

Texas Register

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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- Withdrawn Sections—sections withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date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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1 TAC §251.1—3823

TITLE 4. AGRICULTURE

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22 TAC §243.1—3823

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22 TAC §423.1—3801, 3811

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Part XXV. Structural Pest Control Board

22 TAC §593.6, §593.22—3814

TITLE 25. HEALTH SERVICES

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25 TAC §37.93—3802, 3815

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28 TAC §§7.1701-7.1711—3825

TITLE 31. NATURAL RESOURCES AND CONSERVATION

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31 TAC §§36.332-65.335—3816

31 TAC §§57.111-57.117—3825

TITLE 34. PUBLIC FINANCE

Part I. Comptroller of Public Accounts

34 TAC §3.141—3802

TITLE 37. PUBLIC SAFETY AND CORRECTIONS

Part X. Texas Adult Probation Commission

37 TAC §321.1—3818

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

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40 TAC §16.3802—3828

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40 TAC §§29.1601-29.1603—3829

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The Governor

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

Appointment Made July 21, 1988

To be a member of the **Public Utility Commission of Texas** for a term to expire on September 1, 1989: William B. Cassin, One South Wynden Drive, Houston, Texas 77056. Mr. Cassin will be filling the unexpired term of Dennis L. Thomas of Austin who resigned.

Issued in Austin, Texas on July 25, 1988.

TRD-8807618

William P. Clements, Jr.
Governor of Texas

Appointments Made July 25, 1988

To be a member of the **Council on Disabilities** for a term to expire January 31, 1989: Mary Carolyn Knott, 6952 Oveja, El Paso, Texas 79912. Ms. Knott will be replacing Reed Martin of Austin whose term expired.

To be a member of the **Governing Board of the Texas School for the Deaf** for a term to expire January 31, 1989: Jack H. Hensley, 2704 Rae Dell Avenue, Austin, Texas 78704. Mr. Hensley will be replacing Robert Bevill of Pasadena who resigned.

To be a member of the **Antiquities Committee** for a term to expire January 31, 1989: Thomas William Cutrer, Ph.D., University of Texas at Austin, 2/306 Richardson Hall, Austin, Texas 78712. Dr. Cutrer will be replacing Dr. William Griggs of Houston whose term expired.

To be a member of the **Texas State Board of Podiatry Examiners** for a term to expire July 10, 1993: Betty Frances Walker, 1404 Byron Avenue, Odessa, Texas 79761. Mrs. Walker will be replacing Mrs. Johnnie Davis of Odessa whose term expired.

To be a member of the **Interagency Council on Sex Offender Treatment** for a term to expire February 1, 1993: Norma W. Reed, 1733 Curie, Suite 204, El Paso, Texas 79902. Ms. Reed will be replacing Dr. Michael Cox of Houston whose term expired.

To be a member of the **Home Health Services Advisory Council** for a term to expire January 31, 1990: Nannette Nau Overbeck, Austin Parenteral Services, 3907 Medical Parkway, #101, Austin, Texas 78756. Mrs. Overbeck will be replacing Bettie Girling of Austin whose term expired.

To be a members of the **24 Regional Community Development Review Committees** for terms to expire January 1, 1990:

Alamo Area

Dan Alanis, Bandera County Commissioner, Route 3, Box 3153, Lakehills, Texas 78063.

Amo Becker, New Braunfels City Council, 5 Mission Drive, New Braunfels, Texas 78130.

Leonard Hollaway, Kerrville City Council, 803 Bow Lane, Kerrville, Texas 78028.

Dwight Koepp, LaVernia City Council, P.O. Box 399, LaVernia, Texas 78121.

Bill Ray, Commissioner, Precinct 2, 151 Cherry Ridge, Kerrville, Texas 78028.

A.G. Vidaurri, Mayor, City of Kenedy, P.O. Box 539, Kenedy, Texas 78119.

Jay Weinheimer, Gillespie County Judge, P.O. Box 351, Fredericksburg, Texas 78624.

Sid Williams, III, Frio County Judge, P.O. Box L, Pearsall, Texas 78061.

Ark-Tex

Eric Clifford, Mayor, City of Paris, 810-B Lamar Avenue, Paris, Texas 75460.

James Earnest, Mayor, City of Hooks, P.O. Box 37, Hooks, Texas 75561.

Erman Hensel, Mount Pleasant City Council, 513 Southgate, Mt. Pleasant, Texas 75455.

Michael Huddleston, Mayor, City of Wake Village, P.O. Box 3776, Wake Village, Texas 75501.

Willie Smith, Morris County Commissioner, P.O. Box 291, Naples, Texas 75568. Commissioner Smith is being reappointed.

Richard Witherspoon, Mount Pleasant City Council, 1612 South Jefferson, Mount Pleasant, Texas 75455. Councilman Witherspoon is being reappointed.

Brazos Valley

Johnnie Vic Barnett, Mayor, City of Caldwell, 107 South Hill, Caldwell, Texas 77936.

James Chandler, Hearne City Council, 210 Cedar Street, Hearne, Texas 77859.

J. R. Fite, Madison County Judge, Madison County Courthouse, 101 West Main, Room 101, Madisonville, Texas 77864. Judge Fite is being reappointed.

Dr. Lonnie Hermann, Navasota City Council, 205 McNair, Navasota, Texas 77868.

Dick Holmgreen, Brazos County Judge, Brazos County Courthouse, 300 East 26th, Bryan, Texas 77803. Judge Holmgreen is being reappointed.

Frank Komar, Mayor, City of Sommersville, P.O. Box 159, Sommersville, Texas 77879.

Billy Stellbauer, Mayor, City of Bremond, 310 Galveston, Bremond, Texas 76629.

W.G. "Billy" Wilson, Madison County Commissioner, Precinct 1, 111 North Commerce, Madisonville, Texas 77864.

Capital Area

James Arndt, Giddings City Council, 170 Joyce, Giddings, Texas 78942.

Ercel Brashear, Georgetown City Council, P.O. Box 409, Georgetown, Texas 78627.

Jack Foreman, Lockhart City Council, 1517 Twin Island Drive, Lockhart, Texas 78644.

W.S. "Bill" Hooper, Mayor, City of Luling, 315 East Bowie, Luling, Texas 78648.

Jeffrey Hopf, Mayor Pro-Tem, City of Llano, 1102 Luckenbach Drive, Llano, Texas 78643.

Tom Taylor, Mayor, City of West Lake Hills, 911 Westlake Drive, Austin, Texas 78746.

Central Texas

Wilburn Beckhusen, Buckholts City Council, P.O. Box 157, Buckholts, Texas 76518.

Thomas Bowden, San Saba County Judge, County Courthouse, San Saba, Texas 76877.

Lambert Little, Hamilton City Council, 910 South Railroad, Hamilton, Texas 76531.

John Oliver, Lampasas City Council, 607 West First Street, Lampasas, Texas 76550.

Joe Ragsdale, Mayor, City of San Saba, P.O. Box 788, San Saba, Texas 76877.

John Stephenson, Harker Heights City Council, 901 South Ann, Harker Heights, Texas 76543.

Coastal Bend

Danny Adams, Mayor, City of Rockport, Box 39, Fulton, Texas 78358.

August Caron, Jr., Mayor, City of George West, P.O. Drawer F, George West, Texas 78022.

Mark Crawford, Mayor, City of Ingleside, Drawer 400, Ingleside, Texas 78362.

Doyle Dreyer, Kleberg County Commissioner, Route 1, Box 408, Kingsville, Texas 78363.

R. J. O'Brien, Rockport Mayor Pro-Tem, 2009 Harbor Drive, Rockport, Texas 78382.

Ron Sadler, Kingsville City Commissioner, P.O. Box 1428, Kingsville, Texas 78363. Commissioner Sadler is being reappointed.

Louise Shumate, Mayor, City of Three Rivers, P.O. Box 398, Three Rivers, Texas 78071. Mayor Shumate is being reappointed.

John Wendell, Judge, Aransas County, 301 North Live Oak, Rockport, Texas 78382.

Concho Valley

Keaton Blackburn, Mayor, City of Junction, P.O. Box 446, Junction, Texas 76849.

Tim Childers, P.O. Box 1028, Menard, Texas 76859. Mr. Childers is being reappointed.

Mike Dolan, Irion County Commissioner, P.O. Box 588, Mertzon, Texas 76941.

Wilbur Dunk, Judge, Kimble County, Kimble County Courthouse, Junction, Texas 76849. Judge Dunk is being reappointed.

Mike Elkins, Reagan County Commissioner, 1101 Virginia Circle, Big Lake, Texas 76930.

E. "Mac" McWilliams, Brady City Council, P.O. Box 1084, Brady, Texas 76825.

Deep East

Louis Bronaugh, Mayor, City of Lufkin, 1029 Frank, Lufkin, Texas 75901.

Charles English, Houston County Judge, P.O. Box 370, Crockett, Texas 75835.

Carlyle Goff, Nacogdoches County Commissioner, Nacogdoches County Courthouse, Nacogdoches, Texas 75961.

Tom Knapp, Mayor, City of Woodville, 104 Pine Street, Woodville, Texas 75979. Mayor Knapp is being reappointed.

John McCall, Mayor, City of Crockett, P.O. Box 550, Crockett, Texas 75835.

Ben Ogletree, Mayor, City of Livingston, 200 West Church, Livingston, Texas 77351. Mayor Ogletree is being reappointed.

M. G. Reily, Mayor, 101 West Ben Franklin, Corrigan, Texas 75939.

East Texas

T. L. Beard, Commissioner, Anderson County, P.O. Box 67, Frankston, Texas 75763.

Joe Gerard, Mayor, Star Harbor, 23 Shoreline Drive S.H., Malakoff, Texas 75148.

Sandra Hodges, Judge, Rusk County, Rusk County Courthouse, 115 North Main, Henderson, Texas 75652.

Robert Nichols, Mayor, City of Jacksonville, 808 Fort Worth Street, Jacksonville, Texas 75766.

D. H. Abernathy, Mayor, City of Pittsburg, P.O. Box 462, Pittsburg, Texas 75686.

Lynn Vincent, Carthage City Commissioner, P.O. Box 400, Carthage, Texas 75633.

Golden Crescent

John Barnhill, Goliad County Judge, P.O. Box 677, Goliad, Texas 77963.

Welly Gibson, County Commissioner, Route 2, Box 107, Nixon, Texas 78140.

Kenneth Lester, Mayor, City of Port Lavaca, 11 Houston, Port Lavaca, Texas 77979.

Don Oldmixon, Goliad, Alderman, P.O. Box 497, Goliad, Texas 77963.

Larkin Thedford, Jackson County Judge, 115 West Main, Edna, Texas 77957. Judge Thedford is being reappointed.

Ricky Wheeler, Cuero City Council, P.O. Box 9, Cuero, Texas 77954.

Heart of Texas

Jim Longbotham, Mayor, City of Groesbeck, P.O. Box 227, Groesbeck, Texas 76642-0227. Mayor Longbotham is being reappointed.

Monte Cole, Mayor, City of Fairfield, 913 Walnut Creek Drive, Fairfield, Texas 75840.

Bob Cunningham, Falls County Judge, P.O. Box 458, Marlin, Texas 76661. Judge Cunningham is being reappointed.

Richard Gillet, Teague City Councilman, Route 1, Box 115A1, Teague, Texas 75860.

Doug Hooks, Jr., Mexia City Commissioner, 900 Evergreen, Mexia, Texas 76667.

Bill Townsend, Woodway City Council, 613 Wooded Crest, Waco, Texas 76712.

Danny Willard, Freestone County Commissioner, P.O. Box 672, Fairfield, Texas 75840.

Carl Barton, Mayor, City of Conroe, P.O. Box 3066, Conroe, Texas 77305. Mayor Barton is being reappointed.

Christopher Castillo, Bay City Councilman, 1717 Avenue L, Bay City, Texas 77414.

Catherine Drapela, Wharton County Commissioner, P.O. Box 1148, El Campo, Texas 77437.

Greg Hudson, Mayor, City of Montgomery, P.O. Box 46, Montgomery, Texas 77356.

Frank Robinson, Walker County Judge, 1100 University Avenue, Suite 204, Huntsville, Texas 77340.

Dorothy D. Dyer, Mayor, City of Magnolia, 703 Placid Lake Drive, Magnolia, Texas 77335.

Doris Williams, Mayor, City of Lake Jackson, 209 Teakwood, Lake Jackson, Texas 77566.

Lower Rio Grande

Jesse Byars, Mayor, City of La Feria, 313 Howard Lee Drive, La Feria, Texas 78559.

David Dawe, Mayor, City of San Perlita, P.O. Box 121, San Perlita, Texas 78590.

Morris Dodd, Mayor, City of Lyford, P.O. Drawer 310, Lyford, Texas 78569. Mayor Dodd is being reappointed.

Walter Halleman, Jr., Mayor, Rancho Viejo, 3461 Carmen Avenue, Rancho Viejo, Texas 78520. Mayor Halleman, is being reappointed.

Calvin Johnson, Lyford City Commissioner, P.O. Drawer 310, Lyford, Texas 78569. Commissioner Johnson is being reappointed.

George Lara, Raymondville City Council, 142 South Seventh, Raymondville, Texas 78580. Councilman Lara is being reappointed.

Wilmot Lippert, Laguna Vista Alderman, 1309 Beech, Laguna Vista, Texas 78578.

Carl Macomb, Los Fresnos Mayor Pro-Tem, 200 North Brazil, Los Fresnos, Texas 78566.

Middle Rio Grande

J. R. Black, La Salle County Commissioner, 905 Frio, Cotulla, Texas 78014.

Danniel Burr, Del Rio City Council, 234 Elizabeth, Del Rio, Texas 78840.

William Cotulla, Mayor, City of Cotulla, 708 Center Street, Cotulla, Texas 78014. Mayor Cotulla is being reappointed.

Alfredo Gutierrez, Jr., Mayor, City of Del Rio, P.O. Box 4239, Del Rio, Texas 78841.

J. M. Sanderlin, Real County Judge, P.O. Box M, Leakey, Texas 77873. Judge Sanderlin is being reappointed.

John Willems, Carrizo Springs City Council, 22nd and Pena Street, Carrizo Springs, Texas 78834.

Nortex

Dean Decker, Childress County Judge, Courthouse Box 1, Childress, Texas 79201.

John Gill, Henrietta Mayor Pro-Tem, P.O. Drawer 110, Henrietta, Texas 76365.

Lenville Morris, Wilbarger County Commissioner, County Precinct #4, Harrold, Texas 76364.

Pat Norris, Mayor, 419 Avenue C, Burkburnett, Texas 76354.

Hunter Novak, Archer City Council, P.O. Box 367, Archer City, Texas 76351.

Glen Turner, Wilbarger County Commissioner, P.O. Box 827, Odell, Texas 79247.

North Central

Ron Gillespie, Ellis County Commissioner, 1109 Bluebonnet Hills Drive, Ennis, Texas 75119.

Bobby Crabtree, Mineral Wells City Council, P.O. Box 40, Mineral Wells, Texas 76067.

Larry Hammett, Mayor, City of Stephenville, P.O. Box 926, Stephenville, Texas 76401.

Jerry Hoagland, Collin County Commissioner, Collin County Courthouse, 210 South McDonald Street, Sixth Floor, McKinney, Texas 75069.

Charles O'Toole, Granbury City Council, 1318 Paluxy Road, Granbury, Texas 76048.

Bobby Wilson, Mayor, City of Decatur, 107 South Cowan, Decatur, Texas 76234.

Panhandle

Ray Berry, Potter County Commissioner, P.O. Box 10045, Amarillo, Texas 79116-1645.

John Bowman, Silverton Alderman, P.O. Box 181, Silverton, Texas 79257. Alderman Bowman is being reappointed.

Wesley Fisher, Mayor, City of Hereford, P.O. Box 512, Hereford, Texas 79045.

Wynonne McDaniel, Canadian City Council, P.O. Box 52, Canadian, Texas 79014.

Bob Pearson, Mayor, P.O. Box 37, Spearman, Texas 79081.

Jack D. Powell, Moore County Judge, P.O. Box 437, Dumas, Texas 79029.

Wayne Proffitt, Dimmit Alderman, P.O. Box 146, Dimmit, Texas 79027. Alderman Proffitt is being reappointed.

Permian Basin

William Ahders, Midland County Judge, 200 West Wall, Midland, Texas 79701.

Don Bethel, Mayor, City of Lamesa, 310 South Main, Lamesa, Texas 79331.

Robert Cosby, Mayor, City of Seminole, 101 East Avenue A, Seminole, Texas 79331.

Bill Crooker, Howard County Commissioner, 2802 Parkway Road, Big Spring, Texas 79720.

Michael Hoch, County Commissioner, P.O. Box 59, Garden City, Texas 79739.

Richard J. Hoyer, Mayor, City of Monahans, 112 West Second, Monahans, Texas 79756.

South East Texas

Tom Crowe, Lumberton City Council, P.O. Box 8545, Lumberton, Texas 77711.

B. F. Cummings, Pinchurst City Council, 1935 Camelot, Orange, Texas 77630.

Billy Wayne Doornbos, Nederland City Council, 1111 Shaw Drive, Nederland, Texas 77627.

Pete McKinney, Hardin County Judge, P.O. Drawer 760, Kountze, Texas 77625. Judge McKinney is being reappointed.

David Shows, Silsbee City Council, P.O. Box 1123, Silsbee, Texas 77656. Councilman Shows is being reappointed.

Larry Woodall, Mayor, City of Lumberton, P.O. Box 8545, Lumberton, Texas 77711.

South Plains

Alton Brazell, Lubbock County Commissioner, P.O. Box 10536, Lubbock, Texas 79408.

Jack Cargill, Mayor, City of Brownfield, 1307 East Harris, Brownfield, Texas 79318.

Terry Maynard, Councilman, 509 Baja Circle, Denver City, Texas 79323. Councilman Maynard is being reappointed.

T. J. Miller, Mayor, P.O. Box 550, Plains, Texas 79355.

Jerry Robertson, Crosby County Judge, P.O. Box 385, Crosbyton, Texas 79322.

Doyle Simpson, Brownfield City Council, 1709 East Hester, Brownfield, Texas 79316.

Dan Smith, Mayor, City of Lockney, P.O. Box 714, Lockney, Texas 79241.

Jim Solomon, Mayor, City of Tahoka, P.O. Box 300, Tahoka, Texas 79373.

Kenny Willmon, (Chairman) Mayor, City of Levelland, P.O. Box 1010, Levelland, Texas 79336. Mayor Willmon is being reappointed.

South Texas

Angel Flores, Zapata County Judge, P.O. Box 99, Zapata, Texas 78076.

Jose Roberto Garcia, Roma City Council, P.O. Box 947, Roma, Texas 78584.

Rosie Centeno Hinojosa, Webb County Commissioner, 107 Ceniso Loop, Laredo, Texas 78043.

Manuel Perez, Commissioner, P.O. Box 729, Hebbronville, Texas 78361.

Jose Rodriguez, Commissioner, P.O. Drawer 29, Laredo, Texas 78042. Commissioner Rodriguez is being reappointed.

Derly Villareal, Zapata County Commissioner, P.O. Box 99, Zapata, Texas 78076. Commissioner Villareal is being reappointed.

Texoma

Jimmy Doyle, Fannin County Judge, 405 East Market, Honey Grove, Texas 75446.

Dean Gilbert, Mayor, City of Sherman, P.O. Box 1106, Sherman, Texas 75090.

Ted Henscheid, Mayor, City of Muenster, P.O. Box 358, Muenster, Texas 76252.

Donald Metzler, Mayor, City of Lindsay, P.O. Box 153, Lindsay, Texas 76250. Mayor Metzler is being reappointed.

Ben Munson, Mayor, City of Dennison, P.O. Box 347, Dennison, Texas 75020.

Foy Wallace, Mayor, City of Gunter, P.O. Box 352, Gunter, Texas 75058. Mayor Wallace is being reappointed.

Charles Woolfolk, Mayor, City of Gainesville, 200 South Rusk, Gainesville, Texas 76240.

West Texas

Richard Hilsenbeck, Alpine City Council, 503 Hendryks Street, Alpine, Texas 79830.

Chris Lacy, Jeff Davis County Commissioner, P.O. Box 918, Fort Davis, Texas 79734.

Okey D. Lucas, Mayor, P.O. Box 1042, Van Horn, Texas 79855.

Leroy Perry, Mayor, P.O. Box 125, Dell City, Texas 79837. Mayor Perry is being reappointed.

Ann Scudday, Jeff Davis County Judge, P.O. Box 788, Fort Davis, Texas 79734.

Billy Weston, Jeff Davis County Commissioner, P.O. Box 609, Fort Davis, Texas 79734.

West Central

Garth Gregory, Judge, Kent County, P.O. Box 6, Jayton, Texas 79528. Judge Gregory is being reappointed.

Larry May, Sweetwater Mayor Pro-Tem, P.O. Box 355, Sweetwater, Texas 79556.

David Perdue, Judge, Knox County, P.O. Box 77, Benjamin, Texas 79505.

Danny Campbell, Anson City Council, 831 Avenue Q, Anson, Texas 79501.

Casey Dellaney, Coleman City Council, 304 Santa Anna Avenue, Coleman, Texas 76834.

Darrel Haynes, Brownwood Mayor Pro-Tem, 309 North Fifth Avenue, Brownwood, Texas 76801-3116.

Issued in Austin, Texas on July 26, 1988.

TRD-8807633

William P. Clements, Jr.
Governor of Texas

Appointments Made July 27, 1988

To be a member of the Texas Criminal Justice Task Force for the comprehensive review of the Criminal Justice System for a term at the pleasure of the Governor. Kevin Chapman, 935 North Windomere, Dallas, Texas 75208.

To be a member of the Texas State Board of Examiners of Dietitians for a term to expire September 1, 1989. Patty Greer, 4033 Tara Lane, Nacogdoches, Texas 75760. Mrs. Greer will be filling the unexpired term of Ronnie A. Nutt of Paris who resigned.

To be a member of the Teacher's Professional Practices Commission for a term to expire August 31, 1989. Jimmie R. Hancock, 925 34 South East, Paris, Texas 75460. Mrs. Hancock will be replacing Jeff Sanders of Uvalde whose term expired.

To be a member of the Advisory Council on Community Affairs for a term to expire January 31, 1990. Jeri Osborne, HCR 2, Box 11, Panhandle, Texas 79068. Mrs. Osborne will be replacing Vicki Gomez of Odessa whose term expired.

To be a member of the Texas State Board of Podiatry Examiners for a term to expire

July 10, 1991. Harry V. Burns, 3459 Chateau Drive, San Antonio, Texas 78219. Mr. Burns will be replacing Dr. John T. Donohoo of San Antonio who is deceased.

Issued in Austin, Texas on January 9, 1988.

TRD-8807760

William P. Clements, Jr.
Governor of Texas



Correction of Appointments

To be a member of the Evergreen Underground Water Conservation District Board of Directors for a term to expire February 1, 1991: Carl Hoefelmeyer, P.O.

Box 76, Path, Texas 78147. Pursuant to Senate Bill 1253, 69th Legislature.

To be a member of the Task Force on Waste Management: William H. Vincent, Jr., November 20, 1987, Larry B. Feldcamp, November 20, 1987, James C. Morriss, III, February 29, 1988. We have been notified by the Senate Calendar Clerk, Kay Hughes, that the above task force has been abandoned and is now the Waste Management Policy Committee. The authority is HCR 137, 70th Legislature.

To withdraw the appointment of Captain John Robert Williams to the Port Aransas Bar Corpus Christi Bay and Tributaries

dated July 8, 1988. This appointment was made through a clerical error and was a duplicate of Captain William's appointment of May 3, 1988, which stands as correct.

On April 27, 1988, Governor Clements appointed Daniel M. Downey of Houston as Judge of the 295th Judicial District Court, Harris County. The appointment date for Judge Downey should have been April 25, 1988.

Issued in Austin, Texas on July 27, 1988.

TRD-8807899

William P. Clements, Jr.
Governor of Texas



Name: Alison Cook
Grade: 5
School: Merriman Park Elementary,
Richardson

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 22. EXAMINING BOARDS

Part XX. Texas Board of Private Investigators and Private Security Agencies

Chapter 423. Rules of Procedure and Seal

• 22 TAC §423.1

The Texas Board of Private Investigators and Private Security Agencies adopts on an emergency basis an amendment to §423.1, concerning standards of conduct, which outlines the responsibilities of licensees and employees of licensees in regards to conduct.

The board has determined that amendment of this section as soon as possible is in the public interest, and is necessary to be able to enforce the effects of House Bill 888, 70th Legislature, 1987.

The section is amended under Texas Civil Statutes, Article 4413 (29bb), §11, which provide the Texas Board of Private Investigators and Private Security Agencies with the authority to promulgate all rules and regulations necessary in carrying out the provisions of this Act.

§423.1. *Standards of Conduct.*

(a)-(h) (No change.)

(i) Employment of any person or entity, whether located within or without the State of Texas, to perform any of the activities regulated by the board is prohibited unless the person or entity is commissioned, registered, or licensed as required by the Act.

