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Texas Register

Volume 13, Number 57, July 22, 1988

Pages 3610-3669

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Texas Register Publications

Texas Register

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

- Governor—appointments, executive orders, and proclamations
- Attorney General—summaries of requests for opinions, opinions, and open records decisions
- Emergency Sections—sections adopted by state agencies on an emergency basis
- Proposed Sections—sections proposed for adoption
- Withdrawn Sections—sections withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date
- Adopted Sections—sections adopted following a 30-day public comment period
- Open Meetings—notices of open meetings
- In Addition—miscellaneous information required to be published by statute or provided as a public service

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

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

In order that readers may cite material more easily page numbers are now written as citations. Example: on page 2 in the lower left-hand corner of the page, would be written: "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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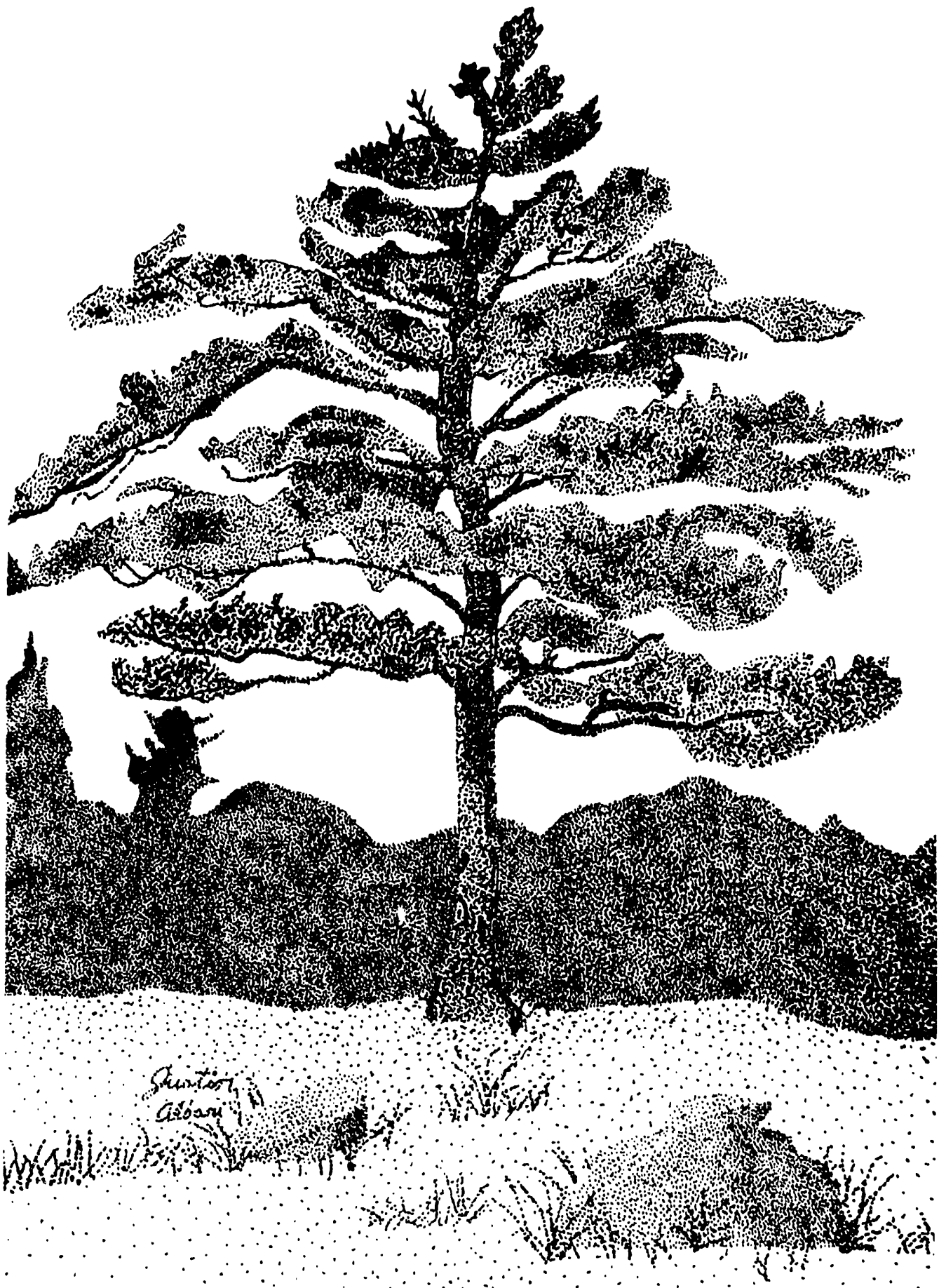
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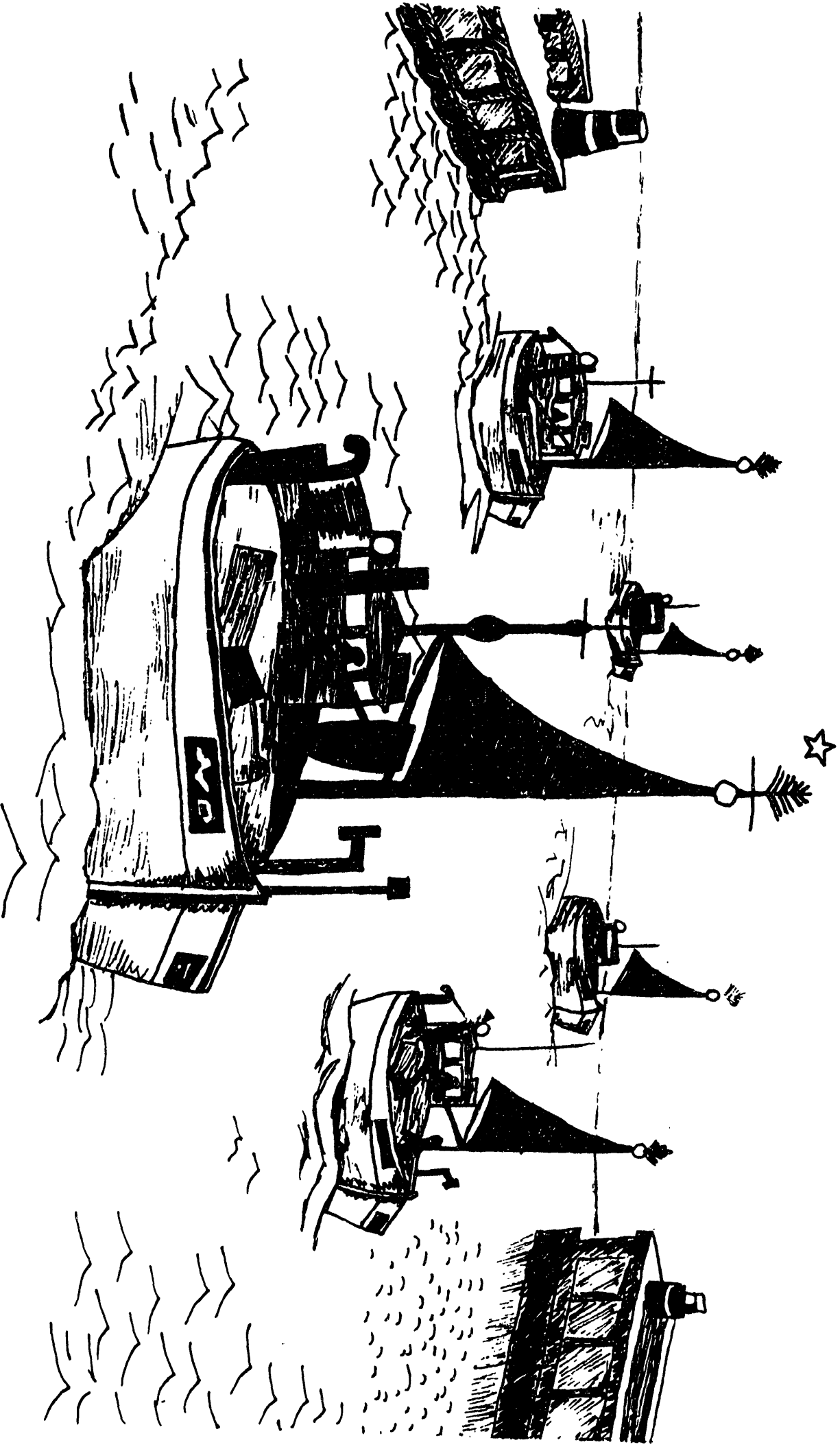
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Name: Jennifer Boutell
Grade: 9
School: Richardson Jr. High, Richardson



Name: Justin Albani
Grade: 9
School: Richardson Jr. High, Richardson



Name: Barbara Hulbert
Grade: 9
School: Richardson Jr. High, Richardson

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TAC Titles Affected—July

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Emergency Sections

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

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

TITLE 10. COMMUNITY DEVELOPMENT

Part II. Texas Department of Commerce

Chapter 176. Enterprise Zone Program

• 10 TAC §176.6

The Texas Department of Commerce adopts on an emergency basis an amendment to §176.6, concerning the Texas Enterprise Zone Program. The amendment covers the requirements for additional documentation to be submitted in enterprise project applications to demonstrate project viability. The amendment requires the applicant to submit letters of commitment from financial institutions or other accredited investors; and additional information for clarification may be required by the department after the application has been submitted. This section is also proposed for permanent adoption in this issue of the *Texas Register*. The department is adopting this amendment on an emergency basis to comply with the provisions of Texas Civil Statutes, Article 5190.7, and to otherwise clarify certain application standards for designation of enterprise projects. The deadlines for acceptance of applications require the immediate adoption of rules which will provide procedures and guidelines for public compliance.

The proposed section is adopted on an emergency basis under Texas Civil Statutes, Article 5190.7, which provide the department with the authority to adopt rules necessary for the administration and implementation of the Texas Enterprise Zone Program.

§176.6. Application Contents for Designation of an Enterprise Project. The application for designation of an enterprise project must contain the following information and documentation, if applicable. If a joint application is being filed by one or more municipalities or counties, the information must be included for each applicant governing body.

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

(3) The project. The application must contain the following information and documentation concerning the proposed project. Any analysis or breakdown, where applicable, should show benefits to economically disadvantaged individuals:

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

(D) documentation for project viability including:

(i) letters of financial commitment from financial institutions or other accredited investors indicating the amount committed, use of the funds, and the terms, if determined appropriate by the department; and

(ii) additional information for clarification may be required by the department after the application has been submitted.

(4) (No change.)

Issued in Austin, Texas, on July 14, 1988.

TRD-8807332

J. William Lauderback
Executive Director
Texas Department of
Commerce

Effective date: July 15, 1988

Expiration date: November 12, 1988

For further information, please call: (512) 472-5059

TITLE 16. ECONOMIC REGULATION

Part IV. Texas Department of Labor and Standards

Chapter 70. Industrialized Housing and Buildings

Subchapter C. Standards and Codes

• 16 TAC §70.20, §70.21

The Texas Department of Labor and Standards adopts on an emergency basis amendments to §70.20 and §70.21. These amendments are to be adopted in order that industrialized housing and buildings constructed after July 20, 1988, will be constructed to meet or exceed the requirements and standards of the 1987 Edition of the National Electrical Code.

The amendments are adopted on an emergency basis to protect the safety, welfare, and health of industrialized housing and building consumers in Texas.

The amendments are adopted on an emergency basis under Texas Civil Statutes, Article 5221f-1, which provide the commissioner of the Texas Department of Labor and Standards with the authority to promulgate any and all reasonable rules and regulations which may be necessary for the purpose of enforcing the provisions of this Act.

§70.20. Mandatory State Codes. All industrialized housing and buildings, modules, and modular components shall be

constructed in accordance with the following codes and their appendices:

(1) NFPA-National Electrical Code, 1987 Edition; and

(2) (No change.)
§70.21. Amendments to Mandatory State Codes.

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

(c) The 1987 Edition of the National Electrical Code shall be amended as follows:

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

(d)-(e) (No change.)

Issued in Austin, Texas, on July 13, 1988.

TRD-8807290

Larry Kosta
Assistant Commissioner
Texas Department of Labor
and Standards

Effective date: July 20, 1988

Expiration date: August 5, 1988

For further information, please call: (512) 463-3128

TITLE 22. EXAMINING BOARD

Part XVIII. Texas State Board of Podiatry Examiners

Chapter 382. Medical Radiologic Technologists

• 22 TAC §382.1

The Texas State Board of Podiatry Examiners adopts on an emergency basis new §382.1, concerning registration of podiatry radiologic technologists. Senate Bill 1439 as passed by the most recent legislative session concerns the certification of medical radiologic technologists. Section 2.08 of that bill applies to the Texas State Board of Podiatry Examiners and requires that the board adopt rules to regulate the way in which a board licensee may order, instruct, or direct another person in the performance of radiologic procedures. Section 3.01 further states that the board is to adopt rules no later than January 1, 1988.

The new section is adopted on an emergency basis under Texas Civil Statutes, Article 4568(j), which provide the Texas State Board of Podiatry Examiners with the authority to make rules, regulations, and bylaws not inconsistent with that Act as may be necessary for the governing of its own proceedings, the

performance of its duties, the regulation of the practice of podiatry in this state, and the enforcement of the Act.

§382.1. Registration of Podiatry Radiologic Technologists.

(a) Any person performing radiologic procedures under the supervision of a podiatrist must be registered with the State Board of Podiatry Examiners. This section does not apply to registered nurses or to persons certified by the Department of Health under the Medical Radiologic Technologist Certification Act. Each podiatrist who supervises a registrant shall make application for such registration on a form provided by the board. Single application forms may also be completed by multiple podiatrists, each of whom will have an equal right and responsibility to supervise a particular radiologic technologist at different times at the same geographic location. Applicants shall certify that:

(1) the registrant has received satisfactory training and instruction in the performance of the authorized radiologic procedure; and

(2) the registrant is 18 years of age or older.

(b) Applicants shall register annually and pay a fee of \$5, as specified by the board, to the State Board of Podiatry Examiners by cashiers check or money order upon submission of the registration application.

(c) Registration may be suspended, revoked, not renewed, or denied for the following reasons:

(1) violation of the rules of the State Board of Podiatry Examiners;

(2) violation of the Medical Radiologic Technologist Certification Act or of rules promulgated by the Texas Department of Health in §143.1, et seq;

(3) violation of the rules of the Texas Department of Health for control of radiation;

(4) violation of the Podiatry Practice Act of Texas; and

(5) nonpayment of registration fees.

(d) Unless licensed, certified by the Texas Department of Health, or performing procedures under the supervision of a licensed podiatrist, a registrant may perform only foot and ankle studies utilizing standard film or film screen combinations and x-ray tube that is stationary at the time of exposure.

(e) All registrants must comply with the safety rules of the Texas Department of Health relating to the control of radiation as set forth in that department's document titled *Texas Regulations for Control of Radiation*.

(f) All registrants who perform radiologic procedures must meet the minimum training and supervision standards

promulgated by the Texas Department of Health in §§143.1-143.13, unless they perform said procedures under the supervision of a licensed podiatrist.

(g) The rules shall become effective January 1, 1989.

Issued in Austin, Texas, on July 15, 1988.

TRD-8807322

Nazario Saldana
Attorney
Texas State Board of
Podiatry Examiners

Effective date: July 15, 1988

Expiration date: November 12, 1988

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

◆ ◆ ◆
TITLE 25. HEALTH SERVICES

Part I. Texas Department of Health

Chapter 31. Special Supplemental Food Program for Women, Infants, and Children (WIC)

• **25 TAC §31.2, §31.3**

The Texas Department of Health adopts on an emergency basis amendments to §31.2, concerning the WIC State Plan of Operations, which is adopted by reference, and §31.3, concerning the WIC Policy and Procedure Manual, which also is adopted by reference. The amendments modify the text of the sections themselves by showing the dates of the amendments.

The amendment to the "WIC State Plan of Operations," which is adopted by reference in §31.2, changes the food delivery section by giving the local agencies the option to issue to certified participants one set of food cards monthly or two sets of food cards every other month. The amendment also adds to the certification section a provision which gives the local agencies flexibility in the implementation date for adoption of the new economic unit definition in the WIC Policy and Procedure Manual.

The amendment to the "WIC Policy and Procedure Manual," which is adopted by reference in §31.3, covers residency and income screening as certification requirements, and contains provisions concerning economic unit for income. The major changes affect the participation of pregnant teenagers and individuals residing in the shelters and institutions, cover screening of the homeless for participation in the WIC program, modify requirements concerning social security numbers, and define economic unit.

The amendments are adopted on an emergency basis in order to enable more nutritionally deficient women, infants, and children to participate as soon as possible in the WIC program, thereby immediately helping to reduce a major public health problem. The United States Department of Agriculture approved the changes to the state plan and to the policies and procedures, effective July 1, 1988. The amendments are also being published in this issue of the register as proposed rules for public comment.

The amendments are adopted on an emergency basis under Texas Civil Statutes, Article 4414b, §1.05; the Omnibus Hunger Act of 1985, 69th Legislature, Chapter 150, Title II; Texas Codes Annotated, Human Services, Chapter 33; the Child Nutrition Act of 1966, 42 USCA 1786; and 7 Code of Federal Regulations Part 246, which provide the Texas Board of Health with the authority to adopt rules covering the Special Supplemental Food Program for Women, Infants, and Children; and Texas Civil Statutes, Article 6252-13a, §5, which provides the department with the authority to adopt rules on an emergency basis.

§31.2. WIC State Plan of Operations.

(a) The Texas Department of Health adopts by reference the publication titled, "WIC State Plan of Operations," as amended in July [February], 1988. This plan has been developed by the WIC Program, Texas Department of Health.

(b) (No change.)

§31.3. WIC Policy and Procedure Manual.

(a) The Texas Department of Health adopts by reference the publication titled, "WIC Policy and Procedure Manual" which the department developed, as amended in July 1988 [1987].

(b) (No change.)

Issued in Austin, Texas, on July 15, 1988.

TRD-8807387

Robert A. MacLean
Deputy Commissioner,
Professional Services
Texas Department of
Health

Effective date: July 18, 1988

Expiration date: October 16, 1988

For further information, please call: (512) 458-7236

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

Chapter 1. General Administration

Subchapter B. Fees, Charges, and Costs

• **28 TAC §1.303**

The State Board of Insurance is renewing the effectiveness of the emergency adoption of new §1.303, for a 60-day period effective July 21, 1988. The text of new §1.303 was originally published in the March 29, 1988, issue of the *Texas Register* (13 TexReg 1484).

Issued in Austin, Texas on July 15, 1988.

TRD-8807279

Nicholas Murphy
Chief Clerk
State Board of Insurance

Effective date: July 21, 1988

Expiration date: September 19, 1988

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

Proposed Sections

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

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

TITLE 10. COMMUNITY DEVELOPMENT

Part II. Texas Department of Commerce

Chapter 176. Enterprise Zone Program

• 10 TAC §176.6

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

The Texas Department of Commerce proposes an amendment to §176.6, concerning the Texas Enterprise Zone Program. The amendment covers the requirements for additional documentation to be submitted in enterprise project applications to demonstrate project viability. The amendment requires the applicant to submit letters of commitment from financial institutions or other accredited investors; and additional information for clarification may be required by the department after the application has been submitted. The proposed amendment is necessary to clarify certain approval standards pursuant to Texas Civil Statutes, Article 5190.7.

Wardaleen F. Belvin, director of business finance, 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.

Mr. Belvin 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 assurance of viable projects competing for enterprise project designation. 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 Bruce Anderson, General Counsel, Texas Department of Commerce, P.O. Box 12728, Austin, Texas 78711, within 30 days after the date of this publication.

The amendment is proposed under Texas Civil Statutes, Article 5190.7, which provide the Texas Department of Commerce with the authority to adopt rules for the administration and implementation of the Texas Enterprise Zone Program.

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 14, 1988.

TRD-8807331

J. William Lauderback
Executive Director
Texas Department of
Commerce

Earliest possible date of adoption: August 22, 1988

For further information, please call: (512) 472-5059

TITLE 16. ECONOMIC REGULATION

Part II. Public Utility Commission of Texas

Chapter 23. Substantive Rules

Rates

• 16 TAC §23.29

The Public Utility Commission of Texas proposes new §23.29, concerning the separation of costs of interexchange carriers providing one or more fully regulated service. By examining the network and its operation in the provisioning of telecommunication services, the proposed section ensures there will be no subsidization of regulated-competitive services or unregulated services by any fully regulated service of an interexchange carrier. This section is proposed in the context of Project 7789, and interested persons who wish to participate in the hearing phase of this project may contact Stephen F. Morris at the Public Utility Commission, 7800 Shoal Creek Boulevard, Suite 400N, Austin, Texas 78757 for more information.

Gerald Higgins, senior economist, 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.

Mr. Higgins also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be to ensure that costs not associated with providing fully regulated services are not borne by users of such fully regulated services. 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 new section is proposed under Texas Civil Statutes, Article 1446c, §16, which pro-

vide the Public Utility Commission of Texas with the authority to make and enforce rules reasonably required in the exercise of its powers and jurisdiction and under Texas Civil Statutes, Article 1446c, §100(e), which require the Public Utility Commission to adopt a rule insuring there will be no subsidization of regulated-competitive services or unregulated services by any fully regulated service of an interexchange carrier.

§23.29. Cost Separation Framework and Methodology.

(a) Application. This section applies only to interexchange telecommunications carriers that provide one or more fully regulated telecommunications services. This section does not apply to carriers that provide local exchange services.

(b) Purpose. The procedures outlined in this section are intended to ensure that any fully regulated services of an interexchange telecommunications carrier shall not recover any of the direct, indirect, joint, or common costs, including any increased cost due to the risk of competition, not associated with fully regulated services.

(c) Definitions. The following words and terms when used in this section shall have the following meaning unless the context clearly indicates otherwise.

(1) Interexchange telecommunications carrier (IXC)—A company that offers long distance telecommunications service (as that term is defined by §23.61(a)(22) of this title) and that does not offer local exchange service.

(2) Dominant carrier—A carrier dominant under this section for a service market is a dominant carrier for that service market under §3(c)(2)(B) of the Public Utility Regulatory Act (PURA).

(3) Fully regulated service—A service provided by an IXC that is dominant in a service market and that is not a regulated-competitive service.

(4) Regulated-competitive service—A service provided by an IXC that is dominant in that service market and for which the commission has determined that sufficient competition exists such that it is in the public interest to use a range of rates.

(d) Cost allocation. Upon the action of the commission pursuant to PURA §42 or upon the filing of an application for changes in rates pursuant to PURA §43, an IXC subject to this rule shall separate its intrastate costs among the following three

market categories for services: fully regulated service, regulated-competitive services, and unregulated services. Before intrastate costs can be separated among these market categories, costs first shall be distinguished for each of the IXC services that are subject to market categorization: MTS, WATS, private line, virtual network, 800 services, and operator services.

(e) Cost allocation data submittal. In response to a commission action pursuant to PURA §42 or part of its application for a rate change under PURA §43, an IXC subject to this rule shall submit the following data for the last six months of the test year or, if not within a rate case, for a six-month period designated by the commission.

(1) Cost data:

(A) An IXC providing one or more fully regulated service must maintain accounts and subaccounts consistent with the content and titles prescribed in the Uniform System of Accounts for Telecommunications Companies (USOA), Part 32, of the Federal Communications Commission's (FCC) rules. The IXC shall provide, at a minimum, accounts in the detail referred to as Class A accounting in the USOA, Part 32.

(B) The IXC shall provide the Texas intrastate account balances after compliance with the FCC's Part 64 cost allocation manual and Part 36 jurisdictional separations if subject to FCC regulation. The Part 36 separations factors used to derive the intrastate balances must also be provided.

(C) The IXC must also make available for inspection and review the Part 36 separation study, basic property records or accounting records to verify that the Part 32, Part 36, and Part 64 accounting methods were applied prior to the intrastate account balances provided.

(2) Traffic data.

(A) The following data shall be supplied for MTS, WATS, virtual network services, 800 services, and operator services:

(i) number of calls by hour of day of occurrence for each switch in the IXC's intrastate network, distinguishing interstate and intrastate calls;

(ii) conversation minutes of use by time of day of occurrence for each switch in an IXC's intrastate network, distinguishing interstate and intrastate calls;

(iii) average call set-up time for calls completed within the intrastate network;

(iv) average equipment seizure time for uncompleted calls, sepa-

rated between aborted calls and unanswered calls;

(v) average milliseconds of operator time spent on 0-dialed calls; and

(vi) average milliseconds of time spent on directory assistance calls.

(B) For each switch in clauses (e)(2)(A)(i) and (e)(2)(A)(ii), the manufacturer's type designation (name plate), the number of simultaneous calls each switch can support, the maximum number of ports each can terminate currently, the maximum number of additional ports that can be added before exceeding the limits of the administrative module (the CPU), and the number of private lines connected at each switch.

(C) For each of the primary transport media microwave, earth station, copper cable, coaxial cable, or fiber the number of circuit miles in the Texas intrastate network between switch pairs (all possible pairwise combinations of switches), minutes of use for each media on each line segment, the number of private lines, and maximum carrying capacity for each segment for the same time framework as in clause (e)(2)(a)(i).

(f) Cost allocation method. The principle of cost causation shall be used in determining the cost to an IXC of providing each of the services specified herein.

(1) The costs to be considered in this causal relationship shall be those incurred by the action of the producing and marketing a particular type of service. Because the services are produced from a common network facility, cost causation principles shall be applied to the physical plant and its equipment, to the transport lines and associated equipment, to input resources, and to the supporting activities, resources, and facilities.

(2) Cost causation shall be measured and applied through use of a traffic-based cost separation method (traffic method). The measurements of traffic at critical nodes within an IXC network shall be those specified in paragraph (e)(2) of this section. The primary basis in this traffic method for allocating costs to each of the respective services, prior to separating costs among market groupings, shall be the number of calls and call duration for each service type at a particular switch or over a particular segment of the telecommunications transport lines connecting switch pairs. The exact form and number of cost allocators to be developed from this traffic method and their corresponding cost pools (or combinations of pools) shall be determined based upon mathematical and statistical analyses performed upon the cost, traffic, and network data and information associated with an IXC's provision of any of the services in reference.

(3) The traffic method shall include:

(A) a measurement of capacity available versus capacity used at the major nodes within an IXC network, that is, at the switches and within the long-haul lines between switch pairs. This measurement shall be made for switches of different technologic age and for each of the different types of transport media, at both peak and off-peak periods of calling traffic;

(B) a determination of the cost of adding capacity to the network by attaching additional switching modules to existing switches without expanding or upgrading the administrative module of the switch and of the cost of upgrading module of the switch and of the cost of upgrading both the administrative module and the switching modules;

(C) corresponding estimates of the cost associated with adding capacity of a particular type within segments of the long-haul network; and

(D) estimates of cost for an IXC's network based upon historical costs and conventional technology (traffic-weighted average of technology currently in use), upon current (replacement) costs and conventional technology and upon current costs and best available practical technology.

(4) Certain pools of costs that have either a weak or indefinite causal relationship between their incurrence and either the level of or the rise and fall in traffic data for a particular service shall be assigned using non-traffic allocators. The amounts from these cost pools shall be assigned directly to the respective services whenever practicable from data and information available to the IXC. When direct assignment is not practicable, the costs in these pools shall be apportioned to the services, respectively, based upon allocators derived from billed revenues for a particular service to billed revenues for all services or upon the ratio of total allocated costs for a particular service to total allocated costs for all services. These pools include, but are not limited to:

(A) customer operations expenses-product management (Account Number 6611);

(B) sales (Account Number 6612);

(C) product advertising (Account Number 6613);

(D) deferred charges (Account Number 1439);

(E) corporate operations expenses (Account Numbers 6711-6790);

(F) other operating income and expenses (Account Numbers 7110-7160); and

(G) special charges (Account Number 7370).

(5) Because PURA, §100(e), precludes inquiry into the costs of any telecommunications carrier for the purpose of promulgating a cost separation methodology, the determination of the underlying relationships between cost pools and physical resource use and the subsequent design and development of cost allocators shall be done within the context of a rate case.

