, Board of Directors, will meet at the County Courthouse, Wheeler, on July 11, 1988, at 2 p.m. Information may be obtained from Marilyn Copeland, P.O. Box 349, Wheeler, Texas 79096, (806) 826-5900.

TRD-8806805

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Name: Matt Cooper
Grade: 7
School: Wilson Middle School, Plano

In Addition

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

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

Texas Air Control Board

Notice of Applications for Construction Permits

Notice is given by the Texas Air Control Board (TACB) of applications for construction permits received during the period of June 20-June 24, 1988.

Information relative to the applications listed following including projected emissions and the opportunity to comment or to request a hearing, may be obtained by contacting the office of the executive director at the central office of the Texas Air Control Board, 6330 Highway 290 East, Austin, Texas 78723.

A copy of all material submitted by the applicant is available for public inspection at the central office of the TACB at the address stated previously and at the regional office for the air quality control region within which the proposed facility will be located.

Padgett Printing Corporation, Dallas; printing facility duct burner; Dallas County; 18911; new

Dallas Semiconductor, Farmers Branch; semiconductor backend manufacturing; Dallas County; 18915; new

Phillips 66, Pasadena; k-resin train III; Harris County; 18917; new

Warren Petroleum Company, Mont Belvieu; propane/propylene unloading; Chambers County; 18929; new

Chevron U.S.A., Inc., Murray; tank battery; Young County; 18930; new

FINA Oil and Chemical, Port Arthur; fluid catalytic cracking unit; Jefferson County; 18936; new

Issued in Austin, Texas, on June 28, 1988.

TRD-8806638 Bill Ehret
Director of Hearings
Texas Air Control Board

Filed: June 29, 1988

For further information, please call (512) 451-5711, ext. 354.

Texas Council on Alzheimer's Disease and Related Disorders

Correction of Error

The Texas Council on Alzheimer's Disease and Related Disorders submitted adopted sections which contained an error as submitted in the June 28, 1988, issue of the *Texas Register* (13 TexReg 3294).

In the preamble to §§801.1-801.4, the third paragraph should read: "No public comments were received; however, the council made a minor change to §801.2(a) in order to clarify the provision and make it consistent with enabling legislation."

State Banking Board

Notice of Hearing

The hearing officer of the State Banking Board will conduct a hearing on Thursday, August 25, 1988, at 9 a.m., at 2601 North Lamar Boulevard, Austin, on the charter application for Woodway Financial Advisors, A Trust Company, Houston.

Additional information may be obtained from William F. Aldridge, Director of Corporate Activities, Texas Department of Banking, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 479-1200.

Issued in Austin, Texas on June 28, 1988.

TRD-8806642 William F. Aldridge
Director of Corporate Activities
Texas Department of Banking

Filed: June 29, 1988

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

Office of Consumer Credit

Commissioner

Notice of Rate Ceilings

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

<u>Type of Rate Ceilings</u>	<u>Effective Period (Dates are Inclusive)</u>	<u>Consumer⁽³⁾/Agri- cultural/Commercial⁽⁴⁾ thru \$250,000</u>	<u>Commercial⁽⁴⁾ over \$250,000</u>
Indicated (Weekly) Rate - Art. 1.04(a)(1)	07/04/88-07/10/88	18.00%	18.00%
Monthly Rate Art. 1.04(c) ⁽¹⁾	07/01/88-07/31/88	18.00%	18.00%
Standard Quarterly Rate - Art. 1.04(a)(2)	07/01/88-09/30/88	18.00%	18.00%
Retail Credit Card Quarterly Rate - Art. 1.11 ⁽³⁾	07/01/88-09/30/88	18.00%	N.A.
Lender Credit Card Quar- terly Rate - Art. 15.02(d) ⁽³⁾	07/01/88-09/30/88	14.00%	N.A.
Standard Annual Rate - Art. 1.04(a)(2) ⁽²⁾	07/01/88-09/30/88	18.00%	18.00%
Retail Credit Card Annual Rate - Art. 1.11 ⁽³⁾	07/01/88-09/30/88	18.00%	N.A.
Annual Rate Applicable to Pre-July 1, 1983 Retail Credit Card and Lender Credit Card Balances with Annual Implementation Dates from:	07/01/88-09/30/88	18.00%	N.A.
Judgment Rate - Art. 1.05, Section 2	07/01/88-07/31/88	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 June 27, 1988.

TRD-8806639 Al Endsley
Consumer Credit Commissioner

Filed: June 29, 1988

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

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Texas Education Agency
Notice of Contract Awards

After publication of a request for applications in the November 20, 1987, issue of the *Texas Register* (12 TexReg 4385), the Texas Education Agency has awarded three contracts for the third year of the Education for Economic Security Act, Title II Mathematics Inservice Program for the development of four mathematics staff development modules (RFA 701-88-010). The Mathematics Inservice Program provides discretionary funds for the development and implementation of a series of staff development modules for mathematics teachers of pre-kindergarten through 12th grade to enhance the teaching of the essential elements of mathematics using varying strategies such as manipulative materials, concept development techniques, and problem solving applications. Trainers from each education service center region will be identified by the Texas Education Agency and trained by these contractor for the delivery of each module. The contracts have been awarded for the period of April 1, 1988, through June 30, 1989.