Issued in Austin, Texas, on July 22, 1988.

TRD-8807660

Clema D. Sanders
Executive Director
Texas Board of Private
Investigators and
Private Security
Agencies

Effective date: July 26, 1988

Expiration November 23, 1988

For further information, please call: (512) 463-5545

Chapter 434. Alarm Systems Monitoring

• 22 TAC §434.1

The Texas Board of Private Investigators and Private Security Agencies adopts on an emergency basis §434.1, concerning alarm systems monitoring, concerning the requirement that alarm systems companies must furnish the board with the license number of any entity performing alarm monitoring services.

The board has determined that adoption of this section as soon as possible is in the public interest, and is necessary to be able to enforce the effects of House Bill 888, 70th Legislature, 1987.

The new section is adopted under Texas Civil Statutes, Article 4413 (29bb), §11, which provide the Texas Board of Private Investigators and Private Security Agencies with the authority to promulgate all rules and regulations necessary in carrying out the provisions of this Act.

§434.1. *Alarm Systems Monitoring.* Alarm systems companies who employ an entity other than an individual to perform monitoring services must furnish the board that entity's Texas license number.

Issued in Austin, Texas, on July 21, 1988.

TRD-8807658

Clema D. Sanders
Executive Director
Texas Board of Private
Investigators and
Private Security
Agencies

Effective date: July 26, 1988

Expiration date: November 23, 1988

For further information, please call: (512) 463-5545

Part XXII. Texas State Board of Public Accountancy

Chapter 515. Licenses

• 22 TAC §515.8

The Texas State Board of Public Accountancy is renewing the effectiveness of the emergency adoption of repealed §515.8, for a 60-day period effective August 19, 1988. The text of repealed §515.8 was originally published in the April 29, 1988, issue of the *Texas Register* (13 TexReg 2061).

Issued in Austin, Texas on July 26, 1988.

TRD-8807647

William A. Sansing
Enforcement Coordinator
Texas State Board of
Public Accountant

Effective date: August 19, 1988

Expiration date: October 18, 1988

For further information, please call: (512) 450-7066

The Texas State Board of Public Accountancy is renewing the effectiveness of the emergency adoption of new §515.8, for a 60-day period effective August 19, 1988. The text of new §515.8 was originally published in the April 29, 1988, issue of the *Texas Register* (13 TexReg 2062).

Issued in Austin, Texas on July 26, 1988.

TRD-8807648

William A. Sansing
Enforcement Coordinator
Texas State Board of
Public Accountant

Effective date: August 19, 1988

Expiration date: October 18, 1988

For further information, please call: (512) 450-7066

Chapter 521. Fee Schedule

• 22 TAC §521.8

The Texas State Board of Public Accountancy is renewing the effectiveness of the emergency adoption of repealed §521.8, for a 60-day period effective August 19, 1988. The text of repealed §521.8 was originally published in the April 29, 1988, issue of the *Texas Register* (13 TexReg 2062).

Issued in Austin, Texas on July 26, 1988.

TRD-8807646

William A. Sansing
Enforcement Coordinator
Texas State Board of
Public Accountancy

Effective date: August 19, 1988

Expiration date: October 18, 1988

For further information, please call: (512) 450-7066

The Texas State Board of Public Accountancy is renewing the effectiveness of the emergency adoption of new §521.8, for a 60-day period effective August 19, 1988. The text of new §521.8 was originally published in the April 29, 1988, issue of the *Texas Register* (13 TexReg 2062).

The Comptroller of Public Accounts adopts on an emergency basis a new §3. 141, concerning occupation tax on attorneys. The section details the various requirements concerning the tax.

The due date for this tax is August 1, 1988. This section is adopted on an emergency basis in order to provide guidance to affected attorneys before the due date arrives.

The new section is adopted on an emergency basis under the Tax Code, §111. 002, which provides the comptroller with the authority to prescribe, adopt, and enforce rules relating to the administration and enforcement of the provisions of the Tax Code, Title 2.

§3.141. Occupation Tax on Attorneys-Reports and Due Dates.

(a) The occupation tax on attorneys is an annual tax that is due in advance no later than August 1 of each year. The tax

covers the tax year beginning on each June 1 and ending the following May 31.

(b) For attorneys who are licensed or who become classified as active after June 1 and before January 1, the occupation tax for the remainder of the tax year is due on January 31. For attorneys who are licensed or who become classified as active on or after January 1 before June 1, the occupation tax for the remainder of the tax year is due on August 1.

(c) Attorneys who are classified as inactive on the beginning of the tax year are not required to pay the occupation tax for the portion of the tax year during which they maintain that classification. The obligation to pay the occupation tax arises when an attorney becomes classified as active. For the purposes of this section, an attorney is classified as inactive only when he/she is not authorized to engage in the

practice of law under rules governing licensing and conduct promulgated by either the State Bar or the Texas Supreme Court.

(d) The occupation tax shall be prorated if an attorney is licensed or becomes classified as active after the beginning of a tax year. For each month or part of a month that remains in a tax year after the attorney is licensed or becomes classified as active, the amount of the occupation tax is \$9.17.

Issued in Austin, Texas, on July 27, 1988.

TRD-8807676

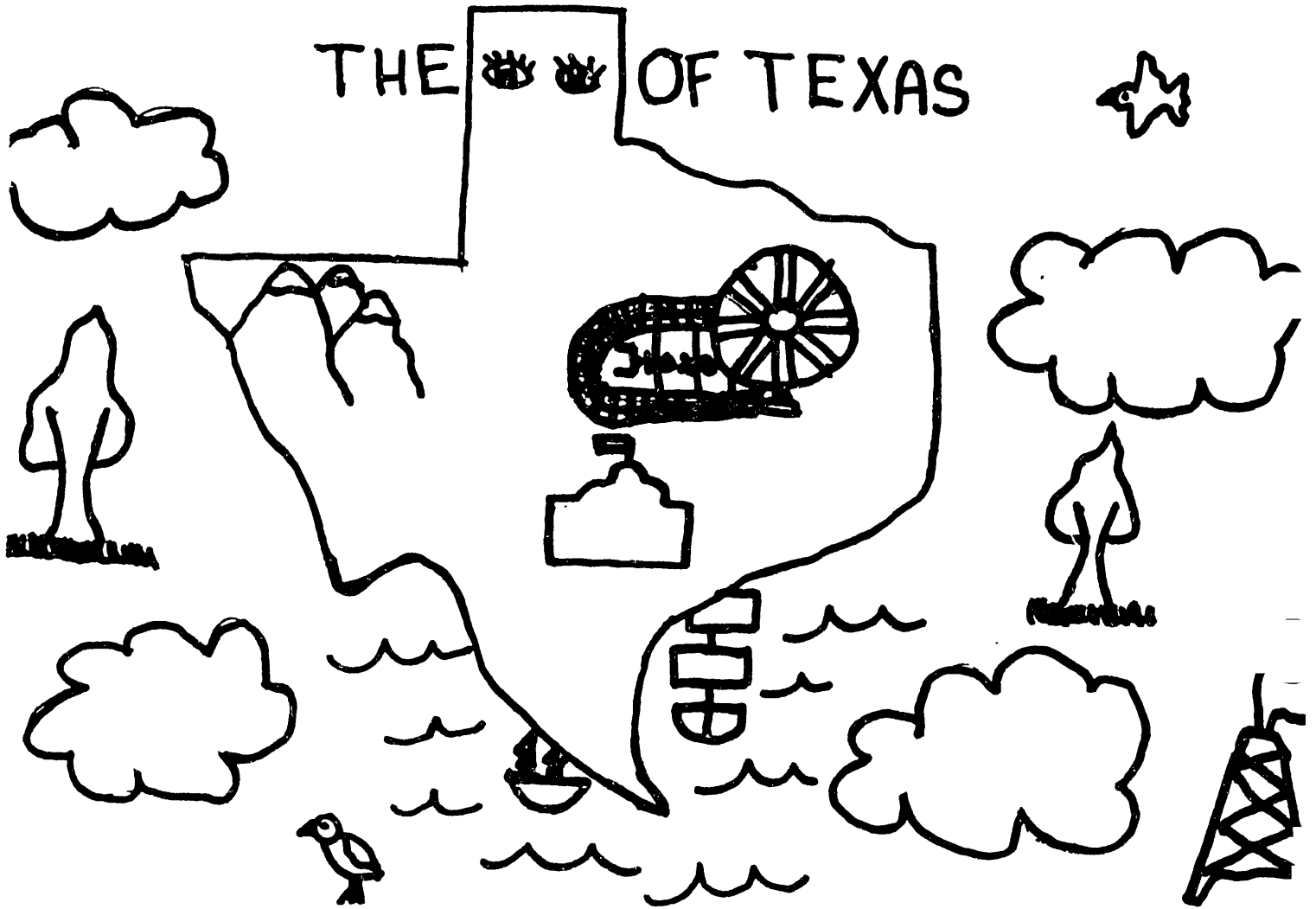
Bob Bullock
Comptroller of Public
Accounts

Effective date: July 27, 1988

Expiration date: November 24, 1988

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

◆ ◆ ◆



Name: Ashley Perkins
Grade: 5
School: Merriman Park Elementary,
Richardson

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 7. BANKING AND SECURITIES

Part I. Finance

Commission of Texas

Chapter 3. Banking Section

Subchapter E. Banking House and Other Facilities

• 7 TAC §3.91

The Banking Section of the Finance Commission of Texas proposes an amendment to §3.91, concerning the establishment of branch banks by state chartered banks. The amendment is being proposed due to a recent federal court ruling that allows national banks domiciled in Texas to establish branches on a statewide basis to the extent permitted for Texas savings and loan associations. Pursuant to the Texas Constitution, Article 16, §16(c), state banks have the same rights and privileges that are or may be granted to national banks of the United States domiciled in this state. The proposed amendment establishes an application and branch approval process that will be virtually identical to that presently followed by the Office of the United States Comptroller of the Currency with respect to national banks. The amendment requires state banks to follow the new application procedure for the establishment of any new branch, as the term branch is defined in the rule, regardless of location. The new application procedure is shown in this proposed version of the rule as the underlined portion of the text.

Ann Graham, general counsel, 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. Graham also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be the establishment of a regulatory framework to allow state banks to branch to the extent permitted for national banks domiciled in this state so as to ensure competitive parity and regulatory equality between state and national banks. There is no anticipated economic cost to individuals who are required to comply with the section as proposed. Further, no application fee will be assessed on applicant banks. Applicant banks will, however, incur costs of preparing applications, publishing notice of application, responding to comments, and paying fees for any required investigation or examination by the Department of Banking and other costs associated with hearings, if any.

Comments on the proposal may be submitted to Ann Graham, General Counsel, Texas Department of Banking, 2601 North Lamar Boulevard, Austin, Texas 78705-4294.

The amendment is proposed under the Texas Constitution, Article 16, §16(c), and Texas Civil Statutes, Article 342-113, which provide the Banking Section of the Finance Commission with the authority to promulgate rules not inconsistent with the Constitution and statutes of this state to transact their affairs in any manner or make any loan or investment which could be made were they a national bank.

§3.91. Establishment of Branch Bank and Drive-in Facilities.

(a) **General.** Applications by state chartered banks for branch bank and drive-in facilities [at locations authorized by Texas Civil Statutes, Article 342-903,] shall be filed with the banking commissioner (hereinafter commissioner) on forms prescribed by the commissioner.

(b) **Authority.** A state bank may, with the approval of the commissioner, establish and operate new branch office facilities in accordance with the laws of this state. [The commissioner, as the primary regulator of state-chartered banks, shall approve applications for branch bank or drive-in facilities if:

(1) in the opinion of the commissioner, there are no significant supervisory problems with respect to the applicant which would affect its ability to properly operate such branch bank or drive-in facility; and

(2) the application for a proposed branch bank or drive-in facility complies with the provisions of Article 342-903.]

(c) **Definitions.** The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

(1) **Branch-Branch facility** includes any additional bank office, except an unmanned teller machine, at which deposits are received, or checks paid, or money lent.

(2) **Drive-in Facility**—A drive in facility means a facility offering banking services solely to persons who remain outside of the facility. No application is required for a state bank to establish a drive-in facility that will be located

within 1,000 feet of the nearest wall of the principal banking building or existing branch facility.

(d)[c] **Commencement of Operations.** The branch bank or drive-in facility that is located in excess of 1,000 feet from the nearest wall of the principal banking building or branch facility shall commence operation within a period of 12 months after the date of approval unless an extension is granted in writing by the commissioner. No more than one 12-month extension will be approved by the commissioner. The branch bank or drive-in facility approval will automatically expire if no extension is granted prior to the end of the first 12-month period.

[(d) All facilities established, under construction, applied for, or notice of proposed establishment filed, on or before July 15, 1986, shall register such facility with the commissioner. If these facilities have been previously registered, no additional registration is necessary. Registration forms will be provided by the commissioner.]

(e) **Policy.** In determining whether to approve an application to establish and operate a branch, the commissioner is guided by the following principles: the Texas Department of Banking and the commissioner are responsible for maintaining a sound banking system; the Texas Department of Banking and the commissioner are responsible for encouraging a bank to help meet the credit needs of its entire community, as delineated in its Community Reinvestment Act statement; the marketplace normally is the best regulator of economic activity; and competition promotes a sound and more efficient banking system that serves customers well.

(1) Accordingly, it is the general policy of the commissioner to approve applications to establish and operate branches, provided that approval would not violate the provisions of applicable law regarding the establishment of such branches.

(2) The commissioner may deny applications or grant approval subject to fulfillment of certain conditions, if in the opinion of the commissioner:

(A) there are significant supervisory concerns with respect to the

applicant or any affiliated organizations; or

(B) the applicant's record of helping to meet the credit needs of its entire community, including low and moderate income neighborhoods, consistent with the safe and sound operation of the bank, is less than satisfactory; or

(C) any financial or other business arrangement, direct or indirect, involving the proposed branch and bank insiders (directors, officers, employees, and shareholders owning or controlling, directly or indirectly, 10 percent or more of any class of the subject bank's voting stock) involves terms and conditions more favorable to the insiders than would be available in a comparable transaction with unrelated parties.

(f) Community. If the proposed branch will change the bank's existing community delineation, the applicant's board of directors must act upon any material change at its first regular meeting after the change, i.e., the establishment of the branch. In the application, the bank must indicate the ways it intends to vary its lending policy, procedures, or services at the proposed branch, if at all.

(g) Application Procedure. Application forms and instructions may be obtained from the Texas Department of Banking, 2601 North Lamar Boulevard, Austin, Texas 78705.

(1) Notice of Filing of Application. The applicant shall publish a notice in a newspaper of general circulation in the community in which the applicant proposes to establish a branch. The notice shall state that a branch application is being filed as of the date of notice, and the notice shall contain the name of the applicant(s) and the location of the proposed branch. The application shall be mailed or delivered to the commissioner on the same day the notice is published. A statement containing the date of publication and the name and address of the newspaper in which the notice was published, shall be furnished with the application.

(2) Written comments on applications. Within 30 days after notice by publication as required herein, any person may submit to the commissioner written comments and data on the application. The commissioner may extend the 30-day comment period if, in his judgment, the applicant has failed to file all required supporting data in time to permit review by interested persons or if other extenuating circumstances exist.

(3) Requests for hearing. Within 30 days after notice by publication required herein, or within the extended comment period described in

paragraph (2), any person may submit to the commissioner a written request for a hearing on an application.

(A) The request shall state the nature of the issues or facts to the presented and the reasons why written submissions would be insufficient to make an adequate presentation to the commissioner. If the reasons are related to factual disputes, the disputes shall be described.

(B) Written requests for hearing and requests for waiver of hearing-related costs shall be evaluated by the commissioner, who may grant or deny such request in whole or in part. A hearing request shall generally be granted only if it is determined that written submissions would be inadequate or that a hearing would otherwise be beneficial to the decision-making process. A hearing may be limited to issues considered material by the commissioner.

(C) When a hearing is granted, it shall be conducted during normal business hours at the Texas Department of Banking office in Austin.

(D) A transcript of each hearing is arranged by the Texas Department of Banking. The cost of one copy of the transcript for use by the person(s) requesting the hearing and two copies of the transcript for the Texas Department of Banking are generally borne by the person(s) requesting and being granted the hearing. If a person requesting a hearing desires a waiver of these costs, the written request for the hearing shall state the reasons such waiver is necessary or appropriate and must include a showing of financial need. When a waiver is granted, the cost of two transcripts for the Texas Department of Banking and one transcript for use by the person(s) requesting the waiver may be borne by the Texas Department of Banking.

(4) Action on requests for hearings. If a request for hearing has been made and denied, the commissioner shall notify the applicant and all persons who have filed written submissions with the commissioner relating to the application and shall state the reasons for the denial. Within 14 days after the date of the notice of denial, the commissioner will accept additional written comments or data on the application. Copies of such written submissions or data shall simultaneously be sent to the applicant by the person(s) making the submission. The applicant shall be provided an additional seven days after the 14-day deadline has expired within which to respond to any comments submitted within the 14-day period. The commissioner may waive this

seven day period if so requested by the applicant. A copy of any response submitted by the applicant shall also be mailed simultaneously by the applicant to all persons who have filed written submissions with the commissioner relating to the application.

(5) Hearing. When a request for hearing made in accordance with this section is granted, or when a hearing is ordered because the commissioner believes that it is in the public interest, the Texas Department of Banking shall issue a notice of hearing and conduct a hearing in accordance with the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a.

(6) Confidential information. A public file shall be established by the Texas Department of Banking in the case of each application. That file shall consist of the application with supporting data and supplementary information, except for material deemed by the commissioner in accordance with applicable law, to be confidential, such as trade secrets normally not available through commercial publication or other information made confidential under the Texas Open Records Act or the Texas Banking Code. In addition, the public file shall contain all data and information submitted by interested persons in favor of or in opposition to such application, excluding any material deemed by the commissioner in accordance with applicable law, to be confidential. Information may be deemed confidential and withheld from the public file only upon request of the person submitting the information. All factual information submitted to or obtained by the Texas Department of Banking staff shall also be made part of the public file, unless deemed confidential by the commissioner. In no event shall information required by statute or regulation to be treated as confidential be made a part of a public file.

(7) Investigation, examination, and required information. The commissioner may conduct an investigation or examination into the facts of an application and the character, management ability, and good faith of the persons or parties filing an application to the extent necessary to reach an informed decision. Additionally, the commissioner may require any person(s) or bank(s) submitting an application or any affiliated person(s) or bank(s) to submit such information, data, opinion of counsel, or other materials as may be specified by the commissioner. Failure to comply with such demand of the commissioner may be treated as abandonment of the filing to which the information, data, opinion of counsel, or other material relates. Fees may be assessed for these investigations or examinations based on the actual cost to the Texas Department of Banking.

(8) Emergency Establishment of a Branch. The procedure outlined in this regulation for the approval of branches shall not apply to the acquisition of a branch by a bank when such acquisition is made in connection with the assumption of assets and liabilities of any bank deemed by the commissioner to be in an unsafe condition.

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 22, 1988.

TRD-8807620

Ann Graham
General Counsel
Texas Department of
Banking

Earliest possible date of adoption: September 5, 1988

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

TITLE 16. ECONOMIC REGULATION

Part I. Railroad Commission of Texas

Chapter 5. Transportation Division

Subchapter X. Agricultural Permits

• 16 TAC §5.535

The Railroad Commission of Texas proposes an amendment to §5.535, concerning the definitions of key terms relating to the Agricultural Commodities Exemption. The amendment proposes to expand the definition of eligible agricultural commodities to include the commodities of timber in its natural state as defined in §5.41 of this title, cottonseed meal, cottonseed hulls, and sugar beet pulp. The proposed amendment will grant operators of motor vehicles who transport the involved commodities and who also meet the other statutory requirements, an exemption from the necessity of obtaining a certificate of public convenience and necessity from the commission and the requirement that all charges for transportation be levied pursuant to the tariffs or orders of the commission governing rates and charges.

Nim K. Graves, assistant 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.

Imelda Martinez Escobar, hearings examiner, 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 an improvement in compliance with commission regulations, thereby improving the safety of the involved transportation operations, increasing the protection to the public who are involved in accidents with such vehicles by ensuring compensation for damages suffered, and im-

proving access to information regarding the carrier's liability insurance.

The anticipated economic cost to individuals who are required to comply with the section as proposed are all applicable filing fees and the cost of insurance coverage for those carriers which do not already have the minimum levels of coverage.

The amendment requires that the involved operators of motor vehicles comply with the Agricultural Commodities Exemption rules regarding vehicle registration, insurance, safety, and recording requirements.

Public comment is invited and may be submitted within 30 days to Imelda Martinez Escobar, Hearings Examiner, P.O. Drawer 12967, Austin, Texas 78711-2967.

The amended section is proposed under Texas Civil Statutes, Article 911b, §4(a)(1), which provide the commission with the authority to prescribe all rules and regulations necessary for the government of motor carriers and Article 911b §5b(a)(3), which provide the commission with authority to prescribe such regulations for operations under authority of agricultural permits.

§5.535. *Definitions of Key Terms Relating to Agricultural Commodities Exemption.*

(a) (No change.)

(b) Specific definitions of terms.

The following words or terms, when used in this section, shall have the following meanings, unless the context clearly indicates otherwise.

(1) Eligible agricultural commodities. Cotton, seed cotton, cottonseed and cotton burs; live animals, including livestock, poultry and game birds; grain (including rice); fresh fruits and fresh vegetables; wool and mohair; peanuts; nuts; seed (for planting); oil seed; fresh eggs; raw milk; sugar cane; manure produced by livestock, poultry, or game birds; hay; live horticultural products and live nursery stock, including any tree, shrub, vine, cutting, graft, scion, grass, bulb, or bud that is in a growing state and is grown for, kept for, or is capable of propagation and distribution for sale; [...] timber in its natural state as defined in §5.41 of this title (relating to Definitions), cottonseed meal, cottonseed hulls, and sugar beet pulp. Provisions of §5.29 of this title (relating to Specialized Motor Carriers of Agricultural Products), §5.30 of this title (relating to Specialized Motor Carriers of Livestock, Feedstock, and the Like), and §5.31 of this title (relating to Description of Grain) do not apply in interpretation of commodities listed in this paragraph.

(2)-(8) (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 25, 1988.

TRD-8807626

G. Gail Watkins
Director, Legal Division
Railroad Commission of
Texas

Earliest possible date of adoption: September 5, 1988

For further information, please call: (512) 463-7187

Part II. Public Utility Commission of Texas

Chapter 21. Practice and Procedure

Docketing and Notice

• 16 TAC §21.22

The Public Utility Commission of Texas proposed an amendment to §21.22, concerning notice given for interim fuel proceedings. The amendment would require publication of the notice within seven days of filing, setting forth the level and effective date of the proposed refund and recovery factors and the classes of customers affected. Schedules containing the proposed fuel factors should be delivered to affected municipalities within five days of filing.

Hershel Meriwether, acting director of administration, 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. Meriwether 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 that it changes notice requirements of filing for proposed interim fuel factors thereby facilitating an expedited hearing process. 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 60 days after publication.

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

§21.22. *Contents of Notice for Rate Setting Proceedings.*

(a) (No change.)

(b) Applicant notice. In all rate proceedings involving the commission's original jurisdiction, the applicant shall give notice in the following ways.

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

(4) For purposes of any proceeding which may involve only one element of cost of service, such as fuel expense, notice shall be given in the same manner as set forth in paragraphs (1) and (3) of this subsection[.], except that for interim fuel proceedings; only one publication of the notice in the manner required by paragraph (1) of this

subsection shall be required and such publication shall be within seven days after the filing, setting forth the level and the effective date of the proposed interim fuel factors, or refund or recovery factors, or both, and the classes of customers affected; and the copy of the schedule containing the proposed interim fuel factors or refund or recovery factors, or both, shall be delivered to each affected municipality within five days of the filing with the commission.

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

Issued in Austin, Texas, on July 22, 1988.

TRD-8807568 Phillip A. Holder
Secretary
Public Utility Commission
of Texas

Earliest possible date of adoption: September 5, 1988

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

Chapter 23. Substantive Rules

General Rules

• 16 TAC §23.3

The Public Utility Commission of Texas proposes an amendment to §23.3, concerning the definition of recovery factors.

Hershel Meriwether, acting director of administration, 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. Meriwether 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 changes intended to facilitate the matchings of fuel purchased power costs with the customers who consumed the power. Refunds and surcharges will be better matched to the appropriate customers, also. 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 60 days after publication.

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

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

Recovery factors—Factors by rate class which will be added to the utility's fixed fuel factor for specific months to

correct for material under-recovery balances.

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 22, 1988.

TRD-8807567 Phillip A. Holder
Secretary
Public Utility Commission
of Texas

Earliest possible date of adoption: September 5, 1988

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

Rate Design

• 16 TAC §23.23

The Public Utility Commission of Texas proposes an amendment to §23.23, concerning the rate design for electric utility fuel cost recovery. Three major changes are proposed. Changes establish an expedited hearing schedule for changing fixed fuel factors, treat under and over recoveries more similarly, and allow investor-owned utilities to implement power cost recovery factors for recovering purchased power expenses.