(g) Effective date. This section is effective January 1, 1989.

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 18, 1988.

TRD-8807361 Phillip A. Holder
Secretary
Public Utility Commission
of Texas

Earliest possible date of adoption: August 22, 1988

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

◆ ◆ ◆
• 16 TAC §23.30

The Public Utility Commission of Texas proposes new §23.30, concerning the separation of costs of interexchange carriers providing one or more fully regulated service. By examining the costs as reflected in the accounts of an interexchange carrier, the proposed section ensures there will be no subsidization of regulated-competitive services or unregulated services by any fully regulated service of such interexchange carrier. This section is proposed in the context of Project 7789, and interested persons who wish to participate in the hearing phase of this project may contact Stephen F. Morris, 7800 Shoal Creek Boulevard, Suite 400N, Austin, Texas 78757 for more information.

Gerald Higgins, senior economist, 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.

Mr Higgins, also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be to ensure that costs not associated with providing fully regulated services are not borne by users of such fully regulated services. 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 new section 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 and under Texas Civil Statutes, Article 1446c, §100(e), which require the Public Utility Commission to adopt a rule insuring there will be no subsidization of regulated-competitive services or unregulated services by any fully regulated service of an interexchange carrier.

§23.30. Cost Allocation.

(a) Application. This section applies to interexchange telecommunications carriers (IXCs) which provide one or more fully-regulated telecommunications services. This section does not apply to carriers which provide local exchange service.

(b) Definitions. The following words and terms when used in this section shall have the following meaning unless the context clearly indicates otherwise:

(1) Amortizable asset costs—The costs associated with capital leases, leasehold improvements, intangibles, and the associated amortization expenses and accumulated amortization.

(2) Circuit miles—The actual route miles of revenue-producing circuits which terminate in a central office.

(3) Circuit terminations—Revenue-producing circuits which terminate in a central office.

(4) Conversation minutes of use—The product of the number of messages times the average minutes of conversation per message.

(5) Costs—Investment and the associated accumulated depreciation, accumulated-deferred income taxes, depreciation expenses, and other plant specific operating expenses.

(6) Customer operation expenses—The expenses associated with product management, sales, advertising and customer accounting operations, including, without limitation, associated wages and salaries.

(7) Fully-regulated services—Those intrastate IXC telecommunications services which are provided in a service market in which the commission has found the IXC to be dominant and which are neither regulated competitive nor unregulated services.

(8) General support costs—The costs associated with motor vehicles, furniture, office equipment, administrative operating rents, including without limitation, associated wages and salaries, and maintenance, testing and repair expenses.

(9) Milliseconds of use—The actual equipment time (in milliseconds) used to perform the operator function for operator-assisted and credit card telephone calls.

(10) Network support costs—The costs associated with land, buildings, garage work equipment, general purpose computers, power, testing, engineering, network administration, and material and supplies inventory, including, without limitation, associated wages and salaries, and maintenance, testing and repair expenses.

(11) Operator services costs—The costs associated with operator-assisted and credit card telephone call completion services, including, without limitation, associated wages and salaries, and maintenance, testing and repair expenses.

(12) Regulated competitive services—Those intrastate IXC telecommunications services for which the commission has authorized a range of rates or for which the commission has determined that sufficient competition exists.

(13) Service market—The relevant market (as determined by the commission) for each intrastate telecommunications service.

(14) Special access expenses—All special access expenses other than WATS/800 access lines expenses.

(15) Switched minutes of use—Conversation minutes of use adjusted to include telephone call set-up time and noncompleted telephone calls.

(16) Switching equipment costs—The costs associated with the switching equipment (whether analog, digital electronic, or electro-mechanical) which interconnects the calling circuit and the next circuit required to complete a telephone call, including without limitation, associated wages and salaries, and maintenance, testing and repair expenses.

(17) Terminal equipment costs—The costs associated with the circuit equipment which provides for termination of a communications channel and the adaptation of the channel for further transmission including, without limitation, any analog to digital conversion or multiplexing equipment necessary to terminate a telephone circuit, associated wages and salaries, and maintenance, testing and repair expenses.

(18) Transport equipment costs—The costs associated with those radio systems, line haul circuit equipment and facilities (whether cable, wire, or fiber) which are used to transmit information between two points, including, without limitation, associated wages and salaries, and maintenance, testing, and repair expenses.

(19) Uncollectible revenues—The realized uncollectible revenues experienced from customer billing.

(20) Unregulated services—Those intrastate IXC telecommunications services which are provided in a service market in which the IXC has been found by the commission to be nondominant as a result of proceedings initiated pursuant to PURA §100(b) or (f).

(21) Wages and salaries—Employee compensation.

(22) WATS/800 access lines—Those dedicated circuits which connect a customer premises with a WATS or 800 service offering.

(c) Purpose. The purpose of this section is to assure that any fully-regulated services offered by an IXC do not recover any of the direct, indirect, joint, or common costs, including any increased costs due to the risk of competition, not associated with the IXC's fully-regulated services.

(d) Cost Allocation. Upon the filing of an application for major changes in rates pursuant to §43 of the PURA, an IXC subject to this section shall separate its intrastate costs among the following three separate categories of service: fully-regulated, regulated competitive and unregulated service categories. Such costs shall be separated on a fully-allocated basis with direct, indirect, joint, and/or common costs assigned to each service category, using the principles set forth in subsection (e), following. For good cause shown, this requirement may be waived by the commission.

(e) Cost Allocation Principles. In a proceeding contemplated by subsection (d) of this section, intrastate costs of an IXC subject to this section shall be separated among the three service categories pursuant to the following principles.

(1) Costs will be assigned directly whenever practicable. Direct assignments shall follow the Cost Accounting Standards Board (CASB) principles.

(2) Switched access expense. The IXC's intrastate switched access expense for each service category shall be determined by multiplying the IXC's total intrastate switched access expense by the following ratio: the numerator of the ratio is the product of the IXC's intrastate per minute switched access expense for that particular service category times the IXC's switched minutes of use for that particular service category and the denominator of the ratio is the product of the IXC's total intrastate per minute switched access expense times the IXC's total intrastate switched minutes of use.

(3) WATS/800 access line expense. The IXC's intrastate WATS/800 access line expense for each service category shall be determined by multiplying the IXC's total intrastate WATS/800 access line expense by a ratio equal to the IXC's intrastate WATS/800 access lines for that particular service category divided by the

IXC's total intrastate WATS/800 access lines.

(4) Special access expense. The IXC's intrastate special access expense for each service category shall be determined by multiplying the IXC's total intrastate special access expense by a ratio equal to the IXC's intrastate circuit terminations for that particular service category divided by the IXC's total intrastate circuit terminations.

(5) Telecommunications plant in service costs. Telecommunications plant in service costs for each service category shall be determined in the following manner.

(A) Switching equipment costs. The IXC's intrastate switching equipment costs for each service category shall be determined by multiplying the IXC's total intrastate switching equipment costs by a ratio equal to the IXC's intrastate conversation minutes of use for that particular service category divided by the IXC's total intrastate conversation minutes of use.

(B) Terminal equipment costs. The IXC's intrastate terminal equipment costs for each service category shall be determined by multiplying the IXC's total intrastate terminal equipment costs by a ratio equal to the IXC's intrastate circuit terminations for that particular service category divided by the IXC's total intrastate circuit terminations.

(C) Transport equipment costs. The IXC's intrastate transport equipment costs for each service category shall be determined by multiplying the IXC's total intrastate transport equipment costs by a ratio equal to the IXC's intrastate circuit miles for that particular service category divided by the IXC's total intrastate circuit miles.

(D) General support costs. The IXC's intrastate general support costs for each service category shall be determined by multiplying the IXC's intrastate general support costs by a ratio equal to the IXC's associated intrastate wages and salaries for that particular service category divided by the IXC's total associated intrastate wages and salaries.

(E) Operator services costs. The IXC's intrastate operator services costs for each service category shall be determined by multiplying the IXC's total intrastate operator services costs by a ratio equal to the IXC's intrastate milliseconds of use for that particular service category divided by the IXC's total intrastate milliseconds of use.

(F) Network support costs. The IXC's intrastate network support costs

shall be allocated to each service category in the same proportion as the corresponding telecommunications plant in service costs allocated in paragraphs (5)(A), (B), (C), (D), or (E) above.

(6) Property, plant, and equipment held for future use; property, plant, and equipment under construction; and property, plant, and equipment acquisition and adjustment costs. The IXC's intrastate property, plant, and equipment costs shall be allocated to each category in the same proportion as the corresponding telecommunications plant in service costs allocated in paragraphs (5)(A), (B), (C), (D), (E), or (F) above.

(7) Customer operation expenses. The IXC's intrastate customer operation expense for each service category shall be determined by multiplying the IXC's total intrastate customer operation expenses by a ratio equal to the IXC's intrastate billed revenues for that particular service category divided by the IXC's total intrastate billed revenues.

(8) Amortizable asset costs. The IXC's intrastate amortizable asset costs shall be allocated to each service category in the same proportion as the corresponding telecommunications plant in service costs allocated in paragraphs (5)(A), (B), (C), (D), (E) or (F) above.

(9) Operating tax expenses. Operating tax expense for each service category shall be determined in the following manner.

(A) Operating federal income tax expense. The IXC's intrastate federal income tax expense for each category shall be determined by multiplying the IXC's total intrastate federal income tax expense by a ratio equal to the IXC's intrastate net taxable income for that particular service category divided by the IXC's total intrastate net taxable income.

(B) Provision for deferred operating income tax expense. The IXC's intrastate provision for deferred operating income tax expense shall be allocated to each service category in the same proportion as the corresponding cost that gave rise to the tax timing difference.

(C) Net operating investment tax credits. The IXC's intrastate net operating investment tax credits shall be allocated to each service category in the same proportion as the corresponding telecommunications plant in service costs allocated in paragraphs (5)(A), (B), (C), (D), (E), or (F) above.

(D) Other operating tax expenses. The IXC's intrastate other operating tax expenses shall be allocated to each service category in the same proportion as the

corresponding costs or revenues subject to the tax.

(10) Uncollectible revenues. The IXC's intrastate uncollectible revenues shall be determined by multiplying the IXC's total intrastate uncollectible revenues by a ratio equal to the IXC's intrastate billed revenues for that particular service category divided by the IXC's total intrastate billed revenues.

(11) Generally allocable costs. Any intrastate costs which have not been identified with a given service category pursuant to subsection (e)(1)-(10) of this section shall be generally allocated to each service category by multiplying the total unassigned intrastate costs by a ratio equal to the expenses assigned to that service category pursuant to subsection (e)(1)-(10) of this section divided by the total expenses assigned to all service categories pursuant to subsection (e)(1)-(10) of this section.

(f) New Services. For purposes of this section, any IXC telecommunications service initiated pursuant to PUC §23.25 (b) after the conclusion of the proceedings required by PURA §100 (b) and which is the same as, equivalent to, or substitutable for an existing IXC telecommunications service, shall presumptively fall within the same service market as the existing service.

(g) Effective Date. This section is effective January 1, 1989.

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 18, 1988.

TRD-8807360 Phillip A. Holder
Secretary
Public Utility Commission

Earliest possible date of adoption: August 22, 1988

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

◆ ◆ ◆
**TITLE 22. EXAMINING
BOARDS**
**Part III. Texas Board of
Chiropractic Examiners**
Chapter 75. Rules of Practice

◆ ◆ ◆
• 22 TAC §75.1

The Texas Board of Chiropractic Examiners proposes an amendment to §75.1, concerning grossly unprofessional conduct, to broaden the scope of chiropractic and to allow better care of the patient.

Jennie Smetana, acting 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. Smetana 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 better patient care and diagnostic procedures. 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 Jennie Smetana, Acting Executive Director, Texas Board of Chiropractic Examiners, 1300 East Anderson Lane, Building C-245, Austin, Texas 78752.

The amendment is proposed under Texas Civil Statutes, Article 4512b, which provide the Texas Board of Chiropractic Examiners with the authority to promulgate procedural rules and regulations as deemed necessary.
§75.1. Grossly Unprofessional Conduct. The rules and regulations of the board are prescribed by law in the Chiropractic Act, §14(a). Under the provisions of §14(a)(5), (6), and (8), the board rules that it shall be considered grossly unprofessional conduct for a licensee:

1. to bear false witness or make damaging statements about another licensee or group of licensees;

1.[2.] to maintain unsanitary or unsafe equipment;

3. to use such terms in advertising as "most modern," "scientific," "latest procedures," "best equipped," or any other like words or phrases;

2.[4.] to fail to use the word "chiropractor," "Doctor, D.C.," "Doctor of Chiropractic, D.C." in all advertising, signs, letterhead, etc.;

3.[5.] to practice chiropractic in public places (such as giving adjustment other than in private offices, sick rooms, hospital rooms, etc.) except at professional conventions or in emergencies. [The rules pertain to all advertising such as telephone books, newspapers, stationary, radio, television, outdoor signs, all mailing lists, or any advertising originating in licensee's office;

6. to publicly display food supplements or food supplement brochures in licensee's office;

7. to employ the acupuncture system or using needles for the purpose of treating diseases or disorders of the human body, or for the relief of pain;

8. to employ needles in any manner or to advertise any procedure under any name that denotes or implies that needles are used in the procedure or to employ the terms "acupuncture," "acupressure," "acupuncture," or any other term containing the prefix "acu-" in connection with any procedures;

4.[9.] to engage in sexual misconduct with a patient within the chiropractor/patient relationship;

5.[10.] to exploit patients through the fraudulent use of chiropractic services which result in financial gain for a licensee or third party. The rendering of chiropractic service becomes fraudulent

when the services rendered or goods or appliances sold by a chiropractor to a patient are clearly excessive to the justified needs of the patient as determined by accepted standards of the chiropractic profession.

6.[11.] to submit a claim for chiropractic services, goods, or appliances to a patient or a third party payor which contains charges for services not actually rendered, or goods or appliances not actually sold;

7.[12.] to fail to disclose, upon request by a patient or his or her duly authorized representative, the full amount charged for any service rendered or goods supplied;

8.[13.] to fail to state on every insurance claim in which he has waived to co-payment, the following statement, "Insurance payment will be accepted as full payment," and to fail to provide the patient with a copy of each insurance form as mailed to the third party payor.

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 13, 1988.

TRD-8807215 Jennie Smetana
Executive Director
Texas Board of
Chiropractic Examiners

Earliest possible date of adoption: August 22, 1988

For further information, please call: (512) 835-2006

◆ ◆ ◆
**TITLE 25. HEALTH
SERVICES**
**Part I. Texas Department
of Health**
**Chapter 31. Special
Supplemental Food Program
for Women, Infants, and
Children (WIC)**

◆ ◆ ◆
• 25 TAC §31.2, §31.3

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

The Texas Department of Health proposes amendments to §31.2, concerning the WIC State Plan of Operations, which is adopted by reference, and to §31.3, concerning the WIC Policy and Procedure Manual, which also is adopted by reference. The amendment to the texts of §31.2 and §31.3 will show the dates of the amendments.

The amendment to the WIC State Plan of Operations, which is adopted by reference in §31.2, will change the food delivery section by giving the local agencies the option to

issue to certified participants one set of food cards monthly or two sets of food cards every other month. The amendment also adds to the certification section a provision which gives the local agencies flexibility in the implementation date for adoption of the new economic unit definition in the WIC Policy and Procedure Manual.

The amendment to the WIC Policy and Procedure Manual, which is adopted by reference in §31.3, will cover residency and income screening as certification requirements, and will contain provisions concerning economic unit for income. The major changes affect the participation of pregnant teenagers and individuals residing in the shelters and institutions, cover screening of the homeless for participation in the WIC program, modify requirements concerning social security numbers, and define economic unit.

Stephen L. Seale, chief accountant III, budget division, Texas Department of Health, has determined that for the first five-year period the proposed sections are in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the sections.

Mr. Seale also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be the provision of supplemental foods and nutrition education to an additional 95,000 participants each month. 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 Debra C. Stabeno, Chief, Bureau of Women, Infants, and Children (WIC) Nutrition, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756, (512) 465-2640. Comments will be accepted for 30 days after the publication of this proposal in the *Texas Register*.

The amendments are proposed under Texas Civil Statutes, Article 4414b, §1.05; the Omnibus Hunger Act of 1985, 69th Legislature, Chapter 150, Title II; Texas Codes Annotated, Human Services, Chapter 33; the Child Nutrition Act of 1966, 42 USCA 1786; and 7 Code of Federal Regulations Part 246, which provide the Texas Board of Health with the authority to adopt rules covering the Supplemental Food Program for Women, Infants, and Children.

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 15, 1988.

TRD-8807386 Robert A. MacLean
Deputy Commissioner of
Professional Services
Texas Department of
Health

Proposed date of adoption: October 1, 1988

For further information, please call: (512) 458-7236

Chapter 73. Bureau of Laboratories Training and Certification

• 25 TAC §73.21

The Texas Department of Health proposes new §73.21, concerning training of laboratorians. The new section will allow the department to offer continuing education training to laboratorians in small community hospital laboratories, small independent laboratories, and public health laboratories. Texas has a large number of private and public health laboratories, which cannot afford the time and cost to keep current through commercial training courses. Training through institutions of higher learning or in specialized seminars provided commercially usually requires from five days up to three months of commitment. The cost for a single employee to attend is usually from \$500 to \$2,000.

Because the laboratories cannot take advantage of training opportunities, their employees tend to fall behind gradually in knowledge and proficiency. This adversely affects the performance of tests and the use of the services of a reference laboratory. The Department's Bureau of Laboratories has received numerous requests from such laboratories for the bureau to reinstitute the one to three-day workshops and the correspondence courses that were offered in the past.

The new section will establish a mechanism whereby a variety of approaches to practical training can be made available continuously to private and public health laboratories. Additionally, the new section will allow the department to charge a fee to recover the cost of the function through a Laboratory Improvement Branch in the Department's Bureau of Laboratories.

Mr. Stephen Seale, Chief Accountant III, has determined that for the first five-year period the proposed section will be in effect there will be fiscal implications. The effect on state government will be an estimated additional cost of \$65,000 each year for fiscal years 1989-1993. The additional cost will be for reagents, supplies, clerical support, and administration. The effect on local governments will be to those that operate laboratories and wish to obtain training for their personnel. Public health laboratories will not be exempt from the fee of approximately \$30 per person per training day, and the estimated additional cost is \$4,320 annually. The effect on independent and hospital laboratories that wish to obtain training for their personnel will be a fee of approximately \$30 per person per training day, and will be an estimated additional cost of \$61,200 annually.

Mr. Seale also has determined that for each year of the first five years the section as proposed is in effect the public benefit will be in the provision of a laboratory service of higher quality, especially in small communities, and in the better use of state supported reference laboratory services. The anticipated economic cost

to individuals who are required to comply with the section as proposed will generally be a negligible amount in the range of less than \$1.00 per individual for the recovery of training expenses from the billing to patients by the commercial laboratories.

Comments on the proposal may be submitted to Charles E. Sweet, Dr. P.H., Chief, Bureau of Laboratories, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756. Comments will be accepted for 30 days after publication in the *Texas Register*.

The new section is proposed under Texas Civil Statutes, Article 4414c, §2, which provide the Texas Board of Health with the authority to charge fees to persons who receive public health services from the department; the Communicable Disease Prevention and Control Act, Texas Civil Statutes, Article 4419b1, §7.04, which provide the Texas Board of Health with the authority to establish a program to certify laboratories that conduct standard serologic tests for syphilis; the Local Public Health Reorganization Act, Texas Civil Statutes, Article 4436b, §4.09(e), which provides the Texas Board of Health with the authority to contract with public health districts, local health departments, and local health units for the provision of public health services, which includes laboratory services; Texas Civil Statutes, Articles 4447e and 4447e(1), which provide the Texas Board of Health with the authority to establish a program to detect phenylketonuria, hypothyroidism, and other heritable diseases (included in these laws is authority to establish a diagnostic laboratory and to approve other laboratories conducting these tests.); and Texas Civil Statutes, Article 4414b, §1.05, which provide the Texas Board of Health with the authority to adopt rules for the performance of every duty imposed on the board, the department, or the Commissioner of Health.

§73.21. Training of Laboratorians.

(a) The major training tool will be the three-day workshop in which students will get hands-on experience with the procedures and will take back manuals, cultures, and controls for use in their own laboratories. Lecture and demonstration programs will be offered. Also, a full library of slide cassette sets and videotapes on specific topics and laboratory methodologies will be made available for correspondence courses. Continuing education units will be offered through a local university.

(b) Direct and personal assistance will be given through a teleconference network already in operation in the Bureau of Laboratories and in a number of hospitals and local public health departments. Some workshops can be given onsite in communities where particular laboratory procedures are urgently needed but deficient.

(c) Fees of approximately \$30 per person per training day will pay for the materials and for the salaries of a staff to administer the program and coordinate the training. Individual laboratorians in the Bu-

reau of Laboratories will offer lectures and practical help as volunteers, in addition to their routine duties.

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 13, 1988.

TRD-8807224

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

Earliest possible date of adoption: August 22, 1988.

For further information, please call. (512) 458-7318

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• 25 TAC §73.22

The Texas Department of Health proposes new §73.22, concerning certification of contract laboratories. At this time, contracts exist between the department and 22 local public health departments that operate a laboratory. The laboratory amendments to these contracts specify the published minimum standards of performance expected to govern contract laboratory services. In return for compliance, the Bureau of Laboratories offers support of statewide services in the form of supplies, reagents, equipment, equipment repair, and bench training. As this concept of minimum performance standards has grown over the past 10 years, it has been expressed progressively from an unwritten understanding to a specific contract item. The standards in milk work are the agreements from the National Conference of Interstate Milk Shippers regarding the Public Health Service Grade A Pasteurized Milk Ordinance. The standard in water work is the federal Safe Drinking Water Act. The standard in clinical microbiology is the federal Clinical Laboratory Improvement Act. Annually, at least two visits to each contract laboratory are made from the bureau to check performance and make recommendations. Although it is essential that laboratories performing services for the department and receiving funds for the services meet recognized minimum standards of performance, there is not yet authority to formally certify these laboratories or to remove certification and support when poor performance is encountered. Standards of performance have been established and, are listed in each contract. However, the authority to assist in the achievement of standard performance, to verify compliance with the standards, and to withhold support for failure of good faith in pursuit of standards is needed. The proposed new section will establish minimum standards for certification of laboratories, and will provide a means for verification of compliance with these standards for those laboratories in the local public health departments that have contracts with the Texas Department of Health.

Mr. Stephen Seale, chief accountant III, has determined that for the first five-year period the proposed section will be in effect there

will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering this section.

Mr. Seale also has determined that for each year of the first five years the section as proposed is in effect the public benefit expected will be a marked increase in the accuracy, reliability, and uniformity of test results among contract laboratories. There is no anticipated economic cost to individual citizens who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Charles E. Sweet, Dr. P.H., Chief, Bureau of Laboratories, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756. Comments will be accepted for 30 days after publication in the *Texas Register*.

The new section is proposed under the Communicable Disease Prevention and Control Act, Texas Civil Statutes, Article 4419b-1, §7.04, which provide the Texas Board of Health with the authority to establish a program to certify laboratories that conduct standard serologic tests for syphilis; the Local Public Health Reorganization Act, Texas Civil Statutes, Article 4436b, §4.09(e), which provide the Texas Board of Health with the authority to contract with public health districts, local health departments, and local health units for the provision of public health services, which includes laboratory services; Texas Civil Statutes, Articles 4447e and 4447e(1), which provide the Texas Board of Health with the authority to establish a program to detect phenylketonuria, hypothyroidism, and other heritable diseases (Included in these laws is the authority to establish a diagnostic laboratory and to approve other laboratories conducting these tests.); and Texas Civil Statutes, Article 4414b, §1.05, which provide the Texas Board of Health with the authority to adopt rules for the performance of every duty imposed on the board, the department, or the Commissioner of Health.

§73.22. *Certification of Contract Laboratories.*

(a) Introduction.

(1) A system of local, affiliated laboratories has existed in Texas since 1935. Many of the original laboratories have ceased to exist and newer facilities have come into the system over the years, but the affiliation concept remains sound. The soundness is due to the fact that the two basic reasons for such a system in the first place have not disappeared. First, the distances across which specimens and reports would have to be shipped are great if only the department's dental laboratory in Austin offered public health laboratory services. Fragile and time-sensitive specimens would be lost, and urgent reports would be delayed. Second, space and staff limitations in the central laboratory make it impossible for the three-million-specimen demand to be handled adequately in one facility.

(2) Assistance to the contract laboratories has been provided from the central laboratory in Austin in the form of supplies, equipment, equipment repair, and reagents for the statewide services. There

still remains a great responsibility for the quality of the services. Consequently, an outside check on the quality of those services has been provided through the drop shipment of unknowns, and, where state or federal laws impinge, onsite inspections have been conducted. Training and troubleshooting have been available from the central laboratory, but only upon request. It now appears feasible by the meshing of all the factors of provisions, proficiency testing, onsite inspection, and training, that a complete program of certification of contract laboratories can be developed with little increase in financial commitment from the central laboratory. The purpose of this section is to produce a statewide network of laboratories for which accuracy and uniformity can be expected.

(b) Certification procedures.

(1) Each laboratory in the system that has satisfied the requirements for employee credentials, training, preparation of a procedures manual, proficiency testing, and onsite inspection will be issued a single certifying document detailing the laboratory procedures that meet the standards of the Clinical Laboratories Improvement Act, the Safe Drinking Water Act, and the Interstate Milk Shippers Agreement. The number of specimens to be processed as part of the statewide network will be shown on an appendix to each contract between the Texas Department of Health and the local public health department that administers the laboratory. Certification will be renewed annually. There will be no charge to the contract laboratory for any part of this program.

(2) So long as certification is maintained for any laboratory procedure, support to that laboratory from the department's central laboratory will continue at agreed upon levels. If a contract laboratory fails to meet standards in any procedure, that procedure will be cancelled from the certification of that laboratory and support from the department's central laboratory in Austin for that procedure will be discontinued. A hearing will be provided upon request before any certification is dropped, according to the §§1.11- 1.31 of this title (relating to Formal Hearing Procedures). Recertification in a procedure will be by the same methods as original certification in paragraph 1 of this subsection, with no penalty or lapse of time imposed.

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 13, 1988.

TRD-8807225

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

Earliest possible date of adoption: August 22, 1988.

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TITLE 28. INSURANCE

Part I. State Board of Insurance

Chapter 3. Life, Accident, and Health Insurance and Annuities

Subchapter N. Nonforfeiture Standards for Individual Life Insurance in Employer Pension Plans

• **28 TAC §3.1303**

The State Board of Insurance proposes an amendment to §3.1303, concerning nonforfeiture standards for individual life insurance in employer pension plans. The amendment is necessary to permit insurers to continue after January 1, 1989, to offer life insurance policies based on gender-blended mortality tables. The amendment would delete the limiting date in §1.1303(a), beyond which use of the gender-blended tables would not be permitted under the existing section.

Ted Becker, chief life actuary, 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.

Mr. Becker also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be the continued availability of life insurance policies which may utilize gender-blended mortality tables as optional legal standards of mortality for nonforfeiture purposes for consumers in Texas. 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 Ted Becker, Chief Life Actuary, State Board of Insurance, 1110 San Jacinto Boulevard, Austin, Texas 78701-1988.

The amendment is proposed under the Insurance Code, Article 3.44a, §8(e)(6), which provides for approval by the State Board of Insurance of ordinary mortality tables, adopted after 1980 by the National Association of Insurance Commissioners, for use in determining minimum nonforfeiture standards, and under the Insurance Code, Article 21.21, §4(7)(a) and §13, which authorizes the board to promulgate reasonable rules and regulations as are necessary to prevent unfair discrimination in life insurance, including

rules to effect uniformity with the adopted procedures of the National Association of Insurance Commissioners.
§3.1303. Standard.