The contract in the amount of \$42,253 to develop one 12-hour staff development module for inservice training on measurement for teachers of grades three through six was awarded to Dr. Charles P. Geer, Texas Tech University, College of Education, P.O. Box 4560, Lubbock, Texas 79409.

The contract in the amount of \$80,114 to develop two 12-hour staff development modules for inservice training on numeration/computation and geometry for teachers of grades six through eight was awarded to Dr. George W. Bright, Department of Curriculum and Instruction, University of Houston, Texas 77004.

The contract in the amount of \$83,843 to develop one 12-hour staff development module for inservice training on high school geometry was awarded to Region IX Education Service Center, 301 Loop 11, Wichita Falls, Texas 76305, with cooperative efforts from Midwestern State University and Wichita Falls Independent School District.

Issued in Austin, Texas on June 27, 1988.

TRD-8806668 W.N. Kirby
Commissioner of Education

Filed: June 30, 1988

For further information, please call (512) 463-9212

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Texas Department of Health
Correction of Error

The Texas Department of Health submitted adopted repeals and new sections which contained errors as submitted by the department and published in the June 17, 1988, issue of the *Texas Register* (13 TexReg 3018).

In the preamble for §§119.1-119.13, the second paragraph should read: The new section will replace the existing sections, and will strengthen the Health Maintenance Or-

ganization (HMO) quality assurance surveillance program by expanding the requirements of the HMO quality assurance plan; providing an agenda for the survey process; including a compliance section; defining disciplinary action; and redefining the geographic area.

In §119.1, the definition to referral hospitals should read: Referral hospitals—Referral hospitals may be primary hospitals which also are equipped and staffed to provide intensive medical and surgical care.

In §119.9, paragraph (f)(1) should read: If health care services such as dental, podiatric/nutrition/dietary, vision, hearing, speech, durable medical equipment, mental health, drug dependency, chiropractic care, or any other health care services are offered, they shall be offered by the HMO or through contracts with providers or physicians who are licensed or otherwise authorized to practice in this state.

In §119.11, subparagraph (3)(C) should read:

(C) the quality assurance committee does the following:

- (i) assesses the quality of care and service by determining the availability, accessibility and adequacy of personnel and facilities;
- (ii) assesses health care continuity;
- (iii) performs quality of care studies which are based upon health care processes and outcomes;
- (iv) reviews quality of service, facility and environmental complaints; and
- (v) analyzes quality of service complaints;

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Emergency Impoundment Order

Notice is hereby given that B. Sotoodeh, M.D. or Twin Park Eye and Ear Hospital and Clinic, 105 East Laurel off Main, San Antonio, Texas 78212, had unlawful possession of 50 millicuries of strontium-90. The radioactive material was impounded by the agency until B. Sotoodeh, M.D. or Twin Park Eye and Ear Hospital and Clinic obtains a radioactive material license authorizing its possession or until the radioactive material is transferred to a person authorized by licensure to possess it.

A copy of relevant material is available for public inspection at the Bureau of Radiation Control, 1212 East Anderson Lane, Austin, Monday-Friday, 8 a.m.-5 p. m. (except holidays).

Issued in Austin, Texas on June 29, 1988.

TRD-8806687 Robert A. MacLean
Deputy Commissioner for Professional
Services
Texas Department of Health

Filed: June 30, 1988

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

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**Intent to Revoke Certificate of
Registration**

The Bureau of Radiation Control, Texas Department of Health, is seeking the revocation of Certificate of Registration R15678, issued to R. J. Powell, D.C., 313 East Rundberg Lane, Suite 103, Austin, Texas 78753, because the company has been dissolved.

All attempts by the agency to obtain a request for termination from the registrant have been unsuccessful. Therefore, the Texas Department of Health, Bureau of Radiation Control, recommends that the certificate of registration be revoked immediately.

In accordance with *Texas Regulations for Control of Radiation* §13.8, this notice affords the opportunity for a hearing to show cause why the certificate of registration should not be revoked. A written request for a hearing must be received within 30 days from the date of publication of this notice to be valid. Such written request must be filed with David K. Lacker, Chief, Bureau of Radiation Control, (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756-3189. Should no request for a hearing be timely filed, the certificate of registration will be revoked at the end of the 30-day period of notice. Should the agency receive a response from the registrant within 30 days, no revocation order will be issued.