Hershel Meriwether, acting director of administration, 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. Meriwether 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 changes intended to facilitate the matching of fuel purchased power costs with the customers who consumed the power. Refunds and surcharges will be better matched to the appropriate customers, also. 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 60 days after publication.

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

§23.23. Rate Design.

(a) General. In fixing the rates of a public utility, the commission shall fix its overall revenues at a level which will permit such utility a reasonable opportunity to earn a reasonable return on its capital investment used and useful in rendering service to the public over and above its reasonable and necessary operating expenses.

(b) Electric.

[(1)] Rates shall not be unreasonably preferential, prejudicial, or discrim-

inatory, but shall be sufficient, equitable, and consistent in application to each class of customers, taking into consideration the need to conserve energy and resources.

(c) Fuel Cost Recovery.

[(2)] The provisions of this subsection [paragraph] apply to all generating electric utilities.

(1)[(A)] The commission shall monitor the utility's actual and projected fuel-related costs and revenues on a monthly basis. The utility shall maintain and provide to the commission in a format specified by the commission monthly reports containing all information required to monitor monthly fuel-related costs and revenues. This information includes, but is not limited to, generation mix, fuel consumption, fuel costs, purchased power quantities and costs, and off-system sales revenues.

(2)[(B)] Known or reasonably predictable fuel costs shall be determined at the time of the utility's general rate case, fuel reconciliation proceeding, or interim rule proceeding under paragraphs (4), (5), and (6) [subparagraphs (D) and (E)] of this subsection [paragraph].

(A)[(i)] In determining known or reasonably predictable fuel costs, the commission shall consider all conditions or events which will impact the utility's fuel-related cost of supplying electricity to its ratepayers during the period that the rates will be in effect. These conditions or events include generation mix and efficiency, the cost of fuel used to produce the utility's generation, purchased power costs, wheeling costs, hydro generation, and other costs or revenues associated with generated or purchased power as approved by the commission.

(B)[(ii)] Purchased power capacity costs, fuel handling costs, costs associated with the disposal of fuel combustion residuals, railcar maintenance costs, railcar taxes, and coal brokerage fees will not be included as known or reasonably predictable fuel costs to be recovered through the fixed fuel factor as defined in paragraph (3) [subparagraph (C)] of this subsection, [paragraph] unless the utility demonstrates that such treatment is justified by special circumstances.

(3)[(C)] The utility shall recover its known and reasonably predictable fuel costs through a fixed fuel factor. The utility's fixed fuel factor shall be established during a general rate case, fuel reconciliation proceeding or interim fuel proceeding as designated in paragraphs (4), (5), and (6) [subparagraphs (D) and (E)] of this subsection, [paragraph] and shall be determined by dividing the utility's known or reasonably predictable fuel cost, as defined in paragraph (2) [subparagraph (B)] of this subsection, [paragraph] by the corresponding kilowatt-hour sales during the period in

which the factor will be in effect. If, due to unique circumstances, such a calculation is not appropriate for a particular utility, a different method of calculation may be used. When approved by the commission, the utility's fixed fuel factor:

(A)[(i)] may be designed to account for seasonal differentiation of fuel costs; and

(B)[(ii)] shall be designed to account for system losses and for differences in line losses corresponding to the voltage level of service.

(4)[(D)] Unless requested by a party to the proceeding, petitions to lower a utility's fuel factor may be approved by the commission without an evidentiary hearing. A lower interim fuel factor may be established and placed in effect in the first full billing cycle beginning no earlier than five days after the tariff is approved. An initial prehearing conference shall be conducted in all such proceedings no later than the 21st day following the filing of the petition and any person who fails to attend such prehearing conference may be dismissed as a party or refused party status.

(A)[(i)] An interim fuel proceeding, to lower a utility's fixed fuel factor shall be conducted when either:

(i)[(I)] the utility has materially over-recovered and projects to materially over-recover its known or reasonably predictable fuel costs. In such instance, the utility shall file a petition with the commission to lower its existing fuel factor and establish a new interim fuel factor. The petition shall clearly state all of the reasons for lowering the utility's existing fuel factor, and provide support for the new interim fuel factor. The commission may establish standards for the information and format that shall be contained in such petitions; or

(ii)[(II)] upon information and belief, the commission's general counsel, or any affected person, avers that the utility has materially over-recovered and projects that the utility will materially over-recover its known or reasonably predictable fuel costs, and files a petition with the commission to lower the utility's existing fuel factor and establish a new interim fuel factor.

(B)[(ii)] For the purposes of determining whether a utility shall have materially over-recovered or projects that the utility will materially over-recover its known or reasonably predictable fuel costs, fuel costs associated with a nuclear generation plant subject to a deferred accounting order of the commission, or which is not recognized as plant-in-service in rates by the commission, are not considered known

or reasonably predictable fuel costs, and the recovery of fuel costs incurred in connection with such generation plant shall not be included in the utility's fuel factors, but shall be treated separately as the commission may order.

(C)[(iii)] Materially or materially, as used in this subsection, [paragraph] shall mean that the cumulative amount of over- or under-recovery including interest, is [the lesser of \$40 million or] 4.0% of the annual known or reasonably predictable fuel cost figure [most recently] adopted by the commission in the utility's last general rate proceeding, as amended by subsequent fuel reconciliation or interim fuel proceedings. [as shown by the utility's fuel filings with the commission.] The annual known or reasonably predictable fuel costs upon which materially is based will not consider any over- or under-recoveries of fuel cost amounts which are used to calculate refund or recovery factors.

(5) A petition to increase an existing fuel factor or establish recovery factors for recovering a material cumulative under-recovery balance shall clearly state all reasons for increasing the utility's existing fuel factor or establishing recovery factors or both. The petition shall set forth the fuel costs and the on-system kilowatt-hour sales predicted for the period in which the new interim fuel factors will be in effect, or the amount of the cumulative under-recovery balances by rate class which are used to establish recovery factors or both. The petition shall be supported by testimony that sets forth specifically and in detail the basis for these amounts. The commission shall act on the petition filed after an abbreviated hearing procedure, but in any case within 45 days from the date of the filing. All motions to intervene shall be filed within 15 days from the date of the filing. If any such motions for intervention are filed, the commission or hearings examiner shall hold a hearing at 9 a.m. on the fifth working day following the 15th-day period to determine whether an intervention will be granted or denied and to classify or consolidate the intervenors for hearing purposes and to hear any other motion concerning the petition. All protests shall be filed within 30 days from the date of the filing and must set forth the grounds of the protest clearly and specifically. The burden of proof shall be upon the utility to establish that the known or reasonably predictable fuel costs are reasonable and that any recovery factors for cumulative under-recovery balances are reasonable. New interim fuel factors and any recovery factors for cumulative under-recovery balances shall be subject to final review and reconciliation at the utility's next general rate case or fuel reconciliation proceed-

ing. Additional data may be required by the commission subsequent to the filing.

(6)[(E)] If fuel curtailments, equipment failure, strikes, embargoes, sanctions, or other reasonably unforeseeable circumstances have resulted in a material under-recovery of known or reasonably predictable fuel costs, the utility may file a petition with the commission requesting an emergency interim fuel factor. Such emergency requests shall state the nature of the emergency, the magnitude of change in fuel costs resulting from the emergency circumstances, and other information required to support the emergency interim fuel factor. The commission shall issue an interim order within 30 days after such petition is filed to establish an interim emergency fuel factor. If within 120 days after implementation, the emergency interim factor is found by the commission to have been excessive, the utility shall refund all excessive collections with interest at the utility's composite cost of capital as established in the utility's most recent rate proceeding before the commission. Such interest shall be calculated on the cumulative monthly over-recovery balance. If, after full investigation, the commission determines that no emergency condition existed, a penalty of up to 10% of such over-collections may also be imposed on investor-owned utilities.

(7)[(F)] All refunds shall be made by the utility pursuant to the methods outlined in paragraph (8) [subparagraph (G)] of this subsection [paragraph].

(A)[(i)] A utility may petition for interim refunds at any time. Such refund petitions may be approved by the commission without a hearing.

(B)[(ii)] Any petition filed under paragraph (4) of this subsection [subparagraph (D)(i)(II) of this paragraph] may include a petition for interim refunds. Such refund petitions may be approved by the commission without a hearing, upon agreement of the parties.

(C)[(iii)] If, at the conclusion of a general rate case, reconciliation proceeding, or interim fuel proceeding, the commission determines that, sometime since the utility's last general rate case, reconciliation proceeding, or interim fuel proceeding, a material over-recovery of known or reasonably predictable fuel costs has occurred and was concurrently projected to occur, and the utility failed to file a petition pursuant to paragraph (7)(A) [(subparagraph (F)(i))] of this subsection, [paragraph] the refunds to be made may include a penalty of up to 10% of the amount that should have been refunded at the time.

(8)[(G)] All refunds or recoupments of under-recoveries shall be made using the following methods.

(A)[(i)] Interest shall be paid or collected by the utility at its composite cost of capital, as established by the commission, during the period the over- or under-recoveries occurred. [rates were in effect] Such interest shall be calculated on the cumulative monthly over- or under-recovery balance.

(B)[(ii)] Rate class as used in this paragraph [subparagraph] shall mean all customers taking service under the same tariffed rate schedule, or a group of seasonal agricultural customers as identified by the utility.

(C)[(iii)] Interclass allocations of over- or under-recoveries [refunds] including associated interest shall be developed on a month-by-month basis and shall be based on the historical kilowatt-hour usage of each rate class for each month during the period in which the cumulative over- or under-recovery [over-recovery] occurred, adjusted for line losses using the same commission approved loss factors that were used in the utility's applicable fixed or interim fuel factor.

(D)[(iv)] Intraclass allocations of over- or under-recoveries [refunds] shall depend on the voltage level at which the customer receives service from the utility. Retail customers who receive service at transmission voltage levels, all wholesale customers, and any groups of seasonal agricultural customers as identified by the utility, shall be given credits or charges [refunds] based on their individual actual historical usage recorded during each month of the periods in which the cumulative over- or under-recovery [over-recovery] occurred, adjusted for line losses if necessary. All other customers shall be given credits or charges [refunds] based on the historical kilowatt-hour usage of their rate class.

(E)[(v)] All refunds shall be made through a one-time bill credit unless it can be shown that this method would provide an incentive for customers to benefit from an abnormal pattern of [excessive] usage of electricity. However, refunds may be made by check to municipally-owned utility systems if so requested. Retail customers who receive service at transmission voltage levels, all wholesale customers, and any groups of seasonal agricultural customers as identified by the utility shall be given a lump sum credit. All other customers shall be given a credit based on a refund factor which will be applied to their kilowatt-hour usage over a one-month period. This refund factor will be determined by dividing the amount of refund allocated to each rate class, by forecasted kilowatt-hour usage for the class during the month in which the refund will be made.

(F) All recoupments of under-recovery balances shall be made in the same manner as refunds under subparagraph (E) of this paragraph except that recovery factors may be applied over a specified period.

(9)[(H)] Final reconciliation of fuel costs shall be made at the time of the utility's general rate case or reconciliation proceeding and shall cover all months following the utility's last final reconciliation through the most current month for which records are available. Any affected person, or the commission's general counsel, may file a petition for a reconciliation proceeding, provided such petition may only be filed if it has either been over one year since the utility's last final reconciliation or the utility has materially under-recovered its known or reasonably predictable fuel costs. In reconciliation of fuel costs the utility shall have the burden of proving that:

(A)[(i)] it has generated electricity efficiently;

(B)[(ii)] it has maintained effective cost controls;

(C)[(iii)] for all nonaffiliated fuel and fuel-related contracts, its contracts [contract negotiations] have produced the lowest reasonable cost of fuel to ratepayers. To the extent that the utility does not meet its burden of proof, the commission shall disallow the portion of fuel costs that it finds to be unreasonable;

(D)[(iv)] for all fuel acquired from or provided by affiliates of the utility, all fuel-related affiliate expenses are reasonable and necessary, and that the prices charged to the utility are no higher than prices charged by the supplying affiliate to its other affiliates or divisions or to unaffiliated persons or corporations for the same item or class of items.

(i)[(I)] The affiliate fuel price shall be at cost; no return on equity or equity profit may be included in the affiliate fuel price. The commission may consider the inclusion of affiliate equity return in rate of return and rate base during the utility's general rate case; however, affiliate equity return or profit shall not be considered part of fuel cost.

(i)[(II)] Operational investigations of all affiliate fuel suppliers and fuel supply services shall be performed at the discretion of the commission. The commission may use the results of such investigations during a succeeding general rate cases, fuel cost reconciliation proceedings, emergency request proceedings, and elsewhere as it deems appropriate.

(iii)[(III)] The affiliated companies shall establish, maintain, and

provide for commission audit all books and records related to the cost of fuel. These records shall explicitly identify all salaries, contract expenses, or other expenses paid or received among any affiliated companies, their employees, or contract employees. [Under recovery reconciliation shall be granted only for that portion of fuel costs increased by conditions or events beyond the control of the utility.]

(10)[(I)] Upon final reconciliation, in determining the final over- or under-recovery amount, interest shall be paid by the utility or to the utility in reconciliation of any over- or under-recovery of fuel costs at the company's [utility's] composite cost of capital as established by the commission in connection with the utility's base rates in effect during the periods the over- or under-recovery occurred. Such interest shall be calculated on the cumulative monthly over- or under-recovery balance. Upon final reconciliation, if refunds are owed to the utility's ratepayers, they shall be made in accordance with the provisions of paragraph (8)(B)-(D) [subparagraph (G)(ii)(iv)] of this subsection [paragraph] and, if recoupment of under-recovery balances is allowed, such recoupment will be made in accordance with the provisions of paragraph (8)(F) of this subsection.

(d) Purchased power cost recovery.

(1)[(3)] The provisions of this paragraph apply to all investor-owned electric distribution utilities, river authorities, and cooperative-owned electric utilities.

(A) An electric utility which purchases electricity at wholesale pursuant to rate schedules approved, promulgated, or accepted by a federal or state authority or from qualifying facilities may be allowed to include within its tariff a purchased power cost recovery factor (PCRf) clause which authorizes the utility to charge or credit its customer for the cost of power and energy purchased to the extent that such costs varies from the purchased power cost utilized to fix the base rates of the utility. Purchased electricity cost includes all amounts chargeable for electricity under the wholesale tariffs pursuant to which the electricity is purchased and amounts paid to qualifying facilities for the purchase of capacity and/or energy. The terms and conditions of such PCRf clause, which may include the method in which any refund or surcharge from the utility's wholesale supplier will be passed on to its customers, shall be approved by an order of the commission.

(B) Any difference between the actual costs to be recovered through the PCRf and the actual PCRf revenues recovered shall be credited or charged to the utility's ratepayers in the second succeeding billing month unless otherwise approved by the commission.

(C) If the utility purchases power from an unregulated entity, such as a political subdivision of the State of Texas, the utility shall submit the purchased power contract to the commission for approval of the terms, conditions, and price. If the commission issues an order approving the purchase, a PCRFB may be applied to such purchases.

(D) If PCRFB revenue collections exceed PCRFB costs by 10% in any given month and the total PCRFB revenues have exceeded total PCRFB costs by 5.0% or more for the most recent 12-month period:

(i) investor-owned electric distribution utilities shall be subject to a 10% penalty on excess collection;

(ii) cooperative-owned electric utilities shall report to the commission the justification for excess collection.

(E) The utility shall maintain and provide to the commission monthly reports containing all information required to monitor the costs recovered through the PCRFB clause. This information includes, but is not limited to, the total estimated PCRFB cost for the month, the actual PCRFB cost on a cumulative basis, total revenues resulting from the PCRFB and the calculation of the PCRFB.

(2)[(4)] The provisions of this paragraph apply to all investor-owned generating electric utilities and river authorities.

(A) An investor-owned generating electric utility or river authority which purchases electricity at wholesale pursuant to rate schedules approved, promulgated, or accepted by a federal or state authority, or from qualifying facilities may be allowed to include within its tariff a PCRFB clause which authorizes the utility to charge or credit its customers for the costs of purchased capacity. [capacity purchased from cogenerators and small power producers] These costs shall be included in the PCRFB only to the extent that such costs vary from the costs utilized to fix the base rates of the utility, are less than the utility's avoided cost and, in the case of purchases from qualifying facilities, [and] to the extent that they comply with §23.66(h) of this title (relating to Arrangements Between Qualifying Facilities and Electric Utilities). The terms and conditions of such PCRFB shall be approved by an order of the commission.

(B) Purchased power costs that are recovered through the PCRFB shall be excluded in calculating the utility's fixed fuel factor as defined in subsection (c)(3) [paragraph (2)(C)] of this section. [subsection]

(C) Costs recovered through a PCRFB shall be allocated to the various rate classes in the same manner as the embedded costs of the utility's generation facilities allocated in the utility's last rate case, unless otherwise ordered by the commission. Once allocated, these costs shall be collected from ratepayers through a demand or energy charge.

(D) Any difference between the actual costs to be recovered through the PCRFB and the PCRFB revenues recovered shall be credited or charged to the customers in the second succeeding billing month.

(E) If PCRFB revenue collections exceed PCRFB costs by 10% in any given month and the total PCRFB revenues have exceeded total PCRFB costs by 5.0% or more for the most recent 12-month period, the electric utility shall be subject to a 10% penalty on excess collections.

(F) The utility shall maintain and provide to the commission monthly reports containing all information required to monitor costs recovered through the PCRFB. This information includes, but is not limited to, total estimated PCRFB cost for the month, the actual PCRFB cost, total revenue resulting from the PCRFB, and the calculation of the PCRFB clause.

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 26, 1988.

TRD-8807661 Phillip A. Holder
Secretary
Public Utility Commission of
Texas

Proposed date of adoption: October 4, 1988

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

TITLE 22. EXAMINING BOARDS

Part XX. Board of Private Investigators and Private Security Agencies

Chapter 423. Rules of Procedure and Seal

• 22 TAC §423.1

(Editor's Note: The Board of Private Investigators and Private Security Agencies 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 Board of Private Investigators and Private Security Agencies proposes an amendment to §423.1, concerning standards of conduct, which outlines the responsibilities

of licensees and employees of licensees in regard to professional conduct. The board has determined that amendment of this section as soon as possible is necessary to be able to enforce the effects of House Bill 888, 70th Legislature, 1987.

Clema D. Sanders, 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. Sanders also has determined that for each year of the first five years the section is in effect there will be no public benefit anticipated as a result of enforcing the section. There is no anticipated economic cost to individuals who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Clema D. Sanders, Executive Director, P.O. Box 13509, Austin, Texas 78701.

The amendment is proposed under Texas Civil Statutes, Article 4413 (29bb), §11, which provide the Texas Board of Private Investigators and Private Security Agencies with the authority to promulgate all rules and regulations necessary in carrying out the provisions of this Act.

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

Issued in Austin, Texas, on July 22, 1988.

TRD-8807659 Clema D. Sanders
Executive Director
Texas Board of Private
Investigators and
Private Security
Agencies

Earliest possible date of adoption: September 5, 1988

For further information, please call: (512) 463-5545

Chapter 434. Alarm Systems Monitoring

• 22 TAC §434.1

(Editor's Note: The Board of Private Investigators and Private Security Agencies 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 Board of Private Investigators and Private Security Agencies proposes new §434.1, concerning alarm systems monitoring, which requires that alarm systems companies must furnish the board with the license number of any entity performing alarm monitoring services.

Clema D. Sanders, 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. Sanders also has determined that for each year of the first five years the section is in effect there will be no public benefit anticipated as a result of enforcing the section.

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

Comments on the proposal may be submitted to Clema D. Sanders, Executive Director, P.O. Box 13509, Austin, Texas 78711.

The new section is proposed under Texas Civil Statutes, Article 4413 (29bb), §11, which provide the Texas Board of Private Investigators and Private Security Agencies with the authority to promulgate all rules and regulations necessary in carrying out the provisions of this Act.

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

Issued in Austin, Texas, on July 22, 1988.

TRD-8807657 Clema D. Sanders
Executive Director
Texas Board of Private
Investigators and
Private Security
Agencies

Earliest possible date of adoption: September 5, 1988

For further information, please call: (512) 463-5545

Chapter 435. Training Programs

• 22 TAC §435.1

The Texas Board of Private Investigators and Private Security Agencies proposes an amendment to §435.1, concerning application for a training course approval, and the qualifications for a letter of approval for private security officer training schools, and the length of effectiveness of the letter of approval. The board has determined that amendment of this section is necessary to be able to establish a maximum number of hours that may be approved by the board.

Clema D. Sanders, 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. Sanders also has determined that for each year of the first five years the section is in effect there will be no public benefit anticipated as a result of enforcing the section. There is no anticipated economic cost to individuals who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Clema D. Sanders, Executive Director, P.O. Box 13509, Austin, Texas 78711.

The amendment is proposed under Texas Civil Statutes, Article 4413 (29bb), §11, which provide the Texas Board of Private Investigators and Private Security Agencies with the authority to promulgate all rules and regulations necessary in carrying out the provisions of this Act.

§435.1. *Application for a Training Course Approval.*

(a) An application for private security officer training school approval shall be

on a form prescribed by the board to show proof that the applicant:

(1) has developed an adequate training course, [or is] using the board's [board] Commissioned [Private] Security Officer Training Manual, which shall consist of a minimum of 30 and a maximum of 100 hours [as its curriculum];

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

(b) (No change.)

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

Issued in Austin, Texas, on July 22, 1988.

TRD-8807656 Clema D. Sanders
Executive Director
Texas Board of Private
Investigators and
Private Security
Agencies

Earliest possible date of adoption: September 5, 1988

For further information, please call: (512) 463-5545

• 22 TAC §435.9

The Texas Board of Private Investigators and Private Security Agencies proposes an amendment to §435.9, concerning basic training course, which defines the minimum and maximum number of hours of instruction and the subject material required for the basic security officer training course. The board has determined that amendment of this section is necessary to be able to establish a maximum number of hours of instruction that may be approved by the board.

Clema D. Sanders, 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. Sanders also has determined that for each year of the first five years the section is in effect there will be no public benefit anticipated as a result of enforcing the section. There is no anticipated economic cost to individuals who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Clema D. Sanders, Executive Director, P.O. Box 13509, Austin, Texas 78711.

The amendment is proposed under Texas Civil Statutes, Article 4413 (29bb), §11, which provide the Texas Board of Private Investigators and Private Security Agencies with the authority to promulgate all rules and regulations necessary in carrying out the provisions of this Act.

§435.9. *Basic Training Course.*

(a) The basic training course shall consist of a minimum of 30 hours and a maximum of 100 hours and shall include:

(1)-(8) (No change.)

(b) (No change.)

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

Issued in Austin, Texas, on July 22, 1988.

TRD-8807655 Clema D. Sanders
Executive Director
Texas Board of Private
Investigators and
Private Security
Agencies

Earliest possible date of adoption: September 5, 1988

For further information, please call: (512) 463-5545

• 22 TAC §435.15

The Texas Board of Private Investigators and Private Security Agencies proposes an amendment to §435.15, concerning security officer training manual, examination, and grade, which requires that the board's official commissioned security officer training manual must be used by all board approved security officer training schools, and sets forth the minimum and maximum number of hours of instruction. The board has determined that amendment of this section is necessary to establish the maximum number of hours of instruction that may be approved by the board.

Clema D. Sanders, 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. Sanders also has determined that for each year of the first five years the section is in effect there will be no public benefit anticipated as a result of enforcing the section. There is no anticipated economic cost to individuals who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Clema D. Sanders, Executive Director, P.O. Box 13509, Austin, Texas 78711.

The amendment is proposed under Texas Civil Statutes, Article 4413 (29bb), §11, which provide the Texas Board of Private Investigators and Private Security Agencies with the authority to promulgate all rules and regulations necessary in carrying out the provisions of this Act.

§435.15. *Security Officer Training Manual, Examination, and Grade.*

(a) The board's official commissioned security officer training manual shall be used by all board approved security officer training schools as the basis of a curriculum which shall be no less than 30 nor more than 100 hours in length[, beginning September 1, 1984].

(b)-(c) (No change.)

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

Issued in Austin, Texas, on July 22, 1988.

Earliest possible date of adoption: September 5, 1988

For further information, please call: (512) 463-5545

Part XXII. Texas State Board of Public Accountancy

Chapter 501. Professional Conduct

General Provisions

• 22 TAC §501.3

The Texas State Board of Public Accountancy proposes an amendment to §501.3, concerning applicability of the Rules of Professional Conduct. The section states the rules applicable to individuals engaged in both public and private practice.

Bob E. Bradley, 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.

Mr. Bradley 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 insure that a certificate or registration holder may not engage in the practice of public accountancy unless, at the time of rendering professional services to the public, such certificate or registration holder is a licensee. 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 William A. Sansing, 1033 La Posada, Suite 340, Austin, Texas 78752-3892.

The amendment is proposed under Texas Civil Statutes, Article 41a-1, §6(a), which provide the Texas State Board of Public Accountancy with the authority to promulgate rules of professional conduct relating to the applicability of the rules of professional conduct.