(a) For any policy of insurance on the life of either a male or female insured, delivered, or issued for delivery in this state [before January 1, 1989, and] after the operative date of the Insurance Code, Article 3.44a, §8, for that policy form, the following tables may be used as specified in subsection (b) of this section in determining minimum cash surrender values, amounts of paid up nonforfeiture benefits, or benefits under extended term insurance provisions included in the policy:

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

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

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

Issued in Austin, Texas, on July 14, 1988.

TRD-8807283

Nicholas Murphy
Chief Clerk
State Board of Insurance

Earliest possible date of adoption: August 22, 1988

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

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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 1.
ADMINISTRATION**
Part IV. Office of the
Secretary of State
Chapter 81. Elections
Campaign Reporting and
Disclosure

• **1 TAC §§81.200-81.202, 81.210**

The Office of the Secretary of State has withdrawn the emergency effectiveness of new §§81.200-81.202, and 81.210, concerning campaign reporting and disclosure. The text of the emergency §§81.200-81.202, and 81.210 appeared in the June 7, 1988, issue of the *Texas Register* (13 TexReg 2791). The effective date of this withdrawal is August 5, 1988.

Issued in Austin, Texas, on July 15, 1988.

TRD-8807274 Randall H. Erben
Assistant Secretary of
State

Effective date: August 5, 1988

For further information, please call: (512)
463-5701



**TITLE 13. CULTURAL
RESOURCES**
Part I. Texas State
Library and Archives
Commission

Chapter 1. Library
Development

Minimum Standards for
Accreditation of Public
Libraries in the Texas
Library System

• **13 TAC §1.74**

The Texas State Library and Archives Commission has withdrawn from consideration for permanent adoption §1.74 which appeared in the April 22, 1988, issue of the *Texas Register* (13 TexReg 1968). The effective date of this withdrawal is July 15, 1988.

Issued in Austin, Texas, on July 15, 1988.

TRD-8807329 Raymond Hitt
Assistant State Librarian
Texas State Library and
Archives Commission

Effective date: July 15, 1988

For further information, please call: (512)
463-5440



**TITLE 22. EXAMINING
BOARDS**
Part XVIII. Texas State
Board of Podiatry
Examiners

Chapter 382. Medical
Radiologic Technologists

• **22 TAC §382.1**

The Texas State Board of Podiatry Examiners has withdrawn from consideration for permanent adoption proposed new §382.1 which appeared in the February 9, 1988, issue of the *Texas Register* (13 TexReg 678). The effective date of this withdrawal is July 15, 1988.

Issued in Austin, Texas, on July 15, 1988.

TRD-8807321 Sandra Marshall
Administrative Technician II
Texas State Board of
Podiatry Examiners

Effective date: July 15, 1988

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





Name: Javi Carrizales

Grade: 9

School: Georgetown High, Georgetown

Adopted Sections

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

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

TITLE 1.

ADMINISTRATION

Part IV. Office of the Secretary of State

Chapter 81. Elections

Campaign Reporting and Disclosure

• 1 TAC §§81.200-81.202, 81.210

The Office of the Secretary of State adopts new §§81.200-81.202, and 81.210, without changes to the proposed text as published in the June 7, 1988, issue of the *Texas Register* (13 TexReg 2791).

The new sections are necessary to define "significant noncompliance" for purposes of the periodic administrative review of Title 15 filings conducted by the secretary of state; to identify "significant noncompliance" which is not correctable under the review process; to clarify the requirement to submit a filing fee with an amended report filed in response to this administrative review; and to clarify the proper disclosure of the purpose of various expenditures made under Title 15.

The new sections will facilitate understanding and compliance with the Texas Election Code, Title 15.

No comments were received regarding adoption of the new sections.

The new sections are adopted under the Texas Election Code, §251.034, and §251.031, which provides the Office of the Secretary of State with the authority to periodically review Title 15 filings, to adopt rules defining "significant noncompliance" for purposes of this review, and to interpret and administer the Texas Election Code, Title 15.

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 July 14, 1988.

TRD-8807275 Randall H. Erben
Assistant Secretary of State

Effective date: August 5, 1988

Proposal publication date: June 7, 1988

For further information, please call: (512) 463-5701



TITLE 13. CULTURAL RESOURCES

Part I. Texas State Library and Archives Commission

Chapter 1. Library Development

Minimum Standards for Accreditation of Public Libraries in the Texas Library System

• 13 TAC §§1.71, 1.84, 1.85

The Texas State Library and Archives Commission adopts amendments to §§1.71, 1.84, and 1.85, without changes to the proposed text as published in the April 22, 1988, issue of the *Texas Register* (13 TexReg 1969).

Amendments to §§1.71, 1.84, and 1.85 clarify language which has proven to be ambiguous to the public. Under §1.71(7), the state library staff will estimate the population to be served by public libraries funded in part by school districts. The Census Bureau does not make population estimates for school districts. Under §1.84, the state librarian may certify persons with degrees in library and information science from outside the United States or Canada as holding equivalent credentials to persons with degrees from programs accredited by the American Library Association. The American Library Association accredits programs only in the United States and Canada. Under §1.85, the date for filing a library's annual report is amended in order to distribute the work of processing the reports more evenly throughout the year. Section 1.71(10) authorizes the Library Systems Act Advisory Board to approve exceptions to the general methodology for calculating the number of persons living in the service area of a public library.

A public library files an annual report with the state library for accreditation of the library. If the library's staff holds degrees from foreign universities, the state librarian certifies whether the degrees are equivalent to degrees from United States or Canadian universities. The number of persons who are entitled to library service is calculated. The city, county, or school district that funds the public library establishes the geographical area to be served. When a unit of government funds several libraries, the population of the city, county, or school district is allocated among the libraries receiving funds. The Bureau of the Census population count or estimate is the primary source for how many people live in a city or county. If no census

estimate is available, a state library staff estimate of the population is approved by the Library Systems Act Advisory Board.

One person spoke for adoption of the amendments to §1.71(10), which authorizes the Library Systems Act Advisory Board to approve exceptions to the general methodology for calculating the number of persons living in the area of a public library.

The amendments are adopted under the Government Code, Chapter 441, §136, which provide the Texas State Library and Archives Commission with the authority to adopt rules for the administration of the Library Systems Act.

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

Issued in Austin, Texas, on July 13, 1988.

TRD-8807237 Raymond Hitt
Assistant State Librarian
Texas State Library and Archives Commission

Effective date: August 4, 1988

Proposal publication date: April 22, 1988

For further information, please call: (512) 463-5440

TITLE 16. ECONOMIC REGULATION

Part II. Public Utility Commission of Texas

Chapter 23. Substantive Rules

Certification

• 16 TAC §23.32

The Public Utility Commission of Texas adopts an amendment to §23.32, without changes to the proposed text as published in the May 17, 1988, issue of the *Texas Register* (13 TexReg 2294).

The Public Utility Regulatory Act, Texas Civil Statutes, Article 1446c, §87B, provide that a person may not use an automatic dial announcing device unless the person has obtained a permit from the Public Utility Commission of Texas. Requirements for use of an automatic dial announcing device are established in this section. The amendment establishes another requirement for use and provides another remedy for violations.

Cross-promotions or references to sponsor-provided information services, where the caller will incur a charge to place the call, may not be made using an automatic dial

announcing device. Violation of any provision of the section shall be cause for disconnection of service to the person using an automatic dial announcing device.

Comments were received from the Consumer Protection Division of the Office of the Attorney General and from Hollywood Calling. The attorney general supported adoption of the amendment and cited consumer complaints related to the use of automatic dial announcing devices for cross-promotion of 976 sponsor-provided information service. Hollywood Calling, a vendor of recorded information regarding free products available to the general public, opposed the amendment to prohibit cross-promotions to a sponsor-provided information service, but stated that it would not oppose a requirement that such cross-promotions inform the potential customer that a charge would be incurred when the 976 number is called. The agency does not agree that the suggestion made by Hollywood Calling adequately addresses the problem.

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

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 July 15, 1988.

TRD-8807319 Phillip A. Holder
Secretary
Public Utility Commission
of Texas

Effective date: August 5, 1988

Proposal publication date: May 17, 1988

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

Part IV. Texas Department of Labor and Standards

Chapter 70. Industrialized Housing and Buildings

Subchapter C. Standards and Codes

• 16 TAC §70.20, §70.21

The Texas Department of Labor and Standards adopts amendments in §70.20 and §70.21, without changes to the proposed text as published in the February 9, 1988, issue of the *Texas Register* (13 TexReg 717).

The amendment updates the mandatory building code from the 1984 Edition of the National Electrical Code to the 1987 Edition. The Texas Industrialized Building Code Council determined that the adoption of the new edition was in the public interest and consistent with the purpose of Texas Civil Statutes, Article 5221f-1, Industrialized Housing and Buildings.

Industrialized Housing and Buildings constructed after July 20, 1988, must be constructed to meet or exceed the requirements

and standards of the 1987 Edition of the National Electrical Code.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 5221f-1, which provide the commissioner with the authority to propose rules, regulations, and promulgate administrative orders as necessary to assure compliance with the intent and purpose of the Act and to provide uniform enforcement.

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 July 13, 1988.

TRD-8807289 Larry Kosta
Assistant Commissioner
Texas Department of Labor
and Standards

Effective date: August 5, 1988

Proposal publication date: February 9, 1988

For further information, please call: (512) 463-3128

Chapter 75. Air Conditioning and Refrigeration Contractor License Law

• 16 TAC §75.1

The Texas Department of Labor and Standards adopts an amendment to §75.1, without changes to the proposed text as published in the June 10, 1988, issue of the *Texas Register* (13 TexReg 2877).

The amendment is adopted in order to incorporate recommendations made by the Air Conditioning and Refrigeration Advisory Board.

The amendment will function to provide standard definitions for "advertising" and "permanent office," thereby ensuring uniformity in consumer applications.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 8861, which provide the Texas Department of Labor and Standards with the authority to promulgate rules and regulations necessary to effectuate the purpose of the Act.

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

Issued in Austin, Texas, on July 11, 1988.

TRD-8807206 Larry Kosta
Assistant Commissioner
Texas Department of Labor
and Standards

Effective date: August 3, 1988

Proposal publication date: June 10, 1988

For further information, please call: (512) 463-3128

• 16 TAC §75.2

The Texas Department of Labor and Standards adopts an amendment to §75.2, without changes to the proposed text as published in the June 10, 1988, issue of the *Texas Register* (13 TexReg 2877).

The amendment is adopted in order to incorporate recommendations made by the Air Conditioning and Refrigeration Advisory Board.

The amendment will function to provide a better system for granting credit for hands on experience, resulting in more confidence by the general public in the person licensed.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 8861, which provide the Texas Department of Labor and Standards with the authority to promulgate rules and regulations necessary to effectuate the purpose of the Act.

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

Issued in Austin, Texas, on July 11, 1988.

TRD-8807205 Larry Kosta
Assistant Commissioner
Texas Department of Labor
and Standards

Effective date: August 3, 1988

Proposal publication date: June 10, 1988

For further information, please call: (512) 463-3128

TITLE 19. EDUCATION Part II. Texas Education Agency

Chapter 61. School Districts

Subchapter A. Operational Basis

• 19 TAC §61.2

The Texas Education Agency adopts an amendment to §61.2, without changes to the proposed text as published in the May 31, 1988, issue of the *Texas Register* (13 TexReg 2664). The section concerns the school district annual performance report. The current section requires school districts to collect local data on dropouts and publish it as part of the report. House Bill 1010, 70th Legislature, requires the agency to collect and publish detailed standardized information on dropouts beginning in the fall of 1988. To avoid confusion about dropout data this fall, the requirements for the annual performance report are amended to delete for this fall only the requirement that districts include dropout data in the annual performance report, since the locally developed data will be superseded by the statewide dropout data collection through the public education information management system (PEIMS) and the statewide PEIMS data will not be available in time for the 1988 fall report. The section is also amended to provide that the agency will provide school districts with standardized dropout information, based on data sub-

mitted to the agency, for inclusion in the annual performance report, beginning with the report for the 1988-1989 school year.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Texas Education Code, §21.258, which directs the State Board of Education to make rules prescribing the form and content of the annual performance report.

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 July 9, 1988.

TRD-8807296 W. N. Kirby
Commissioner of Education

Effective date: August 5, 1988

Proposal publication date: May 31, 1988

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

◆ ◆ ◆
Chapter 75. Curriculum
Subchapter C. Essential
Elements—Grades
Seven—Eight

• 19 TAC §75.49

The Texas Education Agency adopts an amendment to §75.49, without changes to the proposed text as published in the May 31, 1988, issue of the *Texas Register* (13 TexReg 2664). The section concerns business education at grades seven and eight. The amendment adds career investigation (1/2 unit) as a course in the business education section. The essential elements for the course are set out in §75.50 (relating to Vocational Education). The amendment clarifies that the course may be taught as a vocational or general education course.

No comments were received regarding adoption of the amendment.

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

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 July 9, 1988.

TRD-8807293 W. N. Kirby
Commissioner of Education

Effective date: August 5, 1988

Proposal publication date: May 31, 1988

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

◆ ◆ ◆
Subchapter D. Essential
Elements—Grades Nine—12

• 19 TAC §75.70

The Texas Education Agency adopts an amendment to §75.70, without changes to the proposed text as published in the May 31,

1988, issue of the *Texas Register* (13 TexReg 2665). The section concerns business education in grades nine-12. The amendment adds the course microcomputer applications (1/2-one unit) as a course in business education. The essential elements for the course are set out in §75.87 (relating to Office Education). The amendment clarifies that the course may be taught as a vocational cluster course by a vocational teacher or as a general education business course by a business teacher.

No comments were received regarding adoption of the amendment.

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

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 July 9, 1988.

TRD-8807295 W. N. Kirby
Commissioner of Education

Effective date: August 5, 1988

Proposal publication date: May 31, 1988

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

◆ ◆ ◆
TITLE 22. EXAMINING
BOARDS

Part XXV. Structural Pest
Control Board

Chapter 593. Licenses

• 22 TAC §593.1, §593.6

The Structural Pest Control Board adopts amendments to §593.1 and §593.6, without changes to the proposed text as published in the June 10, 1988, issue of the *Texas Register* (13 TexReg 2887).

The amendments provide for staggered license expiration dates so that the work load for issuing licenses can be spread out over the entire year.

Licensees will receive license renewals in a more timely manner, and there will be fewer violations for inadequate insurance coverage.

No comments were received regarding adoption of the amendments.

The amendments are adopted under Texas Civil Statutes, Article 135b-6, which provide the Structural Pest Control Board with the authority to test, license, regulate, and develop standards for the structural pest control industry.

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 July 13, 1988.

TRD-8807213 David A. Ivie
Executive Director
Structural Pest Control
Board

Effective date: August 3, 1988

Proposal publication date: June 10, 1988

For further information, please call: (512) 835-4066

◆ ◆ ◆
TITLE 25. HEALTH
SERVICES

Part I. Texas Department
of Health

Chapter 157. Emergency
Medical Care

Emergency Medical Services

• 25 TAC §§157.66, 157.72, 157.77,
157.78

The Texas Department of Health adopts amendments to §§157.66, 157.72, 157.77, and 157.78. Section 157.66 and §157.78 are adopted with changes to the proposed text published in the March 22, 1988, issue of the *Texas Register* (13 TexReg 1375). Section 157.72 and §157.77 are adopted without changes and will not be republished.

The amendments provide minimum standards for EMS vehicle inspection; minimum standards for issuance and annual review of a variance; criteria for denial of an EMS course application; and criteria for recertification of course coordinators and program instructors.

The amendment to §157.66 establishes the acceptance of current motor vehicle certification of inspection and avoids duplication of this process, and prohibits an EMS provider from applying for a vehicle permit for one year following a revocation of a vehicle permit. The amendment to §157.72 requires an EMS provider who is requesting a personnel variance to submit a plan for training personnel to meet the minimum requirements of the EMS Act. Additionally, the amendment requires an annual review prior to the repeal or continuance of the variance. The amendment to §157.77 strengthens the criteria for the denial of an EMS training course application. The amendment to §157.78 requires a course coordinator to also be certified as a program instructor and examiner and allows refresher courses for recertification of course coordinators and program instructors.

No comments were received regarding the adoption of the proposed sections; however, department staff recommended several changes to clarify cross-references in §157.66. The Board of Health agrees and has included the recommendations in subsections (a), (b), and (c).

In section §157.78, department staff recommended adding clarifying language to subsections (a) and (b). The Board of Health agrees and has included the recommendations in subsections (a) and (b).

The amendments are adopted under the

Emergency Medical Services Act, Texas Civil Statutes, Article 4447(o), §§3.02, 3.03 and 3.04, which provide the Texas Board of Health with authority to adopt rules covering issuance of EMS vehicle permits, requests for variances, approval and denial of an EMS course and certification of course coordinators and program instructors.

§157.66. *General Requirements for Vehicle Permits.*

(a) Permit application.

(1) Initial application.

(A) (No change.)

(B) The EMS provider shall submit the completed application and the nonrefundable fee, if any, as provided in subsection (b) of this section.

(C) (No change.);

(2) Permit Renewal.

(A) (No change.)

(B) EMS providers shall submit a completed application and the nonrefundable fee, as provided in subsection (b) of this section. An application shall be submitted at least 30 days prior to the expiration date.

(b) Fees.

(1) (No change.)

(2) If a permit is issued for less than a two-year period under subsection (c)(4) of this section, the following fees shall apply:

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

(3) (No change.)

(c) Inspections.

(1) (No change.)

(2) The inspection shall include:

(A) (No change.)

(B) Visual and mechanical inspection of the vehicle for the purpose of determining compliance with the vehicle type specifications of these rules.

(C)-(G) (No change.)

(H) Tires shall be number and load range equal to or greater than manufacturer's recommended GVW capacity.

(3) A vehicle shall fail the inspection if the requirements in subsection (c)(2) of this section are not met.

(A) (No change.)

(B) A temporary 30-day permit may be issued to a vehicle which is in substantial compliance with the requirements in subsection (c)(2) of this section.

(C) -(D) (No change.)

(4) (No change.)

(d)-(g) (No change.)

(h) An EMS provider or a person shall not be eligible to apply for a vehicle permit for one year following the date of an order revoking a vehicle permit pursuant to §157.71 of this title (relating to Emergency Suspension, Suspension, and Revocation of a Permit). An EMS provider or a person shall not be eligible to apply for a vehicle permit during the time any vehicle permit held by the provider is suspended pursuant to §157.71 of this title (relating to Emergency Suspension, Suspension, and Revocation of a Permit).

§157.78. *Certification of Course Coordinator, Program Instructor, and Examiner.*

(a) Course coordinator. A course coordinator is an individual who has the overall responsibility for conducting an emergency medical services (EMS) training course. A course coordinator may be certified as a basic course coordinator, an intermediate course coordinator, or as an advanced course coordinator. A basic course coordinator shall coordinate an emergency care attendant (ECA) or basic emergency medical technician (B-EMT) training course. An intermediate course coordinator shall coordinate a special skills emergency medical technician (SS-EMT) training course, but may coordinate an ECA or B-EMT training course. An advanced course coordinator shall coordinate a paramedic-emergency medical technician (P-EMT) training course, but may coordinate an ECA or B-EMT, or an SS-EMT training course.

(1) A course coordinator candidate shall:

(A) have the following qualifications:

(i) be currently certified as at least a B-EMT to be a basic course coordinator, except, however, in areas of need with approval of the bureau, an ECA may qualify as a coordinator candidate and after completion of the requirements of this section may coordinate an ECA course;

(ii) be currently certified as an SS-EMT to be an intermediate course coordinator;

(iii) be currently certified as at least a P-EMT to be an advanced course coordinator;

(iv) be a licensed physician or licensed registered nurse (R.N.); and

(v) be a department certified program instructor and examiner.

(B)-(E) (No change.)

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

(4) Recertification of the course coordinator shall be dependent on:

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

(C) completion of course coordinator refresher seminar;

(D)-(E) (No change.)

(b) Program instructor. A program instructor is an individual who is responsible to the course coordinator and shall conduct the skills and/or didactic portion of an EMS training course. A program instructor may be certified as a basic program instructor, as an intermediate program instructor, or as an advanced program instructor. A basic program instructor shall teach the skills and/or didactic content required in the ECA and B-EMT training course and may teach the basic skills required in the SS-EMT and P-EMT training course. An intermediate program instructor shall teach the skills and/or didactic content required in the SS-EMT training course. An advanced program instructor shall teach the skills and/or didactic content required in the P-EMT training course, but may teach the skills and didactic content required in the SS-EMT training course.

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

(4) Recertification of the program instructor shall be dependent on:

(A) (No change.)

(B) evaluation of performance of students on the department's written and/or skills examinations;

(C)-(D) (No change.)

(E) completion of a department approved refresher program instructor orientation session conducted by the course coordinator.

(c)-(d) (No change.)

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

Issued in Austin, Texas, on July 14, 1988.

TRD-8807252

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

Effective date: August 4, 1988.

Proposal publication date: March 22, 1988.

For further information, please call: (512) 465-2601



The Texas Department of Health adopts the repeal of existing §157.76 and new §157.76. New §157.76 is adopted with changes to the proposed text as published in the March 22, 1988, issue of the *Texas Register* (13 TexReg 1377). The repeal of existing §157.76 is adopted without changes and will not be republished.

The purpose of replacing existing §157.76 with new §157.76 is to allow for clarification and updating of the section. New §157.76 establishes new minimum standards for the accrual of continuing education hours to allow flexibility for individuals to receive continuing education credits.

No comments were received regarding the adoption of the repeal and new section; however, department staff recommended a change in subsection (c)(2)(A) (i)-(iv) to reflect a recently adopted amendment to §157.77. The Board of Health agrees with the recommendation and has added the appropriate cross-references to the subsection.

• 25 TAC §157.76

The repeal is adopted under the Emergency Medical Services Act, Texas Civil Statutes, Article 4447(o), §3.02 and §3.04, which provides the Texas Board of Health with authority to adopt rules covering recertification of EMS personnel.

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 July 14, 1988.

TRD-8807251 Robert A. MacLean
Deputy Commissioner for
Professional Services
Texas Department of
Health

Effective date: August 4, 1988.

Proposal publication date: March 22, 1988.

For further information, please call: (512) 465-2601



The new section is adopted under the Emergency Medical Services Act, Texas Civil Statutes, Article 4447(o), §3.02 and §3.04, which provide the Texas Board of Health with the authority to adopt rules covering recertification of EMS personnel.

§157.76. Continuing Education.

(a) Continuing education requirements. Continuing education (C.E.) is required to meet the requirements in §157.64 of this title (relating to Recertification). Continuing education credit may be recognized if it was earned within four years of an application filed in accordance with this section. Continuing education credit may be accrued through participation in programs

and/or refresher courses.

(b) EMS personnel requirements.

(1) Emergency care attendant (ECA). An ECA shall be required to complete 40 hours of continuing education approved by the department.

(2) Basic emergency medical technician (B-EMT). A B-EMT shall be required to complete 80 hours of continuing education approved by the department.

(3) Special skilled emergency medical technician (SS-EMT). A SS-EMT shall be required to complete 120 hours of continuing education approved by the department.

(4) Paramedic emergency medical technician (P-EMT). A P-EMT shall be required to complete 160 hours of continuing education approved by the department.

(c) Procedures for continuing education approval.

(1) Programs. A continuing education program may be a short term or single subject presentation or a long term program.

(A) A continuing education program sponsor shall submit to the department a continuing education approval application to include:

- (i) the intended audience;
- (ii) date, times, and location of the program;
- (iii) objectives of the program;
- (iv) program sponsor; and
- (v) program brochure or outline.

(B) Program sponsors shall be notified in writing of the continuing education hours approved.

(2) Refresher courses. A refresher course is a course which reviews the curricula for specific level of EMS personnel certification.

(A) Curricula.

(i) The ECA Refresher Course shall include 20 hours of training reviewing the United States DOT emergency medical services first responder training course as adopted by reference in §157.77(b) of this title (relating to EMS Training Program and Course Approval).

(ii) The B-EMT Refresher Course shall include 40 hours of training reviewing the DOT basic training program for Emergency Medical Technician - Ambulance as adopted by reference in §157.77(b) of this title (relating to EMS Training Program and Course Approval).

(iii) The SS-EMT Refresher Course shall include 60 hours of training reviewing the DOT national training course emergency medical technician - intermediate as adopted by reference in §157.77(b) of this title (relating to EMS Training Program and Course Approval).

(iv) The P-EMT Refresher Course shall include 80 hours of training reviewing the DOT national training course emergency medical technician - paramedic as adopted by reference in §157.77(b) of this title (relating to EMS Training Program and Course Approval).

(B) Application.

(i) The course coordinator shall complete the application procedures as required in §157.77(c) of this title (relating to EMS Training Program and Course Approval); except however, those requirements relating to clinical and EMS provider facilities shall be excluded.

(ii) An application shall be approved or denied as in §157.77(e) of this title (relating to EMS Training Program and Course Approval).

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 July 14, 1988.

TRD-8807250 Robert A. MacLean
Deputy Commissioner for
Professional Services
Texas Department of
Health

Effective date: August 4, 1988.

Proposal publication date: March 22, 1988.

For further information, please call: (512) 465-2601



• 25 TAC §157.84

The Texas Department of Health adopts new §157.84 with changes to the proposed text published in the March 22, 1988, issue of the *Texas Register* (13 TexReg 1378).

New §157.84 establishes minimum standards and uniformity for Texas certification by reciprocity of out-of-state EMS personnel.

New §157.84 allows the department to certify out-of-state EMS personnel based on reciprocity. Prior to granting reciprocity, the department shall review and evaluate the individual's application. The approved applicant would be granted certification in Texas for one year. Prior to the expiration of the one year certificate, the certificant must have completed 50% of the required continuing education and pass the Texas certification examinations.

No comments were received concerning the adoption of the new section; however, department staff recommended a change to allow any approved applicant to be certified for a period of one year to allow standardization of out-of-state reciprocity.

The Board of Health agrees and has included the recommendation in subsection (c).

The new section is adopted under the Emergency Medical Services Act, Texas Civil Statutes, Article 4447(o), §3.02, which provides the Texas Board of Health with the authority to adopt rules covering criteria for interstate reciprocity of emergency medical services personnel.

§157. 84. Certification by Reciprocity.

(a) An out-of-state certified EMS person may apply for certification by reciprocity.

(b) The candidate shall:

(1) submit proof of current out-of-state certification;

(2) complete the application for reciprocity; and

(3) submit to the department the application and the applicable nonrefundable fee as follows:

(A) SS-EMT and P-EMT -- \$7.00;

(B) B-EMT -- \$5.00.

(c) After evaluation of the application by the department, the applicant may be certified for a period of one year.

(d) Prior to or within 90 days of the expiration of the one year certificate, the certificant shall be required to:

(1) have 50% of the continuing education credit hours required in §157. 76 of this title (relating to Continuing Education) by certification level;

(2) achieve a passing grade on all skills examinations as described in §157.63(a)(5) of this title (relating to Certification); and

(3) achieve a passing grade of 70 on the department's written examination and in addition, achieve a passing grade of 70 on the critical components of the examination.

(e) A candidate who fails either the skills examination or the written examination may retest on each examination one time, provided that all retests shall be completed no later than 90 days after the expiration of the certificate.

(f) A candidate who does not complete the requirements for certification within 90 days after the expiration date of the certificate shall meet the requirements of §157.63 (h)-(i) of this title (relating to Certification).

(g) A successful candidate shall be certified for four years commencing on the date of issuance of a certificate and wallet-sized card signed by department officials.

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 July 14, 1988.

TRD-8807249

Robert A. MacLean
Commissioner for
Professional Services
Texas Department of
Health

Effective date: August 4, 1988.

Proposal publication date: March 22, 1988.

For further information, please call: (512) 465-2601

◆ ◆ ◆
**TITLE 31. NATURAL
RESOURCES AND
CONSERVATION**
**Part IX. Texas Water
Commission**
Chapter 293. Water Districts

The Texas Water Commission adopts amendments to §§293.11, 293.17, and 293.63, and a new §293.88. Sections 293.11, 293.17, and 293.88 are adopted without changes to the proposed text published in the February 23, 1988, issue of the *Texas Register*. Section 293.63 is adopted without changes to the proposed text published in the April 1, 1988, issue of the *Texas Register*.