Issued in Austin, Texas on June 29, 1988

TRD-8806690 Robert A. MacLean
Deputy Commissioner for Professional
Services
Texas Department of Health

Filed June 30, 1988

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



The Bureau of Radiation Control, Texas Department of Health, filed a complaint against the following registrant, pursuant to *Texas Regulations for Control of Radiation* (TRCR) 13.8. The agency intends to revoke the certificate of registration, order the registrant to cease and desist use of radiation machine(s), and order the registrant to divest himself of such equipment, presenting evidence satisfactory to the Bureau of Radiation Control that he has complied with the order and the provisions of Texas Civil Statutes, Article 4590f. If the items in the complaint are corrected within 30 days of the date of the complaint, no order will issue. The complaint is as shown following this notice.

This notice affords the opportunity for a hearing to show cause why the certificate of registration should not be revoked. A written request for a hearing must be received within 30 days from the date of service of the complaint to be valid. Such written request must be filed with David K. Lacker, Chief, Bureau of Radiation Control, (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756-3189. Should no request for a public hearing be timely filed, the certificate of registration will be revoked at the end of the 30-day period of notice.

A copy of all relevant material is available for public inspection at the Bureau of Radiation Control, 1212 East Anderson Lane, Austin, Monday-Friday, 8 a. m. to 5 p.m. (except holidays).

Complaint: Comes now the Division of Compliance and Inspection, Bureau of Radiation Control, Texas Department of Health (the agency), through its division director, and makes the following complaint against Northside Industrial Clinic, 1260 Uvalde, Houston, Texas 77015 (the registrant), holder of certificate of registration number 11-07342.

I. *Texas Regulations for Control of Radiation* (TRCR) 12.11(b) require payment of an annual fee for each certificate of registration for radiation machines, in the amount indicated for the appropriate category in Schedule 12.31 of TRCR. The fee shall be received each year on or before

the last day of the expiration month of the certificate of registration. On October 25, 1985, the registrant was billed \$60 for the fee due on Certificate of Registration Number 11-07342 covering the period from July 1985 to June 1986. On May 9, 1986, the agency informed the registrant of the delinquency of payment, giving the registrant opportunity to show compliance with all requirements of the law for retention of the certificate of registration. Payment of the fee has not been received.

II. On June 16, 1986, the registrant was billed \$76 for the fee due on certificate of registration number 11-07342 covering the period from July 1986 to June 1987. Payment of the fee has not been received.

Therefore, the agency as provided in *Texas Regulations for Control of Radiation* 13.8(b), requests that an order be issued revoking the certificate of registration of the registrant and ordering the registrant to cease and desist use of such machine(s), and further that the registrant, in order to be in compliance with the Texas Radiation Control Act, §13, Texas Civil Statutes, Article 4590f, either disable the machine(s) or divest himself of it, presenting evidence satisfactory to the Bureau of Radiation Control that he has complied with this order and the provision of Texas Civil Statutes, Article 4590f.

Issued in Austin, Texas on June 29, 1988.

TRD-8806684 Robert A. MacLean
Deputy Commissioner for Professional
Services
Texas Department of Health

Filed June 30, 1988

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



The Bureau of Radiation Control, Texas Department of Health, filed a complaint against the following registrant, pursuant to *Texas Regulations for Control of Radiation* (TRCR) 13.8. The agency intends to revoke the certificate of registration, order the registrant to cease and desist use of radiation machine(s), and order the registrant to divest himself of such equipment, presenting evidence satisfactory to the Bureau of Radiation Control that he has complied with the order and the provisions of Texas Civil Statutes, Article 4590f. If the items in the complaint are corrected within 30 days of the date of the complaint, no order will issue. The complaint is as shown following this notice.

This notice affords the opportunity for a hearing to show cause why the certificate of registration should not be revoked. A written request for a hearing must be received within 30 days from the date of service of the complaint to be valid. Such written request must be filed with David K. Lacker, Chief, Bureau of Radiation Control, (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756-3189. Should no request for a public hearing be timely filed, the certificate of registration will be revoked at the end of the 30-day period of notice.

A copy of all relevant material is available for public inspection at the Bureau of Radiation Control, 1212 East Anderson Lane, Austin, Monday-Friday, 8 a. m. to 5 p.m. (except holidays).

Complaint: Comes now the Division of Compliance and Inspection, Bureau of Radiation Control, Texas Department of Health (the agency), through its division director, and makes the following complaint against Emerald Air, Inc., Miller International Airport, 2600 South Main, McAllen, Texas 78505 (the registrant), holder of certificate of registration number 8-13275.

I. *Texas Regulations for Control of Radiation* (TRCR) 12.11(b) require payment of an annual fee for each certificate of registration for radiation machines, in the amount indicated for the appropriate category in Schedule 12.31 of TRCR. The fee shall be received each year on or before the last day of the expiration month of the certificate of registration. On May 13, 1985, the registrant was billed \$58 for the fee due on Certificate of Registration Number 8-13275 covering the period from April 1984 to March 1986. Payment of the fee has not been received.

II. On February 14, 1986, the registrant was billed \$30 for the fee due on certificate of registration number 8-13275 covering the period from March 1986 to February 1987. Payment of the fee has not been received.