§501.3. Applicability. All of the rules of professional conduct shall apply to and be observed by certificate or registration holders engaged in the practice of public accountancy. Notwithstanding anything herein to the contrary, only §501.11 of this title (relating to Independence), §501.25 of this title (relating to Mandatory Continuing Education), §501.41 of this title (relating to Discreditable Acts), §501.42 of this title (relating to Acting through Others), and §501.48 of this title (relating to Responses), shall apply to and be required to be observed by certificate or registration holders not in public practice. A certificate or registration holder may not engage in the practice of public accountancy unless, at the time the professional services are per-

formed, such certificate or registration holder is a licensee.

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 20, 1988.

TRD-8807652

Bob E. Bradley
Executive Director
Texas State Board of
Public Accountancy

Earliest possible date of adoption: September 5, 1988

For further information, please call: (512) 450-7066

Chapter 515. Licenses

• 22 TAC §515.8

(Editor's note: The text of the following section proposed for repeal will not be published. The section may be examined in the offices of the Texas State Board of Public Accountancy or in the Texas Register office, Room 503, Sam Houston Building, 201 East 14th Street, Austin.)

The Texas State Board of Public Accountancy proposes the repeal of §515.8, concerning retired status of individuals licensed by the board. The repeal of this section will allow for the adoption of a new section that will set forth the requirements for retired status licensees. The section is remedial in nature and is intended to further the welfare of those individuals who are eligible to be licensed with the board in retired status.

Bob E. Bradley, executive director, has determined that for the first five-year period the proposed repeal 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 repeal.

Mr. Bradley also has determined that for each year of the first five years the repeal is in effect the public benefit anticipated as a result of enforcing the repeal will be to allow for the adoption of a new section that will permit licensees who are retired, while not allowed to practice public accountancy in any form, to retain their CPA certificate without an undue financial burden for such privilege. There is no anticipated economic cost to individuals who are required to comply with the repeal as proposed.

Comments on the proposal may be submitted to William A. Sansing, 1033 La Posada, Suite 340, Austin, Texas 78752-3892.

The repeal of this section is proposed under Texas Civil Statutes, Article 41a-1, §6(a), which provide the Texas State Board of Public Accountancy with the authority to promulgate rules relating to licenses for retired licensees.

§515.8. Retired Status.

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 20, 1988.

TRD-8807649

Bob E. Bradley
Executive Director
Texas State Board of
Public Accountancy

Earliest possible date of adoption: September 5, 1988

For further information, please call: (512) 450-7066

The Texas State Board of Public Accountancy proposes the new §515.8, concerning retired status of individuals licensed by the board. The new section sets forth the requirements for retired status licensees. The section is remedial in nature and is intended to further the welfare of those individuals who are eligible to be licensed with the board in a retired status.

Bob E. Bradley, 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.

Mr. Bradley 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 allow those individuals who are retired, while not allowed to practice public accountancy in any form, to retain their CPA certificate without an undue financial burden for such privilege. 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 William A. Sansing, 1033 La Posada, Suite 340, Austin, Texas 78752-3892.

The new section is proposed under Texas Civil Statutes, Article 41a-1, §6(a), which provide the Texas State Board of Public Accountancy with the authority to promulgate rules relating to fees for retired licensees.

§515.8. Retired Status. An individual who holds a current license issued by the board, who has reached his or her 65th birthday, and who will not be in public practice may be granted a retired status. An annual fee of \$10 shall be payable to the board in lieu of the 1988, 1989, and other future license fees otherwise payable.

(1) The licensee seeking retired status must timely file a request on a form prescribed by the board which shows date of birth and contains a certified statement that the individual is no longer in public practice and will not be in public practice on January 1 of the year following the 65th birthday.

(2) Retired status becomes effective on January 1 only.

(3) An individual with retired status who wishes to return to public practice must adhere to the following:

(A) pay the annual license fee established by the board;

(B) complete the form prescribed by the board for renewal of an annual license;

(C) meet the continuing education requirements (if any); and

(D) surrender the retired status.

(4) All board rules and all provisions of the Public Accountancy Act apply to a licensee in either an active or retired status unless specifically exempt by board rule or the Act.

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

Issued in Austin, Texas, on July 20, 1988.

TRD-8807653 Bob E. Bradley
Executive Director
Texas State Board of
Public Accountancy

Earliest possible date of adoption: September 5, 1988

For further information, please call: (512) 450-7066

Chapter 521. Fee Schedule

• 22 TAC §521.8

(Editor's note: The text of the following section proposed for repeal will not be published. The section may be examined in the offices of the Texas State Board of Public Accountancy or in the Texas Register office, Room 503, Sam Houston Building, 201 East 14th Street, Austin.)

The Texas State Board of Public Accountancy proposes the repeal of §521.8, concerning retired status license fees. The repeal of this section will allow for the adoption of a new section that will provide for payment of the license fee, including annual fee and any temporary fees established by statute, for an individual in retired status.

Bob E. Bradley, executive director, has determined that for the first five-year period the proposed repeal 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 repeal.

Mr. Bradley also has determined that for each year of the first five years the repeal is in effect the public benefit anticipated as a result of enforcing the repeal will be to allow those individuals who are retired, while not allowed to practice public accountancy in any form, to retain their CPA certificate without an undue financial burden for such privilege. There is no anticipated economic cost to individuals who are required to comply with the repeal as proposed.

Comments on the proposal may be submitted to William A. Sansing, 1033 La Posada, Suite 340, Austin, Texas 78752-3892.

The repeal is proposed under Texas Civil Statutes, Article 41a-1, §6(a), which provide the Texas State Board of Public Accountancy with the authority to promulgate rules relating to fees for retired licensees.
§521.8. Retired Status.

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 20, 1988.

TRD-8807651 Bob E. Bradley
Executive Director
Texas State Board of
Public Accountancy

Earliest possible date of adoption: September 5, 1988

For further information, please call: (512) 450-7066

The Texas State Board of Public Accountancy proposes new §521.8, concerning retired status license fees. The proposed section will provide for payment of the license fee, including annual fee and any temporary fees established by statute, for an individual in retired status.

Bob E. Bradley, 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.

Mr. Bradley 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 allow those individuals who are retired, while not allowed to practice public accountancy in any form, to retain their CPA certificate without an undue financial burden for such privilege. 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 William A. Sansing, 1033 La Posada, Suite 340, Austin, Texas 78752-3892.

The new section is proposed under Texas Civil Statutes, Article 41a-1, §6(a), which provide the Texas State Board of Public Accountancy with the authority to promulgate rules relating to fees for retired licensees.
§521.8. Retired Status. The licensee fee, including the annual fee and any temporary fees established by statute, for an individual in retired status shall be \$10.

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 20, 1988.

TRD-8807650 Bob E. Bradley
Executive Director
Texas State Board of
Public Accountancy

Earliest possible date of adoption: September 5, 1988

For further information, please call: (512) 450-7066

Part XXV. Structural Pest Control Board

Chapter 593. Licenses

• 22 TAC §593.6, §593.22

The Structural Pest Control Board proposes an amendment to §593.6 and new §593.22, concerning the licensing and regulation of the

structural pest control industry. The Structural Pest Control Board is adding subsection (i) to §593.6 and new §593.22 to set requirements for continuing education credits to maintain a certified applicators license.

David A. Ivie, executive director, has determined that there will be fiscal implications as a result of enforcing or administering the sections. The effect on state government for the first five-year period the sections will be in effect is an estimated additional cost of \$10,000 in 1989, \$5,000 in 1990, \$15,000 in 1991, \$5,000 in 1992, and \$5,000 in 1993. The cost of compliance with the sections for small businesses will be \$450 per year. There will be \$300 per certified employee per year for small and large businesses.

Mr. Ivie 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 a higher quality of pest control work performed because of the increased knowledge of pest control company employees. The anticipated economic cost to individuals who are required to comply with the sections as proposed will be \$300 in 1989-1993.

Comments on the proposal may be submitted to David A. Ivie, 1300 East Anderson Lane, Building C, Suite 250, Austin, Texas 78752.

The amendment and new section are proposed under Texas Civil Statutes, Article 135b-6, which provide the Structural Pest Control Board with the authority to establish standards for testing, licensing, and regulating persons engaged in the structural pest control business
§593.6. License Expiration and Renewal.

(a)-(h) (No change.)

(i) Beginning with the 1990 license renewals, all certified applicators will be required to certify to the board the number and category(ies) of continuing education credit they have accumulated during the previous year pursuant to §593.22 of this title (relating to Continuing Education Requirements for Certified Applicators).
§593.22. Continuing Education Requirements for Certified Applicators.

(a) On or after January 1, 1990, the board shall require as condition to the renewal of each certified applicator license granted pursuant to the provisions of this section, that the holder thereof certify to the board that he or she has completed courses of continuing education approved by the board that cover the applicator's category(ies) of certification.

(b) Each certified applicator is required to gain a certain number of continuing education points during a three-year recertification period, beginning January 1, 1989, and for each three year period thereafter. Applicators who are certified and licensed after January 1, 1989, will begin their first three year period the year that they become certified.

(c) No more than 1/2 of the total continuing education points required for the three year period may be acquired for credit

in any one year, and no courses may be repeated for credit during the same recertification period.

(d) The number of continuing education points required for each three years is six points in general training and three points in each category in which the applicator is certified. Applicators who become certified in additional categories during their three year recertification period will be permitted to obtain a prorated number of points in those categories for each year remaining in the period.

(e) A standing training and evaluation committee is hereby created to evaluate continuing education programs, and assign the number of category points for each one. No more than one point will be assigned for any hour of net actual instruction time. The committee will present the board with criteria to be used in evaluating continuing education programs and instructors. These criteria will become the subject of board rulemaking. The criteria shall be made available to the public upon request. The committee will consider, inter alia, the technical information given, the qualifications of the instructor, and the amount of actual training time devoted to each program in the process of evaluation. The committee will report its recommendation regarding the number of category points, if any, to be assigned to each program to the executive director of the Structural Pest Control Board. The executive director will then decide whether to accept, reject, or modify the committee's recommendation. The executive director's decision shall be part of his regular report to the board.

(f) The members of the Evaluation Committee will consist of a representative of the Head of the Entomology Department at Texas A&M University, a representative of the Dean of Agriculture at Texas Tech University, a representative from the Commission of Health, a representative from the pest control industry, a representative of a pest control supplier or manufacturer, an appointed member of the Structural Pest Control Board, and the executive director of the Structural Pest Control Board. The representatives designated will be authorized to confer with appropriate specialists for assistance in program evaluations.

(g) The last four members designated will be appointed on January 1 of each year by the chairman of the board. In the event of a vacancy on the committee, the chairman shall appoint a replacement within 30 days.

(h) Any person seeking approval of a training program must submit the information required at least 90 days prior to the starting date of the program. Each submission shall include:

- (1) the course outline;
- (2) the names and qualifications of the instructors;

(3) the categories in which points are requested;

(4) the means of verifying attendance;

(5) an agreement to maintain attendance records for three years and to make them available to the board on request;

(6) a facsimile of the certificate of completion that will be given to attendees; and

(7) additional information requested to assist in the evaluation.

(i) Parts of courses which focus on promotion of products, policies, or procedures of a company cannot be included for points. Programs and instructors must be evaluated each year or more frequently at the board's discretion. Annual renewals shall be submitted to the board 90 days prior to the anniversary date and shall include all changes to the previous year's submission.

(j) Each certified applicator shall keep a certificate of completion for each course he or she attends for a period of three years, and submit such records to the board on request.

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 26, 1988.

TRD-8807643

David A. Ivie
Executive Director
Structural Pest Control
Board

Earliest possible date of adoption: September 5, 1988

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

TITLE 25. HEALTH SERVICES

Part I. Texas Department of Health

Chapter 37. Maternal and Child Health Services

Chronically Ill and Disabled Children's Services

• 25 TAC §37.93

The Texas Department of Health proposes an amendment to §37.93, concerning payment of services. The amendment will allow the Chronically Ill and Disabled Children Program to reimburse providers for services rendered but not paid when all requirements were met except the filing deadline. The amendment will allow the Commissioner of Health to waive the filing deadlines upon his determination that good cause and exceptional circumstances have been shown.

Stephen Seale, chief accountant III, has determined that for the first five-year period that the section as proposed is in effect there will be fiscal implications as a result of enforcing or administering the section. The effect to state government will be an estimated additional \$200,000 each year for fiscal years 1989-1993. There is no anticipated fiscal implications to local government or small businesses.

Mr. Seale also has determined that for each year of the first five years that the section as proposed is in effect the public benefit anticipated as a result of enforcing the section will be that the CIDC Program will be able to reimburse more providers for services rendered but not paid when all requirements were met except the filing deadline. 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 J. S. Barkley-Booher, Chief, Chronically Ill and Disabled Children's Services Program, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756. Public comments will be accepted for 30 days after the proposed section has been published in the *Texas Register*.

The amendment is proposed under Texas Civil Statutes, Article 4419c, §8, which provide the Texas Board of Health with the authority to adopt rules concerning the Chronically Ill and Disabled Children's Services Program; and Article 4414b, §1.05, which provides the Texas Board of Health with the authority to adopt rules for the performance of every duty imposed by law on the Texas Board of Health, the Texas Department of Health, and the Commissioner of Health.

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 29, 1988.

TRD-8807792

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

Earliest possible date of adoption: October 10, 1988.

For further information, please call: (512) 465-2666 (before August 5, 1988) or (512) 458-7355 (after August 5, 1988).

• 25 TAC §37.97

The Texas Department of Health proposes an amendment to §37.97, concerning the medical eligibility criteria. The diagnostic medical codes (ICD-9; *International Codes of Diagnoses*, Ninth Edition) that are used in determining patient medical eligibility for chronically ill and disabled children's (CIDC) rehabilitation services are being expanded in two ways.

First, the existing list of medical conditions is expanded to include secondary conditions often present with primary diagnosis. Also, all known ICD-9 codes of coverable conditions are included since the ICD-9 code structure includes the same medical condition under multiple code listings. These changes are be-

ing made to improve the manageability of the list for the program and for providers.

Second, new medical conditions to be added to the programs coverage as funding permits are included in priorities one, two, and three, shown at the end of the list of existing conditions. The program will implement pilot studies and/or cost analyses and as funding permits, add these medical conditions to the rehabilitation program patient eligibility criteria, using the priority groupings and rank order within each group as a general guideline.

This means that some priority two conditions may be added to program eligibility before all priority one conditions are added, due to estimated available funds and costs. The Texas Board of Health will be asked to approve permanent coverage of medical conditions included in the priority listings, and program coverage of the new conditions will become effective the first working day following the board action.

All recommended amendments to CIDC medical eligibility for rehabilitation services were developed by department program staff with the assistance of 19 medical task forces comprised of active practice physicians (primarily subspecialty pediatricians), therapists, and related health care providers drawn from many geographic areas of Texas. The CIDC General Advisory Committee also reviewed the recommendations prior to submission to the Texas Board of Health.

Stephen Seale, chief accountant III, has determined that for the first five-year period the section as proposed is in effect there will be fiscal implications as result of enforcing or administering the section. The fiscal impact on state government will be in the form of increased expenditures for client services related to the addition of certain ICD-9 conditions as coverable conditions. The estimated additional cost to the program will be \$250,000 for fiscal year 1988, \$750,000 for fiscal year 1989, and \$2 million each year for fiscal years 1990-1993. There will be no fiscal implications for local government or small businesses as a result of enforcing or administering the section as proposed.

Mr. Seale also has determined that for each year of the first five years the section as proposed is in effect the public benefit anticipated as a result of enforcing the section will be that the CIDC Program will be able to provide services to more eligible children. There is no anticipated economic cost to individuals who are required to comply with the sections as proposed.

Comments on the proposal may be submitted to J. S. Barkley-Booher, Chief, Chronically Ill and Disabled Children's Services Program, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756. Public comments will be accepted for 30 days after the proposed amendment has been published in the *Texas Register*. To receive a copy of the proposed medical eligibility criteria, write or call Chronically Ill and Disabled Children's (CIDC) Services, Texas Department of Health, 1100 West 49th Street, Attention: CIDC Mailroom, Austin, Texas 78756-3179, (512) 465-2666 (before August 5, 1988) or (512) 458-7355 (after August 5, 1988) and ask for proposed CIDC medical eligibility criteria.

The amendment is proposed under Texas Civil Statutes, Article 4419c, §8, which pro-

vide the Texas Board of Health with the authority to adopt rules concerning the Chronically Ill and Disabled Children's Services Program; and Article 4414b, §1.05, which provides the Texas Board of Health with the authority to adopt rules for the performance of every duty imposed by law on the Texas Board of Health, the Texas Department of Health, and the Commissioner of Health.

§37.97. *Medical Eligibility Criteria.* The department adopts by reference the medical eligibility criteria published by the department, approved by the board, as amended in October 1988 [June, 1986]. A copy of the medical eligibility criteria is indexed and filed in the Bureau of Chronically Ill and Disabled Children's Services, Texas Department of Health, 1101 East Anderson Lane, Austin, Texas, and is available for public inspection during regular working hours.

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 29, 1988.

TRD-8807793

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

Earliest possible date of adoption: August 10, 1988.

For further information, please call: (512) 465-2666 (before August 5, 1988) or (512) 458-7355 (after August 5, 1988).

Chapter 133. Hospital Licensing

Standards

• 25 TAC §133.21

The Texas Department of Health proposes an amendment to §133.21, concerning hospital licensing standards, which are adopted by reference. The amendment is being proposed to the adoption by reference material §§11-1.1, definitions; 11-1.2, patient transportation; 11-2.4, patients requiring emergency services; 11-2.10, memorandum of transfer; and 11-5, enforcement, of Chapter 11, Rules Governing Hospital Patient Transfer Policies, *Hospital Licensing Standards*.

The amendment will update the existing standards governing the transfer of patients between hospitals specifically to clarify the role of the hospital in the provision of services to patients who require emergency services and will also require the recordation of additional patient information on the memorandum of transfer, e.g. race, national origin, age, sex, etc.

The amendment requires each hospital licensed by the Texas Department of Health to revise its current transfer policy to incorporate an operational plan for patient transportation; to require the receipt of emergency patients from other hospitals so that confirmation to the transferring hospital must be made in not more than 30 minutes; and to require certain documentation relating to the refusal by a

hospital to accept the transfer of a patient who requires emergency services; and to include certain additional information to be furnished on the memorandum of transfer form.

Stephen Seale, chief accountant III, has determined that for the first five-year period that the section is in effect there will be no fiscal implications to state or local government or small businesses as a result of administering and enforcing the 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 anticipated as a result of enforcing the section will be more equitable transfer of patients from one hospital to another. There is no anticipated cost to individuals who are required to comply with the section as proposed.

A public hearing on the proposal is scheduled for 10 a.m., August 12, 1988, at the Texas Department of Health, auditorium, 1100 West 49th Street, Austin. Comments on the proposal may be submitted to Maurice B. Shaw, Chief, Bureau of Licensing and Certification, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7538. Comments will be accepted for 30 days from the date of publication of the proposed amendment in the *Texas Register*.

The amendment is proposed under Texas Civil Statutes, Article 4437f, §5, which provide the Texas Board of Health with the authority to adopt and implement minimum standards governing the transfer of patients from hospital to hospital.

§133.21. *Adoption by Reference.*

(a) The Texas Department of Health adopts by reference the rules contained in the department publication effective September 1, 1985, entitled, *Hospital Licensing Standards*, as amended, October 1988 [December, 1987].

(b) (No change.)

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

Issued in Austin, Texas, on July 27, 1988.

TRD-8807674

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

Proposed date of adoption: October 1, 1988.

For further information, please call: (512) 458-7538

TITLE 31. NATURAL RESOURCES AND CONSERVATION Part II. Texas Parks and Wildlife Department Chapter 65. Wildlife

• 31 TAC §§65.332-65.335

The Texas Parks and Wildlife Commission proposes amendments to §§65.332-65.335, concerning the Late Season Migratory Game Bird Proclamation. The proposals provide a

legal method of importing migratory game birds in the state, notify the public of anticipated reductions in duck and coot seasons, adjust season dates to coincide with weekends, and change falconry dates to correspond with new federal regulations.

The commission is responsible for establishing seasons, bag limits, means, methods, and devices for taking and possessing migratory game birds. Regulations for hunting migratory game birds may be set by the state only within a framework established by the United States Fish and Wildlife Service. The general framework issued by the Fish and Wildlife Service allows states within major flyway systems to adjust seasons and bag limits to take into consideration their localized circumstances.

The proposals for late season migratory species are based upon the most current data available. The seasons, bag limits, means, and methods are tentative and subject to modification. The proposed amendments may be modified by Parks and Wildlife Commission action as a result of changes in migratory game bird populations as determined by annual surveys, public hearings concerning regulation frameworks held by the Fish and Wildlife Service in Washington, D.C., public hearings held by the Parks and Wildlife Commission in Texas, and comments solicited from this proposal.

The 1988-1989 season lengths and bag limits for ducks and coots are expected to be reduced by a yet to be determined amount in the federal frameworks. These reductions will be in response to drought conditions on the breeding grounds.

Jim Dickinson, director of finance, has determined that for the first five-year period the amendments are in effect there will be no fiscal implications to state or local governments or small business as a result of enforcing or administering the amendments.

Mr. Dickinson also has determined that for each year of the first five years the amendments as proposed are in effect the public benefits anticipated as a result of enforcing the amendments as proposed will allow the taking of migratory wildlife resources consistent with their populations. There is no anticipated economic cost to individuals who are required to comply with the proposed amendments.

Comments on the proposal may be submitted to Robert Jessen, Waterfowl Program Leader, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, Texas 78744, telephone (512) 389-4578 or 1-800-792-1112, extension 4578.

The amendments are proposed under the authority of Texas Parks and Wildlife Code, Chapter 64, Subchapter C, which provides the commission with authority to regulate open seasons, means, methods, and devices for taking and possessing migratory game birds.

§65.332. Means, Methods, and Special Requirements.

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

(f) **Importation of migratory game birds:** It is unlawful to import or possess migratory game birds taken in another state or country unless a verifi-

cation document accompanies the wildlife. Documentation is required if:

(1) the species is required to be tagged in this state;

(2) the number possessed exceeds the possession limit in this state;

(3) the size limits do not comply with size limits in this state.

(g) A separate legible document is required for each species and must contain:

(1) license number from the state or country where the wildlife was taken;

(2) number and species of wildlife taken;

(3) location wildlife was taken (nearest town, county, parish, name of area such as landowner's name, public hunting area name);

(4) signature, printed name, address, and telephone number of person verifying where wildlife was taken; and

(5) tag, permit, or other document required by the other state or country.

(h) In lieu of this verification document, a statement from the United States Customs Officer at the port of entry showing that the wildlife was brought from Mexico is required.

§65.333. Open Seasons.

(a) (No change.)

(b) The season is closed on migratory game birds on public roads and highways, or rights-of-way of public roads and highways; the state-owned riverbeds in Dimmit, Uvalde, and Zavala Counties, including, but not limited to, the Nueces and Frio Rivers; and state wildlife preserves and sanctuaries, unless an open season is otherwise provided. The open seasons for the taking of migratory game birds on any federal wildlife refuge shall be in accordance with the special hunting regulations duly adopted and published by the United States Fish and Wildlife Service.

(1) Ducks and coots.

(A) High Plains Mallard Management Unit: October 29 [31] - November 6, 1988 [8, 1987] and November 19, 1988 [21, 1987] - January 15, 1989 [17, 1988] from 1/2 hour before sunrise to sunset in that portion of Texas lying west of a line from the international toll bridge at Del Rio, thence northward following U.S. Highway 277 through San Angelo to Abilene, thence along State Highway 351 from Abilene to Albany and U.S. Highway 283 from Albany to Vernon, thence easterly along U.S. Highway 183 to the point of intersection with the Texas Oklahoma state line in Wilbarger County.

(B) Remainder of the state: October 29 [31]-November 2, 1988 [4, 1987], November 19-27, 1988 [21-29, 1987], and December 10, 1988 [12, 1987]-January 15, 1989 [17, 1988], from 1/2 hour before sunrise to sunset.

(C) Special provision: The season is closed on canvasbacks, redheads, and masked ducks.

(2) Geese.

(A) West of U.S. Highway 81: October 15, 1988 [17, 1987]- January 15, 1989 [17, 1988].

(B) East of U.S. Highway 81: Light goose species (snow, blue, and Ross'), October 29, 1988 [31, 1987]- January 22, 1989 [24, 1988]. Dark goose species (Canada, black-brant and white-fronted) October 29 [31] -December 2, 1988 [4, 1987] and December 10, 1988-12, 1987 -] January 15, 1989 [17, 1988].

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

(3) (No change.)

(4) Common snipe or Wilson's snipe or jacksnipe. Fourth Saturday in October [October 31] for 107 consecutive days from 1/2 hour before sunrise to sunset.

(5) Woodcock. Fourth [Third] Saturday in November for 65 consecutive days from 1/2 hour before sunrise to sunset. *§65.334. Bag and Possession Limits.*

(a) (No change.)

(b) The bag and possession limits are as follows.

(1) Ducks and coots.