The amendments to §293.11 and §293.17 implement the provisions of House Bill 720, 70th Legislature, 1987, which exempts the creation of special utility districts from the consent requirements of the Municipal Annexation Act, Texas Civil Statutes, Article 970a, and at the same time makes the conversion of a special utility to a district with taxing authority subject to the consent provisions of the Municipal Annexation Act. The amendment to §293.11 deletes a reference to city consent requirements found in Texas Water Code, §65.016. The amendment to §293.17, which sets out TWC procedures for conversion of water districts to municipal utility districts, adds a subsection (c) which advises an applicant that the consent provisions of the Municipal Annexation Act, Texas Civil Statutes, Article 970a, applies to the conversion of a special utility district to a municipal utility district.

The amendment to §293.63 sets out objective criteria by which unrated surety companies in business for less than five years may qualify for waiver of the required B rating from Best's Key Rating Guide. This section, as amended, will allow the waiver for surety companies whose bonds are backed by the bond guarantee program of the Small Business Administration and which are listed in the United States Department of Treasury Circular 570 as being eligible to write such bonds for federal jobs. The effect of this amendment will be to enable many small contractors to obtain district construction contracts for which they would otherwise be unable to qualify.

New §293.88 implements the provisions of House Bill 2621, 70th Legislature, 1987, which adds §50.060 to the Texas Water Code, and which provides that a district created under the Texas Constitution, Article 3, §52, or Article 16, §59, must obtain authoriza-

tion by the Texas Water Commission to proceed under any federal bankruptcy statute. The section sets out the procedural requirements which must be followed by a district which applies for authorization to proceed under the federal bankruptcy statutes and also requires certain specific items of information to be furnished in order that the commission may determine whether the district should be allowed to proceed under the federal bankruptcy laws. The section further provides for notice both by mail and by publication in order to give notice to all parties who may be affected by district bankruptcy proceedings

No comments were received regarding adoption of the amendments.

Creation of Water Districts

• **31 TAC §293.11, §293.17**

These amendments are adopted under the Texas Water Code, §5.103 and §5.105, which provides the Texas Water Commission with the authority to adopt any rules necessary to carry out its powers and duties under the Texas Water Code and other laws of this state and to establish and approve all general policy of the commission.

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 July 15, 1988

TRD-8807346

William G. Newchurch
Director, Legal Division
Texas Water Commission

Effective date August 5, 1988

Proposal publication date February 23, 1988

For further information, please call (512) 463-8087

◆ ◆ ◆
**District Actions if the
Commission Approves the
Engineering Project and
Issuance of Bonds**

• **31 TAC §293.63**

This amendment is adopted under the Texas Water Code, §5.103 and §5.105, which provides the Texas Water Commission with the authority to adopt any rules necessary to carry out its powers and duties under the Texas Water Code and other laws of this state and to establish and approve all general policies of the commission.

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 July 15, 1988.

TRD-8807347

William G. Newchurch
Director, Legal Division
Texas Water Commission

Effective date: August 5, 1988

Proposal publication date: April 1, 1988

For further information, please call: (512) 463-8087

Other Actions Requiring Commission Consideration for Approval

• 31 TAC §293.88

This new section is adopted under the Texas Water Code, §§5.103, 5.105, and 5.235, which provides the Texas Water Commission with the authority to adopt any sections necessary to carry out its powers and duties under the Texas Water Code and other laws of the State of Texas, to establish and approve all general policy of the commission, and to collect statutory fees from persons filing various applications with the commission.

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 July 15, 1988.

TRD-8807348 William G Newchurch
Director Legal Division
Texas Water Commission

Effective date August 5, 1988

Proposal publication date February 23, 1988

For further information, please call. (512) 463-8087

Chapter 304. Watermaster Operations

Introductory Provisions

• 31 TAC §§304.1-304.3

The Texas Water Commission adopts new §§304.1-304.3, 304.11-304.16, 304.21, 304.31-304.33, 304.41-304.44, 304.51, and 304.61-304.63 Sections 304.13, 304.15, 304.16, 304.21, 304.32, 304.33, and 304.61-304.63 are adopted with changes to the proposed text as published in the April 5, 1988, issue of the *Texas Register* (13 Tex Reg 1596) The other sections are adopted without changes and will not be republished.

The sections are adopted under Chapter 11, Subsection G of the Texas Water Code which establishes watermaster operations. Prior to proposing these rules, the Texas Water Commission (TWC) solicited from water rights holders and members of a select Watermaster Advisory Committee comments on proposed watermaster operations for all areas of the state of Texas outside of the Rio Grande Water Division.

The new sections are designed to establish a single set of rules for watermaster regulation in all water divisions created outside the Rio Grande Water Division. The new sections are designed to provide effective management and supervision of water rights under the watermaster system, and will result in more efficient and equitable distribution of available state water

Several issues were raised, both orally and in writing, regarding adoption of the new chapter of rules. A public hearing was held in Austin on April 28, 1988. Comments were received from Brazos River Authority, Dallas Water Utilities, Guadalupe-Blanco River Authority, Houston Lighting and Power Company, Lower Colorado River Authority, Nueces River Authority, Titus County Fresh Water Supply District Number 1, Texas Utilities Electric Company, Union Carbide Corporation, and Vinson and Elkins, Attorneys at Law.

The watermaster is appointed by the executive director, as specified in §304.2. A comment was received suggesting that this section include a list of minimum qualifications to be considered before an appointment of watermaster is made and that factors such as experience and technical competency should be considered. The commission believes it is not appropriate to address the job qualifications for the watermaster in the rules. The executive director of the Texas Water Commission will appoint the watermaster. The general qualifications will be specified by the Texas Position Classification Act for the classification level assigned to the position. More specific requirements will be included with the job posting as for all other staff positions.

Comment was made that if the watermaster were chosen from a river authority, then the watermaster's relationship with the river authority should be severed. Another comment suggested that a regional entity, such as a river authority or a water district, may be appointed by the executive director for a specific segment of a river. Since the commission has the responsibility for regulating the use of state water, the watermaster should be an employee of the commission and not the employee of an entity whose water use is subject to regulations under the watermaster program. Section 304.2 remains unchanged. Definitions of key terms used throughout the chapter are included in §304.3. In response to comments, in the definition of "contractual buyer," the word "approved" has been changed to "accepted for filing." This change was made to make §304.3 consistent with §297.101(a) of this title (relating to Documents To Be Filed)

It was suggested, through comment, that the definition of "water right" be modified to differentiate between a standard contract to purchase water for a limited term and a contract under which an entity has fully paid for its share of a reservoir. The terms "water right" and "water right holder" in the rules are used primarily to denote that class of persons who are subject to assessment for support of the watermaster program. Water rights holders are distinguished from diverters who are not subject to assessment but who must comply with certain procedural requirements. The commission believes the suggested modification is not appropriate because the ownership of a water right associated with a reservoir is not always dependent on who constructed the reservoir or who contracted to use the water, but on who is issued a water right to use water from the reservoir and it is the holders of water rights who are liable for assessments under the Texas Water Code, §11.329. A party with a water right authorizing use of water from a reservoir owned by another would have to have a contract with

the reservoir owner, but that would not affect the impact of the rules.

In §304.11, the executive director is allowed to establish different strategies, timetables, or procedures for different water divisions or for different portions of a water division. A comment received on this section stated that sufficient statewide oversight of watermaster operations should be applied to assure consistency in regard to reports, budget matters, enforcement, and performance. While the rule allows flexibility so that a watermaster can respond to unusual situations that may occur in a particular water division, the commission will require that general procedures and guidelines be followed in all watermaster operations.

Comments received on the requirement for measurement devices, as addressed in §304.13, state that the commission should use a reasonable approach in approving current metering techniques and designs, that reservoirs operated by the Corps of Engineers may not be subject to the requirement for measuring devices, and that return flows from irrigated rice fields should be exempt from the requirement for measuring devices. In response, it is the commission's intention that the watermaster will use a reasonable approach in requiring and approving metering devices and techniques. Nonetheless, the commission believes it is appropriate that all diverters, including those authorized to use water from a Corps of Engineer reservoir, should comply with the requirement for measurement devices unless otherwise exempted from this requirement pursuant to §304.13(b). For rice irrigators, as with others, only those return flows that are considered significant by the watermaster will be required to have measuring devices. In situations where the return flow has no effect on downstream diverters, the watermaster can declare the return flow exempt from measuring devices pursuant to §304.13(b)(6). In order to operate the watermaster program, and effectively manage state water, it will be necessary for the watermaster to know the amounts of water diverted from, and returned to, the streams. For these reasons no change in §304.13(b) is made relative to those comments.

As suggested in comments, §304.13(b)(4), which provides certain exemptions to the requirement for measuring devices, has been changed by inserting "and/or cooling reservoir" after "cooling pond" to make it clear that this applies to power plants located on larger multi-purpose reservoirs. Similarly, §304.13(b) (5) was changed by deleting "treatment plant" to make it clear that the subsection applies to all wastewater effluent return flows measured and reported in accordance with commission standards.

The procedure for notifying the watermaster of an intent to divert and/or make a dedicated release of water is outlined in §304.15. This section explains that the watermaster will establish a duration limit for declarations of intent, that a declaration may be modified by the diverter, that the watermaster may from time to time determine that diverters must have prior approval before diverting, and that the watermaster may exempt a diverter from the requirements for making a declaration. Section 304.16 requires that diverters report to the watermaster the amount of water di-

verted and describes the accounting system to be used for all diversions. Unless the actual diversions are within 10% of the amount specified in the declaration of intent, certain surcharges can be applied to an account. Section 304.16 also states that a yearly water use report is required to document the quantity of water used for each water right.

Several comments suggested that a declaration of intent for impounding should not be required since it is very difficult and often impossible, to predict inflows. Some comments said that reference to impoundment should be removed from §304.15 and §304.16. Another comment stated that reference to impoundment should be deleted from §§304.15, 304.16(b), and 304.32(a)(1), but that the watermaster does need to know the amount that has been impounded in order to administer water rights. In the same context, that commenter suggested that §304.16(a) be modified to require reports of those with accounts for impoundments, as well as for those who submitted declarations of intent to divert or release water, with the reporting period to be specified by the watermaster. Another commenter said that it is not always possible to predict the amount of water needed, or the schedule of diversions required, from a supplementary source to a cooling pond. This commenter said that water should be available for their use when and where needed pursuant to their contracts for purchase. Another commenter said that requiring a declaration of intent for impounding water is appropriate since impoundment could eliminate all flow in a stream regardless of inflow rate. This commenter suggested that the information required in a declaration of intent for impoundment be modified to delete the statement of how much water is to be impounded, and to include either a general statement of intent to impound all inflows unless ordered to do otherwise, or a statement of intent to divert inflows greater than an amount stated in the declaration. Based on the comments, the commission has deleted the requirement in §304.15 for a declaration of intent to impound. Declarations of intent will still be required for diversions and dedicated releases, but not for impoundments. While declarations of intent will not be required for impoundment, the watermaster will need to be informed of conditions at reservoirs. For this reason, §304.16(a) has been modified to specify that owners of water rights authorizing impoundment will be required to submit reservoir data reports regarding daily inflows, diversions, daily reservoir water surface elevations, and reservoir releases to the watermaster. The watermaster will provide the forms that will be needed for the reservoir data reports, and the watermaster will determine how often the reports, or data from the reports, will need to be submitted. Accordingly, §304.16(b) and the definition for "declaration of intent" have been changed to eliminate mention of impoundment. Similarly, §304.32(a) has been changed such that it is a violation to impound without proper authorization, but it is not a violation to impound without submitting a declaration. Also, the definition for "report of diversion, release, or impoundment" was changed to reflect the concept in §304.16(a) that the report required for impoundments is not related to a declaration of intent. Whether water is available for use by a contractual buyer will depend on the amount of water the seller has available,

which is not something that is directly controlled by the watermaster.

The comment was made that it is often impossible to predict diversions because of variable streamflow conditions; and that requirements for a declaration of intent to divert would either result in penalties under §304.16(b), or unacceptable management decisions, or create the need for filing daily declarations. This commenter suggested applying §304.16(b) only during periods of very low flow, when §304.15(g) is in effect. Another commenter said that diversion requirements from a particular source can change quickly and with little notice. This commenter suggested flexibility in applying §304.15(f), similar to that provided for §304.15(g) and (h). The commission realizes that flow conditions can change; language in §304.15(f) contains a provision for modifications to declarations of intent for this purpose. The commission also feels that the rules contain sufficient flexibility to handle any situation that may occur within a division. The rules also make allowance for the watermaster to waive any penalties that occur because of circumstances beyond the control of the diverter.

Comment was made that any flow reduction required under §304.15(g) should be directed by the executive director, not by the watermaster. The commission believes the watermaster should be the one to declare when reductions in diversions are to be instituted because it is the watermaster's responsibility to directly monitor and supervise water rights. Further, the watermaster is under the supervision of the executive director, and §304.51 allows for the appeal of watermaster actions. Another commenter said that for a reservoir system operation, advance prediction of diversions from a specific reservoir is very difficult, and flexibility will be necessary in regard to the requirements of §304.15(b). This commenter said that §304.16(b) should be applied to the reservoir system, not to individual reservoirs. The commission realizes that there are unique situations among some water rights, but the rules allow enough flexibility to accommodate these special areas. The commission does not foresee any significant problems in working with water right holders authorized to operate from a reservoir system.

Comment was made that salt water diversions, as defined in §304.3 and §304.62, should be exempt from §304.15 and §304.16. Similarly, comment was also made that the recirculation of water at power plant cooling ponds should be exempt from §304.15 and §304.16. The commission agrees that salt water diversions and the recirculation of water at power plants should be exempted from the requirements for declarations of intent to divert, but these users of water do need to submit reports of water use within time intervals established by the watermaster. Accordingly, salt water diversions and the recirculation of water at power plants are now listed as exemptions to §304.15(h).

Comment was made that §304.15(e) should be amended to substitute "account" for "water right" in the second sentence so that contractual buyers will also be prohibited from diverting without a declaration of intent. The commission notes that §304.15(a) requires diverters to make a declaration of intent before diverting and the definition of "diverter"

does include contractual buyers. However, for clarification, §304.15(e) has been changed to substitute "account" for "water right, or portion thereof."

Comment was made that §304.15(f) seems to require watermaster approval in order to modify a declaration of intent. That interpretation is possible, even though it was not intended. Accordingly, §304.15(f) was changed to read "A diverter may modify a declaration of intent in regard to the duration, the amount of water to be diverted, the diversion rate, or other specific element in advance of the desired change."

Through comments, the suggestion was made that the report required for each declaration of intent period, as required in §304.16(a), be made in the format of the annual water use report, as required in §304.16(e) and §295.202, so that the annual report would not be needed. Since the annual water use reports are required by statute, such a change is not currently possible. However, it may be advisable sometime in the future, that the Texas Water Code be amended to exempt water right users who are submitting reports to a watermaster pursuant to §304.16(a) from the requirement for submitting annual water use reports. Another commenter suggested that the periodic reports to the watermaster be eliminated, and that the annual reports will serve the needs of the watermaster. Since the watermaster needs current information to be able to effectively manage state water, the annual report alone is not sufficient.

In another comment, it was assumed that the diversions to be declared under §304.15, and reported under §304.16(a) only pertain to "the primary diversion system and not downstream subdivisions and impoundment." The commission could not determine if the comment was addressing dedicated releases of water for downstream recipients, or the distribution of water throughout a single system (e.g., a canal system). In either case, the commission believes it is necessary for all diversions and subsequent consumptive use of water be reported under §304.16(a) in order for the watermaster to be able to exercise proper control over the use of state water. The commission is in agreement with one comment stating that while the watermaster must be made "aware of anticipated and actual impoundments and diversions in order to effectively manage the state's water resources," it is not necessary for the watermaster to be advised of the recirculation of water within a power plant or other system. Only initial diversions, amounts of water consumed, and significant return flows need to be reported. No change in §304.16(a) was needed relative to these comments.

The commission is in agreement with the comment that the penalty concept in §305.16(b) is a valid approach to encourage accuracy in estimating diversion needs, and that the test of time will help to determine if any adjustments may be needed.

One comment was that §304.16(b) should not apply to "water purchased from an account." Another comment was that the executive director, and not the watermaster, should determine when the extra charges under §304.16(b) should be applied. In response, this limitation has been in effect for several years in the Rio Grande basin, and has

proven to be effective in the monitoring of water use. The commission believes the watermaster has to be aware of how much and where the water is being used, whether or not it is contracted water, in order to keep accurate records for managing state water. The ten percent limitation provides a deterrent to those persons who choose to abuse the system. The watermaster, as the person with direct responsibility for management of state water in the area, should be the one to decide when penalty provisions under §304.16(b) should be applied. Further, any action of the watermaster can be appealed to the executive director in accordance with §304.51.

The distribution of available water among water right holders is explained in §304.21. In the event there is insufficient flow to satisfy existing demands or other streamflow conditions, the watermaster may cancel or modify any existing declarations of intent as stated in §304.21(d). Also, §304.21(c) allows the executive director to request suspension of special streamflow or minimum release requirements.

Comment was received that §304.21(d) should be modified to provide more emphasis for protection of senior and superior rights. Accordingly the words "for downstream senior rights" have been added after "existing declarations of intent." One comment said that diversion authorization in some water rights are related to the rate of existing streamflow, and that streamflow requirements in those cases cannot be suspended as contemplated in §304.21(c). The commenter also said that the information required by §304.15(b) is not appropriate for such cases. The commission believes that, in general, diversions under such water rights should be regulated by the watermaster in a manner consistent with other rights, but that unusual special conditions such as these will be given consideration by the watermaster.

Comment was made that protection of senior rights is very important and that low flow allocation of water, as described in §304.21(d), should be exercised with great care. It was suggested that some type of phased-in allocation procedure should be established, which would include voluntary and staged reduction, and advance notification to affected persons. The commission recognizes that the curtailment of diversion and impoundment will be an important matter. Procedures will be developed to make curtailment as reasonable as possible, and to minimize harsh impacts.

Comment was received relative to §304.21 and the associated seniority system that guidelines should be included "to allow the watermaster to recognize the inconsistent assignment of priority dates by the Water Commission through the years." Priority dates associated with permits are specified by Texas Water Code §11.141 as being the date of filing of the application. During water rights adjudication, the commission determined priority dates for valid water right claims. There is no provision for anyone other than the commission or a court of competent jurisdiction to assign priority dates to water rights. The watermaster can only regulate priority dates as they are assigned.

Section 304.42 states that quarterly reports prepared by the watermaster will be submit-

ted to each water right holder.

Comment was made that 20 days is not sufficient time for water right holders to respond to errors in the watermaster's quarterly report. The commission notes that the 20 day response period has been in use in the Rio Grande Water Division, and has been proven sufficient for the various water right holders in that division. The commission feels that timeliness is important in keeping accurate accounts, and feels the 20 day response time is appropriate.

Section 304.51 provides that a person dissatisfied with an action of the watermaster may appeal to the executive director. Comment was received in favor of that provision.

Assessments for financing watermaster operations are addressed in §§304.61-304.63. As stated in §304.61, the assessments, by law, are necessary to reimburse the commission for the expenses of a watermaster operation. Comment was made that §304.61 should include a time schedule for the watermaster budget review process, and that at least 30 days before the public hearing, the proposed budget should be submitted to the parties to be assessed. The commission intends to send prior notice of its hearing regarding the watermaster budget to affected water right holders, and the executive director intends to hold public information meetings within the water division to discuss the details of the proposed budget.

Comment was made that the allowance in §304.63(b) for the payment of assessments by installments will be helpful, but that the watermaster should provide each water right holder information about projected charges a year in advance. In response, the commission notes that it will not be possible to make detailed analysis and accurate estimates of assessment rates a year in advance. However, the staff will provide any water right holder with a general estimate at the earliest possible time relative to the yearly budget cycle. Also, it can be assumed that after the first two years, the total budget will usually not vary significantly from year to year. It would be possible for the watermaster to provide information about any major expenditure changes that are known in advance. No change to the rules is needed in association with these comments.

Comment was made that sufficient information is needed to allow water right holders or agents to estimate assessment fees, and that release of data used to derive the fiscal assessment in the preamble to the rule publication are also needed. That commenter also said that rate factors appear to be arbitrary, that associated assumptions and the method for determining the amount of the base charge should be made available to review. The commission notes that information regarding fees will be made available before the budget hearing, and the executive director intends to conduct local meetings in the affected water divisions. Rate factors were determined after consideration of applicable parameters, administrative effort and impact on the resource. The base charge was related to the executive director's knowledge of the number of water rights involved in a water division, the amounts authorized for each type of use, and the estimated budget for the watermaster operation. A balance was sought by the commission to keep assessment rates

as low as possible, without making the base fee so large that it becomes an unreasonable burden on smaller accounts.

Comment was made that contractual buyers should be assessed since the associated diversions will require watermaster attention similar to that needed for water right holders. Another commenter said that some confusion is created by the fact that "account" is defined in §304.3 as being related to a record of diversion and use, while the usage of the word "account" in §304.61-304.63 is in regard to assessments, and the combination implies that all account holders, including contractual buyers, are to be assessed, while otherwise it appears that only water right holders are to be assessed. The commission notes that in accordance with Texas Water Code §11.329 only water right holders are to be assessed. Accordingly, for clarification in §§304.61-63, "account" has been changed to "assessment account."

Comment was made that non-priority hydroelectric and salt water uses should only be charged a base fee since they have no call on upstream flows, and their use will not have a significant impact on others, and therefore, will require no administrative effort by the watermaster. The commission believes there will be some watermaster administration involved and that there should be a use fee. The 0.05 rate factor for hydroelectric use is still considered reasonable, and the rate factor for salt water use as reflected in §304.62 has been reduced to 0.05. Comment was made that assessments would be more equitable if they were on the basis of dependable yield instead of authorized amount. The commission believes that assessment based on authorized amounts is the only practical approach to the budgeting/assessment process.

Comment was made that consideration should be given to stating a procedure for determining assessments for multi-purpose water rights that do not have a specific amount of water authorized for the individual uses. Commission notes that §304.63(a)(1) does provide for assessment of such multi-purpose rights. In the event the specific authorization is not stated in the water right for each individual use, §304.63(a)(1) will be applied by assuming an equal distribution of each authorized use for assessment purposes only.

Comment was made that, in order to preserve legislative oversight and program priority review, watermaster assessment funds should not be placed in a special fund, but should be in general revenue and allocated to the Texas Water Commission through the legislative appropriation process. The commission notes that the appropriation bill that accompanied the Water Rights Adjudication Act in 1967 specified that watermaster funds would be placed in a special account. Also, the general statewide watermaster budget is submitted to the Legislature as part of the appropriation package for the Agency, and, therefore, is subject to legislative review and control.

Comments were received on the need of a rule for the protection of inflow to reservoirs with senior rights. The commission recognizes the need for such a rule and plans to propose that such a rule be added to this chapter in the near future. The commission feels more time is needed to adequately

study the implications of reservoir protection before it is implemented. Nonetheless, the commission feels that the current set of rules, as adopted, are still workable and effective without a specific rule on reservoir protection.

Another comment suggested the need for a statement in the rules that the watermaster rules do not intend to interfere with the provisions of the Cypress Basin Operating Agreement and its amendments. The commission recognizes the working relationship that exists among various water right holders in the Cypress Basin, and does not intend to interfere with any aspect that is consistent with the Texas Water Code, commission rules, and existing water rights. While it is not anticipated that the watermaster program will be operative in the Cypress Basin for several years yet, it is not the intent of the commission that the watermaster impose substantial changes to an existing contractual arrangement. It will be more appropriate that this specific issue be discussed when there are plans for expansion of watermaster operations into the Cypress Basin.

Comment was received that the Texas Water Commission should instruct watermasters to be flexible in regulating water use, and to work cooperatively with water right holders so the objectives of the rules can be accomplished without unnecessary economic or operational hardships. The same commenter said that a watermaster should consider whether actions are fair, necessary, and will promote wise and efficient use of water. That commenter also said the watermaster should maintain a close working relationship with water districts and river authorities having water supply responsibilities so as to avoid water management conflicts and to provide mutual assistance, including sharing models and data. In association with these comments, no changes in the rules as published are needed. It is the intention of the commission that watermasters be cooperative, fair, and reasonably flexible in regulating water use. The commission believes these rules reflect these intentions.

These new sections are adopted under the authority of the Texas Water Code, §5.103 and §5.105, which provides the Texas Water Commission with the authority to adopt rules necessary to carry out the powers and duties under the Water Code and other laws of the State of Texas, and to establish and approve all general policies of the commission. These sections are also proposed under the Texas Water Code, Chapter 11, Subchapter G, which establishes the watermaster operations.

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

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Director, Legal Division
Texas Water Commission

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For further information, please call (512) 463-8087

Regulation of the Use of State Water

• 31 TAC §§304.11-304.16

The sections are adopted under the authority of the Texas Water Code, §5.103 and §5.105, which provides the Texas Water Commission with the authority to adopt rules necessary to carry out the powers and duties under the Water Code and other laws of the State of Texas, and to establish and approve all general policies of the commission. These sections are also proposed under the Texas Water Code, Chapter 11, Subchapter G, which establishes the watermaster operations.

§304.13. Requirement for Measuring Devices.

(a) Each diverter, and each person who makes a significant return flow, shall install and maintain a measuring device at such point or points as may be determined by the watermaster to be necessary for proper and efficient administration of water rights. All such measuring devices shall be subject to approval of the watermaster. The measuring devices shall measure within 5.0% accuracy, unless otherwise approved by the watermaster. The diverter shall provide reasonable access to such measuring device. The diverter, or person who makes a return flow, shall be liable for all expenses incurred in the acquisition, installation, maintenance and operation of such measuring devices. In the event a measuring device becomes inoperable, the diverter, or person who makes a return flow, at the direction of the watermaster, shall provide an alternate method of measurement, or estimation acceptable to the watermaster.

(b) Unless required by a permit, certificate of adjudication, or other water right, the following types of diversions and return flows associated with such diversions shall be exempt from the requirement to install and maintain measuring devices; provided, however that the watermaster may require any such diverter, or any person making return flows, to provide an alternate method of estimating diversions or return flows acceptable to the watermaster:

- (1) diversions of water by spreader dams;
- (2) diversions of water for hydroelectric generation;
- (3) salt water diversions;
- (4) diversions of water for direct input from a cooling pond and/or cooling reservoir into an electric steam power plant for cooling purposes and return flows of such water to a cooling pond;
- (5) wastewater effluent for which the return flow is being measured and reported in a manner consistent with commission standards relative to wastewater discharge regulations; and
- (6) any other diversion or return flow of water that the watermaster may

deem appropriate.

§304.15. Declarations of Intent to Divert or Release Water.

(a) Prior to diverting state water or making a dedicated release, a diverter shall submit to the watermaster a declaration expressing the diverter's intent in regard to the anticipated diversion or release. Such a declaration of intent must be submitted within the time limitations established by the watermaster. Each diverter shall divert or release water only in accordance with the statements in the declaration of intent.

(b) Each declaration of intent to divert water shall identify the specific account under which water is to be diverted; the amount of water to be diverted; a schedule for the diversions; the diversion facility to be used; and the rate at which water will be diverted. Diversion shall only be made using authorized facilities, or at points associated with the water right under which the diversion is to be made. Use of water under an irrigation water right shall be only for use on the tract(s) authorized by the water right.

(c) Each declaration of intent to make dedicated releases for downstream uses shall identify the specific account(s) under which water is to be released; the schedule of releases; the amount of water to be released; the specific account(s) under which the water is to be used; the actual rate at which water will be released; and the identification and location of the user. Dedicated releases will be protected only if the preceding data is provided. Dedicated releases shall only be diverted at points authorized by the water right under which the release is made, or an associated approved water contract.

(d) In regard to declarations of intent under either subsection (b) or (c) of this section, the watermaster may require any diverter to provide such additional information as may be necessary for the proper and efficient administration of water rights.