III. TRCR 42.8 requires that the registrant shall notify the agency in writing within 30 days of any changes which would render the information contained in the certificate of registration no longer accurate. Certified mail to the registrant dated March 13, 1986, returned by the United States Postal Service as undeliverable as addressed, indicated that the registrant had changed address. All attempts by the agency through correspondence and telephone contact have been unsuccessful in obtaining action to provide the required information.

Therefore, the agency as provided in *Texas Regulations for Control of Radiation* 13.8(b), requests that an order be issued revoking the certificate of registration of the registrant and ordering the registrant to cease and desist use of such machine(s), and further that the registrant, in order to be in compliance with the Texas Radiation Control Act, §13, Texas Civil Statutes, Article 4590f, either disable the machine(s) or divest himself of it, presenting evidence satisfactory to the Bureau of Radiation Control that he has complied with this order and the provision of Texas Civil Statutes, Article 4590f.

If the items above are corrected within 30 days of the date of this complaint, no order will be issued.

Complaint: Comes now the Division of Compliance and Inspection, Bureau of Radiation Control, Texas Department of Health (the agency), through its division director, and makes the following complaint against Siedel Graphicus, 1221 Ashland Drive, Richardson, Texas 75080 (the registrant), holder of certificate of registration number 5-0190L.

I. *Texas Regulations for Control of Radiation* (TRCR) 12.11(b) require payment of an annual fee for each certificate of registration for radiation machines, in the amount indicated for the appropriate category in schedule 12.31 of TRCR. The fee shall be received each year on or before the last day of the expiration month of the certificate of registration. On July 9, 1985, the registrant was billed \$133 for the fee due on certificate of registration number 5-0190L covering the period from April 1984 to August 1985. Payment of the fee has not been received.

II. On November 1, 1985, the registrant was billed \$100 for the fee due on certificate of registration number 5-0190L covering the period from August 1985 to July 1986. Payment of the fee has not been received.

Texas Regulations for Control of Radiation of Laser Hazards (TRCLRH) 70.5 requires that the registrant shall notify the agency within 30 days of any change which renders the registration information no longer accurate. On June 2, 1986, the agency received returned certified mail indicating that the registrant has changed address. Notification of registration information change has not been received.

Therefore, the agency, as provided in *Texas Regulations for Control of Radiation* 13.8(b), requests that an order be issued revoking the certificate of registration of the registrant and ordering the registrant to cease and desist use of such machine(s), and further that the registrant, in order to be in compliance with the Texas Radiation Control Act, Texas Civil Statutes, Article 4590f, §13, either disable the machine(s) or divest himself of it, presenting evidence satisfactory to the Bureau of Radiation Control that he has complied with this order and the provisions of Texas Civil Statutes, Article 4590f.

If the items above are corrected within 30 days of the date of this complaint, no order will issue.

Issued in Austin, Texas on June 29, 1988.

TRD-8806883 Robert A. MacLean
Deputy Commissioner for Professional
Services
Texas Department of Health

Filed: June 30, 1988

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

The Bureau of Radiation Control, Texas Department of Health, filed a complaint against the following registrant, pursuant to *Texas Regulations for Control of Radiation* (TRCR)13.8. The agency intends to revoke the certificate of registration, order the registrant to cease and desist use of radiation machine(s), and order the registrant to divest himself of such equipment, presenting evidence satisfactory to the Bureau of Radiation Control that he has complied with the order and the provisions of Texas Civil Statutes, Article 4590f. If the items in the complaint are corrected within 30 days of the date of the complaint, no order will issue. The complaint is as shown following this notice.

This notice affords the opportunity for a hearing to show cause why the certificate of registration should not be revoked. A written request for a hearing must be received within 30 days from the date of service of the complaint to be valid. Such written request must be filed with David K. Lacker, Chief, Bureau of Radiation Control, (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756-3189. Should no request for a public hearing be timely filed, the certificate of registration will be revoked at the end of the 30-day period of notice.

A copy of all relevant material is available for public inspection at the Bureau of Radiation Control, 1212 East Anderson Lane, Austin, Monday-Friday, 8 a. m. to 5 p.m. (except holidays).

Complaint: Comes now the Division of Compliance and Inspection, Bureau of Radiation Control, Texas Department of Health (the agency), through its division director, and makes the following complaint against H.R. Yeary, II, D.D.S., 2202 Freemont Street, Laredo, Texas 78043 (the registrant), holder of certificate of registration number 8-05601.

I. *Texas Regulations for Control of Radiation* (TRCR) 12.11(b) require payment of an annual fee for each certificate of registration for radiation machines, in the amount indicated for the appropriate category in Schedule 12.31 of TRCR. The fee shall be received each year on or before the last day of the expiration month of the certificate of registration. On March 13, 1985, the registrant was billed \$67 for the fee due on certificate of registration number 8-05601 covering the period from April 1984 to May 1985. Payment of the fee has not been received.

II. On July 15, 1986, the registrant was billed \$82 for the

fee due on certificate of registration number 8-05601 covering the period from August 1986 to July 1987. Payment of the fee has not been received.