(A) Ducks: the daily bag limit is from one to five ducks in the aggregate, the specific daily limit depending upon the sexes and species taken as determined by the following 100-point system: hen mallards, mottled ducks, and black ducks are 100 points. Wood ducks, hooded mergansers, [redheads,] and fulvous and black-bellied whistling (tree) ducks are 70 points each. Blue-winged teal, green-winged teal, cinnamon teal, gadwalls, scaups, shoveler, wigeon (baldpate), and mergansers (except hooded) are 20 points. All other species and sexes of ducks are 35 points (except the season is closed on canvasbacks, redheads, and masked ducks). The daily bag limit will be reached when the point value of any bird taken reaches or exceeds 100 points. Possession limit: possession limit shall be the maximum number of birds or species and sex which could have legally been taken in two days.

(B) (No change.)

(2)-(5) (No change.)

(c)-(f) (No change.)

§65.335. *Extended Falconry Season.*

(a) (No change.)

(b) It is lawful to take migratory game birds during the following prescribed open seasons.

(1) Ducks and coots [and geese]. October 29 [20] for 107 [98] consecutive days from 1/2 hour before sunrise to sunset.

(2) Geese. October 15 for 107 consecutive days from 1/2 hour before sunrise to sunset.

(3)[(2)] Sandhill cranes.

(A) Zone A: October 29 [31] for 107 consecutive days from 1/2 hour before sunrise to sunset in that portion of Texas lying west of a line from the international toll bridge at Del Rio, Val Verde County, thence northward following U.S. Highway 277 to its junction with U.S. Highway 87 at San Angelo, Tom Green County, thence northwesterly following U.S. Highway 87 and including all of Howard and Lynn Counties, to its junction with U.S. Highway 287 at Dumas, Moore County, thence northwesterly following U.S. Highway 287 to the point of intersection with the Texas-Oklahoma state line in Dallam County.

(B) Zone B: October 29 [31] for 107 consecutive days from 1/2 hour before sunrise to sunset in that portion of Texas lying west of a line from San Angelo along U.S. Highway 277 to Abilene, thence along State Highway 351 from Abilene to Albany and U.S. Highway 283 from Albany to Vernon, thence easterly along U.S. Highway 183 to the point of intersection with the Texas-Oklahoma state line in Wilbarger County; and east of a line from San Angelo along U.S. Highway 87, excluding all of Howard and Lynn Counties, to the junction of Highway 87 and Highway 287 at Dumas, Moore County, and thence along U.S. Highway 287 from Dumas to the point of intersection with the Texas Oklahoma state line in Dallam County.

(C) Zone C: October 29 [31] for 107 consecutive days from one-half hour before sunrise to sunset in that portion of Texas lying within boundaries beginning at the international toll bridge at Brownsville, thence north and east along U.S. Highway 77 to its junction with U.S. Highway 87 at Victoria, thence eastward along U.S. Highway 87 to its junction with Farm Road 616 at Placedo, thence north and east along Farm Road 616 to its junction with State Highway 35, thence north and east along State Highway 35 to its junction with State Highway 6 at Alvin, thence west and north: along State Highway 6 to its junction

with U.S. Highway 290, thence westward along U.S. Highway 290 to its junction with U.S. Highway 277 at Sonora, thence south along U.S. Highway 277 to its junction with the U.S.-Mexico International Boundary at Del Rio, thence south and east along the U.S.-Mexico International Boundary to its junction with the international toll bridge at Brownsville.

(D) (No change.)

(4)[(3)] Common snipe or Wilson's snipe or jacksnipe. October 29 [31] for 107 consecutive days from 1/2 hour before sunrise to sunset.

(5)[(4)] Woodcock. October 29 [31] for 107 consecutive days from 1/2 hour before sunrise to sunset.

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

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

Issued in Austin, Texas, on July 27, 1988.

TRD-8807694

Boyd M. Johnson
General Counsel
Texas Parks and Wildlife
Department

Earliest possible date of adoption: September 5, 1988

For further information, please call: (512) 389-4578

◆ ◆ ◆
TITLE 37. PUBLIC
SAFETY AND
CORRECTIONS
Part X. Texas Adult
Probation Commission
Chapter 321. Standards

• 37 TAC §321.1

The Texas Adult Probation Commission proposes an amendment to §321.1, concerning administration. The section relates to payment from judicial district funds of expenses for travel to training programs on probation and community corrections.

Edmond J. Peterson, CPA, director of fiscal services, 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. Peterson 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 promotion of the use of available training funds to provide the most effective training. 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 Virginia Grote, Texas Adult Probation Commission, 8100 Cameron Road, Suite 600, Building B, Austin, Texas 78753.

The amendment is proposed under the Texas code of Criminal Procedure, Article 42.121, §3.01, which provides the Texas Adult Probation Commission with the authority to promulgate reasonable rules.

§321.1. *Administration.*

(a)-(w) (No change.)

(x) Expenses for Training. Probation departments may use judicial district funds to pay the expenses of training for employees. The training must be related to adult probation or to the employee's particular function or professional advancement within the department. Departments may also use judicial district funds to pay the expenses of training for [district] judges trying criminal cases [and, in counties with a population of over 1,000,000 according to the most recent federal census, for county court at law judges trying criminal cases]. Training for judges must be related to adult probation or to the judge's function as an administrator of the department.

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 25, 1988.

TRD-8807610

David Spencer
General Counsel
Texas Adult Probation
Commission

Proposed date of adoption: November 4, 1988

For further information, please call: (512) 834-8188

◆ ◆ ◆
TITLE 40. SOCIAL
SERVICES AND
ASSISTANCE
Part I. Texas Department
of Human Services
Chapter 16. ICF/SNF

Support Documents

• 40 TAC §16.9801

The Texas Department of Human Services (DHS) proposes an amendment to §16.9801 concerning reimbursement methodology for skilled nursing facilities, in its Intermediate Care Facility/Skilled Nursing Facility (ICF/SNF) chapter. The purpose of the amendment is to revise the criteria for qualifying skilled nursing recipients for the supplemental reimbursement rate in ICF/SNF facilities. The revision redefines the existing qualifying criteria to match the data elements on the Texas nursing facility client assessment, review, and evaluation (CARE) form. On October 1, 1988, the CARE form will replace the level-of-care assessment form currently used to make level-of-care determinations.

Brian Packard, associate commissioner for budget, planning, and economic analysis, 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

governments or small businesses as a result of enforcing or administering the section.

Mr. Packard 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 that the department will continue making supplemental reimbursement to ICF/SNF facilities for recipients who require greater than usual amounts of care and staff time. There is no anticipated economic cost to individuals who are required to comply with the proposed section.

Comments on the proposal may be submitted to Cathy Rossberg, Administrator, Policy De-

velopment Support Division-461, Texas Department of Human Services 222-E, P.O. Box 2960, Austin, Texas 78769, within 30 days of publication in the *Texas Register*.

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

§16.9801. Reimbursement Methodology for Skilled Nursing Facilities and Intermediate Care Facilities.

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

(g) Rate setting methodology.

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

(5) Supplemental reimbursement rate determination. The reimbursement rate for skilled nursing facility (SNF) patients whose needs require a significantly greater than normal amount of care is supplemented on an individual client basis when the appropriate score is indicated for all of the six criteria on the Texas Nursing Facility Client Assessment, Review, and Evaluation (CARE) [level-of-care assessment] form.

(A) The client must meet all of the following six criteria on the CARE [level-of-care assessment] form.

<u>Conditions/Procedures</u>	<u>Qualifying Score</u>
Mobility/Ambulation	6 or 7[4]
[Bathing	4]
Dressing/Grooming	4
Eating	5[4]
Bladder Control	4 or 5
Bowel Control	4 or 5
Enteral or Parenteral Feeding	5 through 7
[Incontinence	[3 or 4
[Nonoral Nourishment	[1 through 4]

(B) (No change.)

(h) (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 29, 1988.

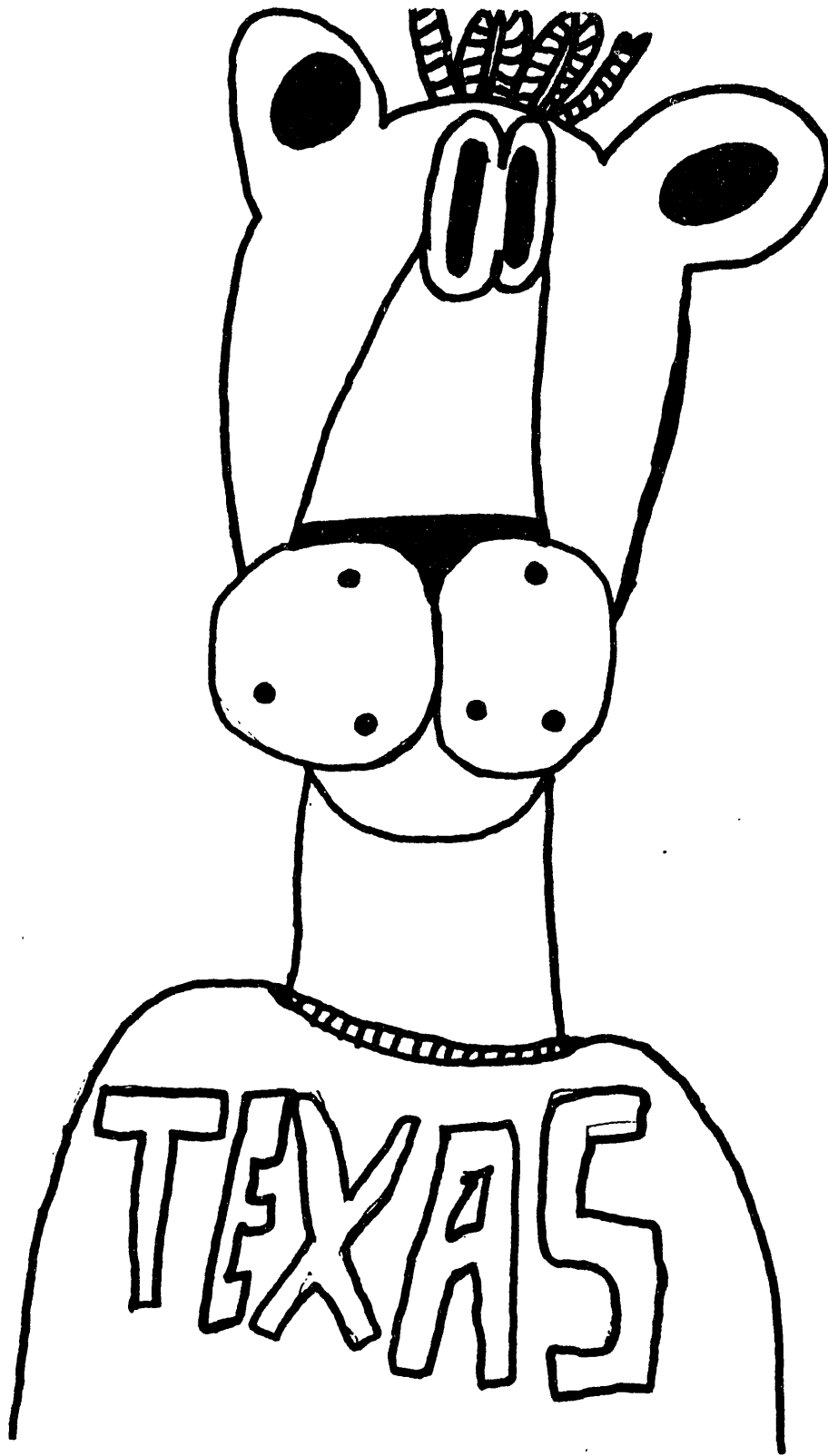
TRD-8807789

Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Earliest possible date of adoption: October 12, 1988.

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

◆ ◆ ◆



Name: Lindsay Nieman
Grade: 4
School: Merriman Park Elementary,
Richardson

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 XII. Advisory Commission on State Emergency Communications

Chapter 251. Regional Plans

• 1 TAC §251.1

The Advisory Commission on State Emergency Communications adopts new §251.1, without changes to the proposed text as published in the May 6, 1988, issue of the *Texas Register* (13 TexReg 2137).

In compliance with Texas Civil Statutes, Article 1432f, the Advisory Commission on State Emergency Communications adopts new §251.1 in order to establish minimum performance standards for equipment and operations of 9-1-1 service.

Texas Civil Statutes, Article 1432f, §3 require the commission to develop minimum performance standards for equipment and operations of 9-1-1 service which are to be followed in establishing a 9-1-1 regional plan as outlined in §5 of the statute. This section defines the minimum standards for the Regional Councils of Governments to use in the development of the 9-1-1 regional plans.

No comments were received regarding adoption of the new section.

The new section is adopted under Texas Civil Statutes, Article 1432f, which provide the Advisory Commission on State Emergency with the authority to administer the implementation of statewide 9-1-1 emergency telephone service.

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-8807799 Jay Stanford
Chairman
Advisory Commission on
State Emergency
Communications

Effective date: August 19, 1988

Proposal publication date: May 6, 1988

For further information, please call: (512) 463-1812

TITLE 4. AGRICULTURE

Part I. Texas Department of Agriculture

Chapter 7. Pesticides

• 4 TAC §7.33

The Texas Department of Agriculture adopts an amendment to §7.33, without changes to the proposed text are published in the June 28, 1988, issue of the *Texas Register* (13 TexReg 3269).

The amendment is adopted in response to request by the manufacturer of M-44 sodium cyanide capsules and for the convenience of livestock producers using M-44 sodium cyanide for predator control.

The amendment, as adopted, will allow the sale of M-44 in boxes of 25 capsules.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Agriculture Code, §76.003, which provides the Texas Department of Agriculture with the authority to classify a pesticide as state-limited-use (SLU), and authorizes the department to regulate the time and conditions of use or purchase of a SLU pesticide; and §76.004, which authorizes and department to adopt rules regarding the manner and method of pesticide applications.

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 29, 1988.

TRD-8807767 Dolores Alvarado Hibbs
Director of Hearings
Texas Department of
Agriculture

Effective date: August 19, 1988

Proposal publication date: June 28, 1988

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

TITLE 16. ECONOMIC REGULATION

Part IV. Texas Department of Labor and Standards

Chapter 63. Labor, Licensing, and Enforcement

• 16 TAC §§63.1-63.17

The Texas Department of Labor and Standards adopts the repeal of §§63.1-63.17,

without changes to the proposed text as published in the June 24, 1988, issue of the *Texas Register* (13 TexReg 3209).

Texas Civil Statutes, Article 5221a-5, concerning labor agencies was repealed by Acts 1987, 70th Legislature, Chapter 1006, §1, effective August 31, 1987.

No comments were received regarding adoption of the repeals.

The repeals are adopted under Texas Civil Statutes, Article 6252-13a, 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 purposes of conforming to the provisions of this Act.

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

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

TRD-8807787 Larry Kosta
Assistant Commissioner
Texas Department of Labor
and Standards

Effective date: August 19, 1988

Proposal publication date: June 24, 1988

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

TITLE 22. EXAMINING BOARDS

Part XIII. Texas Board of Licensure for Nursing Home Administrators

Chapter 243. Application

• 22 TAC §243.1

The Texas Board of Licensure for Nursing Home Administrators adopts an amendment to §243.1, without changes to the proposed text as published in the June 24, 1988, issue of the *Texas Register* (13 TexReg 3210).

A college degree is now required of all applicants, this narrative requirement is no longer needed. All colleges require proficiency in writing. This change will remove this burden from public applicants.

Applicants will no longer be required to submit a suitability narrative as part of the application for a nursing home administrators license.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 4442d, §8, which provide the Texas Board of Licensure for Nursing Home Administrators with the authority to make rules and regulations not inconsistent with law as may be necessary or proper for the performance of its duties, and to take such other actions as may be necessary to enable the state to meet the requirements as set forth in the Social Security Act, §1908, the federal rules and regulations promulgated thereunder, and other pertinent federal authority; provided, however, that no rule shall be promulgated, altered, or abolished without the approval of a 2/3 majority of the board

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 26, 1988.

TRD-8807639 Janet M. Moore
Administrative Technician
III
Texas Board of Licensure
for Nursing Home
Administrators

Effective date: August 16, 1988

Proposal publication date: June 24, 1988

For further information, please call: (512) 458-1955

Chapter 245. Examination

• 22 TAC §245.2

The Texas Board of Licensure for Nursing Home Administrators adopts an amendment to §245.2, without changes to the proposed text as published in the June 24, 1988, issue of the *Texas Register* (13 TexReg 3211).

A college degree is now required of all applicants, this narrative requirement is no longer needed. All colleges require proficiency in writing. This change will remove this burden from public applicants.

Applicants will no longer be required to submit a suitability narrative as part of the pre-examination requirements

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 4442d, §8, which provides the Texas Board of Licensure for Nursing Home Administrators with the authority to make rules and regulations not inconsistent with law as may be necessary or proper for the performance of its duties, and to take such other actions as may be necessary to enable the state to meet the requirements as set forth in the Social Security Act, §1908, the federal rules and regulations promulgated thereunder, and other pertinent federal authority; provided, however, that no rule shall be promulgated, altered, or abolished without the approval of a 2/3 majority of the board.

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 26, 1988.

TRD-8807642 Janet M. Moore
Administrative Technician

III
Texas Board of Licensure
for Nursing Home
Administrators

Effective date: August 16, 1988

Proposal publication date: June 24, 1988

For further information, please call: (512) 458-1955

• 22 TAC §245.3

The Texas Board of Licensure for Nursing Home Administrators adopts an amendment to §245.3, without changes to the proposed text as published in the June 24, 1988, issue of the *Texas Register* (13 TexReg 3211).

A college degree is now required of all applicants, this narrative requirement is no longer needed. All colleges require proficiency in writing. This change will remove this burden from public applicants.

Applicants will no longer be required to submit a suitability narrative as part of the application for a nursing home administrators license.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 4442d, §8, which provide the Texas Board of Licensure for Nursing Home Administrators with the authority to make rules and regulations not inconsistent with law as may be necessary or proper for the performance of its duties, and to take such other actions as may be necessary to enable the state to meet the requirements as set forth in the Social Security Act, §1908, the federal rules and regulations promulgated thereunder, and other pertinent federal authority; provided, however, that no rule shall be promulgated, altered, or abolished without the approval of a 2/3 majority of the board

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 26, 1988

TRD-8807640 Janet M. Moore
Administrative Technician
III
Texas Board of Licensure
for Nursing Home
Administrators

Effective date: August 16, 1988

Proposal publication date: June 24, 1988

For further information, please call: (512) 458-1955

Chapter 247. Education

• 22 TAC §247.4

The Texas Board of Licensure for Nursing Home Administrators adopts an amendment to §247.4, without changes to the proposed text as published in the June 24, 1988, issue of the *Texas Register* (13 TexReg 3212).

The amendment will clarify the required categories, and permit flexibility on the part of nursing home administrations in selecting

topics they feel they need the most. The reduction in total number of contact hours from 28 to 24 will permit more individuals adequate travel time, thereby reducing the cost to the industry and ultimately to the public.

The requirement for renewal of nursing home administrator's licenses will be reduced from 28 total hours to 24 with six hours each required in Texas Regulatory Changes (formerly Supplemental Update) and Management Theory, with the remaining 12 hours to be obtained in any approved category.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 4442d, §8, which provide the Texas Board of Licensure for Nursing Home Administrators with the authority to make rules and regulations not inconsistent with law as may be necessary or proper for the performance of its duties, and to take such other actions as may be necessary to enable the state to meet the requirements as set forth in the Social Security Act, §1908, the federal rules and regulations promulgated thereunder, and other pertinent federal authority; provided, however, that no rule shall be promulgated, altered, or abolished without the approval of a 2/3 majority of the board.

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 26, 1988.

TRD-8807641 Janet M. Moore
Administrative Technician
III
Texas Board of Licensure
for Nursing Home
Administrators

Effective date: August 16, 1988

Proposal publication date: June 24, 1988

For further information, please call: (512) 458-1955

TITLE 25. HEALTH SERVICES

Part XIII. Toxic Substances Coordinating Committee

Chapter 1001. Meetings

• 25 TAC §§1001.1-1001.6

The Toxic Substances Coordinating Committee adopts new §§1001.1-1001.6. Section 1001.6 is adopted with changes to the proposed text as published in the April 1, 1988, issue of the *Texas Register* (13 Tex Reg 1522). Sections 1001.1-1001.5 are adopted without changes and will not be republished.

The justification for the new sections is that they will make the general public aware of the committee's procedures for conducting meetings. The sections cover the applicability of the Texas Open Meetings Act, notice, transaction of business, and public participation.

No public comments were received concerning the adoption of the new sections; howev-

er, the committee changed the requirements in §1001.6, concerning request from members of the public to participate in committee meetings.

The new sections are adopted under Texas Civil Statutes, Article 4477-7e, §2 (70th Legislature, 1987, Chapter 162, §1), which provide the Toxic Substances Coordinating Committee with the authority to adopt rules for the conduct of its meetings.

§1001.6. Public Participation. Requests from members of the public to participate in committee meetings should be submitted to the chairperson prior to the beginning of the meeting. The chairperson has the discretion to allow or disallow participation. If the chairperson allows participation, he or she determines the manner and time limits of the participation.

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 29, 1988.

TRD-8807794 Robert A. MacLean, M.D.
Chairperson
Toxic Substances
Coordinating Committee

Effective date: August 19, 1988.

Proposal publication date: April 1, 1988.

For further information, please call: (512) 458-7378

TITLE 28. INSURANCE Part I. State Board of Insurance

Chapter 7. Corporate and Financial

Subchapter Q. Taxation of Administrative Services

• 28 TAC §§7.1701-7.1711

The State Board of Insurance adopts new §§7.1701-7.1711, without changes to the proposed text as published in the February 26, 1988, issue of the *Texas Register* (13 TexReg 944, 964). The adoption does include a change to the tax return instructions which the board is adopting by reference under §7.1710. The board has filed a copy of this change with the Secretary of State's Office, Texas Register Division. Persons desiring a copy of forms and instructions, as changed for adoption by reference under these sections, can obtain a copy from the Corporate Custodian and Tax Division, State Board of Insurance, 1110 San Jacinto Boulevard, Austin, Texas 78701-1998.

Sections 7.1701-7.1711 concern taxation of administrative services. These new sections are necessary in order to provide for consistency, efficiency, and clarity in the administration of the taxation of administrative services, in accordance with the Insurance Code, Article 4.11A. In response to comments, the board is deleting a sentence from the general instructions for filing tax returns proposed for adoption by reference in §7.1710.

The new sections define terms, adopt forms and instructions by reference, and explain requirements and procedures concerning administration of taxation of administrative services under the Insurance Code, Article 4.11A. The new sections also note other taxing statutes related to taxation under the Insurance Code, Article 4.11A.

Objecting against the proposed sections were Association Risk Managers, Inc., Texas Association of Professional Benefit Administrators, Texas Association of School Boards, Texas LP Gas Association, Texas LP Gas Insurance Trust, and Texas School Services Foundation.

Commenters argued that §7.1704 imposes a tax liability on a new class of taxpayers not contemplated by statutory authority. The board responds that the section establishes a procedure and method for collection of the taxes imposed by statute, but does not impose any additional liability. One commenter suggested that the instructions proposed for adoption by reference in §7.1710 appeared to impose reporting requirements on persons not subject to taxation under the Insurance Code, Article 4.11A. In response to this comment, the board has deleted the language "An annual tax return must be filed even though no administrative services taxes are due" from the general instructions for tax returns proposed for adoption by reference under §7.1710. Commenters contended that §§7.1701, 7.1703, 7.1708, and 7.1709 are redundant recitations of statutory provisions. The board responds that retention of these sections makes this subchapter more understandable to persons subject to the provisions of this subchapter.

The new sections are adopted under the Insurance Code, Article 4.11A, §11, which provides that the State Board of Insurance may establish any rules that are fair and reasonable as may be appropriate for the augmentation and implementation of such article concerning administrative service tax.

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 27, 1988.

TRD-8807711 Nicholas Murphy
Chief Clerk
State Board of Insurance

Effective date: August 17, 1988

Proposal publication date: February 26, 1988

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

TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part II. Texas Parks and Wildlife Department

Chapter 57. Potentially Harmful Fish or Fish Eggs Importation

• 31 TAC §§57.111-57.117

The Texas Parks and Wildlife Department adopts the repeal of §§57.111-57.117, without changes to the proposed text as published in the February 9, 1988, issue of the *Texas Register* (13 TexReg 690). The sections, repealed in a regularly scheduled public hearing held May 12, 1988, concern the potentially harmful fish or fish eggs importation regulations.

The repeals are necessary to establish new sections.

The repeals allow new sections to be adopted that provide additional safeguards to Texas' waters.

No comments were received regarding adoption of the repeals.

The repeals are adopted under the Texas Parks and Wildlife Code, §66.007, which provides the Texas Parks and Wildlife Department with the authority to determine and regulate harmful and potentially harmful tropical fish and fish eggs.

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 28, 1988.