(e) The watermaster shall establish the duration of time for which declarations of intent will remain in effect and may change the duration as conditions warrant. After the end of the duration of a declaration of intent, no further diversion or release of state water shall be made under that account until a new declaration of intent has been submitted to the watermaster.

(f) A diverter may modify a declaration of intent in regard to the duration, the amount of water to be diverted, the diversion rate, or other specific elements in advance of the desired change.

(g) The watermaster from time to time may determine that it is necessary for the proper and efficient administration of water rights that diversions, impoundments of inflows, or releases of dedicated flow in certain areas, or by certain diverters, may not be made without prior approval by the

watermaster. Any such determination shall be effective for the period designated by the watermaster.

(h) Salt water diversions and the recirculation of water at a power plant are exempted from any requirements under this section. The watermaster may also exempt any other facility or water right from any requirement under this section due to extenuating circumstances.

§304.16. Records of Diversions, Releases, and Impoundments.

(a) Each diverter who has submitted a declaration of intent shall submit to the watermaster a report including the actual amount of water diverted or released during the period of the subject declaration of intent. Water right owners with accounts for impoundment will submit reports of daily inflows, reservoir levels, diversions, and releases to the watermaster. The watermaster may specify a report period. The report period may be different from the period of the declaration of intent. The watermaster shall provide forms to be used for the reports. Each diversion or impoundment facility, including borrowed and rented pumps, used during the period of the declaration of intent shall be designated on the report by the identification number assigned by the watermaster. Reports must be complete and signed by the diverter. Reports must be received or postmarked within seven days from the termination of the period of the declaration of intent, or other report period specified by the watermaster. If such report is incomplete or not timely filed, the watermaster may cancel any existing declaration of intent for that account and allow no further impoundment, diversion or dedicated release until the report is properly filed.

(b) To the extent that water was available for diversion during the period of a declaration of intent, the subject account will be charged as follows.

(1) If the actual diversion is within 10% of the amount stated in the declaration of intent, the charge will be the actual amount diverted.

(2) If the actual diversion is greater than 110% of the amount stated in the declaration of intent, the charge will be the amount actually diverted plus twice the amount greater than 110%.

(3) If the actual diversion is less than 90% of the amount stated in the declaration of intent, the charge will be 90% of the stated amount.

(4) For a declaration of intent that was modified, including cancellation or extension, the charge will consist of the sum of two parts, one for the period before modification, and one for the period after modification. For each of the two periods, the charge will be determined by applying paragraph (1), (2), or (3) of this subsection relative to the amount declared for the par-

ticular period. If a modified declaration of intent is subsequently modified further, resulting in multiple parts, the procedure described in this subsection will be applied to each part.

(c) Any amount charged under subsection (b) of this section will apply against the yearly authorization, but only the amount of water actually diverted will apply toward perfection of a water right.

(d) The watermaster shall have the discretion to waive the accounting provisions contained in subsections (b) and (c) of this section for excessive or inadequate diversions due to circumstances beyond the control of the diverter.

(e) In addition to the report to be submitted to the watermaster pursuant to subsection (a) of this section, each water right holder or his agent shall submit to the executive director a written report of the amount of water actually diverted and used during the preceding calendar year under a specific water right in accordance with §295.202 of this title (relating to Reports). This report is required even if no water is used. The form for this report can either be one furnished by the executive director, or be a form approved by the executive director prior to the submission of the report.

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.

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Allocation of Waters

• **31 TAC §304.21**

The section is adopted under the authority of the Texas Water Code, §5.103 and §5.105, which provides the Texas Water Commission with the authority to adopt rules necessary to carry out the powers and duties under the Water Code and other laws of the State of Texas, and to establish and approve all general policies of the commission. This section is also proposed under the Texas Water Code, Chapter 11, Subchapter G, which establishes the watermaster operations.

§304.21. Allocation of Available Waters.

(a) The allocation of water between water rights holders shall be on the basis of seniority, which may be modified as provided in subsection (b) of this section. The watermaster shall allocate waters in such a way as to maximize the beneficial utilization of state water, to minimize the potential impairment of senior water rights by the diversions of junior water rights holders, and to prevent waste or use in excess of

quantities to which the holders of water rights are lawfully entitled.

(b) In administering water rights, the watermaster shall take into account any exceptions to the priority system as directed by the commission relative to the Wagstaff Act, Texas Water Code, §11.028.

(c) The executive director may request suspension of any or all special streamflow or minimum release requirements. Such a request shall be considered under §297.61 of this title (relating to Amendments by Executive Director).

(d) When available flow is not sufficient to meet the demands of existing declarations of intent for downstream senior rights, demands for domestic and livestock purposes that are not included under any water right, or other minimum streamflow requirements that the commission determines necessary for purposes other than protection of downstream senior and superior water rights, the watermaster may:

(1) cancel or modify, as needed, any existing declaration of intent made pursuant to §304.15 of this title (relating to Declarations of Intent to Divert, or Release Water);

(2) order that water right holders with reservoir(s) allow inflows to pass through such reservoir(s) to the extent necessary to honor downstream senior water rights, demands for domestic and livestock purposes, minimum streamflow requirements, minimum release requirements, and other conditions;

(3) order that diverters limit or cease diversions to the extent necessary to honor downstream senior water rights, demands for domestic and livestock purposes, minimum streamflow requirements, minimum release requirements, and other conditions; and/or

(4) take any other action necessary to ensure that downstream senior water rights, demands for domestic and livestock purposes, minimum streamflow requirements, minimum release requirements, and other conditions, are administered in accordance with the laws of Texas.

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

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Enforcement Regarding Watermaster Operations

• 31 TAC §§304.31-304.33

The new sections are adopted under the authority of the Texas Water Code, §5.103 and §5.105, which provides the Texas Water Commission with the authority to adopt rules necessary to carry out the powers and duties under the Water Code and other laws of the State of Texas, and to establish and approve all general policies of the commission. These sections are also proposed under the Texas Water Code, Chapter 11, Subchapter G, which establishes the watermaster operations.

§304.32. Violations.

(a) It shall be a violation for any person to do the following:

(1) divert, use, or make a dedicated release of state water, either personally or through another, without proper authorization under the Texas Water Code or any applicable final judgment rendered by a court of competent jurisdiction, or without submitting to the watermaster a declaration of intent in accordance with §304.15(a) or (g) of this title (relating to Declarations of Intent to Divert or Release Water);

(2) impound without proper authorization under the Texas Water Code or any applicable final judgment rendered by a court of competent jurisdiction;

(3) fail to modify a declaration of intent in advance of a desired change as provided in §304.15(f) of this title (relating to Declarations of Intent to Divert, or Release Water);

(4) fail to provide a measuring device as required in §304.13 of this title (relating to Requirement for Measurement Devices);

(5) fail to provide an outlet as required in §304.14 of this title (relating to Requirement for Outlets for Passage of Water);

(6) refuse to allow, or to interfere with, the inspection of any land, natural watercourse, artificial waterway, impoundment, return flow point, or diversion facility by an employee of the commission that would assist the commission in the discharge of its duties;

(7) break, tamper with, or mutilate any seal or other device used to enforce orders of the commission, executive director, court, or watermaster; or

(8) fail to comply with any statute, rule, or order of the commission.

(b) The list of violations in subsection (a) of this section is not exclusive.

§304.33. Enforcement Actions. When a violation under §304.32 of this title (relating to Violations) occurs, the watermaster or the executive director may seek voluntary compliance, or may pursue appropriate en-

forcement action. In the absence of voluntary compliance:

(1) the watermaster may refuse to recognize a declaration of intent;

(2) the watermaster may lock headgates or pumping facilities or take other necessary actions to effectively cease diversion, impoundment or release of state water under the account associated with the violation; provided, however, that for violations of §304.32(a)(4) or (a)(5) of this title (relating to Violations), the diverter shall be given at least 10 days notice prior to any such action by the watermaster;

(3) the executive director may seek a hearing before the commission culminating with the issuance of an appropriate order; if such an order is subsequently violated, the matter may be referred to the attorney general for appropriate action in a court of competent jurisdiction;

(4) the executive director may refer the violation to the attorney general for appropriate legal remedy in a court of competent jurisdiction, which may include a penalty assessment to the maximum extent allowed by law; and/or

(5) the executive director may seek any other appropriate remedies or action available at law.

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 July 15, 1988.

TRD-8807352 William G. Newchurch
Director, Legal Division
Texas Water Commission

Effective date: August 5, 1988

Proposal publication date: April 5, 1988

For further information, please call: (512) 463-8087

Administration

• 31 TAC §§304.41-304.44

The new sections are adopted under the authority of the Texas Water Code, §5.103 and §5.105, which provides the Texas Water Commission with the authority to adopt rules necessary to carry out the powers and duties under the Water Code and other laws of the State of Texas, and to establish and approve all general policies of the commission. These sections are also proposed under the Texas Water Code, Chapter 11, Subchapter G, which establishes the watermaster operations.

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 July 15, 1988.

TRD-8807350 William G. Newchurch
Director, Legal Division
Texas Water Commission

Effective date: August 5, 1988

Proposal publication date: April 5, 1988

For further information, please call: (512) 463-8087

Appeal of Watermaster Actions

• 31 TAC §304.51

These new section is adopted under the authority of the Texas Water, §5.103 and §5.105, which provides the Texas Water Commission with the authority to adopt rules necessary to carry out the powers and duties under the Water Code and other laws of the State of Texas, and to establish and approve all general policies of the commission. These sections are also proposed under the Texas Water Code, Chapter 11, Subchapter G, which establishes the watermaster operations.

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 July 15, 1988.

TRD-8807354 William G. Newchurch
Director, Legal Division
Texas Water Commission

Effective date: August 5, 1988

Proposal publication date: April 5, 1988

For further information, please call: (512) 463-8087

Financing Watermaster Operations

• 31 TAC §§304.61-304.63

These new sections are adopted under the authority of the Texas Water Code, §5.103, and §5.105, which provides the Texas Water Commission with the authority to adopt rules necessary to carry out the powers and duties under the Water Code and other laws of the State of Texas, and to establish and approve all general policies of the commission. These sections are also proposed under the Texas Water Code, Chapter 11, Subchapter G, which establishes the watermaster operations.

§304.61. Costs of Administration. In accordance with the Texas Water Code, §11.329, all holders of water rights that are administered by a watermaster shall reimburse the commission for the expenses of watermaster operations. An assessment account shall be established for each water right holder for each water right authorization by category of use. The total assessment for each assessment account shall be the sum of a uniform base charge and, as applicable for that assessment account, either a use fee or a storage fee, or both. The executive director shall file with the commission a copy of the proposed budget. Following a public hearing, the commission shall issue an order for each water division or group of water divisions, as the commission may determine to be appropriate, ap-

proving the assessment income needed for the watermaster operations for the assessment period under consideration. The order shall also specify the base charge per assessment account and the reinstatement fee for delinquent assessment payment.

§304.62. Determination of Assessment Rates.

(a) After a commission order is issued approving the assessment income needed for the watermaster operations for

the assessment period under consideration, the executive director shall calculate assessment rates for water use and storage for each water division, or group of divisions, based on the following formula:

$$\text{Municipal Assessment Rate} = \frac{I - M(N)}{(RF_s)(AF_s) + AF_1 + (RF_2)(AF_2) + (RF_3)(AF_3) \dots (RF_n)(AF_n)}$$

Where:

- I : Income needed to meet the adopted budget
- M : Base charge per assessment account
- N : Total number of assessment accounts to be assessed in each water division or group of water divisions
- n, s : Code for type of use or for storage
- RF_n, RF_s : Rate factor for each the following categories of use:

municipal	RF ₁ =1.00
industrial - consumptive	RF ₂ =1.00
irrigation	RF ₃ =0.80
mining - consumptive	RF ₄ =1.00
recreation - consumptive	RF ₅ =1.00
non-consumptive (industrial mining recreation)	RF ₆ =0.20
hydroelectric - priority	RF ₇ =0.20
hydroelectric - non-priority	RF ₈ =0.05
recharge for underground storage	RF ₉ =0.50
salt water	RF ₁₀ =0.05
spreader dam diversion	RF ₁₁ =0.40
secondary use	RF ₁₂ =0.50
on-channel storage	RF _s =0.40

AF_n, AF_s: Total diversion, or storage, authorization for all water rights to be assessed in each water division or group of water divisions, for each of the above categories of use, which are defined as follows:

Municipal--The total amount of water authorized for diversion under a water right for this purpose, including non-exempt domestic and livestock uses;

Industrial, Mining, Recreation, or Salt Water Diversions--The total amount of water authorized for consumptive use for each of these categories of use under a water right. In the event there is no specific authorization for consumptive use, the assessment shall be based on the total amount of water authorized for diversion under the water right. Diversions that do not conform to the definition for salt water diversion in §304.4 of this title (relating to Definitions) will be assessed at the rate for the category of use(s) authorized by the water right. For any diversion that would fit the salt water diversion definition except for the fact that the watermaster may be required to protect that water right against junior appropriators, the water right holder or agent may achieve conformity with the definition, and be assessed at the salt water rate, by providing to the executive director, at least 60 days in advance of assessment billing, an affidavit waiving such protection. Such an affidavit shall be subject to approval by the executive director and shall specify the duration for waiving such protection, but shall not be for less than one assessment accounting period, and shall be coterminous with assessment periods as establish by the commis-
sion.

Nonconsumptive Industrial, Mining, or Recreation--under a given water right where part of the authorization for one of these uses is specified as being consumptive, the remainder will be considered nonconsumptive.

Irrigation, Hydroelectric (Priority and Non-priority), Recharge, Spreader Dam Diversions, or Secondary Use--the total amount of water authorized for diversion for each of these categories of use under a water right.

On-channel Storage--the total conservation storage authorized for impoundment under a water right. This category includes only on-channel reservoirs authorized under the Texas Water Code, except those reservoirs exempted in accordance with the Texas Water Code, §11.142.

(b) After the assessment rate for municipal use has been determined, the assessment rates for the other uses or for storage shall be calculated as the mathematical product of the municipal assessment rate and the rate factor for each use or for storage.

§304.63. Assessment of Costs.

(a) To determine the amount of assessment for each assessment account, computations shall be made by adding together a base charge as specified in the commission order adopted in accordance with §304.61 of this title (relating to Costs of Administration) and, as applicable, either or both of the following:

(1) a use fee, which is the mathematical product of the total amount of water authorized for use under that assessment account and the appropriate assessment rate as determined by §304.62 of this title (relating to Determination of Assessment Rates); provided, however, that if the water right authorizes more than one type of use, and if the maximum amount of water authorized to be used annually for all uses (the maximum total authorization) is less than the sum of the maximum amounts authorized to be used annually for each use (the sum of all authorizations), then, in calculating the fee for each account the number to be used for the authorized amount shall be the product of the maximum total authorization and a fraction whose numerator is the amount of water authorized for that use, and whose denominator is the sum of all authorizations; and also provided that the water right holder or the executive director may apply to the commission for, and the commission may grant, an order providing, for assessment purposes only, that different portions of the total amount of water authorized be applied to the various authorized uses; and

(2) a storage fee for on-channel storage, which is calculated by multiplying the total amount of water authorized for conservation storage under that assessment account by the storage assessment rate as determined by §304.62 of this title (relating to Determination of Assessment Rates). For any water right authorizing storage and more than one type of use for the same owner, the storage fee for that owner's total storage authorization shall be applied to the assessment account for any one of the uses associated with that owner.

(b) The assessment shall be paid to the executive director in advance of expenditures. The executive director shall specify the dates by which payments shall be due, and may provide for payments in installments. The executive director shall transmit all collections to the state treasurer to be held in a special fund to provide for the cost of the watermaster operation.

(c) Water shall not be diverted, taken, stored, or used by any diverter or agent

while any assessment payment is delinquent.

(d) Either the water right owner or agent shall pay the assessment, but only one person per assessment account shall be authorized to pay assessments.

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 July 15, 1988.

TRD-8807355

William G. Newchurch
Director, Legal Division
Texas Water Commission

Effective date: August 5, 1988

Proposal publication date: April 5, 1988

For further information, please call: (512) 463-8087

◆ ◆ ◆
**TITLE 40. SOCIAL
SERVICES AND
ASSISTANCE**

**Part I. Texas Department
of Human Services**
**Chapter 46. Residential Care
Program**

The Texas Department of Human Services (TDHS) adopts the repeal of §§46.2002, 46.2004, and 46.3003 and amendments to §§46.1001, 46.2005, 46.2007, 46.2008, 46.3001, 46.3006, 46.4001-46.4003, 46.5001, and 46.7001. Section 46.2008 is adopted with changes to the proposed text as published in the June 10, 1988, issue of the *Texas Register* (13 TexReg 2904). Sections 46.1001, 46.2002, 46.2004, 46.2005, 46.2007, 46.3001, 46.3003, 46.3006, 46.4001-46.4003, 46.5001, and 46.7001 are adopted without changes to the proposed text and will not be republished.

The repeals and sections are justified so that clients who were receiving residential health care will continue to receive services under the supervised living component without being required to obtain a physician's order for services.

The repeals and sections will function by deleting from the Residential Care Program the residential health care component.

Although the department received no comments regarding permanent adoption of the proposal, the department has initiated one minor change to the text of §46.2008. Subsections (d) and (e) should have been redesignated as new subsections (c) and (d) because the text of old subsection (c) was deleted in the proposal. This redesignation corrects this error.

Definitions

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• **40 TAC 46.1001**

The amendment is adopted under the Human Resources Code, Title 2, Chapters 31 and 33, which authorizes the department to administer public assistance programs.

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

Issued in Austin, Texas, on July 14, 1988.

TRD-8807253

Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Effective date: August 15, 1988

Proposal publication date: June 10, 1988

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

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Provider Participation

• **40 TAC §46.2002, §46.2004**

The repeals are adopted under the Human Resources Code, Title 2, Chapters 31 and 33, which authorizes the department to administer public assistance programs.

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

Issued in Austin, Texas, on July 14, 1988.

TRD-8807254

Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Effective date: August 15, 1988

Proposal publication date: June 10, 1988

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

◆ ◆ ◆
• **40 TAC §§46.2005, 46.2007,
46.2008**

The amendments are adopted under the Human Resources Code, Title 2, Chapters 31 and 33, which authorizes the department to administer public assistance programs. §46.2005. *Facility Requirements.*

(a) (No change.)

(b) The facility must:

(1)-(14) (No change.)

(15) not charge or take other recourse against a recipient, family member, or anyone acting on behalf of the recipient for any claim denied or reduced by the department because of the facility's failure to meet any department rule, regulation, or procedure; and

(16) comply with applicable federal and state regulations, applicable statutes, appropriate service standards, and department rules, procedures, and guidelines.

§46.2007. *Staffing Requirements.*

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

(c) The facility attendants must be 18 years old or older and able to perform the following duties: personal care services; housekeeping; escort services; protective

supervision; and other duties as assigned. The attendant must not provide personal care services until he has shown competence in this area to the satisfaction of the facility manager. If an attendant handles food in the facility, he must meet the requirements described in the food service sanitation rules of the Texas Department of Health.

§46.2008. Training Requirements.

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

(c) The facility must provide all attendants, before or at the time service begins, a general orientation about:

(1) the needs of the recipient and tasks to be provided;

(2) essential observation of the recipient's health; and

(3) conditions about which the attendant should notify the facility manager.

(d) The facility must assess the additional training needs of each residential care attendant, develop a plan for remedying areas of deficiencies, and train each attendant. The facility must document that all attendants are competent to provide personal care before delivering services. Besides the topics covered during orientation, the facility must train the attendant in performing authorized tasks and in following safety and emergency procedures.

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 July 14, 1988.

TRD-8807255 Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Effective date: August 15, 1988

Proposal publication date: June 10, 1988

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

Claims Payment

• 40 TAC §46.3001, §46.3006

The amendments are adopted under the Human Resources Code, Title 2, Chapters 31 and 33, which authorizes the department to administer public assistance programs.

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

Issued in Austin, Texas, on July 14, 1988.

TRD-8807256 Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Effective date: August 15, 1988

Proposal publication date: June 10, 1988

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

• 40 TAC §46.3003

The repeal is adopted under the Human Resources Code, Title 2, Chapters 31 and 33, which authorizes the department to administer public assistance programs.

§46.3003. Billings/Claims Payment for Residential Health Care.

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 July 14, 1988.

TRD-8807257 Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Effective date: August 15, 1988

Proposal publication date: June 10, 1988

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

Provider Contracts

• 40 TAC §§46.4001-46.4003

The amendments are adopted under the Human Resources Code, Title 2, Chapters 31 and 33, which authorizes the department to administer public assistance programs.

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

Issued in Austin, Texas, on July 14, 1988.

TRD-8807258 Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Effective date: August 15, 1988

Proposal publication date: June 10, 1988

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

Records

• 40 TAC §46.5001

The amendment is adopted under the Human Resources Code, Title 2, Chapters 31 and 33, which authorizes the department to administer public assistance programs.

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

Issued in Austin, Texas, on July 14, 1988.

TRD-8807259 Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Effective date: August 15, 1988

Proposal publication date: June 10, 1988

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

Support Documents

• 40 TAC §46.7001

The following amendment is adopted under the Human Resources Code, Title 2, Chapters 22 and 32, which authorizes the department to administer public and medical assistance programs.

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

Issued in Austin, Texas, on July 14, 1988.

TRD-8807260 Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Effective date: August 15, 1988

Proposal publication date: June 10, 1988

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

**Chapter 48. Community Care
for Aged and Disabled**

The Texas Department of Human Services (TDHS) adopts an amendment to §48. 2929 and the repeal of §48.2930, without changes to the proposed text as published in the June 10, 1988, issue of the *Texas Register* (13 TexReg 2909).

The amendment and repeal are justified so that clients who were receiving residential health care will continue to receive services under the supervised living component without being required to obtain a physician's order for services. These clients also will be able to maintain eligibility for services based on a lower functional score than the score required for residential health care.

The amendment and repeal will function by deleting from the Residential Care Program the residential health care component.

No comments were received regarding adoption of the proposal.

Eligibility

• 40 TAC §48.2929

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

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

Issued in Austin, Texas, on July 14, 1988.

TRD-8807261 Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Effective date: August 15, 1988

Proposal publication date: June 10, 1988

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

• 40 TAC §48.2930

The following repeal is adopted under the Human Resources Code, Title 2, Chapters 22 and 32, which authorizes the department to administer public and medical assistance programs.

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

Issued in Austin, Texas, on July 14, 1988.

TRD-8807262

Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Effective date: August 15, 1988

Proposal publication date: June 10, 1988

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



State Board of Insurance Exempt Filing Notification Pursuant to the Insurance Code, Chapter 5, Subchapter L

(Editor's note: As required by the Insurance Code, Article 5.96 and Article 5.97, the Register publishes notices of actions taken by the State Board of Insurance pursuant to Chapter 5, Subchapter L, of the Code. Board action taken under these articles is not subject to the Administrative Procedure and Texas Register Act, and the final actions printed in this section have not been previously published as proposals.

These actions become effective 15 days after the date of publication or on a later specified date.

The text of the material being adopted will not be published, but may be examined in the offices of the State Board of Insurance, 1110 San Jacinto Street, Austin.)

The State Board of Insurance has considered a filing by Boston Old Colony Insurance Company, Commercial Insurance Company of Newark, New Jersey, The Continental Insurance Company, The Fidelity and Casualty Company of New York, Firemen's Insurance Company of Newark, New Jersey, The Glens Falls Insurance Company, Kansas City Fire

and Marine Insurance Company, and Niagara Fire Insurance Company proposing an amendment to the Standard Morticians' Professional Liability Program. This revision amends the program to conform to the Insurance Code, Article 21.49-2A, regarding the rules of cancellation and non-renewal of certain liability policies.

This filing was approved to become effective May 1, 1988.

The State Board of Insurance has considered a petition by the Texas Medical Liability Insurance Underwriting Association (the JUA) proposing an amendatory endorsement (JUA-73). The endorsement permits policyholders to pay an assessment levied by the JUA in two installments. The first installment payment would be due within 30 days after receipt of notice of assessment, and the remaining balance would be due 30 days thereafter.

The board, in accordance with the Insurance Code, Articles 5.15, 5.15-1, 5.97, and 21.49-

3, has approved amendatory endorsement JUA-73. The approval constitutes final adoption of endorsement JUA-73 and supersedes an earlier emergency approval of the same endorsement. This approval becomes effective at 12:01 a.m. on the fifteenth day after notice of this action is published in the *Texas Register*.

This notification is made pursuant to the Insurance Code, Article 5.97, which exempts it from the requirements of the Administrative Procedure and Texas Register Act.

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

Issued in Austin, Texas on July 13, 1988.

TRD-8807280

Nicholas Murphy
Chief Clerk
State Board of Insurance

Effective date: August 6, 1988

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





Name: Mark Ledesma
Grade: 10
School: Elgin High, Elgin

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 Department of Agriculture

Tuesday, July 26, 1988, 1 p.m. The Produce Recovery Fund Board of the Texas Department of Agriculture will meet in the Ninth Floor Conference Room, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the board will hold administrative hearing regarding alleged violation of Texas Agriculture Code §103.001 by Robert D. DeBruyn, Robert S. DeBruyn, and H. Donald DeBruyn, doing business as DeBruyn Produce Company, as petitioned by Rudy Jesko and Richard Jesko, doing business as Jesko Farms.

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

Filed: July 14, 1988, 10:45 a.m.

TRD-8807230

Wednesday, July 27, 1988, 8 a.m. The department will meet in the Ninth Floor Conference Room, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the department will hold administrative hearing to review alleged violation of Texas Agriculture Code §103.001 by Nick D'Alessandro, doing business as Nick's T&C Produce, as petitioned by H&S Produce Company.

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

Filed: July 14, 1988, 10:45 a.m.

TRD-8807335

Wednesday, July 27, 1988, 8:30 a.m. The Produce Recovery Fund Board will meet in the Ninth Floor Conference Room, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the board will hold administrative hearing regarding alleged violation of Texas Agriculture Code §103.001 by Belinda C. Kaye, doing business as Twilight Agro Sales, petitioned by Alberto Ortega.

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

Filed: July 14, 1988, 10:45 a.m.

TRD-8807231

Wednesday, July 27, 1988, 10 a.m. The State Seed and Plant Board of the Texas Department of Agriculture will meet at the Texas A&M Agriculture Research and Extension Center, Route 7 (Highway 90 and Imes Road), Beaumont. According to the agenda summary, the board will discuss peanut standards and recertification, and consider new growers and new varieties.

Contact: Kenneth Boatwright, P.O. Box 12847, Austin, Texas 78711, (512) 463-7614.

Filed: July 14, 1988, 2:39 p.m.

TRD-8807245

Wednesday, July 27, 1988, 1 p.m. The Produce Recovery Fund Board will meet in the Ninth Floor Conference Room, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the board will hold administrative hearing regarding alleged violation of Texas Agriculture Code §103.001 by Richard Ruiz, doing business as Ruiz Produce Company, as petitioned by W.H. Simpson.

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

Filed: July 14, 1988, 10:45 a.m.

TRD-8807232

Wednesday, July 27, 1988, 1 p.m. The Produce Recovery Fund Board will meet in the Ninth Floor Conference Room, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the board will hold administrative hearing regarding alleged violation of Texas Agriculture Code §103.001 by Albert Ivy, doing business as Evergreen Farms, as petitioned by Robert and Eliborio Perez.

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

Filed: July 14, 1988, 10:45 a.m.

TRD-8807336

Wednesday, July 27, 1988, 3 p.m. The Produce Recovery Fund Board will meet in

the Ninth Floor Conference Room, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the board will hold administrative hearing regarding alleged violation of Texas Agriculture Code §103.001 by Albert Ivy, doing business as Evergreen Farms, as petitioned by Willie Stebel.

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

Filed: July 14, 1988, 10:45 a.m.

TRD-8807337

Friday, July 29, 1988, 10 a.m. The department will meet at the Texas A&M Research and Extension Center, Highway 44, Corpus Christi. According to the agenda, the department will receive public comment regarding proposed boll weevil control regulations published in the July 8, 1988, issue of the *Texas Register* (13 TexReg 3400).