Therefore, the agency as provided in *Texas Regulations for Control of Radiation* 13.8(b), requests that an order be issued revoking the certificate of registration of the registrant and ordering the registrant to cease and desist use of such machine(s), and further that the registrant, in order to be in compliance with the Texas Radiation Control Act, §13, Texas Civil Statutes, Article 4590f, either disable the machine(s) or divest himself of it, presenting evidence satisfactory to the Bureau of Radiation Control that he has complied with this order and the provision of Texas Civil Statutes, Article 4590f.

If fees are paid within 30 days of the date of this complaint, no order will be issued.

Issued in Austin, Texas on June 29, 1988.

TRD-8806681 Robert A. MacLean
Deputy Commissioner for Professional
Services
Texas Department of Health

Filed: June 30, 1988

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

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Intent to Revoke General License Acknowledgements

The Bureau of Radiation Control, Texas Department of Health, filed complaints against the following licensees, pursuant to *Texas Regulations for Control of Radiation* (TRCR) 13.8. The agency intends to revoke the general license acknowledgements, order the licensees to cease and desist use of such radioactive materials, and order the licensees to divest themselves of the radioactive material, presenting evidence satisfactory to the Bureau of Radiation Control that they have complied with the order and the provisions of Texas Civil Statutes, Article 4590f. If the fee is paid within 30 days of the date of each complaint, no order will issue. The complaints are as shown following this notice.

This notice affords the opportunity for a hearing to show cause why the general license acknowledgements should not be revoked. A written request for a hearing must be received within 30 days from the date of service of the complaint to be valid. Such written request must be filed with David K. Lacker, Chief, Bureau of Radiation Control, (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756-3189. Should no request for a hearing be timely files, the certificate of registration will be revoked at the end of the 30-day period of notice.

A copy of all relevant material is available for public inspection at the Bureau of Radiation Control, 1212 East Anderson Lane, Austin, Monday-Friday, 8 a. m.-5 p.m. (except holidays).

Comes now the Division of Compliance and Inspection, Bureau of Radiation Control, Texas Department of Health (the agency), through its division director, and makes the following complaint against Biotechnical Laboratories, Incorporated, 2540 North Galloway, Suite 105, Mesquite, Texas 75150 (the licensee), holder of general license acknowledgement number 5-1400.

Texas Regulations for Control of Radiation (TRCR) 12.11(b) requires payment of an annual fee for a general license acknowledgement, in the amount indicated for the appropriate category in Schedule 12.21 of TRCR. The fee shall be received each year on or before the last day of the

expiration month of the license. On September 15, 1986, and September 16, 1987, the licensee was billed \$50 and \$50 for fees due on general license Acknowledgement License Number 5-1400 covering the period from October 1986-September 1987, and October 1987-September 1988, respectively. In correspondence dated March 18, 1988, the agency informed the licensee of the delinquency of payment, giving the licensee opportunity to show compliance with all requirements of the law for retention of the general license acknowledgement. Payment of fees has not been received.

Therefore, the agency, as provided in *Texas Regulations for Control of Radiation* 13.8(b), requests that an order be issued revoking the general license acknowledgement of the licensee and ordering the licensee to cease and desist use of such radioactive materials, and further that the licensee, in order to be in compliance with Texas Civil Statutes, Article 4590f, of the Texas Radiation Control Act, divest himself of the radioactive materials, presenting evidence satisfactory to the Bureau of Radiation Control that he has complied with this order and the provisions of Texas Civil Statutes, Article 4590f.

If the fees are paid within 30 days of the date of this complaint no order will issue.

Comes now the Division of Compliance and Inspection, Bureau of Radiation Control, Texas Department of Health (the agency), through its division director, and makes the following complaint against Louis J. Code, M.D., 1155 East 42nd Street, Odessa, Texas 79762 (the licensee), holder of general license acknowledgement number 5-1400.

Texas Regulations for Control of Radiation (TRCR) 12.11(b) requires payment of an annual fee for a general license acknowledgement, in the amount indicated for the appropriate category in Schedule 12.21 of TRCR. The fee shall be received each year on or before the last day of the expiration month of the license. On August 4, 1987, the licensee was billed \$50 for the fee due on general license acknowledgement license number 12-863 covering the period from August 1987-July 1988. In correspondence dated March 30, 1988, the agency informed the licensee of the delinquency of payment, giving the licensee opportunity to show compliance with all requirements of the law for retention of the general license acknowledgement. Payment of fees has not been received.

Therefore, the agency, as provided in *Texas Regulations for Control of Radiation* 13.8(b), requests that an order be issued revoking the general license acknowledgement of the licensee and ordering the licensee to cease and desist use of such radioactive materials, and further that the licensee, in order to be in compliance with Texas Civil Statutes, Article 4590f, of the Texas Radiation Control Act, divest himself of the radioactive materials, presenting evidence satisfactory to the Bureau of Radiation Control that he has complied with this order and the provisions of Texas Civil Statutes, Article 4590f.