TRD-8807718 Boyd M. Johnson
General Counsel
Texas Parks and Wildlife
Department

Effective date: January 1, 1989

Proposal publication date: February 9, 1988

For further information, please call: (512) 389-4860

The Texas Parks and Wildlife Commission in a regularly scheduled public hearing held May 12, 1988, adopted new rules §§57.111-57.116. Sections 57.112-57.114 are adopted with changes to the proposed text as published in the February 9, 1988, issue of the *Texas Register* (13 TexReg 690). The other sections are adopted without changes and will not be republished. The rules as adopted are a result of a special tilapia conference held on March 31, 1988 and subsequent input from representatives of the Texas Aquaculture Industry and others. As a result of this conference's review and discussion of the compromise rules, representatives of Texas Aquaculture and pond management related businesses generally agreed that the compromise regulations will protect the state's waters from the introduction of potentially harmful tilapia and will allow the continued development of the Texas tilapia aquaculture industry. Bait dealers and aquarists generally

did not agree with the compromise rules.

The changes to §§57.11-257.114 were made as a result of public input at the March 31 conference and additional comments from the public in the form of letters and telephone calls. The changes are briefly described as follows: the blue tilapia and hybrids of the blue tilapia and Mozambique tilapia may be cultured, under permit, for use for human food, or as live forage in permitted aquaculture facilities; the Mozambique tilapia may be cultured, under permit, for use for human food and live forage in private ponds; neither of the tilapia species or their hybrids can be used alive in public waters; the requirement for tilapia producers to notify department officials at least 24 hours before transporting live tilapia is replaced with a requirement to label all tilapia hauling vehicles with the wording "Live Tilapia;" the requirement is deleted for licensed retail fish dealers to possess a tilapia permit to sell live blue and Mozambique tilapia to customers; the requirement for a tilapia invoice to accompany each box or container of tilapia is replaced with the requirement for the invoice to accompany each shipment of tilapia; minor changes were made to clarify scientific names of fish in the partially and totally restricted fish list; the Tilapia Culture Permit was renamed a Tilapia Permit; the Interstate/Intrastate Texas Tilapia Transport Invoice was renamed as a Texas Transport Invoice; the requirement for water to be passed through a 1-mm bar mesh was deleted; the permittee must provide documentation necessary to identify tilapia; the requirement for specific security measures at tilapia aquaculture facilities was replaced by a requirement for security measures to be approved by the department; and the requirement that water quality standards for discharges from tilapia aquaculture facilities meet state and federal criteria was deleted.

The new sections as adopted permit the development of Texas' tilapia aquaculture industry while providing safeguards for native species.

The new sections provide adequate safeguards for native species by controlling the introduction of harmful or potentially harmful tropical fish into Texas waters.

Comments by the public concerning the proposed new sections were presented to the Parks and Wildlife Commission in the form of compromise rules, petitions, letters, and summaries of phone calls. No comments were received via the Texas Register. Comments received concerning the sections are: the rules are too strict and will put people out of work; the rules should be modified to allow transport of live tilapia for restaurants; commenters were concerned about being able to use tilapia as bait; tilapia are necessary forage and as a control for algae; tilapia are already established in public waters, commenters asked why their use should be restricted; consumers need to be able to buy live tilapia from a supermarket; and hybrids of tilapia will not reproduce. All comments are available for public inspection at the Texas Parks and Wildlife Headquarters Complex, 4200 Smith School Road, Austin, Texas 78744, 1-800-792-1112, ext. 4860 or (512) 389-4860.

Those Groups or Associations who made comments against the rules are: Boat Dealers of Texas, Arms Fish & Bait Company, Texas

Aquaculture Association, Texas Aquaculture Association, Fish Farms of Texas, Inc., Texas Agricultural Extension Service, Texas Cichlid Association, and Soil Conservation Service. These groups or associations spoke concerning the restriction of the sections upon the tilapia industry.

Groups or associations who spoke for the rules are: Sportsmen Clubs of Texas, Texas Black Bass Unlimited, the University of Texas, Central Texas Bass Club Association, Universal Bass Club, Nacogdoches Bass & Boat Club, Texas A&M University, Texas Organization for Endangered Species, and the University of Oklahoma.

The Parks and Wildlife Commission disagreed with several of the comments received because they were judged not to be compatible with management of fishery resources. The commission must act to deal effectively with protecting Texas' waters.

The new sections are adopted under Parks and Wildlife Code, §66.007, which provides the Texas Parks and Wildlife Department with the authority to determine and regulate harmful and potentially harmful tropical fish and fish eggs.

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

Culture—The business of producing, propagating, transporting, possessing, and selling fish raised in a private pond as defined in of the Texas Parks and Wildlife Code, Chapter 48.

Department—The Texas Parks and Wildlife Department or a specifically authorized employee of the department.

Director—The executive director of the Texas Parks and Wildlife Department or his designee(s).

Partially restricted fishes:

(A) Tilapia group—All Tilapiine species (Tilapia = *Sarotherodon* = *Oreochromis*)

(B) Carp group (grass carp)—*Ctenopharyngodon idella*

(C) Peacock bass—*Cichla ocellaris*

Public aquaria—One located at a zoological garden or similar establishment and used exclusively for the purpose of information or educational display of aquatic species to benefit the general public.

Totally restricted fishes:

(A) Bony-tongue group—*Arapaima gigas*

(B) Piranha group—*Serrasalmus* spp. (all species)
Pygocentrus piraya
Hydrocynus spp.
Salminus maxillosus
Hoplias malabaricus

(C) Electric Eel—*Electrophorus electricus*

(D) Electric Catfish—*Malapterurus electricus*

(E) Knifefish—*Gymnotus carapo*

(F) Gar-pike, from Belize—*Belonesox belizanus*

(G) Snakehead group—*Ophicephalus* spp. *Channa asiatica*

(H) Parasitic catfish group—*Vandellia* spp. *Stegophilus* spp.

(I) Freshwater Stingray—*Potomotrygon* spp. *Disceus* spp.

(J) Walking Catfish—*Clarias* sp.

§57.113. *Restrictions.*

(a) Possession, sale, importation, and release.

(1) Except as provided by these sections, no person may release into the water of this state, import, sell, purchase, or possess any of the fish, their hybrids, subspecies, or eggs defined as totally or partially restricted fishes, except hybrids of the grass carp group are excluded from this requirement.

(2) A person may possess totally or partially restricted fishes if that person has documented evidence that the person possessed the fish prior to July 2, 1974.

(3) A person who holds a scientific or zoological permit may possess totally or partially restricted fishes at a public aquarium.

(4) If eviscerated, partially restricted fishes may be possessed by any person. Dead blue and Mozambique tilapia or hybrids between the two species may also be purchased or possessed by any person and sold by persons having appropriate licenses.

(5) A person licensed as a fish farmer who also holds a Tilapia Permit issued by the department may possess and culture blue tilapia (*Tilapia aurea*), Mozambique tilapia (*Tilapia mossambica*) and hybrids between these two species as provided in these sections.

(6) Except as provided in paragraph (7), live blue and Mozambique tilapia and their hybrids may be sold only by a

Texas Tilapia Permit holder.

(7) A licensed, retail, or wholesale fish dealer is not required to have a Texas Tilapia Permit to purchase, sell, or possess live blue tilapia, Mozambique tilapia, or hybrids between the two species unless the retail or wholesale fish dealer cultures one or more of these species.

(8) Tilapia may not be delivered to the final consumer unless dead (eviscerated or packaged on ice), except when sold as forage for stocking in waters located completely within the boundaries of private property.

(9) Mozambique tilapia may be placed in waters located completely within the boundaries of private property by a landowner or his authorized agent.

(b) Culture of tilapia.

(1) Transportation of live tilapia.

(A) Transport of live tilapia is permitted only by a licensed fish farmer with a valid Texas Tilapia Permit, by a commercial shipper acting for the permittee, or when transported between a warehouse and retail outlet within a company possessing a retail fish dealers license, except for those fishes covered under zoological or scientific permits.

(B) All transport of live tilapia must be accompanied by a Texas Tilapia Transport Invoice, except for those fishes covered under zoological or scientific permits may be transported under rules governing zoological or scientific permits.

(C) A Texas Tilapia Transport Invoice shall contain all the following information correctly stated and legibly written: invoice number; date of shipment; name, address, and phone number of the shipper; name, address, and phone number of the receiver; Texas Fish Farmers License number and Texas Tilapia Permit number, if applicable; number and total weight of tilapia by species; a check mark indicating interstate import, interstate export, or intrastate type of shipment. The invoice must individually accompany each shipment of tilapia, and must be sequentially numbered during the permit period; no invoice number shall be used twice or more during any one permit period by a permittee.

(D) All motor vehicles, trailers, or semitrailers transporting live tilapia for commercial purposes shall exhibit the inscription "Tilapia" on the right, left, and rear sides of the vehicle. The inscription shall read from left to right and shall be plainly visible at all times while transporting live tilapia. The inscription "Tilapia" shall be attached to or painted on the vehicle, trailer, or semitrailer in letters of good

proportion in contrasting color to the background and be at least eight inches in height.

(2) Texas Live Tilapia Transport Invoice.

(A) The Texas Tilapia Transport Invoice must be provided by the permittee; one copy shall be submitted to the department by the permittee by the 10th day of the month following shipping date and one copy shall be retained by the permittee for a period of at least one year following shipping date.

(B) Permittee is responsible for supplying Texas Tilapia Transport Invoice copies to out-of-state dealers from which the permittee has ordered tilapia so that shipment will be properly marked and numbered upon delivery to the permittee in Texas.

(C) Owners, or their agents, of private waters stocked with Mozambique tilapia by a Texas Tilapia Permit holder must retain a copy of the Texas Tilapia Transport invoice for a period of one year after the stocking date or as long as the Tilapia are in the water, whichever is longer.

§57.114. Permits.

(a) The director may issue a Texas Tilapia Permit to a licensed fish farmer for commercial production if the following requirements are met.

(1) Culture systems must be designed to prevent discharge of water containing adult or juvenile tilapia or their eggs from the permittee's property.

(2) Facilities containing blue tilapia or hybrids between blue and Mozambique tilapia which are within the 100 year flood plain, referred to as Zone A on the National Flood Insurance Program Flood Insurance Rate Map, are enclosed within an earthen or concrete dike or levee raised to an elevation of at least one foot above the 100 year flood elevation. This dike is constructed in such a manner to exclude all flood waters. Dike construction must be approved by the department.

(b) To be considered for a Texas Tilapia Permit, the applicant must:

(1) complete an initial Texas Tilapia Permit Application;

(2) submit this application to the department;

(3) possess a valid Texas Fish Farmer's License;

(4) demonstrate to the department's satisfaction that an existing culture facility meets specifications described in §57.114 of this title (relating to Permits), or present plans for facilities in planning or in construction that will meet these specifica-

tions.

(c) Requirements of Texas Tilapia Permit.

(1) Permits expire on the expiration date of the fish farmer's license. Permits must be renewed each year. Permits are renewable upon submission of a certificate to the department by the owner of the facility stating that no material or substantial changes to the facility have been made during the prior permit period. Permits shall bear the same number each year.

(2) Permits are not transferable from site to site or from person to person. If substantial or material changes have been made to a facility during the permit period, the permittee must comply with the requirements stated in subparagraph (b) for an initial permit.

(3) Permits must be made available to authorized department personnel upon request.

(4) An applicant for a permit must agree to allow inspection of their facilities by authorized employees of the department during normal business hours.

(5) An applicant for a permit must agree to provide a limited number of fish to authorized department employees upon request for identification and analyses.

(6) If a permittee terminates tilapia production, the permittee shall lawfully remove or destroy all remaining tilapia.

(7) Texas Tilapia Permits are not required for holders of zoological or scientific permits who do not commercially propagate tilapia or for commercial shippers.

(8) The Texas Tilapia Permit holder must submit an annual report on a form provided by the department.

(9) An applicant for a permit must agree to provide documentation necessary to identify tilapia.

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 28, 1988.

TRD-8807719

Boyd M. Johnson
General Counsel
Texas Parks and Wildlife
Department

Effective date: January 1, 1989

Proposal publication date: February 9, 1988

For further information, please call: (512) 389-4860

◆ ◆ ◆

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Services

Chapter 16. ICF/SNF

Services and Supplies Included in the Vendor Payment

The Texas Department of Human Services (DHS) adopts amendments to §§16.3802, 16.6103, 16.6106, and 16.6107 and new §16.6120, concerning Medicaid recipient rights and obligations, in its Intermediate Care Facility/Skilled Nursing Facility (ICF/SNF) chapter.

The amendments and new section are justified to comply with the federal Omnibus Budget Reconciliation Act (OBRA) of 1987. The act requires states to develop or update a written notice of the rights and obligations of Medicaid recipients in nursing facilities effective April 1, 1988.

The sections will function by expanding current statements of recipient rights in the ICF/SNF Standards for Participation.

• 40 TAC §16.3802

The amendment is adopted under the Human Resources Code, Title 2, Chapters 22 and 32, which provides the department with the authority to administer public and medical assistance programs. The amendment is adopted effective April 1, 1988, to comply with federal requirements.

§16.3802. Additional Charges.

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

(c) The facility must establish and follow written policies permitting a recipient immediate readmittance to the facility after hospitalization or extended therapeutic home visits:

(1) when a bed reservation has been charged by the facility; or

(2) when a bed in the facility becomes available at the time of readmission and no bed reservation has been charged by the facility.

(d) The facility may enter into a written agreement with the recipient or responsible party to reserve a bed. The facility may charge the recipient an amount not to exceed the Texas Department of Human Resources' daily vendor rate according to the recipient's classification at the time the individual leaves the facility. The facility must document all bed-hold charges in the recipient's financial record at the time the bed-hold reservation services were provided.

(e) The facility may charge for transportation beyond normal transportation as defined in §16.1916 of this title (relating to Medical Transportation).

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel

and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on July 27, 1988.

TRD-8807685

Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Effective date: April 1, 1988

Proposal publication date: N/A

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

Recipient Rights

• 40 TAC §§16.6103, 16.6106, 16.6107

The amendments are adopted under the Human Resources Code, Title 1, Chapters 22 and 32, which provides the department with the authority to administer public and medical assistance programs. The amendments are adopted effective April 1, 1988, to comply with federal requirements.

§16.6103. Policies

(a) The facility must provide to each recipient, family representative, and/or legal guardian the following documents upon the recipient's admission or request or if the documents are revised.

(1) (No change.)

(2) A copy of recipient rights, including a description of the protection of personal funds as described in §16.6110 and §16.6111 of this title (relating to Right to Manage Personal Funds and the Protection of Funds); and

(3) (No change.)

(b)-(d) (No change.)

(e) Upon reasonable request, the facility must allow the recipient to examine the results of the most recent survey of the facility conducted by the survey agency and any plan of correction in effect with respect to the facility.

§16.6106. Recipient-Patient Council.

(a) The facility must permit the formation of a recipient-patient council by interested recipient-patients, must provide space for meetings, and must assist recipient-patients to attend meetings.

(b) The facility must allow the recipient's family to meet in the facility with families of other residents in the facility.
§16.6107. Privacy. The facility must ensure the recipient's right to privacy, particularly in the following areas.

(1) Accommodations.

(A) Living quarters must provide the recipient privacy for care of personal needs.

(B) The recipient must be able to reside in and receive services from

the facility with reasonable accommodations of individual needs and preferences, except where the health and safety of the individual or other residents would be endangered.

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

(5) Visits. The recipient must be ensured privacy for visits and meetings of family and of resident groups.

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 27, 1988.

TRD-8807686

Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Effective date: April 1, 1988

Proposal publication date: N/A

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

• 40 TAC §16.6120

The new section is adopted under the Human Resources Code, Title 1, Chapters 22 and 32, which provides the department with the authority to administer public and medical assistance programs. The new section is adopted effective April 1, 1988, to comply with federal requirements.

§16.6120. Grievances. The facility must allow recipients to express grievances about its treatment or care, and it must not discriminate or make reprisals against recipients for expressing grievances. The facility must also act promptly to resolve grievances, including any with respect to other residents.

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 27, 1988.

TRD-8807687

Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Effective date: April 1, 1988

Proposal publication date: N/A

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

Chapter 29. Purchased Health Services

Subchapter G. Hospital Services

• 40 TAC §29.606

The Texas Department of Human Services (DHS) adopts an amendment to §29.606, without changes to the proposed text published in the June 14, 1988, issue of the *Texas Register* (13 TexReg 2961).

The justification for the section is to define new hospitals and the methodology for establishing the standard dollar amount for new hospitals.

The section will function by ensuring more adequate reimbursement for new hospitals that provide services to Medicaid recipients.

No comments were received regarding adoption of the amendment.

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

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

Issued in Austin, Texas, on July 27, 1988.

TRD-8807688 Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Effective date: September 1, 1988

Proposal publication date: June 14, 1988

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

Subchapter K. Definitions

The Texas Department of Human Services (DHS) adopts amendments to §29.1001 and §§29.1601-29.1603, without changes to the proposed text published in the March 22, 1988, issue of the *Texas Register* (13 TexReg 1381).

The amendments are justified to permit Medicaid recipients another option in choosing a place of birth.

The amendments will function by specifying that the Texas Medical Assistance Program covers home deliveries performed by certified nurse-midwives when the department or its designee has preauthorized the home delivery. The amendments will also function by specifying other requirements to receive prior authorization and by making the department's rules consistent with the Title XIX state plan.

During the public comment period, including a public hearing held on May 20, 1988, the department received comments from the Board of Nurse Examiners; the Texas Medical Association; the Consortium of Texas Certified Nurse-Midwives; Region 5, Chapter 7 of the American College of Nurse-Midwives; several clinics and birthing centers; and several independently practicing certified nurse-midwives.

The Board of Nurse Examiners clearly supported the department's proposal. While the Texas Medical Association opposes home deliveries, it understands the department's position and supported the proposal. Other commenters, including the Consortium of Texas Certified Nurse-Midwives and Region 5, Chapter 7 of the American College of Nurse-Midwives supported coverage of home deliveries and many other changes to the rules, but expressed concerns and recommendations about the department's proposed home delivery policies. The following is a

summary of the comments and the department's response to them.

Several commenters questioned the necessity of requiring prior authorization, stating that requiring it during the recipient's third trimester would not allow the delivery to be planned adequately.

The department has included the prior authorization requirement to ensure the appropriateness of the home delivery. Many other services covered by the Texas Medical Assistance Program also require prior authorization. The prior authorization is being required during the recipient's third trimester because the outcome of the pregnancy is more predictable at that time.

Several commenters objected to the requirement of a physician's assessment during the recipient's third trimester. Commenters stated that certified nurse-midwives are specialists in assessing risk and determining the appropriateness of home births; therefore, the physician's involvement is not only unnecessary but would also increase the cost of care to the patient or the department.

The department understands and appreciates the qualifications of certified nurse-midwives. Because of the department's concern for the mother and newborn, the department is requiring a physician to examine the recipient during the third trimester and determine that, at that time, she is not at high risk and is suitable for a home delivery. If the recipient chooses a Medicaid participating physician to perform the examination, she will not be charged. The department believes that the cost to the department is warranted.

Several commenters stated that, because of malpractice issues, physicians may be reluctant to examine recipients and sign a statement that they are not at high risk and are suitable for a home delivery.

The department understands this concern. However, the physician is stating only that the recipient is not at high risk at the time of the examination.

• 40 TAC §29.1001

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

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

Issued in Austin, Texas, on July 27, 1988.

TRD-8807689 Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Effective date: September 1, 1988

Proposal publication date: May 22, 1988

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

Subchapter Q. Nurse-Midwife Services

• 40 TAC §§29.1601-29.1603

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

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 27, 1988.

TRD-8807690 Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Effective date: September 1, 1988

Proposal publication date: May 22, 1988

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

Chapter 72. Memorandum of Understanding With Other State Agencies

Memorandum of Understanding for Long-term Care

• 40 TAC §72.101

The Texas Department of Human Services (TDHS) adopts new §72.101, concerning services in hospitals and long-term care institutions, without changes to the proposed text as published in the February 12, 1988, issue of the *Texas Register* (13 TexReg 834)

The new section is justified by the Human Resources Code, §22.014, which requires the adoption by rule of a memorandum of understanding regarding hospital and long-term care facility services between the Texas Department of Human Services, the Texas Department of Health, and the Texas Department of Mental Health and Mental Retardation.

The new section will function by specifying the responsibilities, procedures, and standards involved in the provision, regulation, and/or funding of services in hospitals or long-term care institutions.

During the public comment period, comments were received from the Texas Association of Private ICF-MR Providers and the Texas Health Care Association. The associations recommended additions and changes to the text of the proposed section. The following is a summary of the comments received and the department's response to each comment.

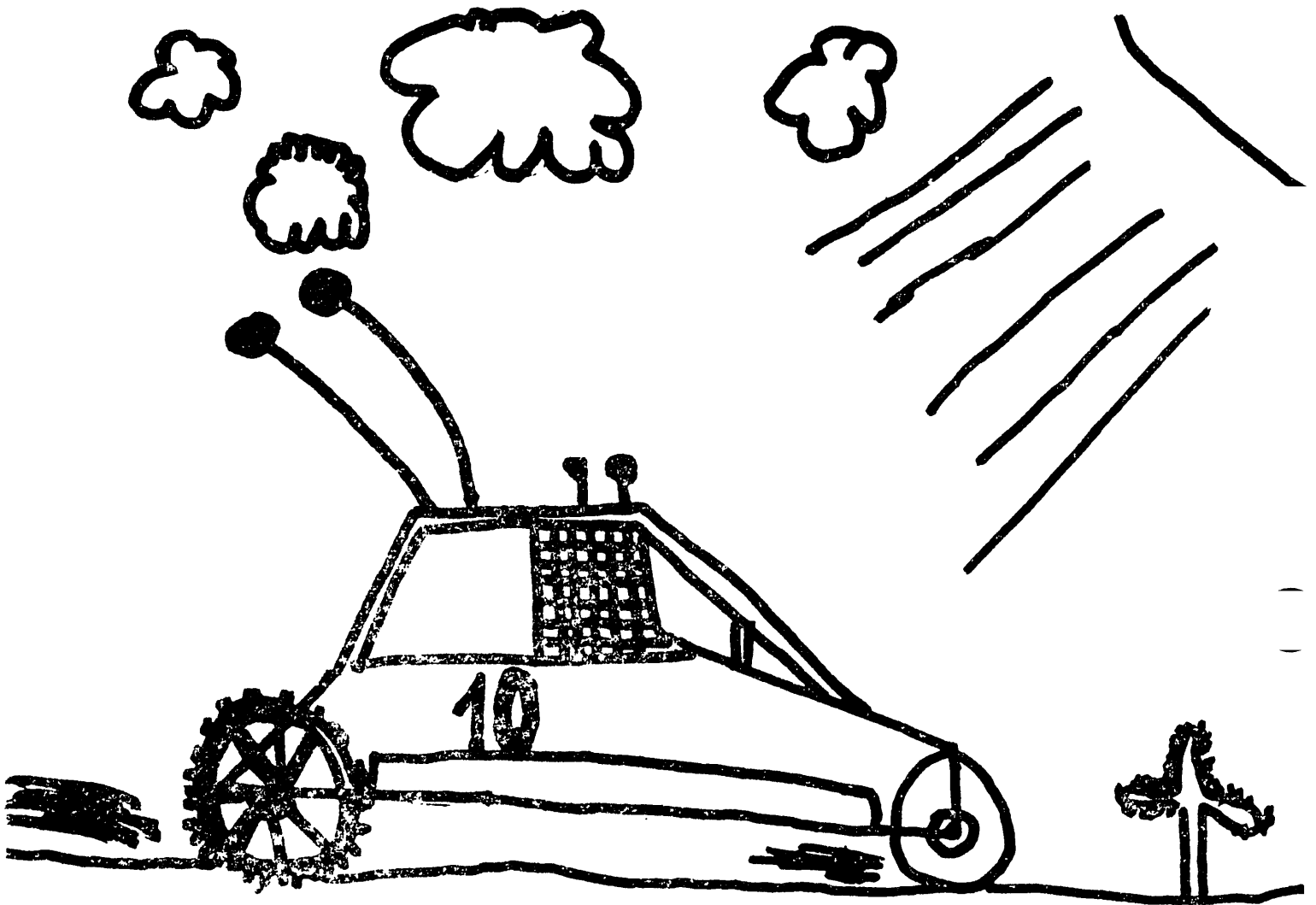
The Texas Health Care Association recommended adding language to the section specifying that the department, as the single state agency, will exercise final authority over punitive actions relating to Title XIX contracting. The department disagrees with this addition. Although the department has final authority regarding Title XIX contracting, punitive actions are not necessarily tied to contracting. The Texas Department of Health also has the authority to take punitive actions, including

TRD-8807709

Nicholas Murphy
Chief Clerk
State Board of Insurance

Effective date: September 1, 1988

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



Name: Chris Sims
Grade: 5
School: Merriman Park Elementary,
Richardson

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

Wednesday, August 3, 1988, 10 a.m. The Texas Agricultural Finance Authority for the Texas Department of Agriculture met in Room 119, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the authority assessed the feasibility of specific proposals for the issuance of revenue bonds.