Contact: Annette Cardenas, P.O. Box 12847, Austin, Texas 78711, (512) 463-7617.

Filed: July 14, 1988, 2:40 p.m.

TRD-8807246

Monday, August 1, 1988, 1 p.m. The department will meet in the Hoblitzell Auditorium, Texas A&M Experiment Station and Extension Service, 2401 East Highway 83, Weslaco. According to the agenda, the department will receive public comment regarding proposed boll weevil control regulations published in the July 8, 1988, issue of the *Texas Register* (13 TexReg 3400).

Contact: Annette Cardenas, P.O. Box 12847, Austin, Texas 78711, (512) 463-7617.

Filed: July 14, 1988, 2:40 p.m.

TRD-8807247

Tuesday, August 2, 1988, 1 p.m. The department will meet in the Texas A&M University Research and Extension Center, 1380 A&M Circle, El Paso. According to the agenda, the department will receive public comment regarding proposed boll weevil control regulations published in the July 8, 1988, issue of the *Texas Register* (13 TexReg 3400).

Contact: Annette Cardenas, P.O. Box 12847, Austin, Texas 78711, (512) 463-7617.

Filed: July 14, 1988, 2:41 p.m.

TRD-8807248

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**State Board of Barber
Examiners**

Tuesday, August 2, 1988, 3 p.m. The Board Members for the State Board of Barber Examiners will meet on the Second Floor of the Capitol Building, Lieutenant Governor's Committee Room, Austin. According to the agenda, the board will hold a joint meeting with the Texas Cosmetology Commission for renewal of contract for dual-licensed shop inspections.

Contact: Jo King McCrorey, 1300 East Anderson Lane, Suite C-275, Austin, Texas 78752, (512) 835-2040.

Filed: July 18, 1988, 9:29 a.m.

TRD-8807390

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**Texas Commission for the
Blind/Texas Rehabilitation
Commission**

Friday-Saturday, August 26-27, 1988, 10 a.m. and 8:30 a.m., respectively. The State Independent Living Council for the Texas Commission for the Blind/Texas Rehabilitation Commission will meet at the Wyndham Hotel, IH 35 at Ben White, Austin. According to the agenda for Friday, the council will establish subcommittees and presentations by state and local agencies regarding independent living services. On Saturday, the council will hold subcommittee meetings and hear reports and public comments.

Contact: Betty Huffman, (512) 459-2611, Jean Wimberly, (512) 459-2584, or Mel Fajkus, (512) 445-8277.

Filed: July 18, 1988, 9:30 a.m.

TRD-8807389

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**Texas Department of
Commerce**

Thursday, July 21, 1988, 10:30 a.m. The Strategic Economic Policy Commission for the Texas Department of Commerce met in emergency session in the 12th Floor Auditorium, Three Bell Plaza, 308 South Akard, Dallas. According to the agenda, the commission reviewed preliminary recommendations for the Strategic Economic Policy Commission final report and discussed plans for upcoming public hearings. The emergency status was necessary as the location was undetermined.

Contact: Bob Farley, (512) 320-9657.

Filed: July 14, 1988, 4:02 p.m.

TRD-8807264

**Texas Department of
Corrections**

Wednesday, July 20, 1988, 9:30 a.m. The Board of Corrections for the Texas Department of Corrections met in emergency session by telephone conference call from Room BU-1, Supreme Court Building, which was monitored from 14th at Colorado Streets, Austin, or the TDC Administration Building, 815 11th Street, Room 103, Huntsville. According to the agenda, the board approved resolution to issue the 1988 series B bonds through the Texas Public Finance Authority; renewed the delegation of authority for financial matters to director and the deputy director of finance; and selected a name for the prison unit to be constructed in Amarillo. The emergency status was necessary due to an unanticipated request for a resolution approving issuance of 1988 series B bonds.

Contact: James A. Lynaugh, P.O. Box 99, Huntsville, Texas 77340, (409) 295-6371.

Filed: July 18, 1988, 10:42 a.m.

TRD-8807363

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**Texas Cosmetology
Commission**

Sunday, July 24, 1988, 10 a.m. The Texas Cosmetology Commission will meet for an agenda revision in Embassy Suites Hotel, 1800 South Second Street, McAllen. According to the agenda, the commission will call order, hold introductions, hear opening remarks, committee reports, review and adopt personnel handbook, rule adoptions and proposals, budget review, agreed orders, TCHR complaint 1880010/S, Woodward vs. TCC, and meet in executive session.

Contact: Laura Donges, 1111 Rio Grande, Austin, Texas 78701, (512) 463-3183.

Filed: July 15, 1988, 11:55 a.m.

TRD-8807287

Monday, July 25, 1988, 9 a.m. The Texas Cosmetology Commission will meet for an agenda revision in Embassy Suites Hotel, 1800 South Second Street, McAllen. According to the agenda, the commission will call order, hold introductions, hear opening remarks, committee reports, review and adopt personnel handbook, rule adoptions and proposals, budget review, agreed orders, TCHR complaint 1880010/S, Woodward vs. TCC, and meet in executive session.

Contact: Laura Donges, 1111 Rio Grande, Austin, Texas 78701, (512) 463-3183.

Filed: July 15, 1988, 11:55 a.m.

TRD-8807288

Monday, July 25, 1988, 9 a.m.

Office of the Governor

Thursday-Friday, July 21-22, 1988, 9 a.m. The Financial Subcommittee-Select Committee on Education for the Governor's Office met and will meet for an emergency revision in Room 103, John H. Reagan Building, Austin. According to the agenda, the subcommittee discussed state funding for maintenance and operation for capital outlay and debt service. The emergency status was necessary due to a conflict with members schedule.

Contact: Margaret La Montague, Sam Houston Building, Room 707, Austin, Texas 78711, (512) 463-1834.

Filed: July 18, 1988, 4:14 p.m.

TRD-8807401

Wednesday, July 27, 1988, 4:30 p.m. The Criminal Justice Division, Texas Crime Stoppers Advisory Council for the Office of the Governor will Rodeway Inn, 833 North Watson Road, Arlington. According to the agenda, the council will approve minutes, hear committee appointments, reports, evaluation of Crime Stoppers training schools, training school schedule for 1988-1989, and hear coordinators report.

Contact: David Cobos, Room 331, Sam Houston Building, Austin, Texas 78711, (512) 463-1784.

Filed: July 14, 1988, 1:51 p.m.

TRD-8807241

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**Governor's Committee on
Water Resources
Management**

Friday, July 29, 1988, 9 a.m. The Governor's Committee on Water Resources Management will meet in Room 105, John H. Reagan Building, Austin. According to the agenda, the committee will address members present; public hearing to receive oral and written testimony on the relationships between agencies with statewide jurisdiction and local or regional entities; and consider other business.

Contact: Ralph Boeker, Seventh Floor, Sam Houston Building, 201 East 14th Street, Austin, Texas 78701, (512) 463-1778.

Filed: July 14, 1988, 11:30 a.m.

TRD-8807240

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Texas Historical Commission

Monday, July 25, 1988, 3:30 p.m. The State Board of Review Subcommittee of the Texas Historical Commission will meet on the Second Floor, El Rose Apartment Building, 108 West 16th Street, Austin. According to the agenda, the subcommittee

will discuss survey and planning guidelines and contractual language requirements.

Contact: Marlene Casarez, P.O. Box 12276, Austin, Texas, (512) 463-6094.

Filed: July 14, 1988, 4:24 p.m.

TRD-8807268

Thursday, July 28, 1988, 2 p.m. The Executive Committee of the Texas Historical Commission will meet in the Library, 1511 Colorado, Austin. According to the agenda, the committee will consider Texas awards for historic preservation, Texas Historical Foundation, and status of agency consolidation concerning THC and TAC Joint Committee and governor's mansion; hear public information study report.

Contact: Cindy Dally, P.O. Box 12276, Austin, Texas 78711, (512) 463-6100.

Filed: July 15, 1988, 2:11 p.m.

TRD-8807294

Thursday, July 28, 1988, 4 p.m. The Publications Committee of the Texas Historical Commission will meet in the Archaeological Planning and Review Library, El Rose Building, Austin. According to the agenda, the committee will hear media report concerning circulation manager-plans for fiscal year 1989 and 1990, fall promotion campaign, medallions in museums, monthly column, subscription price increase, TR Fehrenbach publications contest, and public service announcements; and consider fiscal year 1989 departmental budget.

Contact: Roni Morales, P.O. Box 12276, Austin, Texas 78711, (512) 463-6100.

Filed: July 14, 1988, 3:28 p.m.

TRD-8807263

Friday, July 29, 1988, 7:30 a.m. The National Register Programs Committee of the Texas Historical Commission will meet on the Second Floor, El Rose Apartment Building, 108 West 16th Street, Austin. According to the agenda, the committee will consider State Board of Review activities, status of fiscal year 1988 historic preservation fund grants, announcement of departmental contract positions, and update on Texas and Pacific depot in Marshall; and hear quarterly report of activities.

Contact: Marlene Casarez, P.O. Box 12276, Austin, Texas (512) 463-6094.

Filed: July 14, 1988, 4:24 p.m.

TRD-8807267

Friday, July 29, 1988, 8 a.m. The Main Street Committee of the Texas Historical Commission will meet in the Dining Room, Guest Quarters Hotel, 15th and Lavaca Streets, Austin. According to the agenda, the committee will consider main street selection process, progress in main street cities, and national main street town meeting in Austin, February-March 1989.

Contact: Anice Read, P.O. Box 12276,

Austin, Texas 78711, (512) 463-6092.

Filed: July 14, 1988, 10:47 a.m.

TRD-8807233

Friday, July 29, 1988, 9:30 a.m. The Texas Historical Commission will hold the quarterly meeting in Room 118, Stephen F. Austin Building, 1701 North Congress Avenue, Austin. According to the agenda summary, the commission will hear the chairman's report, Architecture Committee report, Archaeological Planning and Review Committee report, National Register Programs Committee report, Publications Committee report, Main Street Committee report, State Marker Committee report, Archaeology Committee report, and CHC and Museum Services Committee report; and consider State Board of Review.

Contact: Cindy Dally, P.O. Box 12276, Austin, Texas 78711, (512) 463-6100.

Filed: July 15, 1988, 2:11 p.m.

TRD-8807292

Saturday, July 30, 1988, 9 a.m. The State Board of Review of the Texas Historical Commission will meet in the 1911 Reading Room, Battle Hall, University of Texas, Austin. According to the agenda summary, the board will approve minutes of the previous meeting and review national register nominations.

Contact: Marlene Casarez, P.O. Box 12276, Austin, Texas (512) 463-6094.

Filed: July 14, 1988, 4:24 p.m.

TRD-8807269

Texas Hospital Equipment Financing Council

Friday, July 22, 1988, 10 a.m. The Texas Hospital Equipment Financing Council will meet in Room 101, John H. Reagan Building, 15th Street and Congress Avenue, Austin. According to the agenda, the council will approve minutes of the May 19, 1988, meeting; discuss and act on approval of amendments to the bond financing documents to extend the stated maturity of the council's outstanding bonds and to reduce the loan discount; discuss and act on documentation to modify the existing loans and to approve additional loans; discuss possible legislation to be presented to the 71st Legislature; discuss management report prepared by the state auditor's office; and discuss and act on engagement of bond counsel and payment of consulting fees, including the administrator's fee.

Contact: C.D. Polumbo, 210 Barton Springs Road, Austin, Texas 78704, (512) 463-2018.

Filed: July 14, 1988, 11:10 a.m.

TRD-8807238

Texas Department of Human Services

Wednesday, July 27, 1988, 10 a.m. The Advisory Committee for Services to Aged and Disabled for Texas Department of Human Services will meet in the Boardroom, First Floor, West Tower, 701 West 51st Street, Austin. According to the agenda, the committee will consider July 7th LAR, hear deputy report, special task force on the future of long term care, ADAC subcommittee on services to disabled persons, medical assistance liens, report of the Ad Hoc Sunset Committee and repeal of rules; ICF-MR six bed or less rule deletion, ICF/SNF standards concerning nurse charting requirements, hospice rate for room and board reimbursement, adjustments to the PHC and family care setting methodologies, adjustments to the moratorium on contracting for nursing home beds, recipients' rights rules to meet federal mandate of OBRA requirements, incorporation of new federal ICF-MR regulations into the state ICF-MR standards for participation, ICF-MR case mix pilot reimbursement methodology, and revised transfer of resources and income averaging.

Contact: Mary Ann Harvey, P.O. Box 2960, Austin, Texas 78769, (512) 450-3194.

Filed: July 15, 1988, 3:50 p.m.

TRD-8807328

State Board of Insurance

The State Board of Insurance will meet at 1110 San Jacinto Street, Austin. Dates, times, rooms, and agendas follow.

Tuesday, July 26, 1988, 9 a.m. The Fire Marshal's Hearing Section will meet in Room 342, to consider Docket FM-060-Whether disciplinary action should be taken against A-1 Fire and Safety Equipment Company, Inc.; Waco Fire Equipment; Therrell Alarm Protection Services, Inc.; John H. Restivo; Andrew P. Restivo; and Jack Restivo.

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

Filed: July 18, 1988, 10:19 a.m.

TRD-8807371

Tuesday, July 26, 1988, 9 a.m. The Board will meet in Room 414, to consider filing by insurance services office of revision to classification table-contractors-subcontracted work classifications; appointment of advisory committee concerning application premium for title insurance; withdrawal of petroleum properties schedule and adoption of new multi-peril Texas Petroleum Policy; final adoption of 28 TAC §7.56; board orders on several different matters as itemized on the complete agenda;

and board-personnel, fire marshal-personnel and litigation, statistical and rate development-personnel, information services-personnel, and commissioner-personnel and litigation.

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

Filed: July 15, 1988, 9:33 a.m.

TRD-8807395

Tuesday, July 26, 1988, 1:30 p.m. The Commissioner's Hearing Section will meet in Room 353, to consider Docket 9977-Approval of amendments to the Articles of Agreement of Home Lloyd's Insurance Company of Texas, Dallas.

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

Filed: July 18, 1988, 10:19 a.m.

TRD-8807370

Wednesday, July 27, 1988, 1:30 p.m. The Commissioner's Hearing Section will meet in Room 342, to consider Docket 9960-Whether disciplinary action should be taken against Jerry Alley, Fort Worth, who holds a Group I, legal reserve life insurance agent's license and a group II, life, health and accident insurance agent's license issued by the board.

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

Filed: July 18, 1988, 10:19 a.m.

TRD-8807369

Thursday, July 28, 1988, 9 a.m. The Commissioner's Hearing Section will meet in Room 353, to consider Docket 9997-Application of Hill Country Life Insurance Company, Austin, to acquire control of Associated Bankers Life Insurance Company, Denton.

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

Filed: July 18, 1988, 10:19 a.m.

TRD-8807368

Friday, July 29, 1988, 9 a.m. The Commissioner's Hearing Section will meet in Room 353, to consider Docket 9987-Application of Kent Lavoe Sparks, Grover, for a group I, legal reserve life insurance agent's license to be issued by the board.

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

Filed: July 18, 1988, 10:19 a.m.

TRD-8807367

Monday, August 1, 1988, 9 a.m. The Commissioner's Hearing Section will meet in Room 353, to consider Docket 9990-Application of Southwest Service Life Insurance Company, North Richland Hills, to

acquire control of Nail-Haggard Life Insurance Company, Daingerfield.

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

Filed: July 18, 1988, 10:20 a.m.

TRD-8807366

Monday, August 1, 1988, 1:30 p.m. The Commissioner's Hearing Section will meet in Room 353, to consider Docket 9975-Application for amendment to the Articles of Incorporation of Employers National Life Insurance Company, Dallas, in regards to director liability.

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

Filed: July 18, 1988, 10:21 a.m.

TRD-8807364

Monday, August 1, 1988, 2 p.m. The Commissioner's Hearing Section will meet in Room 353 to consider Docket 9976-Application for amendment to the Articles of Incorporation of Employers Casualty Company, Dallas, in regards to director liability.

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

Filed: July 18, 1988, 10:20 a.m.

TRD-8807365

Wednesday, August 3, 1988, 10 a.m. The Board will meet in Room 414, to consider adoption of 28 TAC §5.6105, concerning evaluation and inspection of accident prevention services provided by any insurers writing workers' compensation insurance in the State of Texas.

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

Filed: July 15, 1988, 9:33 a.m.

TRD-8807278

Texas Commission on Jail Standards

Wednesday, July 20, 1988, 9 a.m. The Texas Commission Jail Standards made an emergency agenda revision to a meeting held in Room 100, Employees Retirement Building, 18th and Brazos Streets, Austin. According to the agenda summary, the commission considered new business concerning Bexar County. The emergency status was necessary due to an unexpected development requiring the immediate attention of the commission.

Contact: Robert O. Titerma, 611 South Congress Avenue, Suite 200, Austin, Texas 78704.

Filed: July 18, 1988, 4:47 p.m.

TRD-8807405

Texas Commission on Law Enforcement Officer Standards and Education and Law Enforcement Management Institute

Thursday, July 28, 1988, 10 a.m. The Texas Commission on Law Enforcement Officer Standards and Education and Law Enforcement Management Institute will meet in the Meeting Room, Fifth Floor, Republic Bank Building, 130 East Travis, San Antonio. According to the agenda, the commission will recognize visitors; approve minutes of the previous meeting; consider old business not completed at June 1 meeting; determine responsibility for activities outlined in strategic planning; consider possible target dates for completion, new business concerning discussion of concepts models - typical participant's development track, and service delivery possibilities; hear progress report of needs assessment; and consider budget status and status of committees.

Contact: Jack L. Ryle, 1606 Headway Circle, Suite 100, Austin, Texas 78754, (512) 834-9222.

Filed: July 19, 1988, 9:39 a.m.

TRD-8807416

Board of Law Examiners

Sunday-Monday, July 24-25, 1988, 1 p.m. and 8:15 a.m., respectively. The Board of Law Examiners will meet at the Capitol Marriot, 11th Street at IH-35, Austin, on Sunday, and the Texas Law Center, 1414 Colorado, Austin, on Monday. According to the agenda, the board will approve minutes of the June 1988, meeting; review budget, current status for fiscal year 1988 and consider fiscal year 1989; review declaration and application forms; discuss July 1988 bar exam; discuss questions of eligibility and special requests; and conduct hearings on moral character and fitness.

Contact: Wayne E. Denton, 520 South Congress Avenue, Austin, Texas 78704, (512) 463-1621.

Filed: July 14, 1988, 2:26 p.m.

TRD-8807243

Board for Lease of State-owned Lands

Thursday, July 21, 1988, 4:30 p.m. The Board for Lease of Texas Department of Corrections for the Board for Lease of State-owned Lands met in emergency session in Room 833, General Land Office, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the board approved minutes of the previous board meeting; considered nomi-

nations, terms, conditions, and procedures for the October 4, 1988, lease sale; pooling applications; and heard a report on Bar N Oil and Gas. The emergency status was necessary to meet the deadline for "Notice for Bids" mailing.

Contact: Linda K. Fisher, 1700 North Congress Avenue, Room 836, Austin, Texas 78701, (512) 463-5016.

Filed: July 14, 1988, 4:46 p.m.

TRD-8807270

Thursday, July 21, 1988, 4:30 p.m. The Board for Lease of Texas Department of Corrections for the Board for Lease of State-owned Lands met for an emergency agenda revision in Room 833, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the board will approve minutes of the previous board meeting; consider nominations, terms, conditions, and procedures for the October 4, 1988, lease sale; pooling applications; lease suspension applications; and report on Bar N Oil and Gas.

Contact: Linda K. Fisher, 1700 North Congress Avenue, Room 836, Austin, Texas 78705, (512) 463-5016.

Filed: July 15, 1988, 3:35 p.m.

TRD-8807326

Friday, July 22, 1988, 2 p.m. The Board for Lease of Texas Parks and Wildlife Department for the Board of Lease of State-owned Lands will meet in Room 833, General Land Office, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the board will approve minutes of the previous board meeting, consider pooling application, and exchange rights-of-way, Blanco County State Park.

Contact: Linda K. Fisher, 1700 North Congress Avenue, Room 836, Austin, Texas 78701, (512) 463-5016.

Filed: July 14, 1988, 4:46 p.m.

TRD-8807271

Texas State Library and Archives Commission

Wednesday, July 20, 1988, 10 a.m. The Library Systems Act Advisory Board for the Texas State Library and Archives Commission met in emergency session in Room 314, Lorenzo de Zavala State Library and Archives Building, 1201 Brazos, Austin, rescheduled from July 19-20, 1988. According to the agenda, the board considered appeals by public libraries that may be denied membership in the Texas Library System for SFY 1989; and considered requests for exceptions to the standard method of calculating the population served by a public library. The emergency status was neces-

sary because the number of appeals is smaller than expected, therefore the meeting time was shortened from one and a half days to one.

Contact: Edward Seidenberg, P.O. Box 12927, Austin, Texas 78711, (512) 463-5459.

Filed: July 18, 1988, 9:31 a.m.

TRD-8807388

Texas Motor Vehicle Commission

Friday, July 29, 1988, 9 a.m. The Texas Motor Vehicle Commission will meet in Suite 302, Brazos Building, 815 Brazos Street, Austin. According to the agenda, the commission will adopt minutes of commission meeting of June 30, 1988; consider proposals for decision: license and other cases, and Lemon Law cases; motions for reconsideration: Lemon Law case; agreed orders for approval and entry by the commission; orders of dismissal; unfinished business-discuss and act on proposal for decision format; proposed rule §107.8, concerning reasonable allowance for owner's use of a vehicle in lemon law cases; review and discuss agency financial status and budget submission; and discuss pending litigation for Volvo White Truck Corporation v. TMVC, et al.

Contact: Russell Harding, 815 Brazos, Suite 300, Austin, Texas 78701, (512) 476-3587.

Filed: July 15, 1988, 10:31 a.m.

TRD-8807284

Board of Nurse Examiners

Tuesday-Thursday, July 26-28, 1988, 8 a.m. The Board of Nurse Examiners will meet in the Austin Room, Doubletree Hotel, 6505 IH 35 North, Austin. According to the revised agenda, the board will consider the education report, adding faculty petitions.

Contact: Louise Waddill, P.O. Box 1040466, Austin, Texas, (512) 835-4880.

Filed: July 15, 1988, 3:06 p.m.

TRD-8807323

Board of Pardons and Paroles

Tuesday, July 19, 1988, 9:30 a.m. The Board of Pardons and Paroles met at 8610 Shoal Creek Boulevard, Austin. According to the agenda, the board met for an emergency agenda revision to consider budget, special review caseloads, quarterhouses, special reviews, and procedural clarification of tentative parole votes. The emergency status was necessary to implement pro-

grams to alleviate overcrowded conditions at the Texas Department of Corrections and county jails.

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

Filed: July 14, 1988, 4:22 p.m.

TRD-8807266

Monday-Friday, July 25-29, 1988, 1:30 p.m. daily, except 11 a.m. on Friday. A three-member panel for the Board of Pardons and Paroles will meet at 8610 Shoal Creek Boulevard, Austin. According to the agenda, the board will receive, review, and consider information and reports concerning prisoners/inmates and administrative releases subject to the boards jurisdiction and initiate and carry through with appropriate action.

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

Filed: July 14, 1988, 4:22 p.m.

TRD-8807282

Tuesday, July 26, 1988, 1:30 p.m. The Board of Pardons and Paroles will meet at 8610 Shoal Creek Boulevard, Austin. According to the agenda, the board will meet in executive clemency recommendations and related actions (other than out of country conditional pardons), including full pardons and restoration of civil rights of citizenship; emergency medical reprieves; commutations of sentence; other reprieves, remissions, and executive clemency actions.

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

Filed: July 14, 1988, 4:22 p.m.

TRD-8807281

Texas Pork Producers Board

Friday, August 12, 1988, 8 p.m. The Texas Pork Producers Board of the Texas Department of Agriculture will meet in Room 127, Kleberg Animal and Food Science Center, Texas A&M University, College Station. According to the agenda, the board will approve minutes of the previous meeting; hear the treasurer's report, Promotions Committee report, Research Committee report, and Education Committee report; approve 1989 proposed budget; and consider new business and announcements.

Contact: Ken Horton, P.O. Box 10168, Austin, Texas 78766, (512) 453-0615.

Filed: July 19, 1988, 9:01 a.m.

TRD-8807411

Texas State Board of Public Accountancy

Wednesday, July 27, 1988, 1 p.m. The Texas State Board of Public Accountancy will meet in Suite 340, 1033 La Posada, Austin. Dates and agendas follow.

The Entry and Reentry Screening Committee will consider ratification of approved applications for registration of partnerships and professional corporations, applications for reinstatement of CPA certificates, and ratification of previously approved applications under §§12, 13, and 14; consider non-routine applications under §§12, 13, and 14; consider informal conferences for individuals requesting an appearance before the committee; review of convictions reported by licensees on their 1988 renewal notices, information relating to Department of Public Safety criminal background investigation reports, request for surrender of CPA certificates under §12(a) of the Act, and licensing statistics.

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

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

TRD-8807413

The Examination Committee will review information relating to the May 1988 examination, sites, board and staff assignments, proctor assignments, and candidate site statistics; consider non-routine applications and ratification of applications; review information relating to future examinations; consider exam sites available for the November 1988 exam; review topics; consider status of exam application form, discuss with Dr. Allen Bizzell methods of curtailing cheating; hear report on information conferences; and consider other matters.

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

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

TRD-8807414

Texas Public Finance Authority

July 21, 1988, 10:30 a.m. The Texas Public Finance Authority made an emergency revised agenda for a meeting held in Room G-A, Reagan Building, Austin. According to the agenda, the authority approved minutes of the previous meeting; considered resolution authorizing authority state of Texas general obligation bonds, Series 1988B, a financing agreement with the Texas Department of Corrections, a first amendment agreement with the State Treasurer, letter of representation to the depository trust company, an official statement, and other matters; considered resolution concerning investment of bond proceeds,

bid opening, authority state of Texas general obligation bonds, Series 1988B; approved payment of outstanding bond counsel fees and expenses; and considered actions necessary for future bond issues and set date and time of next meeting. The emergency status was necessary because recent developments necessitate discussion of additional agenda items.

Contact: Ann Moriarty, 201 East 14th Street, Austin, Texas 78701, (512) 463-5544.

Filed: July 18, 1988, 4:42 p.m.

TRD-8807404

Texas Department of Public Safety

Thursday, July 28, 1988, 1 p.m. The Public Safety Commission for the Texas Department of Public Safety will meet in the Commission Room, DPS Headquarters, 5805 North Lamar Boulevard, Austin. According to the agenda, the commission will approve minutes, budget matters, personnel matters, real estate matters, pending and contemplated litigation, miscellaneous and other unfinished business.

Contact: Leo E. Gossett, 5805 North Lamar Boulevard, Austin, Texas 78751, (512) 465-2000, ext. 3700.

Filed: July 18, 1988, 11:51 a.m.

TRD-8807392

Public Utility Commission of Texas

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

Wednesday, August 17, 1988, 10 a.m. The Hearings Division will consider Docket 8222-Inquiry of the General Counsel into the reasonableness of the rates of United Telephone Company of Texas, Inc.

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

Filed: July 15, 1988, 2:46 p.m.

TRD-8807318

Wednesday, August 17, 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 15, 1988, 2:46 p.m.

TRD-8807398

Monday, August 29, 1988, 10 a.m. The

Hearings Division will consider Docket 8227-Application of San Miquel 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: July 15, 1988, 2:46 p.m.

TRD-8807400

Wednesday, September 7, 1988, 10 a.m. The Hearings Division will consider merits on Docket 8191, application of Cherokee County Electric Cooperative Association for authority to change rates.

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

Filed: July 14, 1988, 1:47 p.m.

TRD-8807242

Tuesday, September 27, 1988, 10 a.m. The Hearings Division will consider Docket 8013-Application of Eastern New Rural Telephone Cooperative Inc. to detariff inside wire and CPE and for approval of tariff revisions, and new local exchange tariff.

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

Filed: July 15, 1988, 2:45 p.m.