If the fees are paid within 30 days of the date of this complaint no order will issue.

Issued in Austin, Texas on June 29, 1988.

TRD-8806678 Robert A. MacLean
Deputy Commissioner for Professional
Services
Texas Department of Health

Filed: June 30, 1988

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

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Notice of Intent to Revoke a Radioactive Material License

The Bureau of Radiation Control, Texas Department of Health is seeking the revocation of Radioactive Material License Number L03556, issued to Fishing Tools, Inc., because the agency determined that the licensee is no longer located at 5875 Agnes Street, P.O. Box 4516, Corpus Christi, Texas 78408. The licensee has not notified the agency of a change of address and no forwarding address is available.

All attempts by the agency to contact the licensee by telephone, by mail, and by inspection have been unsuccessful. Therefore, the Texas Department of Health, Bureau of Radiation Control, recommends that the radioactive material license be revoked immediately.

In accordance with *Texas Regulations for Control of Radiation* 13.8, this notice affords the opportunity for a hearing to show cause why the radioactive material license should not be revoked. A written request for this notice to be valid. Such written request must be filed with David K. Lacker, Chief, Bureau of Radiation Control, (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756-3189. Should no request for a hearing be timely files, the radioactive material license will be revoked at the end of the 30-day period of notice.

Issued in Austin, Texas on June 29, 1988.

TRD-8806694 Robert A. MacLean
Deputy Commissioner for Professional
Services
Texas Department of Health

Filed: June 30, 1988

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

Notice of Revocation of Certificate of Revocation

The Texas Department of Health, having duly filed a complaint pursuant to *Texas Regulations for Control of Radiation* Part 13.8, has revoked the following certificate of registration.

TexRay Medical Products, R12228, Houston, May 26, 1988.

A copy of all relevant material is available for public inspection at the Bureau of Radiation Control, 1212 East Anderson Lane, Austin, Monday-Friday, 8 a. m.-5 p.m. (except holidays).

Issued in Austin, Texas on June 29, 1988.

TRD-8806693 Robert A. MacLean
Deputy Commissioner for Professional
Services
Texas Department of Health

Filed: June 30, 1988

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

Notice of Revocation of general license Acknowledgement

The Texas Department of Health, having duly filed a complaint pursuant to *Texas Regulations for Control of Radiation* Part 13.8, has revoked the following general license acknowledgement.

Wortham Hospital Laboratory, 6-1446, Wortham, June 6, 1988.

A copy of all relevant material is available for public inspection at the Bureau of Radiation Control, 1212 East Anderson Lane, Austin, Monday-Friday, 8 a. m.-5 p.m. (except holidays).

Issued in Austin, Texas on June 29, 1988.

TRD-8806692 Robert A. MacLean
Deputy Commissioner for Professional
Services
Texas Department of Health

Filed: June 30, 1988

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

Notice of Revocation of Radioactive Material Licenses

The Texas Department of Health, having duly filed complaints pursuant to *Texas Regulations for Control of Radiation* Part 13.8, has revoked the following radioactive material licenses.

Randall Corporation, L02528, Houston, June 8, 1988; Well Surveys International, Inc., L03563, Plano, June 8, 1988; Four Way Logging and Perforating, Inc., L02940, Colorado City, June 8, 1988; Guardian Inspection Services, Inc., L02945, Highlands, June 8, 1988; Physicians Reference Laboratory, Inc., L02492, Houston, June 8, 1988; Southwest Fabricating and Welding Co., Inc., L00437, Houston, June 8, 1988; Shoreline Perforators, Inc., L03650, Victoria, June 8, 1988; and Milam Regional Medical Center, L03249, Cameron, June 8, 1988.

A copy of all relevant material is available for public inspection at the Bureau of Radiation Control, 1212 East Anderson Lane, Austin, Monday-Friday, 8 a. m.-5 p.m. (except holidays).

Issued in Austin, Texas on June 29, 1988.

TRD-8806695 Robert A. MacLean
Deputy Commissioner for Professional
Services
Texas Department of Health

Filed: June 30, 1988

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

Rescission of Order

Notice is hereby given that the Bureau of Radiation Control, Texas Department of Health, rescinded the following order:

Order of revocation issued June 8, 1988, to Larry Dean Kelley, S.C., 5306 Davis Boulevard, Richland Hills, Texas 76180, holder of Certificate of Registration Number R11847.

A copy of all relevant material is available for public inspection at the Bureau of Radiation Control, 1212 East Anderson Lane, Austin, Monday-Friday, 8 a. m.-5 p.m. (except holidays).

Issued in Austin, Texas on June 29, 1988.

TRD-8806691 Robert A. MacLean
Deputy Commissioner for Professional
Services
Texas Department of Health

Filed: June 30, 1988

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

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Revocation of Certificates of Registration

The Texas Department of Health, having duly filed complaints pursuant to *Texas Regulations for Control of Radiation* Part 13.8, has revoked the following certificates of registration.