Contact: Brian Muller, P.O. Box 12847, Austin, Texas 78711, (512) 463-7639.

Filed: July 29, 1988, 4:34 p.m.

TRD-8807803

Tuesday, August 9, 1988, 10 a.m. The Texas Department of Agriculture will meet in Room 1-111, William B. Travis Building, 1700 Congress Avenue, Austin. According to the agenda, the department will receive public comment regarding proposed new §§8.1-8.12 concerning agricultural hazard communication regulation, as published in the July 26, 1988, issue of the *Texas Register* (13 TexReg 3683).

Contact: Ellen Widess, P.O. Box 12847, Austin, Texas 78711, (512) 463-7534.

Filed: July 27, 1988, 3:15 p.m.

TRD-8807695

Wednesday, August 10, 1988, 9 a.m. The Texas Agriculture Diversification Program Board will meet in Suite 201, 611 South Congress Avenue, Austin. According to the agenda summary, the board will discuss agricultural diversification needs; consider training and assistance programs, incubator programs, grant program materials, the Linked Deposit Program, and new business.

Contact: Brian Muller, P.O. Box 12847, Austin, Texas 78711, (512) 463-7639.

Filed: August 1, 1988, 2:28 p.m.

TRD-8807831

Thursday, August 11, 1988, 10 a.m. The Texas Department of Agriculture will meet on the Sixth Floor, Number Two Civic Center Plaza, El Paso. According to the agenda, the department will conduct administrative hearing to review alleged violation of the

department's pesticide rules and regulations by Orin G. Fell, holder of commercial applicator's license.

Contact: Robert A. Caine, P.O. Box 12847, Austin, Texas 78711, (512) 463-7583.

Filed: July 27, 1988, 9:19 a.m.

TRD-8807804

Thursday, August 11, 1988, 10 a.m. The Texas Department of Agriculture will meet on the Sixth Floor, Number Two, Civic Center Plaza, El Paso. According to the agenda, the department will conduct administrative hearing to review alleged violations of Texas Pesticide Laws by Randall C. Murphree, commercial applicator.

Contact: Robert A. Caine, P.O. Box 12847, Austin, Texas 78711, (512) 463-7583.

Filed: July 27, 1988, 9:19 a.m.

TRD-8807684

Tuesday, August 16, 1988, 10 a.m. The Texas Department of Agriculture will meet in the McAllen Civic Center, 1300 South 10th Street, McAllen. According to the agenda, the department will receive public comment regarding proposed new §§8.1-8.12 concerning agricultural hazard communication regulation, as published in the July 26, 1988, issue of the *Texas Register* (13 TexReg 3683).

Contact: Ellen Widess, P.O. Box 12847, Austin, Texas 78711, (512) 463-7534.

Filed: July 27, 1988, 3:15 p.m.

TRD-8807696

Wednesday, August 24, 1988, 10 a.m. The Texas Department of Agriculture will meet at 2935 Westhollow Drive, Houston. According to the agenda, the department will conduct administrative hearing to review alleged violations of the department's pesticide rules and regulations by Grant Lane and Wesley N. Moore, holders of commercial applicator licenses.

Contact: Robert A. Caine, P.O. Box 12847, Austin, Texas 78711, (512) 463-7583.

Filed: July 27, 1988, 9:19 a.m.

TRD-8807805

Tuesday, August 30, 1988, 10 a.m. The Texas Department of Agriculture will meet in the Lubbock Memorial Civic Center, 1501 Sixth Street, Lubbock. According to the agenda, the department will receive public comment regarding proposed new §§8.1-8.12 concerning agricultural hazard communication regulation, as published in the July 26, 1988, issue of the *Texas Register* (13 TexReg 3683).

Contact: Ellen Widess, P.O. Box 12847, Austin, Texas 78711, (512) 463-7534.

Filed: July 27, 1988, 3:15 p.m.

TRD-8807697

Texas Air Control Board

Friday, August 12, 1988, The Texas Air Control Board will meet at 6330 Highway 290 East, Austin. Times, rooms, and agendas follow.

8:30 a.m. The Monitoring and Research Committee will meet in Room 332 to consider research priorities for fiscal year 1989 and update on the selection of a peer review panel for fiscal year 1988 TACB-University of Texas Medical Branch at Galveston contract work.

Contact: Bill Ehret, 6330 Highway 290 East, Austin, Texas 78723, (512) 451-5711.

Filed: August 2, 1988, 8:46 a.m.

TRD-8807854

9 a.m. The Fee Review Committee will meet in Room 332 to review and consider adoption revisions to §101.24 concerning inspection fees.

Contact: Bill Ehret, 6330 Highway 290 East, Austin, Texas 78723, (512) 451-5711.

Filed: August 2, 1988, 8:46 a.m.

TRD-8807853

9:30 a.m. The Regulation Development Committee will meet in Room 332 to review and consider adoption revisions to §101.24 concerning inspection fees; and discuss status of Texas models in the review of prevention of significant deteriora-

tion permit applications and in the review of applications for board permits.

Contact: Bill Ehret, 6330 Highway 290 East, Austin, Texas 78723, (512) 451-5711.

Filed: August 2, 1988, 8:46 a.m.

TRD-8807852

10 a.m. The State and Federal Affairs Committee will meet in Room 332 to discuss retention/elimination of operating permit program.

Contact: Bill Ehret, 6330 Highway 290 East, Austin, Texas 78723, (512) 451-5711.

Filed: August 2, 1988, 8:46 a.m.

TRD-8807851

10:30 a.m. The board will meet in the Auditorium to approve minutes of the July 15, 1988, meeting; hear public testimony, report, and enforcement report; consider agreed enforcement orders and proposed rule; hear staff report on update of amendments; and consider new business.

Contact: Bill Ehret, 6330 Highway 290 East, Austin, Texas 78723, (512) 451-5711.

Filed: August 2, 1988, 8:46 a.m.

TRD-8807850

Texas Attorney General

Friday, July 29, 1988, 1 p.m. The Special Task Force to Study Not-for-Profit Hospitals and Un-sponsored Charity Care for the Texas Attorney General met in emergency session in Room 101, Reagan Building, 105 West 15th Street, Austin. According to the agenda, the task force called order, presentation of charge, introduced task force consultants, announced committee appointments, committee meetings, and task force meeting. The emergency status was necessary as unforeseen circumstances prevented earlier notice as agenda and other matters relative to the meeting were only recently finalized.

Contact: Janie Salazar, 210 Barton Springs Road, Austin, Texas 78701, (512) 463-2018.

Filed: July 27, 1988, 12:05 p.m.

TRD-8807691

Texas Commission for the Blind

Monday, August 15, 1988, 10 a.m. The Texas Commission for the Blind will meet in the Criss Cole Rehabilitation Center, 4800 North Lamar Boulevard, Austin. According to the agenda, the board will invite public comment; approve minutes of the previous meeting; hear report of the executive director on third quarter activities and discussion; discuss and approve capital purchases; act on implementing House Bill 175

by rule which pertains to payment of delinquent franchise taxes by corporations contracting with state agencies; hear committee reports from the Finance Committee and Employer of the Year Committee; and discuss and act on the agency's legislative appropriation request for 1990-1991. The board will also meet in executive session pursuant to Article 5252-17 §2(e) and (g) to discuss personnel and pending legal matters.

Contact: Jean Wakefield, P.O. Box 12866, Austin, Texas 78711, (512) 459-2600.

Filed: August 1, 1988, 3:50 p.m.

TRD-8807836

Texas Bond Review Board

Friday, August 5, 1988, 10 a.m. A Staff Planning Session for the Texas Bond Review Board will meet in the Sergeant's Committee Room, State Capitol, Austin. According to the agenda, the board will approve minutes, consider proposed issues (water resources finance authority and Texas Tech University), and consider other business.

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

Filed: July 28, 1988, 3:43 p.m.

TRD-8807722

Select Interim Committee on Capital Construction

Monday, August 8, 1988, 10 a.m. The Select Interim Committee on Capital Construction, will meet in emergency session in the Senate Chamber, State Capitol, Austin. According to the agenda summary, the committee will discuss issues concerning future infrastructure needs and methods of infrastructure finance. The emergency status is necessary due to scheduling difficulties.

Contact: Dale K. Craymer, Room 225, Reagan Building, Austin, Texas, (512) 463-0822.

Filed: August 1, 1988, 4:28 p.m.

TRD-8807844

Credit Union Department

Tuesday, August 9, 1988, 10 a.m. The Credit Union Commission for the Credit Union Department will meet in the Dallas Room, Westin Hotel, 13340 Dallas Parkway, Dallas. According to the agenda, the commission will receive minutes of the June 7, 1988, meeting; communications reported by the commissioner; reports from the commissioner evaluation committee and legislative advisory committee; consider proposed revision of Texas Credit Union

Act; Rule 91.204 for final adoption; revisions to commission policies manual; proposal for parity funding by NCUSIF; proposed rules 95.506 (examination of member credit unions), 95.508 (reporting to USGCU), 95.310 (special assessment), and 95.311 (regular assessment); conduct an executive session to receive reports from Texas Share Guaranty Credit Union and commissioner evaluation committee, and report on examination and supervision.

Contact: Harry L. Elliot, 914 East Anderson Lane, Austin, Texas 78752-1699, (512) 837-9236.

Filed: July 28, 1988, 10:47 a.m.

TRD-8807713

Tuesday, August 9, 1988, 10 a.m. The Credit Union Commission for the Credit Union Department will meet in the Dallas Room, Westin Hotel, 13340 Dallas Parkway, Dallas. According to the revised agenda, the commission will consider: proposed revision to Rule 95.506 (credit union department access to the TSGCU records and data).

Contact: Harry L. Elliot, 914 East Anderson Lane, Austin, Texas 78752-1699, (512) 837-9236.

Filed: August 1, 1988, 9:07 a.m.

TRD-8807807

Advisory Commission on State Emergency Communications

Thursday, August 4, 1988, 2 p.m. The Administration Committee for the Advisory Commission on State Emergency Communications met in Room 102, John H. Reagan Building, Austin. According to the agenda, the committee discussed and developed job description for the commission staff; began to develop criteria for 1989 council of governments 9-1-1 budget submission process; reviewed ASCEC 1989 budget; reviewed and considered alternatives for financial administration of 9-1-1 surcharge and any new business related to the Administrative Committee.

Contact: Mary A. Boyd, P.O. Box 13206, Austin, Texas 78711, (512) 463-1812.

Filed: July 27, 1988, 10:46 a.m.

TRD-8807679

Friday, August 5, 1988, 10 a.m. The Public Information Committee of the Advisory Commission on State Emergency Communications will meet in emergency session at 616 Six Flags Drive, Arlington. According to the agenda summary, the committee will hear updates on activities with the 9-1-1 commission and implementation of House Bill 911; review the 9-1-1 informational brochure; discuss status of public informa-

tion materials and activities currently being developed, EMS Week and 9-1-1 Day, and any new business; and set the date for the next meeting. The emergency status was necessary in order to comply with legislative mandates the committee needs to meet regarding the regional plan handbook training workshop and development and distribution of public education materials.

Contact: Mary A. Boyd, P.O. Box 13206, Austin, Texas 78711, (512) 463-1812.

Filed: August 1, 1988, 4:44 p.m.

TRD-8807846

Texas Employment Commission

Wednesday, August 3, 1988, 8:30 a.m. The Texas Employment Commission met in Room 644, TEC Building, 101 East 15th Street, Austin. According to the agenda, the commission considered prior meeting notes; executive session to discuss Myriam B. Briones v. TEC and Travis County Adult Probation; action, if any, which resulted from executive session, or otherwise related to this lawsuit; internal procedures of the Office of Commission Appeals; considered and acted on tax liability cases and higher level appeals in unemployment compensation cases listed on Commission Docket 31; and set date of next meeting.

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

Filed: July 26, 1988, 10:56 a.m.

TRD-8807629

Tuesday and Wednesday, August 9 and 10, 1988, 8 a.m. daily. The Texas Employment Commission will meet at Howard Johnson's South Plaza Hotel, Austin. According to the agenda summary, the commission will hear public comment, task force team summary reports, and public comments; consider 1988-1993 strategic plan; and hear concluding remarks.

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

Filed: August 1, 1988, 2:05 p.m.

TRD-8807830

Texas Department of Health

Thursday, August 4, 1988, 1 p.m. The Primary Health Care Services Program Advisory Committee (PHCSP) of the Texas Department of Health met in Room G-107, 1100 West 49th Street, Austin. According to the agenda summary, the committee approved minutes of the previous meeting; reviewed continuation applications for PHCSP; heard planning and evaluation subcommittee reports; reviewed final draft of two year plan and program outcome evaluation; considered program activities update

on annual meeting, site visits, staff for intergrated eligibility, hearing on Texas Commission on Health Care Reimbursement Alternatives, and scheduled LBB/hearings and the next meeting date.

Contact: John Dombroski, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7771.

Filed: July 27, 1988, 4:16 p.m.

TRD-8807704

Texas Historical Commission

Friday, July 29, 1988, 7:30 a.m. The Division of Architecture for the Texas Historical Commission met for an emergency agenda revision in the Library, Elrose Building, 108 West 16th Street, Austin. According to the agenda, the division heard quarterly report on activities; update on significant projects; reviewed budget and state grant; and reallocated fiscal year 1988 state grants. The emergency status was necessary due to the wait on final project costs being established to see which grant recipients could best utilize additional funds.

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

Filed: July 27, 1988, 10:30 a.m.

TRD-8807682

Friday, July 29, 1988, 9:30 a.m. The Quarterly Meeting for the Texas Historical Commission was held in Room 118, Stephen F. Austin Building, 1701 North Congress Avenue, Austin. According to the emergency agenda revision, the commission heard reports from the chairman, Architect Committee, Archaeological Planning and Review Committee, National Register Programs Committee, Publications Committee, Main Street Committee, State Marker Committee, Archaeology Committee, CHC and Museum Services Committee, and State Board of Review. The emergency status was necessary due to the wait on final project costs being established to see which grant recipients could best utilize additional funds.

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

Filed: July 27, 1988, 10:30 a.m.

TRD-8807681

Texas Housing Agency

Tuesday, August 2, 1988, 1 p.m. The Finance and Audit Committee for the Texas Housing Agency met for an emergency agenda revision in Suite 300, THA Conference Room, 811 Barton Springs Road, Austin. According to the agenda, the committee acted on items discussed in executive session as necessary or required in open session; discussed items pertaining to pend-

ing and contemplated litigation, settlement offers, personnel-related matters, and Earnst and Whinney financial services; and discussed and possibly acted on interchange series status report. The emergency status was necessary to provide decent, safe, and sanitary housing for Texas of low and moderate income.

Contact: Timothy R. Kenny, P.O. Box 13941, Austin, Texas 78711, (512) 474-2974.

Filed: July 29, 1988, 4:38 p.m.

TRD-8807806

Texas Commission on Human Rights

Tuesday, August 9, 1988, 10 a.m. The commission will meet in Room 104, John H. Reagan Building, Austin. According to the agenda summary, the committee will welcome guests; approve minutes; hear administrative reports, discuss EEOC charge resolution contract; hear audit report; hear status of sunset review-public hearing; hear status of EEO compliance training; hear status of government reorganization affecting TCHR; discuss special projects; hear report on IAOHRA annual conference; hear a report on 1990-1991 biennium budget hearing; hear update on commission's affirmative action plan; and discuss commissioner issues and unfinished business.

Contact: William M. Hale, 8100 Cameron Road, Suite 525, Austin, Texas 78753 (512) 837-8534.

Filed: August 1, 1988, 8:57 a.m.

TRD-8807811

Industrial Accident Board

Monday, August 1, 1988, 9:30 a.m. The Industrial Accident Board met in Room 255, Second Floor, Bevington A. Reed Building, 200 East Riverside Drive, Austin. According to the agenda, the board approved minutes of the previous meeting; discussed data processing needs-presentation by Coopers and Lybrand; heard public comment on rules proposed under Chapter 41, Practice and Procedures, Subchapter B, access to board records published in June 24, 1988, (13 TexReg 3213) charges for records and service; discussed and considered staff proposal for policy statements and procedures for advancements against negotiated settlements (previously discussed on June 20, 1988, agenda); held work session; discussed and considered proposed rules, Chapter 42, medical benefits, Subchapter A, B, and D, published in July 19, 1988, (13 TexReg 3566-3572); and reviewed and discussed board activities. The board also met in closed session pursuant to workers' compensation statute to review board files.

Contact: Scott McAnally, 200 East Riverside Drive, Austin, Texas 78704, (512) 448-7962.

Filed: July 27, 1988, 3:46 p.m.

TRD-8807698

State Board of Insurance

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

Friday, August 5, 1988, 10 a.m. The State Board of Insurance will meet in Room 414 to consider adoption on an emergency basis and authorization for publication of a proposed amendment to a rule under 28 TAC §5.4001, concerning the plan of operation of the Texas Catastrophe Property Insurance Association.

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

Filed: July 28, 1988, 3:40 p.m.

TRD-8807726

Tuesday, August 9, 1988, 9 a.m. The Commissioner's Hearing Section will meet in Room 353, to consider Docket 9970-Whether disciplinary action should be taken against Kenneth Rowe Burroughs, Houston, who holds a local recording agent's license, a managing general agent's license and a surplus lines license issued by the board.

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

Filed: August 1, 1988, 10:12 a.m.

TRD-8807813

Tuesday, August 9, 1988, 2 p.m. The board will meet in Room 414, to consider facilities agreement between Texas Medical Liability Insurance Underwriting Association and Texas Workers' Compensation Assigned Risk Pool; appointment of members to the Fire Extinguisher Advisory Council; consider personnel matters concerning Fire Marshal, Statistical and Rate Development, Information Services, and Commissioner; consider litigation matters concerning Fire Marshal and Commissioner and emergency and proposed action on 28 TAC §7. 1415 and §7.1416 concerning filing fees and forms for risk retention groups and purchasing groups.

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

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

TRD-8807839

Wednesday, August 10, 1988, 9 a.m. The Commissioner's Hearing Section will meet in Room 342, to consider Docket 9982-Approval of articles of agreement of Continental Lloyd's Insurance Company, Dallas.

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

Filed: August 1, 1988, 10:12 a.m.

TRD-8807812

Wednesday, August 10, 1988, 1:30 p.m. The Commissioner's Hearing Section will meet in Room 342, to consider Docket 9993-Application of Dwight Allan Massey, Arlington/Dallas/Burleson, for a group II, health and accident insurance agent's license to be issued by the board.

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

Filed: August 1, 1988, 10:12 a.m.

TRD-8807814

Friday, August 12, 1988, 9 a.m. The Commissioner's Hearing Section will meet in Room 342, to consider Docket 9998-Whether disciplinary action should be taken against Ronald Rincon, Corpus Christi, who holds a group I, legal reserve life insurance agent's license and a local recording agent's license.

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

Filed: August 1, 1988, 10:12 a.m.

TRD-8807815

Friday, August 12, 1988, 9 a.m. The Commissioner's Hearing Section will meet in Room 353, to consider Docket 10010-Certificate of Authority for Memorial Senior Services, Inc., Houston, under the Texas Continuing Care Facility Disclosure and Rehabilitation Act, §4(g).

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

Filed: August 1, 1988, 10:11 a.m.

TRD-8807816

Monday, August 15, 1988, 9 a.m. The Commissioner's Hearing Section will meet in Room 342, to consider Docket 9894-Whether disciplinary action should be taken against James Landy Purcell, McAllen, who holds a group I, legal reserve life 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: August 1, 1988, 10:11 a.m.

TRD-8807817

Monday, August 15, 1988, 1:30 p.m. The Commissioner's Hearing Section will meet in Room 342, to consider Docket 10005-Application for amendment to the declaration of subscribers of Texas Lawyers Insurance Exchange, Austin, in regard to permitting business in other states.

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

Filed: August 1, 1988, 10:11 a.m.

TRD-8807818

Interagency Council on Sex Offender Treatment

Friday, August 5, 1988, 9 a.m. The Interagency Council on Sex Offender Treatment will meet in Suite 600, Building B, Texas Adult Probation Commission, 8100 Cameron Road, Austin. According to the agenda, the council will review ongoing projects and discuss legislative priorities for the 71st Legislature.

Contact: Linda M. Christofilis.

Filed: July 26, 1988, 4:54 p.m.

TRD-8807671

Texas Department of Labor and Standards

Friday, August 12, 1988, 9 a.m. The Air Conditioning and Refrigeration Contractors Advisory Board of the Texas Department of Labor and Standards will meet in Room LL12, Oakcliff Municipal Service Center, 320 East Jefferson Boulevard, Dallas, Texas. According to the agenda summary, the board will call to order; hear record of attendance; adopt agenda; approve minutes of June 10, 1988 meeting; hear staff reports; hear task group reports; hear old and new business; discuss next meeting; and adjourn.

Contact: Steven M. Matthews, P.O. Box 12157, Austin, Texas 78711, (512) 463-2904.

Filed: August 1, 1988, 1:10 p.m.

TRD-8807829

Legislative Budget Board

Wednesday, August 10, 1988, 9 a.m. The Legislative Budget Board will meet in Room 310, State Capitol, Austin. According to the agenda, the board will conduct public hearing on the governor's proposal to use budget execution authority to make available to the Texas Department of Mental Health and Mental Retardation during fiscal year 1988 certain funds appropriated to the department for fiscal year 1989, and allow the department to use such funds for specified purposes. Following the public hearing, the board will take such action as it deems appropriate on the proposal and on Part B of Rider 35 of the department's appropriations for 1988-1989 biennium. A series of five public hearings on gubernatorial proposals to use budget execution authority to fund certain specified criminal justice activities. Following each hearing, the board will take such action as it deems appropriate on

the proposal. Reports will be received, as requested at its meeting of July 6, from the Purchasing and General Services Commission, the Department of Human Services, and the Board of Pardons and Paroles; and discuss any other business that may come before the board.

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

Filed: July 27, 1988, 10:21 a.m.

TRD-8807678

Texas State Board of Medical Examiners

Friday, July 29, 1988, 10 a.m. The Texas State Board of Medical Examiners met for an emergency agenda revision at 1101 Camino La Costa, Austin. According to the agenda, the board requested surrender of license; heard committee reports; and scheduled next meeting date. The emergency status was necessary as items came to the attention of the board which needed action at this meeting rather than waiting until the next meeting.

Contact: Jean Davis, P.O. Box 13562, Austin, Texas 78711, (512) 452-1078.

Filed: July 28, 1988, 4:22 p.m.

TRD-8807745

Pan American University, Board of Regents

Tuesday, August 2, 1988, 7:45 a.m. The Merger Committee (Committee of the Whole) for Pan American University, Board of Regents, met at McCreery Aviation, McAllen. According to the agenda, the committee traveled to the University of Texas at El Paso, toured the campus and met with regents, administrators, and faculty to discuss UTEP's relationship with the University of Texas System.

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

Filed: July 29, 1988, 12:08 p.m.

TRD-8807786

Tuesday, August 9, 1988. The Board of Regents of Pan American University will meet in the Boardroom, Administration Building, Pan American University, Edinburg. Times and agendas follow.

10 a.m. The Buildings and Grounds Committee will consider approval for re-registration of AES revenue bonds and informational items.

Contact: Miguel A. Nevarez, Pan American University, Edinburg, Texas, (512) 381-2101.

Filed: August 1, 1988, 10:35 a.m.

TRD-8807824

10:15 a.m. The Finance Committee will consider budget changes, approval of higher education assistance fund request, approval of signatures for fiscal transactions, and informational items.

Contact: Miguel A. Nevarez, Pan American University, Edinburg, Texas, (512) 381-2101.

Filed: August 1, 1988, 10:35 a.m.

TRD-8807823

10:30 a.m. The Development Committee will be presented with informational items.

Contact: Miguel A. Nevarez, Pan American University, Edinburg, Texas, (512) 381-2101.

Filed: August 1, 1988, 10:35 a.m.

TRD-8807822

10:45 a.m. The Brownsville Committee will be presented with information items.

Contact: Miguel A. Nevarez, Pan American University, Edinburg, Texas, (512) 381-2101.

Filed: August 1, 1988, 10:35 a.m.

TRD-8807821

11 a.m. The Academic Affairs Committee will approval of workload policy. The committee will also meet in executive session to consider personnel (Article 6252-17 §2(g)), employment of faculty-PAU-E, request for leave of absence, faculty merit-PAU-B, employment of general counsel, grievance appeal freeman, presidents contracts and salary supplements, contemplated litigation (Article 6252-17, §2(e)), and consultant contracts (consultant's report).

Contact: Miguel A. Nevarez, Pan American University, Edinburg, Texas, (512) 381-2101.

Filed: August 1, 1988, 10:35 a.m.

TRD-8807820

11:15 a.m. The board will approve minutes of the July 6, 1988, meeting; approve of certified executive session of July 6, 1988; discuss, consider, and act on board committee reports and recommendations, executive session items, alumni association contracts, and amendment to student publications handbook; hear update report by the Merger Committee and Committee to Study Feasibility of Affiliation with Reynaldo G. Garza School of Law; consider president's informational items and set date for next meeting.