Thursday, October 20, 1988, 10 a.m. The Hearings Division will consider Docket 8227-Application of San Miquel 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: July 15, 1988, 2:46 p.m.

TRD-8807399

State Purchasing and General Services Commission

Wednesday, July 20, 1988, 8:30 a.m. The State Purchasing and General Services Commission met for an emergency agenda revision in Conference Room 402, Central Services Building, 1711 San Jacinto, Austin. According to the agenda, the commission met in executive session to consider the status of pending litigation, i.e. Del E. Webb Corporation vs. State of Texas and State Purchasing and General Services Commission, Cause 411,489, 250th Judicial District Court, Travis County. The emergency status was necessary to enable the commission to take any actions necessary regarding this pending litigation to avoid potential losses for the State of Texas.

Contact: John R. Neel, 1711 San Jacinto, Austin, Texas 78711, (512) 463-3446.

Filed: July 15, 1988, 1:13 p.m.

TRD-8807316

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**Railroad Commission of
Texas**

Monday, July 25, 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 12970, Austin, Texas 78711, (512) 463-7527.

Filed: July 15, 1988, 12:18 p.m.

TRD-8807306

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 12970, Austin, Texas 78711, (512) 463-7251.

Filed: July 15, 1988, 12:18 p.m.

TRD-8807305

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. Consider reorganization of various commission divisions; consolidation of positions; and appointment, reassignment and/or termination of various positions, including division directors.

Contact: C. Tom Clowe, P.O. Drawer 12970, Austin, Texas 78711, (512) 463-7274.

Filed: July 8, 1988, 1:58 p.m.

TRD-8807304

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 12970, Austin, Texas 78711, (512) 463-7087.

Filed: July 15, 1988, 12:18 p.m.

TRD-8807307

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 12970, Austin, Texas 78711, (512) 463-7009.

Filed: July 15, 1988, 12:18 p.m.

TRD-8807300

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 12970, Austin, Texas 78704, (512) 463-7010.

Filed: July 15, 1988, 12:18 p.m.

TRD-8807308

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 12970, Austin, Texas 78711, (512) 463-6828.

Filed: July 15, 1988, 12:18 p.m.

TRD-8807312

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 12970, Austin, Texas 78711, (512) 463-6921.

Filed: July 8, 1988, 1:59 a.m.

TRD-8807303

LP-Gas Division will consider and act on division director's report on division administration, budget, procedures, and personnel matters, and proposed rulemaking to adopt 16 TAC §13.84 pertaining to insurance requirements for persons licensed by the compressed natural gas section.

Contact: Thomas D. Petru, P.O. Drawer 12970, Austin, Texas 78711, (512) 463-6931.

Filed: July 15, 1988, 12:18 p.m.

TRD-8807302

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 or date.

Contact: Sonia O'Neal, P.O. Drawer 12970, Austin, Texas 78711, (512) 463-7325.

Filed: July 15, 1988, 12:18 p.m.

TRD-8807314

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 12970, Austin, Texas 78711, (512) 463-7055.

Filed: July 15, 1988, 12:18 p.m.

TRD-8807313

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 12970, Austin, Texas 78711, (512) 463-6981.

Filed: July 15, 1988, 12:18 p.m.

TRD-8807310

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 12970, Austin, Texas 78711, (512) 463-6976.

Filed: July 15, 1988, 12:18 p.m.

TRD-8807309

The Surface Mining 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: Jerry Hill, P.O. Drawer 12970, Austin, Texas 78711, (512) 463-6900.

Filed: July 15, 1988, 12:18 p.m.

TRD-8807301

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 12970, Austin, Texas 78711, (512) 463-7122.

Filed: July 15, 1988, 12:18 p.m.

TRD-8807291

Monday, July 25, 1988, 1:30 p.m. The Oil and Gas Division will consider Docket 8-85,158-Application of Valero Transmission Company to consider an order directing Wagner and Brown to comply with Valero Transmission Company's ratable rate request from the Conger (Penn) Field, Sterling and Glasscock Counties.

TRD-8807315

Texas Savings and Loan Department

Tuesday, July 26, 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 Commerce Savings Association, San Antonio, Bexar County, to relocate a branch office from 6020 Westheimer, Houston. Harris County, to 5000 Woodway, Houston, Harris County, from which record the commissioner will determine whether to grant or deny the application.

Contact: Laura M. Hale, 2601 North Lamar Boulevard, Suite 201, Austin, Texas 78705, (512) 479-1250.

Filed: July 15, 1988, 4:19 p.m.

TRD-8807333

Texas A&M University System

Monday, July 18, 1988, 3 p.m. The Board of Regents of the Texas A&M University System met in the MSC Annex, Texas A&M University, College Station. According to the agenda summary, the board considered construction matters and emeritus titles, changes in names, titles, administration, degree programs, transfer of center in various colleges in system, change in rates and fees, easements and right-of-ways, authorization to execute agreements, accepted gifts, budget and fiscal transfers, salary increases and new positions, appropriation and establishment of funds, appointments and promotions, terminations, tenure, authorization and appropriations of funds for land purchases, and appointed vice president for student services and vice president for university operations at Tarleton; considered all matters proposed by the University System of South Texas Board leading to collaborative efforts of the two systems and any and all things leading to the selection and naming of the president of Texas A&M University; evaluations of chief executive officers as required in the bylaws of the board, Chapter III, §1; heard reports; and considered naming of facilities and litigation.

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

Filed: July 14, 1988, 10:49 a.m.

TRD-8807235

Texas State Treasury

Thursday, July 28, 1988, 10 a.m. The Cash Management Committee of the Texas State Treasury will meet in Room 105, Reagan Building, Austin. According to the agenda, the committee will consider method of sale of tax and revenue anticipation notes pursuant to Texas Government Code Annotated, §404. 125 (Vernon supp. 1988).

Contact: Anne L. Schwartz, 111 East 17th Street, Austin, Texas 78711.

Filed: July 19, 1988, 9:31 a.m.

TRD-8807412

University of Houston System

Tuesday, July 19, 1988, noon. The Executive Committee for the Board of Regents, University of Houston System, met in the Fifth Floor Conference Room, Enterprise Bank Building, 4600 Gulf Freeway, Houston. According to the agenda, the committee discussed and acted upon minutes, extension of existing UH system office lease, renovation of computing center for administrative computing, and renovations to accommodate relocation of academic department and renovation of C. F. McElhinney Hall.

Contact: Michael T. Johnson, 4600 Gulf Freeway, Suite 500, Houston, Texas 77023, (713) 749-7545.

Filed: July 14, 1988, 10:49 a.m.

TRD-8807234

Board for Lease of University Lands

Thursday, July 28, 1988, 10:45 a.m. The Board for Lease of University Lands will meet in the Regents Conference Room, Ninth Floor, 201 West Seventh Street, Austin. According to the agenda, the boards will approve minutes; and consider and approve of 78th oil and gas lease sale; amendment to West Caprito Gas Unit 1, Mobil, Ward County and discuss Future oil and gas lease sales.

Contact: Maxine R. Dean, 210 West Sixth Street, Austin, Texas 78701, (512) 499-4290.

Filed: July 15, 1988, 4:23 p.m.

TRD-8807334

Texas Water Commission

The Texas Water Commission will meet in the Stephen F. Austin Building, 1700 North Congress Avenue, Austin. Dates, times, rooms, and agendas follow.

Tuesday, August 2, 1988, 9 a.m. The commission will meet in Room 118, to consider presentation of the employee of the month award, bond issues, change order, rate increase, certificates of convenience and necessity, proposed permits, amendments minor amendments, renewals, exempted aquifer status, proposed hazardous waste permits, temporary orders, water use permits, extensions of time, and amendments to certificates of adjudication.

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

Filed: July 5, 1988, 4:30 p.m.

TRD-8807341

Wednesday, August 3, 1988, 9 a.m. The commission will meet in Room 118, to consider creation of Lowman Ranch Municipal Utility District of Hays County.

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

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

TRD-8807342

Thursday, August 4, 1988, 9 a.m. The commission will meet in Room 118, to consider executive director's report of substantial noncompliance and order finding substantial noncompliance of Magna Corporation/Baker International (Permit 01969); and commission consideration of a request by Aledo Independent School District for a temporary order authorizing operation of wastewater disposal facilities.

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

Filed: July 15, 1988, 4:29 p.m.

TRD-8807343

Thursday, August 4, 1988, 10 a.m. The commission will meet in Room 123, to consider executive director's report on agency administration, policy, budget, procedures, and personnel matters.

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

Filed: July 15, 1988, 4:29 p.m.

TRD-8807344

September 1, 1988, 10 a.m. The Office of Hearings Examiner will meet in the City of Ennis Community Center, 301 West Crocket, Ennis. According to the agenda, the examiner will consider Permit SW-39054 for Ellis County Disposal, Inc., South Highway 75, Ennis, Texas 79119, authorizing dis-

posal of solid non-petrescible Class II and III industrial solid waste, exclusively. The applicant operates an industrial and solid waste landfill with a maximum total capacity of 710,000 cubic yards. Waste types include scrap and trimmings from the manufacture of fiberglass roofing materials, wire, scrap metals, sheetrock, wooden pallets and scrap lumber. The landfill may only be used by customers of the applicant with the waste being conveyed in trucks owned by the applicant. The solid waste disposal facility is east of and adjacent to the Southern Pacific Railroad track and Ennis-Palmer Road and west of IH 45, approximately four miles north of the City of Ennis, Ellis County.

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

Filed: July 14, 1988, 4:15 p.m.

TRD-8807265

Tuesday, October 25, 1988, 9 a.m. The commission will meet in Room 118, to consider notice of application by C.B. Snell, Application 5187, for an 11.143 permit to divert 15 acre-feet of water per annum from an exempt 15-acre foot capacity reservoir created by a dam located on South Copperas Creek, tributary of Copperas (Rush) Creek, tributary of the Leon River, tributary of the Little River, tributary of the Brazos River, Brazos River Basin. The water is to be used for irrigation of 31 acres of land of three tracts of land totaling 324 acres located 21 miles northwest of Comanche, Comanche County.

Contact: Gloria Vasquez, P.O. Box 13087, Austin, Texas 78711, (512) 463-7906.

Filed: July 15, 1988, 4:29 p.m.

TRD-8807345

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**Texas Wheat Producers
Board**

Tuesday-Wednesday, August 2-3, 1988, 1:30 p.m. and 8 a.m., respectively. The Texas Department of Agriculture for the Texas Wheat Producers Board will meet in the Hilton Inn, IH-40 at Lakeside, Amarillo. According to the agenda, the department will review wheat research, U.S. Wheat Associates bylaws change, crop disaster relief, and hear financial report.

Contact: Bill Nelson, Suite 600, Texas Commerce Bank, 2201 Civic Circle, Amarillo, Texas 79109, (806) 352-2191.

Filed: July 14, 1988, 2:38 p.m.

TRD-8807244

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Regional Meetings

Meetings Filed July 14, 1988

The Atascosa County Appraisal District,

Board of Directors, met at 1010 Zanderson Avenue, Jourdanon, on July 21, 1988, at 1:30 p.m. Information may be obtained from Vernon A. Warren, 1010 Zanderson Avenue, Jourdanon, Texas 78026, (512) 769-2730.

The Bastrop County Appraisal District, Appraisal Review Board, met at 1200 Cedar Street, Bastrop, on July 18 and 20, 1988, at 7 p.m. Information may be obtained from Lorraine Perry, 1200 Cedar Street, Bastrop, Texas 78602, (512) 321-3925.

The Central Texas Council of Governments, Executive Committee, will meet at 302 East Central, Belton, on July 22, 1988, at 12:45 p.m. The Central Texas Private Industry Council will meet at the same location on July 28, 1988, at 10 a.m. Information may be obtained from A.C. Johnson, P.O. Box 729, Belton, Texas 76513, (817) 939-1803.

The Dewitt County Appraisal District, Board of Directors, met at the District Office, 103 Bailey Street, Cuero, on July 19, 1988, at 7:30 p.m. Information may be obtained from Wayne K. Woolsey, P.O. Box 4, Cuero, Texas 77954, (512) 275-5753.

The Houston-Galveston Area Council, Projects Review Committee and Board of Directors met in the Board of Directors Conference Room, Fourth Floor, 3555 Timmons, Houston, on July 19, 1988, at 8:30 a.m. and 10 a.m., respectively. The Natural Resources Advisory Committee met at the same location on July 21, 1988, at 3 p.m. Information may be obtained from Rowena Ballas, 3555 Timmons, Houston, Texas 77027, (713) 627-3200.

The Jack County Appraisal District, Board of Directors, met at the Los Creek Office Building, 216-D South Main, Jacksboro, on July 19, 1988, at 7 p.m. Information may be obtained from Doris G. Ray or Linda Williams, 216-D South Main, Jacksboro, Texas 76056, (817) 567-6301.

The Lamar County Appraisal District, Appraisal Review Board, met at the District Office, 1523 Lamar Avenue, Paris, on July 18, 1988, at 9 a.m. Information may be obtained from Rodney Anderson, 1523 Lamar Avenue, Paris, Texas 75460, (214) 785-7822.

The Lavaca County Central Appraisal District, Board of Directors, met in emergency session at the Appraisal District, 113 North Main, Hallettsville, on July 15, 1988, at 1 p.m. Information may be obtained from Diane Munson, P.O. Box 386, Hallettsville, Texas 77964, (512) 798-4396.

The Wise County Appraisal District, Appraisal Review Board, met at 206 South State Street, Decatur, on July 18, 1988, at 9 a.m. Information may be obtained from Freddie Dempsey, 206 South State Street, Decatur, Texas 76234, (817) 627-3081.

Meetings Filed July 15, 1988

The Angellina and Neches River Authority, Board of Directors and Industrial Accident Board met in the Travis Room, Pallas Hotel, 3400 South Street, Nacogdoches, on July 19, 1988, at 10 a.m. Information may be obtained from Chuck Thomas, P.O. Box 387, Lufkin, Texas 75902-0387, (409) 632-7795.

The Bastrop County Appraisal District, Board of Directors, met at the Appraisal District, 1200 Cedar Street, Bastrop, on July 21, 1988, 7:30 p.m. Information may be obtained from Lorraine Perry, (512) 321-3925.

The Burnet County Appraisal District, Appraisal Review Board, met at 215 South Pierce, Burnet, on July 19, 1988, at 1:30 p.m. Information may be obtained from Amy Shrader, P.O. Drawer E, Burnet, Texas 78611, (512) 756-8291.

The Coastal Bend Council of Governments, Membership, will meet in the Central Jury Room, Nueces County Courthouse, 901 Leopard, Corpus Christi, on July 22, 1988, at 2 p.m. Information may be obtained from John P. Buckner, P.O. Box 9909, Corpus Christi, Texas 78408, (512) 883-5743.

The Dallas Area Rapid Transit, Planning and Development Committee of the Whole and Operations Committee, met at 601 Pacific Avenue, Dallas, on July 19, 1988, at 2 p.m. and 4 p.m., respectively. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202.

The East Texas Council of Governments, Private Industry Council, met at ETCOG offices, Kilgore, on July 21, 1988, at 9:30 a.m. Information may be obtained from Glynn Knight, 3800 Stone Road, Kilgore, Texas, (214) 984-8641.

The Edwards County Appraisal District, Appraisal Review Board, met at the New County Annex Building, Rocksprings, on July 19, 1988, at 8:30 a.m. Information may be obtained from Natalie McNealy, P.O. Box 378, Rocksprings, Texas 78880, (512) 683-4189.

The Erath County Appraisal District, Appraisal Review Board, met in emergency session at 1390 Harbin Drive, Stephenville, on July 18-19, 1988, at 9 a.m. Information may be obtained from Trecea Perales, 1390 Harbin Drive, Stephenville, Texas 76401, (817) 965-7301.

The Gonzales County Appraisal District, Appraisal Review Board, will meet at 928 St. Paul Street, Gonzales on July 22 and 27, 1988, at 10 a.m. Information may be obtained from Glenda Strackbein, P.O. Box 867, Gonzales, Texas 78629, (512) 672-2879.

The Gray County Appraisal District, Appraisal Review Board, met at 815 North Sumner, Pampa, on July 20, 1988, at 9 a.m.

Information may be obtained from W. Pat Bagley.

The Hale County Appraisal District, Board of Directors, met at 302 West Eighth Street, Plainview, on July 21, 1988, at 8 p.m. Information may be obtained from Linda Jaynes, 302 West Eighth Street, Plainview, Texas 79072, (806) 293-4226.

The Heart of Texas Council of Governments, Private Industry Council, will meet at 320 Franklin Avenue, Waco, on July 21, 1988, at 5:30 p.m. Information may be obtained from Mary McDow, 320 Franklin Avenue, Waco, Texas 76701-2297, (817) 756-6631.

The Henderson County Appraisal District, Appraisal Review Board, met at 1751 Enterprise, Athens, on July 19, 1988, at 9 a.m. Information may be obtained from Helen Marchbanks, 1751 Enterprise, Athens, Texas, (214) 675-9296.

The Hunt County Tax Appraisal District, Board of Directors, will meet at 4801 King Street, Greenville, on July 28, 1988, at 6 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 Kendall County Appraisal District, Board of Directors, will meet at 207 East San Antonio Street, Boerne, on July 21, 1988, at 7 p.m. Information may be obtained from Sue R. Wiedefeld, P.O. Box 788, Boerne, Texas 78006, (512) 249-8012.

The Lamar County Appraisal District, Board, met at the District Office, 1523 Lamar Avenue, Paris, on July 18, 1988, at 5 p.m. Information may be obtained from Rodney Anderson, 1523 Lamar Avenue, Paris, Texas 75460, (214) 785-7822.

The Lampasas County Appraisal District, Board of Directors, met at 109 East Fifth, Lampasas, on July 20, 1988, at 9:30 a.m. Information may be obtained from Dana Ripley, P.O. Box 175, Lampasas, Texas 76550, (512) 556-8058.

The Lower Colorado River Authority, Joint Meeting of Natural Resources and Planning and Public Policy Committees, will meet at 3700 Lake Austin Boulevard, Austin, on July 19, 1988, at 9 a.m. The Finance and Administration Committee, Energy and Operations Committee, Natural Resources Committee, Audit and Budget Committee, and Planning and Public Policy Committee, will meet at the same location, on July 20, 1988, at 9 a.m. The Board of Directors will meet at the same location on July 21, 1988, at 9 a.m. Information may be obtained from Thomas G. Mason, P.O. Box 220, Austin, Texas 78767, (512) 473-3283.

The North Texas Private Industry Council, will meet in Room 215, Wichita Falls Activities Center, 1001 Indiana, Wichita Falls, on July 27, 1988, at 12:15 p.m. Information may be obtained from Art Frerich, (817) 691-0020.

The North Texas Municipal Water District, Board of Directors, will meet in the NTMWD Administrative Offices, 505 East Brown Street, Wylie, on July 28, 1988, at 4 p.m. Information may be obtained from Carl W. Riehn, (214) 442-5405, ext. 200.

The Tyler County Appraisal District, Appraisal Review Board, met at 806 West Bluff, Woodville, on July 19, 1988, at 9 a.m. Information may be obtained from Mary F. Mann, P.O. Drawer 9, Woodville, Texas, (409) 283-3736.

The West Central Texas Council of Governments, Private Industry Council, will meet at the Holiday Inn, 2865 West Washington, Stephenville, on July 22, 1988, at 11:15 a.m. Information may be obtained from Tom K. Smith, (915) 672-8544.

TRD-887272

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Meetings Filed July 18, 1988

The Alamo Area Council of Governments, Area Judges of the Alamo Service Delivery Area, Budget and Workplan Committee, and Executive Committee, will meet in Suite 400, 118 Broadway, San Antonio, on July 27, 1988, at 11 a.m., 11:30 a.m., and 1 p.m., respectively. Information may be obtained from Al J. Notzon, III, 118 Broadway, Suite 400, San Antonio, Texas 78205, (512) 225-5201.

The Austin-Travis County Mental Health and Mental Retardation Center, Operation and Planning Committee will meet in Mr. Brubaker's Office, 611 South Congress Avenue, Austin, on July 22, 1988, at 7:30 a.m. Information may be obtained from Sharon Taylor, (512) 447-4141.

The Dallas Area Rapid Transit, Budget and Finance Committee, met at 601 Pacific Avenue, Dallas, on July 21, 1988, at 4 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202.

The Edwards County Appraisal District, Appraisal Review Board, will meet at the New County Annex Building, Rocksprings, on July 21 and 25, 1988, at 8:30 a.m. Information may be obtained from Natalie McNealy, P.O. Box 378, Rocksprings, Texas 78880, (512) 683-3436.

The Ellis County Tax Appraisal District, Appraisal Review Board, will meet at 406

Sycamore Street, Waxahachie, on July 22, 1988, at 10 a.m. Information may be obtained from Russell A. Garrison, P.O. Box 878, Waxahachie, Texas 75165, (512) 937-3552.

The Erath County Appraisal District, Board of Directors, will meet at 1390 Harbin Drive, Stephenville, on August 2, 1988, at noon. Information may be obtained from Jerry Lee, 1390 Harbin Drive, Stephenville, Texas 76401, (817) 965-7301.

The Gray County Appraisal District, Board of Directors, met at 815 North Sumner, Pampa, on July 21, 1988, at 5 p.m. Information may be obtained from Judith A. Morris.

The Northeast Texas Municipal Water District, Board of Directors, will meet at Highway 250 South, Hughes Springs, on July 25, 1988, at 10 a.m. Information may be obtained from J.W. Dean, P.O. Box 955, Hughes Springs, Texas 75656, (214) 639-7538.

The Permian Basin Regional Planning Commission, Board of Directors, will meet at the Odessa Country Club, Odessa, on July 29, 1988, at 2 p.m. Information may be obtained from Terri Moore, P.O. Box 6391, Midland, Texas 79711.

The Tarrant Appraisal District, Board of Directors, will meet at 2301 Gravel Road, Fort Worth, on July 25, 1988, at 9 a.m. Information may be obtained from Olive Miller, (817) 595-6005.

The Upper Leon River Municipal Water District, Board of Directors, will meet at the General Office of the Filter Plant, Proctor Lake, Comanche, on July 28, 1988, at 6:30 p.m. Information may be obtained from Garry W. Godfrey, P. O. Box 67, Comanche, Texas, (817) 879-2258.

TRD-8807356

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Meetings Filed July 19, 1988

The Central Texas MHMR Center, Board of Trustees, will meet at 408 Mulberry Street, Brownwood, on July 25, 1988, at 5:30 p.m. Information may be obtained from Nelda Andrews, (915) 646-9574, ext. 102.

The West Central Texas Municipal Water District, will meet in the Conference Room, Suite 300, First National West Building, 401 Cypress Street, Abilene, on July 28, 1988, 9:30 a.m. Information may be obtained from Virginia Ducan, P.O. Box 2362, Abilene, Texas 79604, (915) 673-8254.

TRD-8807407

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 Contested Case Hearing Number 249

An examiner for the Texas Air Control Board (TACB) will conduct a contested case hearing to consider whether or not a special permit should be issued to Longview Asphalt, Inc. (the Applicant) to construct a hot mix asphalt plant to be located in the eastern quarter of the Union Pacific International Facility off Blanche Street in Marshall, Harrison County.

Time and Place of Hearing: The examiner has set the hearing to begin at 2 p.m. on August 29, 1988, at the TACB Central Office, Room 332, 6330 Highway 290 East, Austin. No one may participate in the hearing without meeting the requirements set forth below.

Nature of Hearing: This hearing is a contested case hearing under the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, §13. The examiner will therefore conduct it in most respects like a nonjury civil trial in one of the district courts of this state.

What the Applicant Must Prove: The applicant must demonstrate at the hearing, by a preponderance of the evidence, that the proposed facility will meet the requirements of the Texas Clean Air Act (the Act), Texas Civil Statutes, Article 4477-5, §3.27, and TACB Rule 116.7. This demonstration must include proof that the proposed facility will emit less than 250 tons per year of carbon monoxide or nitrogen oxides or 25 tons of any other air contaminant (except for carbon dioxide, water, nitrogen, methane, ethane, hydrogen, and oxygen), will comply with all applicable TACB and federal regulations (including the TACB rule forbidding the creation of an air pollution nuisance), and will use best available control technology, with consideration given to the technical practicability and economic reasonableness of reducing or eliminating the emission of air contaminants.

Parties to the Hearing: At the hearing on the merits, only those persons admitted as parties will be permitted to make motions, present evidence and argument, and cross-examine witnesses. Presently, the only prospective parties are the Applicant and the TACB staff.

Deadline for Requesting to be a Party: Any other person or organization that wants to be made a party must send a specific written request for party status to Hearings Examiner John B. Worley and make sure that this request is actually received at the TACB Central Office, 6330 Highway 290 East, Austin, Texas 78723 by 5 p.m. on July 26, 1988. The examiner cannot grant party status to any person or organization whose request comes in after that deadline, unless there is good cause for the request's coming in late. Hearing requests, comments, or other correspondence sent to the TACB before publication of this notice are not party status requests and will not enable any person or organization to be a party to the hearing. The examiner will make a final decision on party status at

the prehearing conference. If there is any objection at the prehearing conference to the granting of party status to any person or organization that has requested it, that person or organization will not be admitted as a party without proof that he, she, or it may be affected by the emissions from the proposed facility or that he or she is a member of the Texas Legislature from the general area in which the proposed facility is to be located.

Prehearing Conference: The examiner has scheduled a prehearing conference on August 9, 1988, at 2 p.m., at the TACB Central Office, Room 332, 6330 Highway 290 East, Austin. At this conference, in addition to making a final decision on party status, the examiner will also receive proposed written disputed issues for consideration at the hearing on the merits and motions to take official notice. The examiner will consider discovery motions and any other prehearing motions but may grant contested motions for continuance only upon proof of good cause. The examiner will also establish a specific date prior to the hearing on the merits for the exchange of written and documentary evidence. At or following the prehearing conference, the examiner may issue prehearing orders concerning discovery or other prehearing requirements.

Public Attendance and Testimony: Members of the general public may attend the hearing. Those who plan to attend are encouraged to telephone the TACB Central Office in Austin, at (512) 451-5711 extension 350 a day or two prior to the hearing date in order to confirm the setting, since continuances are granted from time to time.

Any person who desires to give testimony at the hearing, but who does not desire to be a party, may call the TACB Legal Division at (512) 451-5711, extension 350, to find out the names and addresses of all admitted parties. These parties may then be contacted about the possibility of presenting testimony.

Information about the Application and TACB rules: Information about the application and copies of the TACB's rules and regulations are available at the TACB Regional Office located at 1304 South Vine Avenue, Tyler, Texas 75701, the TACB Central Office located at 6330 Highway 290 East, Austin, Texas 78723, and at the Office of the Marshall City Secretary, City Hall, 106 East Houston, Marshall, Texas 75670.

Legal Authority: This hearing is called and will be conducted under the authority of the Act, §§3.15, 3.16, 3.17, 3.27, and 3.271 and TACB Procedural Rules 103.11(3), 103.31, and 103.41.

Issued in Austin, Texas on July 13, 1988.

TRD-8807324 Allen Eli Bell
Executive Director
Texas Air Control Board

Filed: July 15, 1988

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



Texas Department of Banking Notice of Application

Texas Civil Statutes, Article 342-401a, require any person who intends to buy control of a state bank to file an application with the banking commissioner for the commissioner's approval to purchase control of a particular bank. A hearing may be held if the application is denied by the commissioner.

On July 1, 1988, the banking commissioner received an application to acquire control of the First Bank and Trust Company, Cedar Hill, by Michael C. Stinson, Fort Worth.

On July 14, 1988, notice was given that the applications would not be denied.

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

Issued in Austin, Texas on July 14, 1988.

TRD-8807277 William F. Aldridge
Director of Corporate Activities
Texas Department of Banking

Filed: July 15, 1988

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

Texas Department of Commerce Deadline for Submitting Enterprise Project Applications

Pursuant to the Texas Enterprise Zone Act, Texas Civil Statutes, Article 5190.7, and the Enterprise Zone Program Rules (176.8(b)(1)), the Texas Department of Commerce hereby provides notice of deadlines for accepting enterprise project applications during fiscal year 1989.