Trinity Valley Clinic, R15014, Gun Barrel City, June 10, 1988; Good Care Clinic, R13883, San Antonio, June 10, 1988; Southwest Imaging Center, Inc., R12679, El Paso, June 10, 1988; Eberhard-Clarke Dental Group, R14550, Houston, June 10, 1988; M. M. Bryant, D.D.S., R07629, Dallas, June 10, 1988; E. M. Ammons, D.D.S., R08340, Texas City, June 10, 1988; and James E. Burton, D.D.S., R09196, Houston, June 10, 1988.

A copy of all relevant material is available for public inspection at the Bureau of Radiation Control, 1212 East Anderson Lane, Austin, Monday-Friday, 8 a. m.-5 p.m. (except holidays).

Issued in Austin, Texas on June 29, 1988.

TRD-8806688 Robert A. MacLean
Deputy Commissioner for Professional
Services
Texas Department of Health

Filed: June 30, 1988

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

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The Texas Department of Health, having duly filed complaints pursuant to *Texas Regulations for Control of Radiation* Part 13.8, has revoked the following certificates of registration.

Crestwood Animal Clinic, R01161, Mineral Wells, June 10, 1988; Charles D. Foutz, M.D., R07189, Beaumont, June 10, 1988; and Laughlin Clinic Associates, R03584, Eagle Lake, June 10, 1988.

A copy of all relevant material is available for public inspection at the Bureau of Radiation Control, 1212 East Anderson Lane, Austin, Monday-Friday, 8 a. m.-5 p.m. (except holidays).

Issued in Austin, Texas on June 29, 1988.

TRD-8806686 Robert A. MacLean
Deputy Commissioner for Professional
Services
Texas Department of Health

Filed: June 30, 1988

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

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Revocation of General License Acknowledgements

The Texas Department of Health, having duly filed complaints pursuant to *Texas Regulations for Control of Radiation* Part 13.8, has revoked the following general license acknowledgements.

Medical Screening Clinic, 11-442, Pasadena, June 8, 1988; Robert Thumwood, M. D., 11-1459, Houston, June 8, 1988; Scientific Medical Laboratory, 9-400, San Antonio, June 8, 1988; Clinical Support Services Laboratory, 9-1226, San Antonio, June 8, 1988; First Texas Medical Center, 5-815, Denton, June 8, 1988; City Oaks Hospital, 5-246, Dallas, June 8, 1988.

A copy of all relevant material is available for public inspection at the Bureau of Radiation Control, 1212 East Anderson Lane, Austin, Monday-Friday, 8 a. m.-5 p.m. (except holidays).

Issued in Austin, Texas on June 29, 1988.

TRD-8806689 Robert A. MacLean
Deputy Commissioner for Professional
Services
Texas Department of Health

Filed: June 30, 1988

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

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Withdrawal of Intent to Revoke

Notice is hereby given that the Bureau of Radiation Control, Texas Department of Health, is withdrawing a notice of intent to revoke Certificate of Registration Number R11654, issued to El Paso Diagnostic Ultrasound and Radiology Associates. The registrant has moved out of state and the certificate of registration has been terminated.

A copy of all relevant material is available for public inspection at the Bureau of Radiation Control, 1212 East Anderson Lane, Austin, Monday-Friday, 8 a. m.-5 p.m. (except holidays).

Issued in Austin, Texas on June 29, 1988.

TRD-8806685 Robert A. MacLean
Deputy Commissioner for Professional
Services
Texas Department of Health

Filed: June 30, 1988

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

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Texas Rehabilitation Commission Request for Proposals

Roger A. Webb, executive director, Texas Planning Council for Development Disabilities, has announced the availability of funds to be awarded by the Texas Rehabilitation Commission on behalf of the Texas Planning Council for Developmental Disabilities for the following projects.

Supported Living Demonstration Project: This project would demonstrate that people with developmental disabilities attributable to severe physical impairments can live independently in the community when provided the necessary supports and assistance. The project would assist individuals to access and direct the support necessary to live at home and in the community. The project will also develop recommendations for future funding of such programs. Funding for the project will primarily support "service coordination," rather than service delivery.

Terms: Three to Five projects; estimate of \$75,00 each per year; three years each project. Individuals served must meet the criteria for developmental disabilities. The selection criteria of proposals funded for this activity will include factors to reflect the demographic variability of the state.

Local Information Network: The intent of this project is to disseminate information about legislative, policy, and programmatic issues related to developmental disabilities to organizations and individuals in communities across Texas. Activity A will establish mechanisms for disseminating information, including electronic network capabilities, and facilitating use of that information in communities. Activity B will develop leadership training for

consumers and parents of children with developmental disabilities which will enable their participation in policy-making processes.

Terms: Applicants may apply for one or both activities; estimate per year: Activity A-\$75,000; Activity B-\$75,000; three to five years.

1990 Report-Public Input: This project will conduct a series of six public forums to obtain comments on proposed recommendations of the council to remove barriers to services for people with developmental disabilities and to compile additional information about those who are unserved and underserved.

Terms: One project; one year; estimate of \$75,000.

Public Awareness of 1619 (a) and (b) Provisions: The purpose of this project is to develop a strategy to provide information to consumers, parents, and providers about permanent changes to provisions 1619 (a) and (b) of the Social Security Act, which remove federal disincentives to the employment of individuals who receive SSI.

Terms: One project; one year; estimate of \$30,000.

Planning Study on Integrated Child Day Care Options: this project will gather information about child care options and exemplary child care programs for children with developmental disabilities and propose strategies to the council to integrate generic child day care programs.

Terms: One project; one year; estimate of \$35,000.

Strategies to Reduce the Incidence of Developmental Disabilities: The purpose of this project is to recommend to the council activities that will reduce the incidence of developmental disabilities in Texas. Recommendations will be based on a review of prevention activities planned and implemented in other states and an analysis of their impact.

Terms: One project; one year; estimate of \$35,000.

Limitations: Agencies, except state agencies, that have a Texas Planning Council members as a member of their board of directors or an employee are not eligible applicants. The budget period for the 1990 Report-Public Input will start January 1, 1989, all others will begin March 1, 1989.

Evaluation and Selection: Proposals will be reviewed by a committee and evaluated on the basis of the content of

the proposal (narrative, methodology, budget, qualifications of the applicant).

Application Process: For further information about the request for proposals and an application kit, contact: David P.Henderson, Texas Planning Council for Developmental Disabilities, 118 East Riverside Drive, #163, Austin, Texas 78704, (512) 445-8871.

Deadline: Proposals will be accepted at Room 163, 118 East Riverside Drive, Austin, until 5 p.m., September 8, 1988.

Issued in Austin, Texas on June 30, 1988.

TRD-8806708 Charles W. Schiesser
Assistant Commissioner
Texas Rehabilitation Commission

Filed: July 1, 1988

For further information, please call (512) 445-8124.



Texas Water Commission Enforcement Order

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

An enforcement order was issued to Dallas County WCID 6, Permit 10061-01, on June 28, 1988, assessing stipulated penalties.

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

Issued in Austin, Texas, on June 29, 1988.

TRD-8806708 Gloria A. Vasquez
Notices Coordinator
Texas Water Commission

Filed: June 30, 1988, 4:17 p.m.

For further information, please call (512) 463-8906.



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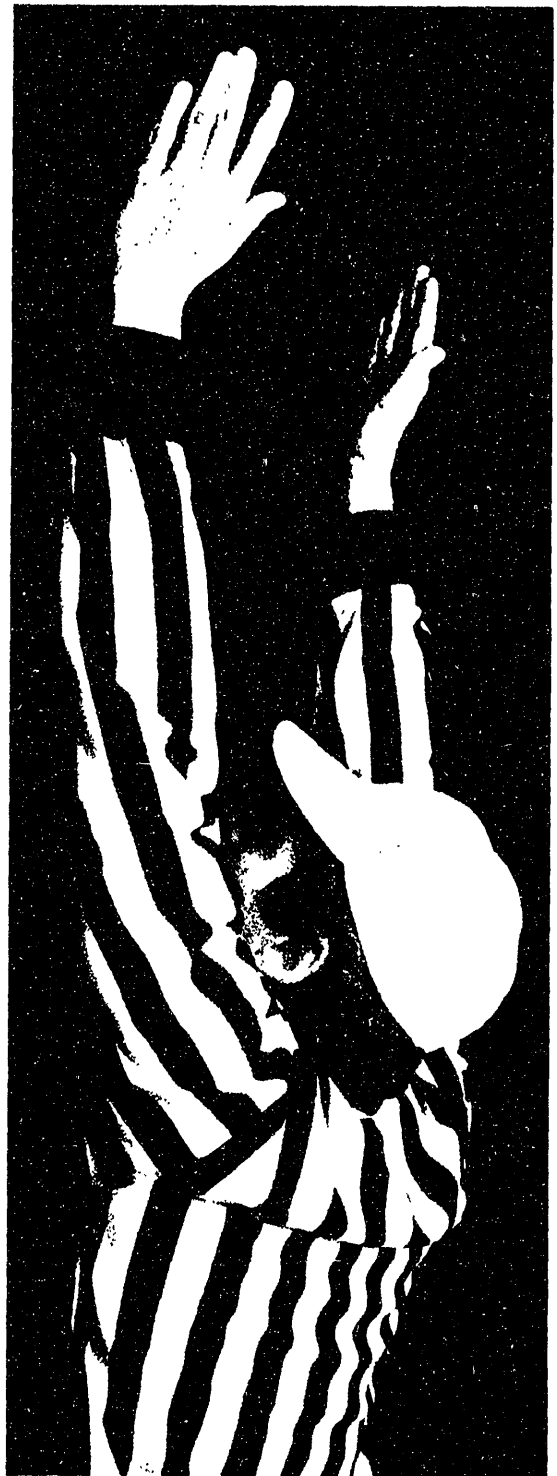
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