The Texas Department of Commerce will accept applications for designation of qualified businesses as enterprise projects on a bi-monthly basis. Completed applications must be received by the department no later than 5 p.m. on the day of the application deadline. The following are the application deadlines for fiscal year 1989: September 22, 1988, November 7, 1988, January 9, 1989, March 6, 1989, May 8, 1989, and July 10, 1989. Up to two projects may be designated during each period with any remaining allowable projects to be designated during subsequent application periods. Three additional projects may be designated during any application period. A qualified business must receive at least 70 points out of a possible 100 points to be considered for designation as an enterprise project. Applications and other written communications to the department should be addressed to the Texas Department of Commerce, Finance Division, P.O. Box 12728, Austin, Texas 78711.

Issued in Austin, Texas on July 14, 1988.

TRD-8807330 J. William Lauderback
Executive Director
Texas Department of Commerce

Filed: July 15, 1988

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

Request for Proposals

The request for proposal is filed pursuant to Texas Civil Statutes, Article 6252-11c.

The Texas Department of Commerce (Commerce) requests offers from qualified individuals to serve under contract as the associate director, State of Texas Office, Mexico City, D.F. The services being performed by Graciela Letayf under contract expiring August 31, 1988.

The individual selected for the position of associate director must possess the minimum qualifications listed in the qualifications section and will be required to perform the various services listed in the scope of services section.

Qualifications: Each individual submitting an offer must present evidence of otherwise demonstrate to the satisfaction of Commerce that such individual is a Mexican citizen and is a resident of Mexico; is bilingual in the English and Spanish languages; has a minimum of five years of experience in administration as an executive secretary with management experience, accounting, and international trade background; has an in-depth knowledge of the organization and function of the government of Mexico and its agencies, and the United States Embassy and its sections; has a working knowledge of international finance, reverse investment, joint venture, acquisition, trade missions, trade show and trade fair activities, industrial development activities, and the general conduct of business in Mexico and Latin America; and must be insurable for use of automobile in Mexico.

Scope of Services: The individual serving as associate director will be required to render the following services as the same may from time to time be required to advise and assist Texas manufacturers and businessmen in making contacts and appointments with Mexican government officials, United States Embassy officials, and Mexican, Central and South American industry importers who may be interested in products, services, and/or materials offered by Texas businesses; conduct or assist in conducting an on-going public relations program within Mexico, Central, and South America to promote the sale, lease, or rental of products, services, and/or materials offered by Texas businesses; advise and assist or participate in the advising and assistance of Texas businessmen in displaying their products, services, and/or materials at trade fairs, trade shows, or otherwise, to enhance and encourage the rental, lease, or sale thereof to users in Mexico, Central, and South America; research and locate, or assist in the research and location of Mexican, Central, and South American suppliers of products, services, and/or materials, on request, for Texas businessmen; assist Mexican, Central, and South American exporters, manufacturers, and suppliers in making contact with Texas businessmen who inquire about the importation of manufactures products, raw materials, or services, or who inquire about joint ventures, licensing agreements, and transfers of technology; when requested, to advise and assist State of Texas officials in the conduct of their duties in Mexico, Central, and South America, including the making and monitoring of appointments; and supervise and provide all necessary support for Texas state agencies as may be required under existing or future interagency agreements between Commerce and other state agencies.

Commerce reserves the right to accept or reject any or all offers submitted in response to this request and to negotiate modifications necessary to improve the quality or cost effectiveness of any offer received. Commerce is under no legal obligation to enter into a contract with any offeror on the basis of this request and intends any material provided herein only as a means of identifying the scope of services requested. Further, Commerce will not reimburse any offeror for expenses incurred by such offeror in the preparation and/or submission of an offer. Any contract entered into by Commerce pursuant to this request will be subject to the availability of appropriated funds, will con-

tain a cancellation clause giving either party to such contract the right to terminate all obligations thereunder upon 30 days written notice to the other party, and will be for a period of 12 months beginning September 1, 1988, and ending August 31, 1989.

Offer Submission: Offers must be submitted to the Texas Department of Commerce, P.O. Box 12728, Austin, Texas 78711, Attention: Office of the International Trade, by 5 p.m., C.D.T., August 8, 1988.

Contact: Further information may be obtained by contacting the Texas Department of Commerce's Office of International Trade, P.O. Box 12728, Austin, Texas 78711, (512) 472-5059.

Issued in Austin, Texas on July 15, 1988.

TRD-8807285 J. William Lauderback
Executive Director
Texas Department of Commerce

Filed: July 15, 1988

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



The request for proposal is filed pursuant to Texas Civil Statutes, Article 6252-11c.

The Texas Department of Commerce (Commerce) requests offers from qualified individuals to serve under contract as the director, State of Texas Office, Mexico City, D.F. The services being performed by Felipe Mondragon under contract expiring August 31, 1988.

The individual selected for the position of director must possess the minimum qualifications listed in the qualifications section and will be required to perform the various services listed in the scope of services section.

Qualifications: Each individual submitting an offer must present evidence of otherwise demonstrate to the satisfaction of Commerce that such individual is a United States citizen and preferably a resident of Texas; is bilingual in the English and Spanish languages; has a minimum of four years business experience in management, accounting, and international trade; possesses Mexican working papers with FM-2 visa status for self, personal property, and automobile in Mexico; must be insurable for use of automobile in Mexico; has an in-depth knowledge of the organization and function of the government of Mexico and its agencies, and the United States Embassy and its sections; and has a working knowledge of international finance, and reverse investment, joint venture, acquisition, trade missions, trade shows and trade fair activities, industrial development activities, and the general conduct of business in Mexico and Latin America.

Scope of Services: The individual serving as director will be required to render the following services as the same may from time to time be required to manage the day-to-day operations of the State of Texas Office, including the supervision of other contract personnel and employees of such office, simple accounting functions, and the translation and composition of correspondence concerning trade and foreign investment in Mexico, Central, and South America; advise and assist Texas manufacturers and businessmen in making contacts and appointments with Mexican government officials, United States Embassy officials, and Mexican, Central, and South American industry importers who may be interested in products, services, and/or materials offered by Texas businesses; conduct or assist in conducting an on-going public relations program within Mexico, Central, and South America to promote the sale, lease, or rental of products, services,

and/or materials offered by Texas businesses; advise and assist or participate in the advising and assistance of Texas businessmen in displaying their products, services, and/or materials at trade fairs, trade shows, or otherwise, to enhance and encourage the rental, lease, or sale thereof to users in Mexico, Central, and South America; research and locate, or assist in the research and location of Mexican, Central, and South American suppliers of products, services, and/or materials, on request, for Texas businessmen; assist Mexican, Central, and South American exporters, manufacturers, and suppliers in making contact with Texas businessmen who inquire about the importation of manufactured products, raw materials or services, or who inquire about joint ventures, licensing agreements, and transfers of technology; when requested, to advise and assist State of Texas officials in the conduct of their duties in Mexico, Central, and South America, including the making and monitoring of appointments; and supervise and provide all necessary support for Texas state agencies as may be required under existing or future interagency agreements between Commerce and other state agencies.

Commerce reserves the right to accept or reject any or all offers submitted in response to this request and to negotiate modifications necessary to improve the quality or cost effectiveness of any offer received. Commerce is under no legal obligation to enter into a contract with any offeror on the basis of this request and intends any material provided herein only as a means of identifying the scope of services requested. Further, Commerce will not reimburse any offeror for expenses incurred by such offeror in the preparation and/or submission of an offer. Any contract entered into by Commerce pursuant to this request will be subject to the availability of appropriated funds, will contain a cancellation clause giving either party to such contract the right to terminate all obligations thereunder upon 30 days written notice to the other party, and will be for a period of 12 months beginning September 1, 1988, and ending August 31, 1989.

Offer Submission: Offers must be submitted to the Texas Department of Commerce, P.O. Box 12728, Austin, Texas 78711, Attention: Office of the International Trade, by 5 p.m., C.D.T., August 8, 1988.

Contact: Further information may be obtained by contacting the Texas Department of Commerce's Office of International Trade, P.O. Box 12728, Austin, Texas 78711, (512) 472-5059.

Issued in Austin, Texas on July 15, 1988.

TRD-8807286 J. William Lauderback
Executive Director
Texas Department of Commerce

Filed: July 15, 1988

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



Texas Education Agency Bids for Large Type Textbooks for the Visually Impaired

The Texas Education Agency invites bids for the large type reproduction of textbooks. All companies are required to submit a sample textbook which has been constructed within specifications. Specifications may be obtained from the Texas Education Agency, Textbook Division. The book to be enlarged will be designated in the specifications.

Bids should be submitted in two parts. A cost per page basis which should include the cost of the book being

enlarged and the cost of page reproduction, and a per volume binding cost.

Bids are to filed with the Textbook Division on or before 4 p.m., October 6, 1988. Bids will be opened at approximately 4:01 p.m., October 6, 1988, in Room G0-100, William B. Travis Building, 1701 North Congress Avenue, Austin.

Inquiries or requests for specifications for production of large type textbooks should be addressed to Douglas A. Beran or Deanna Marotz, Textbook Division, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9601.

Issued in Austin, Texas on July 15, 1988.

TRD-8807297 W. N. Kirby
Commissioner of Education

Filed: July 15, 1988

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

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Notice of Contract Amendment

Filed in accordance with Texas Civil Statutes, Article 6252-11c, the Texas Education Agency, the Texas Higher Education Coordinating Board, and the Texas Department of Commerce hereby intend to amend a contract with Decision Information Resources, Inc., 2411 Smith Street, Suite 200, Houston, Texas 77006, to continue the independent evaluation of regional planning projects currently being funded by the three agencies. A *Texas Register* announcement dated September 18, 1987, (12 *TexReg* 3283), indicated that an independent evaluation project for "Implementing Regional Planning for Occupational Education and Training to Support Economic Development Initiatives in Texas". (RFA 701-88-007) could receive up to \$15,000 to continue the project from July 1, 1988-June 30, 1989, if the state agencies determined that the contractor was achieving the project's objectives. A *Texas Register* announcement dated February 19, 1988, (13 *TexReg* 893), identified Decision Information Resources, Inc., as the contractor for the evaluation project.

The state agencies hereby announce that the contract will be amended for a continuation amount of \$70,000 during the period from July 1, 1988-June 30, 1989. The contract will also be amended to include the evaluation of the Dallas-Fort Worth area Interlink Regional Planning Project. For further information, contact Mark Butler at (512) 463-9512.

Issued in Austin, Texas on July 15, 1988.

TRD-8807299 W. N. Kirby
Commissioner of Education

Filed: July 15, 1988

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

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Notice of Public Hearings

The Texas Education Agency announces public hearings on proposed revisions to the *State Board of Education Rules for Handicapped Students*. The rule revisions address the amount of supervision needed for teacher assistants, graduation requirements for handicapped students, requirements for homebound instruction, and use of special education personnel during the referral process, in addition to other changes. Copies of the rule revisions are available at the regional education service centers and at the Texas Education Agency in Austin.

Individuals wishing to testify must register by calling the

contact person listed for each location. The amount of time available for individual testimony will be limited to five minutes. It is also requested that individuals provide a written copy of their testimony at the hearing.

Hearings are scheduled as follows: August 8, 1988, 10 a.m.-2 p.m., Texas Education Agency, 1701 North Congress Avenue, Austin (Contact Nancy Dolan-(512) 463-9414); August 11, 1988, 10 a.m.-2 p.m., Region X Education Service Center, 400 East Spring Valley Road, Richardson (Contact Marilyn Garrison-(214) 231-6301 extension 351). For additional information, contact Ann Smisko at (512) 463-9414.

Issued in Austin, Texas on July 15, 1988.

TRD-8807298 W. N. Kirby
Commissioner of Education

Filed: July 15, 1988

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

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Governor's Office of Budgeting and Planning

Notice of Contract Award

In compliance with Texas Civil Statutes, Article 6252-11c, the Governor's Office of Budgeting and Planning furnishes this notice of consultant contractor award.

The consultant proposal request appeared in the February 5, 1988, issue of the *Texas Register* (13 *TexReg* 1044). The project requires the contractor to provide on-site energy evaluations to requesting school districts as assigned by the agency. This service is provided to Texas school districts by the Energy Resource Center for Texas Schools.

The contractor selected to perform this service is Estes, McClure and Associates, Inc., 3608 West Way, Tyler, Texas 75703. Total value of the contract is \$120,000. The contract period extends from June 22, 1988-December 31, 1988.

Issued in Austin, Texas on July 15, 1988.

TRD-8807325 Ron Lindsey
Director
Governor's Office of Budget and Planning

Filed: July 15, 1988

For further information, please call (512) 463-1735

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Texas Department of Health

Notice of Public Meeting

The Texas Statewide Health Coordinating Council will receive comments on the 1989-1990 Preliminary Texas State Health Plan at a statewide public meeting, Tuesday, July 26, 1988, at 10 a.m. in the Texas Department of Health Auditorium, 1100 West 49th Street, Austin. The meeting is being held under the Authority of Texas Civil Statutes, Article 4418(h), the Texas Health Planning and Development Act. The proposed plan presents statewide health concerns and proposes means to being solving statewide health problems. Copies of the plan are available for public review at the Texas Department of Health, Room T-511, 1100 West 49th Street, Austin, and will be available at the meeting.

Oral and written comments pertaining to the proposed state health plan are invited and encouraged from the

public. Written comments may be submitted at hearings or received by mail no later than July 30, 1988, by the Chairman, Statewide Health Coordinating Council, 1100 West 49th Street, Austin, Texas 78756-3199.

Issued in Austin, Texas on July 18, 1988.

TRD-8807385 Robert A. MacLean
Deputy Commissioner of Professional
Services
Texas Department of Health

Filed: July 18, 1988

For further information, please call (512) 458-7261

Proposed WIC State Plan

The United States Department of Agriculture makes funds available to the Texas Department of Health for administration within the state of a special supplemental food program for women, infants, and children (WIC program). This program is authorized by the Child Nutrition Act of 1966, as amended (42 USCA 1786), and is conducted in accordance with the provisions of the Act and federal regulations adopted pursuant to the Act in 7 Code of Federal Regulations Part 246.

As part of the administration of the WIC program in Texas, the Department of Health, by August 15 of each year, is required to submit to the Food and Nutrition Service (FNS) of the United States Department of Agriculture for approval a state plan of operation and administration for the following fiscal year. The Department of Health now proposes to submit to the FNS the state plan for approval for the 1989 fiscal year. This proposed plan is an annual update of the previous plans submitted annually. The primary areas covered by the update are as follows: an outline of the department's goals and objectives for improving program operations; an affirmative action plan; local agency identification-WIC project information; and a listing of organization audits completed and due.

The Department of Health invites public comments on the proposal annual update of the state plan prior to submitting it to the FNS by August 15, 1988. Comments will be received until 5 p.m., August 5, 1988. Comments may be submitted to Debra Stabeno, Chief, WIC Program, Texas Department of Health, 1101 East Anderson Lane, Austin, Texas 78752. Copies of the annual proposed update are located in Ms. Stabeno's office and are available for public review. For further information, please call Ms. Stabeno at (512) 465-2640.

Issued in Austin, Texas on July 15, 1988.

TRD-8807384 Robert A. MacLean
Deputy Commissioner for Professional
Services
Texas Department of Health

Filed: July 18, 1988

For further information, please call (512) 465-2640

State Department of Highways and Public Transportation

Correction of Error

The State Department of Highways and Public Transportation submitted a consultant contract award which contained an error as submitted by the department in the July 12, 1988, issue of the *Texas Register* (13 TexReg 3481).

In the second paragraph, the second to last sentence should

read: "The contract will begin on July 8, 1988, and will terminate on May 31, 1989."

Legislative Budget Board

Joint Budget Hearing Schedule Period of July 25, 1988-July 29, 1988

The Joint Budget Hearing Schedule concerning appropriations requests for the 1990-1991 Biennium for the period of July 25, 1988-July 29, 1988 is as follows: the University of North Texas, 9 a.m., July 25, Medical Education II Building, Room 106, Texas College of Osteopathic Medicine, 3500 Camp Bowie Boulevard, Fort Worth; the Funeral Service Commission, 9 a.m., July 25, Room 246, John H. Reagan Building, Austin; the Texas State Library and Archives Commission, 10 a.m., July 25, Room 102, John H. Reagan Building, Austin; the Texas College of Osteopathic Medicine, 10:30 a.m., July 25, Medical Education II Building, Room 106, Texas College of Osteopathic Medicine, 3500 Camp Bowie Boulevard, Fort Worth; the Commission on Fire Protection Personnel Standards and Education, 2 p.m., July 25, Room 246, John H. Reagan Building, Austin; the Board of Registration for Professional Engineers, 9 a.m., July 26, Room 107, John H. Reagan Building, Austin; The University of Texas at Arlington, 9 a.m., July 26, The University of Texas at Dallas, 10:30 a.m., July 26, E.E. Davis Hall, 800 South Cooper, Conference Room 4, Arlington; The University of Texas at Tyler, 1:30 p.m., July 26, The University of Texas at Arlington, E.E. Davis Hall, 800 South Cooper, Conference Room 4, Arlington; The University of Texas Health Center at Tyler, 3 p.m., July 26, The University of Texas at Arlington, E.E. Davis Hall, 800 South Cooper, Conference Room 4, Arlington; the Board of Land Surveying, 9 a.m., July 27, Room 246, John H. Reagan Building, Austin; The University of Texas Southwestern Medical Center at Dallas, 9 a.m., July 27, The University of Texas Southwestern Medical Center at Dallas, 5323 Harry Hines Boulevard, McDermott Building, 12th Floor Conference Room, Dallas; the Pension Review Board, 10 a.m., July 27, Room 107, John H. Reagan Building, Austin; Texas Woman's University, 1:30 p.m., Texas Woman's University, Parkland Center, 1810 Inwood Road, Dallas; the Banking Department, 2 p.m., July 27, Room 246, John H. Reagan Building, Austin; the Natural Fibers and Food Protein Commission, 3 p.m., July 27, Texas Woman's University, Parkland Center, 1810 Inwood Road, Dallas; the State Purchasing and General Services Commission, 9 a.m., July 28, Room 213, State Capitol, Austin; East Texas State University, 9 a.m., July 28, East Texas State University, Metroplex Commuter Facility, 2625 Anita Drive, Garland; the State Board of Plumbing Examiners, 9 a.m., July 28, Room 246, John H. Reagan Building, Austin; East Texas State University at Texarkana, 10:30 a.m., July 28, East Texas State University, Metroplex Commuter Facility, 2625 Anita Drive, Garland; the Credit Union, 2 p.m., July 28, Room 246, John H. Reagan Building, Austin; the Texas Indian Commission, 10:30 a.m., July 29, Room 102, John H. Reagan Building, Austin; the Board of Podiatry Examiners, 1 p.m., July 29, Room 246, John H. Reagan Building, Austin.

Please confirm above dates, times, and locations in the event you plan to attend a hearing, since experience has shown that some rescheduling always occurs. Hearings schedule may be checked on PROFS.

Issued in Austin, Texas on July 15, 1988.

Filed: July 15, 1988

For further information, please call (512) 463-1200

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Pan American University Consultant Contract Award

In compliance with Article 6252-11c, §6b, Pan American University has contacted with Information Associates, Inc., 3000 Ridge Road East, Rochester, New York 14622. The consultant proposal request was published in the May 6, 1988, issue of the *Texas Register* (13 TexReg 2192). Information Associates will provide 84 person days of consulting support services for I.A. program products previously purchased. On-Site Z-Writer Training: two trainers for two days generic and one day SIS/FRS specific. Requested Week of May 23rd; Specification Assistance: PH Conversion, Fam on-line awarding, GPA recalculation/re-peats, OCR timesheet feed; Programming Assistance; FRS Implementation Support: COA reviews, procedure verifications, testing, conversion consulting, and other identified FRS tasks.

The value of the services is \$67,200, plus travel and living expenses as incurred, not to exceed a total contract value of \$80,000. The services will commence upon June 21, 1988, and will be completed on or before March 31, 1990.

Issued in Edinburg, Texas on July 11, 1988.

TRD-8807358

Miguel A. Nevarez
President
Pan American University

Filed: July 18, 1988

For further information, please call (512) 381-2100

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State Preservation Board Request for Proposals

The State Preservation Board seeks a qualified sheet metal craftsman or firm, having experience in fabrication, repair, and restoration of decorative architectural sheet metal elements. A Request for Proposal (RFP) is requested for the stabilization, repair, and restoration of the original ventilation tower located above the roof of the Texas capitol west wing. To be considered for the work, all interested parties must submit a qualifications statement to: Scott Field, AIA, Staff Architect, State Preservation Board, P.O. Box 13286, Austin, Texas 78711, or State Library and Archives Building, 1201 Brazos, Room Number 313, Austin, Texas 78701, (512) 463-5495 by July 27, 1988. A qualifications statement form is available at the same address. A pre-bid meeting on the roof will be held on August 5, 1988, and all bids must be received by August 17, 1988, at 3 p.m. in the State Preservation Board Office. The staff architect will review all bids, based upon the qualifications of the bidder, the contractor's proposed outline of work to be preformed, and estimated costs. The contract will subsequently be submitted to the State Preservation Board for final approval before the contract is awarded.

Issued in Austin, Texas on July 12, 1988.

TRD-8807198

Michael Schneider
Administrative Assistant
State Preservation Board

Filed: July 13, 1988

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

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State Property Tax Board "Manual for the Appraisal of Agricultural Land" Approved

The State Property Tax Board's *Manual for the Appraisal of Agricultural Land* was approved by the Special Committee for the Appraisal of Agricultural Land on June 24, 1988.

Adopted by the State Property Tax Board on March 25, 1988, the manual sets forth the method for appraising agricultural land for ad valorem tax purposes. The Property Tax Code, §23.52(d) requires that the manual be approved by the special committee, composed of the following state officials or their designees: governor, attorney general, comptroller, agricultural commissioner, and commissioner of the general land office.

The *Manual for the Appraisal of Agricultural Land* will be published in early August. Copies may be obtained by sending a request for the manual and \$2.16 (includes sales tax) to: the State Property Tax Board, Publications Division, P.O. Box 15900, Austin, Texas 78761-5900.

Issued in Austin, Texas on July 13, 1988.

TRD-8807217

Ron Patterson
Executive Director
State Property Tax Board

Filed: July 13, 1988

For further information, please call (512) 834-4800

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Texas Water Commission Correction of Error

The Texas Water Commission submitted proposed amendments which contained errors as published in the June 24, 1988, issue of the *Texas Register* (13 TexReg 3217).

In §287.43, subsection (a) should read: "(a) [Except as noted in §287.44(b) of this title (relating to Standards of Completion for Domestic, Industrial, Injection, and Irrigation Wells),] A[a] well shall be located a minimum horizontal distance of 50 feet from any watertight sewage and liquid-waste collection facility, **except in the case of monitoring wells which may be located where necessity dictates.**"

In §287.44: the first sentence of paragraph (1) should read: "The annular space [between the borehole and the casing] shall be filled from ground level to a depth of not less than 10 feet below the land surface or well head with cement slurry."

Subparagraph (2)(A) should read: "(A) The slab or block shall extend at least two feet from the well in all directions and have a minimum thickness of four inches and should be separated from the well casing by a plastic or mastic coating or sleeve to prevent bonding of the slab to the casing."

In §287.46: subsection (a) should read: "(a) Wells completed to produce undesirable water shall be cased from the top of the undesirable water zone or 50 feet below the lowermost fresh water zone to the land surface."

Texas Water Development Board Applications Received

Pursuant to the Texas Water Code, §6.195, the Texas Water Development Board provides notice of the following applications received by the board:

Village of Surfside Beach, Route 2, Box 909, Surfside Beach, Texas 77541, received June 20, 1988, financial assistance in the amount of \$2,050,000 from the water supply account of the Water Development Fund.

Galveston County Water Authority, P.O. Box 1651, Texas City, Texas 77590, received June 17, 1988, financial assistance in the amount of \$2,300,000 from the water supply account of the Water Development Fund.

City of Winnsboro, P.O. Box 134, Winnsboro, Texas 75494, received June 20, 1988, additional financial assistance in the amount of \$640,000 from the water supply account of the Water Development Fund.

Brazos River Authority, P.O. Box 7555, Waco, Texas 76714-7555, received May 20, 1988, financial assistance in the amount of \$12,145,000 from the State Water Pollution Control Revolving Fund.

City of Bellaire, 7008 South Rice Avenue, Bellaire, Texas 77401, received April 20, 1988, financial assistance in the amount of \$1,100,000 from the State Water Pollution Control Revolving Fund.

Comal-Guadalupe Soil and Water Conservation District, P.O. Box 310956, New Braunfels, Texas 78131, received June 2, 1988, for financial assistance in the amount of \$65,000 from the Agricultural Conservation Pilot Loan Program.

High Plains Underground Water Conservation District Number 1, 2930 Avenue Q, Lubbock, Texas 79405, received July 1, 1988, financial assistance in the amount of \$1 million from the Agricultural Conservation Pilot Loan Program.

Additional information concerning this matter may be obtained from M. Reginald Arnold, II, Executive Administrator, P.O. Box 13231, Austin, Texas 78711.

Issued in Austin, Texas on July 13, 1988.

TRD-8807221 M. Reginald Arnold, II
 Executive Administrator
 Texas Water Development Board

Filed: July 13, 1988

For further information, please call (512) 463-7981



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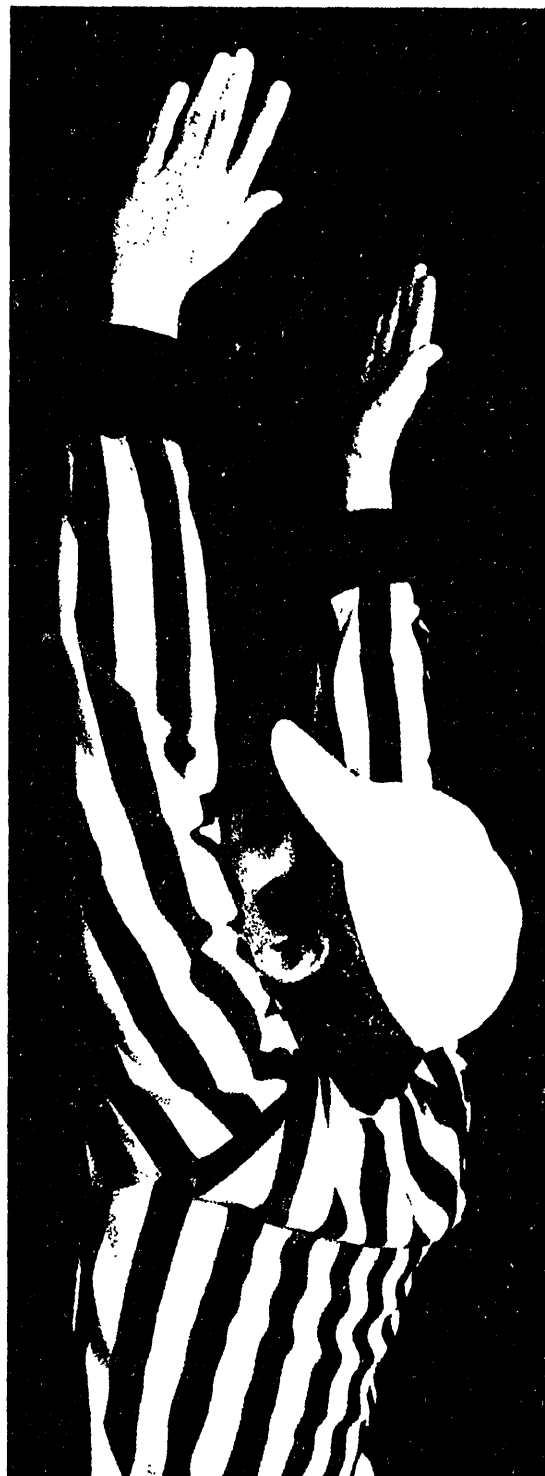
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