Contact: Miguel A. Nevarez, Pan American University, Edinburg, Texas, (512) 381-2101.

Filed: August 1, 1988, 10:35 a.m.

TRD-8807819

Board of Pardons and Paroles

Monday-Friday, August 8-12, 1988, 1:30 p.m. daily except 11 a.m. on Friday. A three member board panel for the Board of Pardons and Paroles will meet at 8610 Shoal Creek Boulevard, Austin. According to the agenda, the panel will receive, review, and consider information and reports concerning prisoner/inmates and administrative releases subject to the board's jurisdiction and initiate and carry through with appropriate action.

Contact: Mike Roach, 8610 Shoal Creek Boulevard, Austin, Texas 78758, (512) 459-2713.

Filed: July 29, 1988, 10:36 a.m.

TRD-8807762

Tuesday, August 9, 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 consider executive clemency recommendations and related actions (other than out of country conditional pardons), including full pardons/restoration of civil rights of citizenship; emergency medical reprieves, commutations of sentence; and other reprieves, remissions, and executive clemency actions.

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

Filed: July 29, 1988, 10:36 a.m.

TRD-8807763

Texas State Board of Pharmacy

Wednesday-Friday, August 3-5, 1988, 9 a.m. daily except 1 p.m. on Wednesday. The Texas State Board of Pharmacy met at the Bahia Mar Resort, 6300 Padre Boulevard, South Padre Island. According to the emergency revised agenda, the board considered motion for board order modification. The emergency status was necessary as information recently obtained required immediate board action concerning request for modification of board order.

Contact: Fred S. Brinkley, Jr., 8505 Cross Park Drive, Suite 110, Austin, Texas 78754, (512) 832-0661.

Filed: July 29, 1988, 8:15 a.m.

TRD-8807746

Texas Public Finance Authority

August 9, 1988, 1 p.m. The Texas Public Finance Authority will meet in Room 117, Sam Houston Building, Austin. According

to the agenda, the authority will approve minutes; matters pertaining to formats of treasury and project status reports, book entry versus paying agent/registrar, TPFA rules and procedures, professional contracts, TPFA staffing requirements, TPFA budget, negotiated versus competitive bid, future legislation; and schedule date and time of next meeting.

Contact: Ann Moriarty, 907 Sam Houston Building, Austin, Texas 78711, (512) 463-5544.

TRD-8807628

Public Utility Commission of Texas

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

Tuesday, August 9, 1988, 10 a.m. The Hearings Division will consider Docket 8248-Application of Sam Rayburn G&T Electric Power Cooperative, Inc. for approval of contract load growth for economic development service.

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

Filed: July 27, 1988, 1:47 p.m.

TRD-8807692

Tuesday, August 9, 1988, 2:30 p.m. The Hearings Division will consider Docket 8267-Application of Jasper-Newton Electric Cooperative, Inc. for approval to contract load growth for economic development growth.

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

Filed: July 27, 1988, 1:47 p.m.

TRD-8807693

Wednesday, August 10, 1988, 10 a.m. The Hearings Division will consider Docket 8259-Application of Southwestern Bell Telephone Company to detariff Digital NCTE.

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

Filed: July 28, 1988, 3:41 p.m.

TRD-8807721

Wednesday, August 10, 1988, 2 p.m. The Hearings Division will consider Docket 8259-Application of Southwestern Bell Telephone Company to detariff digigat NCTE.

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

Filed: August 1, 1988, 2:50 p.m.

TRD-8807832

Thursday, August 11, 1988, 1:30 p.m. The Hearings Division will consider Docket 8266-Petition of the General Counsel of the commission for an inquiry concerning the reasonableness of the rates of Central Telephone Company of Texas.

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

Filed: July 29, 1988, 3:24 p.m.

TRD-8807795

Friday, August 12, 1988, 10 a.m. The Hearings Division will consider Docket 8272-Application of Comanche 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 29, 1988, 3:24 p.m.

TRD-8807796

Monday, August 29, 1988, 9 a.m. The Hearings Division will consider Docket 8232-Joint petition of Houston Lighting and Power Company and Central Power and Light Company for declaration of South Texas Project Unit 1 commercial operation date.

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

Filed: July 29, 1988, 3:23 p.m.

TRD-8807798

Thursday, September 22, 1988, 9 a.m. The Hearings Division will consider Docket 8232-Joint petition of Houston Lighting and Power Company and Central Power and Light Company for declaration of South Texas Project Unit 1 commercial operation date.

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

Filed: July 29, 1988, 3:23 p.m.

TRD-8807798

Thursday, September 22, 1988, 10 a.m. The Hearings Division will consider Docket 8230-Petition of Houston Lighting and Power Company for approval of deferred accounting treatment of Limestone Unit 2 and South Texas Project Unit 1.

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

Filed: July 28, 1988, 3:40 p.m.

TRD-8807724

Monday, October 10, 1988, 10 a.m. The Hearings Division will consider Docket 8264-Complaint petition of Veronica Grajczyk against the Pedernales Electric

Cooperative, Inc.

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

Filed: July 28, 1988, 3:41 p.m.

TRD-8807720

Monday, February 13, 1989, 10 a.m. The Hearings Division will consider Docket 8046-Complaint of Exxon Company, USA against Houston Lighting and Power Company requesting a determination as to the justness and reasonableness of certain tariff provisions.

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

Filed: July 28, 1988, 3:40 p.m.

TRD-8807723

Railroad Commission of Texas

Monday, August 8, 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) 463-7777.

Filed: July 29, 1988, 11:04 a.m.

TRD-8807768

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 29, 1988, 11:04 a.m.

TRD-8807769

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 29, 1988, 11:06 a.m.

TRD-8807770

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 29, 1988, 11:04 a.m.

TRD-8807771

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 29, 1988, 11:04 a.m.

TRD-8807772

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 78753, (512) 463-7010.

Filed: July 29, 1988, 11:04 a.m.

TRD-8807773

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 29, 1988, 11:04 a.m.

TRD-8807774

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; and Northwest Central Pipeline Corporation v. State Corporation Commission of the State of Kansas, et al., Cause 86-1856, United States Supreme Court.

Contact: G. Gail Watkins, P.O. Drawer 12970, Austin, Texas 78711, (512) 463-6921.

Filed: July 29, 1988, 11:05 a.m.

TRD-8807775

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

Contact: Thomas D. Petru, P.O. Drawer 12970, Austin, Texas 78711, (512) 463-6931.

Filed: July 29, 1988, 11:04 a.m.

TRD-8807776

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

Contact: Sonia O'Neal, P.O. Drawer 12970, Austin, Texas 78711, (512) 463-7325.

Filed: July 29, 1988, 11:04 a.m.

TRD-8807777

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 29, 1988, 11:04 a.m.

TRD-8807778

The Oil and Gas Division will consider further action in the State of Texas v. Howard K. Sanders in the 200th District Court, Travis County, Cause 403,953.

Contact: Sonia O'Neal, P.O. Drawer 12967, Austin, Texas 78701, (512) 463-6848.

Filed: July 29, 1988, 4:22 p.m.

TRD-8807802

The Oil and Gas Division submitted a revised agenda to consider whether a hearing should be convened to examine cementing and reporting practices of the Western Company of North America, to determine whether such practices complied with commission rules and requirements and whether Western Company of North America violated Texas Natural Resources Code Annotated 91.143 and to consider whether enforcement and penalty actions should be initiated.

Contact: Sonia O'Neal, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6848.

Filed: July 29, 1988, 11:07 a.m.

TRD-8807779

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 29, 1988, 11:04 a.m.

TRD-8807780

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 29, 1988, 11:04 a.m.

TRD-8807781

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 29, 1988, 11:04 a.m.

TRD-8807782

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 29, 1988, 11:04 a.m.

TRD-8807783

Thursday, August 18, 1988, 10 a.m. The Oil and Gas Division will meet in the Sheraton Amarillo Hotel and Towers, 3100 I-40 West, Amarillo. According to the agenda summary, the division will hold statewide hearings.

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

Filed: July 29, 1988, 11:07 a.m.

TRD-8807784

Texas Rehabilitation Commission

Thursday, August 12, 1988, 9:30 a.m. The Texas Planning Council for Developmental Disabilities of the Texas Rehabilitation Commission will hold a planning and eval-

uation meeting in Room 302, 118 East Riverside Drive, Austin. According to the agenda, the council will approve summary report; hear recommendations of current grant projects; hear mid-year status report on DD state plan; process for public input; process for unsolicited proposals; hear interim study recommendation on employment; discuss people with AIDS who are deaf/hearing impaired; and hear executive director's report.

Contact: Roger Webb, 118 East Riverside Drive, Austin, Texas 78701, (512) 445-8867.

TRD-8807810

Thursday, August 18, 1988, 9:30 a.m. The Texas Planning Council for Developmental Disabilities of the Texas Rehabilitation Commission will hold an executive committee meeting in Room 302, 118 East Riverside Drive, Austin. According to the agenda, the council will approve summary report; review TRC/TPCDD management agreement; approve fiscal year 1989 NADDC dues; discuss respite reimbursement for council members; hear a report on ICF/MR rate study; and hear executive director's report.

Contact: Roger Webb, 118 East Riverside Drive, Austin, Texas 78701, (512) 445-8867.

TRD-8807809

Special Task Force on Rural Health Care Delivery in Texas

Wednesday, August 17, 1988, 1:30 p.m. The Special Task Force on Rural Health Care Delivery in Texas will meet at the Gonzales Warm Springs Rehabilitation Hospital, Park Road 11 off Highway 183, Gonzales. According to the agenda, the task force will introduce task force members and distinguished guests, hear presentations, public testimony, and consider other business.

Contact: Sam Gorena, P.O. Box 13206, Austin, Texas 78711, (512) 463-0809.

Filed: July 28, 1988, 10:38 a.m.

TRD-8807712

Select Committee on Tax Equity

Thursday, August 11, 1988, 9 a.m. The Select Committee on Tax Equity will meet in the Senate Chamber, State Capitol, Austin. According to the agenda, the committee will review testimony and research presented to the committee and to begin developing an assessment of the current

Texas state and local tax system.

Contact: Billy Hamilton, P.O. Box 12666, Austin, Texas 78711.

Filed: July 26, 1988, 2:28 p.m.

TRD-8807644

Texas Senate

Wednesday, August 3, 1988, 9 a.m. The Senate Subcommittee on Health Services for the Texas Senate met in emergency session in Room 200, Lieutenant Governor's Committee Room, State Capitol, Austin. According to the agenda, the subcommittee held a public hearing on intermediate care facilities for mentally retarded citizens. Testimony received was intended to identify problems relating to the IFC-MR survey process, reimbursement rates, availability of service and the effects of the prospective payment program in Texas. The emergency status was necessary due to a clerical error allowing the notice deadline to elapse.

Contact: Robin Herskowitz, Room 1009, Sam Houston Building, Austin, Texas 78701, (512) 463-0331.

Filed: July 29, 1988, 11:53 a.m.

TRD-8807785

Friday, August 12, 1988, 10 a.m. The Joint Committee on Deceptive Trade Practices for the Texas Senate will meet in the Senate Chamber, State Capitol, Austin. According to the agenda summary, the committee will approve minutes of the previous meeting; hear public testimony relating to history of DTPA, notice provision, trebling provision, applicability of DTPA to financial institutions, enforcement of DTPA by the Attorney General, alternative dispute resolution, and miscellaneous issues; and hold work session.

Contact: David Wingard, Room G-38-D, Capitol Building, Austin, Texas (512) 463-0380.

Filed: August 1, 1988, 3:27 p.m.

TRD-8807838

Texas Tech University

Thursday and Friday, August 4 and 5, 1988, 10 a.m. and 8:30 a.m., respectively. The Board of Regents of Texas Tech University met in the Board Suite, Administration Building, Lubbock. Agendas follow.

The Committee of the Whole appointed Presidential Selection Committee members; determined criteria for new president; considered use of professional service firm for search of new president. The committee also met in executive session to consider §6252-17(g), discuss duties and responsibilities of vice president of finance and administration and director of internal audit;

§6252-17(e), discuss pending and contemplated litigation involving Texas Tech University, Texas Tech University Health Sciences Center and Professional Liability Self-Insurance Plan, update of legal issues, discuss legal issues relevant to state institution of higher education's ability to contract for goods and services; and §6252-17(f), discuss pending contractual negotiations for transportation and purchase of natural gas, discuss value of real property not constituting part of original campus owned by Texas Tech University Health Sciences Center and negotiations relating to potential offer to purchase such property.

Contact: Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: July 28, 1988, 11:54 a.m.

TRD-8807728

The Committee of the Whole appointed presidential selection committee members; determined criteria for new president; considered use of professional service firm for search of new president. The committee also met in executive session to consider §6252-17(g), discuss duties and responsibilities of vice president of finance and administration and director of internal audit; §6252-17(e), discuss pending and contemplated litigation involving Texas Tech University, Texas Tech University Health Sciences Center and Professional Liability Self-Insurance Plan, update of legal issues, discuss legal issues relevant to state institution of higher education's ability to contract for goods and services; and §6252-17(f), discuss pending contractual negotiations for transportation and purchase of natural gas, discuss value of real property not constituting part of original campus owned by Texas Tech University Health Sciences Center and negotiations relating to potential offer to purchase such property.

Contact: Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: July 28, 1988, 11:54 a.m.

TRD-8807729

The Finance and Administration Committee approved minutes of the May 12, 1988, meeting; considered budget adjustments, group medical, basic term life, optional term life insurance program for faculty and staff, cafeteria plan for employees and establishment of participation fee, operating budget for fiscal year 1989, request for legislative appropriations for 1990-1991 biennium, general policy to govern granting emergency enrollment loans and granting academic scholarships in fiscal year 1989, award natural gas contracts, ratify delegation of authority and commission of peace officer, and summary of budget cycle for fiscal year 1990; and heard reports.

Contact: Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: July 28, 1988, 11:54 a.m.

TRD-8807731

The Finance and Administration Committee approved minutes of the May 12, 1988, meeting; considered budget adjustments, group medical, basic term life, optional term life insurance program for faculty and staff, cafeteria plan for employees and establishment of participation fee, operating budget for fiscal year 1989, request for legislative appropriations for 1990-1991 biennium, general policy to govern granting emergency enrollment loans and granting academic scholarships in fiscal year 1989, award natural gas contracts, ratify delegation of authority and commission of peace officer, and summary of budget cycle for fiscal year 1990; and heard reports.

Contact: Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: July 28, 1988, 11:54 a.m.

TRD-8807732

The Athletic Affairs Committee approved minutes of October 8, 1988; considered update on football program and trip to Tokyo; and heard reports.

Contact: Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: July 28, 1988, 11:54 a.m.

TRD-8807733

The Campus and Building Committee approved minutes of the May 13, 1988, meeting; considered receipt of bids for physical plant renovation and for installation of steam turbine in central heating and cooling plant #1; appointed project engineers for Jones Stadium secondary electrical service, Thompson-Gaston secondary electrical service, and Phase I renovation of holding tanks at Central Heating and Cooling Plant #1; appointed project architect for Business Administration elevator controls; ratified completion date; authorized president to award a contract for asbestos abatement in Biology Building; considered alternative freeway design presentation; and heard reports.

Contact: Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: July 28, 1988, 11:54 a.m.

TRD-8807734

The Academic and Student Affairs Committee approved minutes of the May 13, 1988, meeting; considered granting of academic tenure with appointment; proposed degree program in Viticulture/Enology within existing Bachelor of Science degree with major in Horticulture; considered merger of two departments and change in departmental name, residence hall visitation policy, ratify leaves of absence, establishment of Center for Hazardous and Toxic Waste Studies, and faculty development leaves; heard reports; and discussed admission standards, TASP (Texas Academic Skills Program) testing and recommenda-

tion, and general education.

Contact: Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: July 28, 1988, 11:54 a.m.

TRD-8807740

The Public Affairs and University Relations Committee approved minutes of the May 13, 1988, meeting and heard reports.

Contact: Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: July 28, 1988, 11:54 a.m.

TRD-8807741

The Research Activities Committee approved minutes of the May 12, 1988, meeting and heard reports.

Contact: Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: July 28, 1988, 11:54 a.m.

TRD-8807742

Friday, August 5, 1988. The Board of Regents of Texas Tech University will meet in the Board Suite, Administration Building, Texas Tech University Campus, Lubbock. Times and agendas follow.

10:55 a.m. The board will approve minutes of the previous meeting; consider academic and student affairs, finance and administration, campus and building, development, and committee of the whole.

Contact: Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: July 28, 1988, 11:54 a.m.

TRD-8807736

1:30 p.m. The Presidential Search Committee will establish organization for presidential search.

Contact: Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: July 28, 1988, 11:54 a.m.

TRD-8807743

1:30 p.m. The Presidential Search Committee will establish organization for presidential search.

Contact: Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: July 28, 1988, 11:54 a.m.

TRD-8807744

Texas Tech University Health Sciences Center

Thursday and Friday, August 4 and 5, 1988, 10 a.m. and 8:30 a.m., respectively. The Board of Regents of Texas Tech University Health Sciences Center met in the Board Suite, Administration Building, Texas Tech University Campus, Lubbock. Agendas follow.

The Campus and Building Committee approved minutes of the May 13, 1988, meet-

ing; considered authorization for president to award three year contract with Advanced Environmental Company to provide house-keeping services in the Health Sciences Center building, rerouting of Joliet Avenue, naming of new clinical education building in El Paso; and heard reports.

Contact: Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: July 28, 1988, 11:54 a.m.

TRD-8807732

The Research Activities Committee approved minutes of the May 12, 1988, meeting and heard reports.

Contact: Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: July 28, 1988, 11:54 a.m.

TRD-8807733

The Public Affairs and University Relations Committee approved minutes of the May 13, 1988, meeting and heard reports.

Contact: Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: July 28, 1988, 11:54 a.m.

TRD-8807734

The Academic, Clinical, and Student Affairs Committee approved minutes of the May 12 and 13, 1988, meetings; heard reports; considered update on malpractice self-insurance plan; and heard status report on the LGH-HSC profit sharing agreement.

Contact: Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: July 28, 1988, 11:54 a.m.

TRD-8807735

Friday, August 5, 1988, 10 a.m. The Board of Regents will meet in the Board Suite, Administration Building, Texas Tech University Campus, Lubbock. According to the agenda summary, the board will approve minutes of the previous meeting; consider academic, clinical, and student affairs; and consider finance and administration, campus and building, development, and committee of the whole.

Contact: Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: July 28, 1988, 11:54 a.m.

TRD-8807730

Texas State University System

Friday, August 5, 1988, 3 p.m. The Selection Advisory Committee of the Texas State University System will meet at the University Conference Center (Old President's Home) at Southwest Texas State University in San Marcos. According to the agenda, the committee will discuss any and all matters relating to the employment of a presi-

dent for Southwest Texas State University.

Contact: Lamar Urbanovsky, (512) 463-1808.

Filed: August 1, 1988, 10:51 a.m.

TRD-8807825

Toxic Substances Coordinating Committee

Thursday, July 28, 1988, 9 a.m. The Toxic Substances Coordinating Committee met in emergency session in Room G-107, 1100 West 49th Street, Austin. According to the agenda summary, the committee approved minutes of the June 9, 1988, meeting; considered adoption of rules concerning conduct of committee meetings; heard report from coordination plan working group and discussed plan by committee members; Ms. Ann Mcginley, TWC, Water Quality Division provided an overview of toxics monitoring and regulations at the TWC; and scheduled next meeting. The emergency status was necessary because a reasonably unforeseen situation required immediate action by the committee within seven days preceding date of meeting.

Contact: Dennis Perrotta, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7268.

Filed: July 27, 1988, 4:15 p.m.

TRD-8807705

University Interscholastic League

Friday, July 29, 1988, 1 p.m. The State Executive Committee for the University Interscholastic League met in Room 3.110, Thompson Conference Center, 26th and Red River Streets, UT Campus, Austin. According to the agenda, the committee heard alleged violations of UIL rules by school personnel.

Contact: Bonnie Northcutt, (512) 471-5883.

Filed: July 26, 1988, 11:39 a.m.

TRD-8807631

Texas Veterans Memorial Committee

Monday, August 8, 1988, 10 a.m. The Board of Directors Fund of the Texas Veterans Memorial Committee will meet in emergency session in Room 109, Reagan Building, 105 West 15th Street, Austin. According to the agenda, the board will approve minutes of the last meeting; hear financial report and presentation of model of memorial design; and hold general discussion. The emergency status is necessary in order to meet deadlines set by legislature.

Contact: C. J. Kelley, (512) 463-0494.

Filed: August 1, 1988, 4:03 p.m.

TRD-8807855

Task Force on Waste Management Policy

Thursday, August 4, 1988, 9 a.m. The Hazardous and Industrial Waste Subcommittee for the Task Force on Waste Management Policy met in the East Wing, Second Floor, Sergeant's Committee Room, State Capitol, Austin. According to the agenda, the subcommittee concluded work session; discussed recommendations made in public hearings which may be included in task force report to the 71st legislature.

Contact: Linda Christofilis, Suite 1007, Sam Houston Building, Austin, Texas 78711, (512) 463-0360.

Filed: July 26, 1988, 4:54 p.m.

TRD-8807675

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.

Monday, August 8, 1988, 10 a.m. The commission will meet in Room 118, to consider Docket 7282-1-Examiner's proposal for decision on a complaint by Community Action, Inc. and Docket 7063-R-Regarding procedures of the commission during a rate hearing held on December 2, 1986.

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

Filed: July 26, 1988, 4:04 p.m.

TRD-8807668

Monday, August 8, 1988, 10 a.m. The commission submitted a revised agenda for a meeting in Room 118, to consider whether to affirm, modify, or set aside Emergency Order 88-14E which was issued to the City of Andrews on July 13, 1988.

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

Filed: July 29, 1988, 4:21 p.m.

TRD-8807800

Monday, August 8, 1988, 10 a.m. The commission will meet in Room 1149A, to consider Docket 7622-G-Rate increase of Rockwell Acres Water System, Inc.

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

Filed: July 28, 1988, 4:21 p.m.

TRD-8807754

Monday, August 8, 1988, 10 a.m. The Office of Hearings Examiner will meet in Room 3-108, to consider Docket 7615-C-Application for a certificate of convenience and necessity filed; by George L. Green doing business as Northcrest Water System.

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

Filed: July 28, 1988, 4:22 p.m.

TRD-8807752

Monday, August 8, 1988, 10 a.m. The commission will meet in Room 118, to determine whether Emergency Order 88-14E granted by the commission on July 13, 1988, to City of Andrews, c/o Booth and Newsom, 300 San Jacinto Building, Austin, Texas 78701-2554, should be affirmed, modified, or set aside by the commission. The order permitted City of Andrews to divert approximately 5,000,000 gallons per day average of stormwater and domestic effluent from storage lagoons, located west of County Road 1 and from the caliche pit, located south of the lagoons, to city-owned agricultural lands immediately east of the lagoons across county road 1 in Andrews County.

Contact: Andrew Barrett, P.O. Box 13087, Austin, Texas 78711, (512) 463-8069.

Filed: July 28, 1988, 4:25 p.m.

TRD-8807747

Monday, August 8, 1988, 11 a.m. The commission will meet in Room 118, to consider executive director's request to refer Phillip Mischel and Kenneth Jackson, doing business as Pelican Bay Joint Venture, proposed permit 13426-01 to the attorney general's office for enforcement.

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

Filed: July 26, 1988, 4:04 p.m.

TRD-8807667

Tuesday, August 9, 1988, 9 a.m. The Texas Water Commission will meet in Room 118. Agendas follow.

The commission will determine whether Emergency Order 88-12E, granted by the commission on July 12, 1988, to Texas Winery Products, Inc., 3502 22nd Street, Lubbock, Texas 79410 should be affirmed, modified, or set aside by the commission. The order permitted Texas Winery to construct a holding pond and irrigation system and to dispose of treated wastewater by irrigation on land owned or controlled by Texas Winery, prior to the commission's determination on Texas Winery's application for proposed permit 03034. The plant site is approximately .5 mile east of U.S. Highway 87 on Woodrow Road (County Road 76) in Lubbock County.

Contact: Wendy Corrigan, P.O. Box

13087, Austin, Texas 78711, (512) 463-8069.

Filed: July 28, 1988, 4:24 p.m.

TRD-8807748

The commission will consider water district surplus funds, escrow releases, change order, water rate matters, water quality proposed permits, amendments and renewals, water right temporary permits, regular permits, amendments to certificates of adjudication, extension of time applications; consider adoption of amendments to §§305.42, 305.192, and 335.211; and consider contract matters and motion for rehearing matters.

Contact: Brenda Foster, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: July 28, 1988, 4:24 p.m.

TRD-8807749

The commission will consider TA-6000 of Bell County Road and Bridge for a permit to divert and use 40-acre feet of water for a three year period from various creeks and rivers of Bell County, all of said streams being tributaries of the Brazos River, Brazos River Basin for industrial (highway construction) purposes in Bell County.

Contact: Brenda Foster, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: July 28, 1988, 4:23 p.m.

TRD-8807750

The commission will consider TA-5986 of the Sabine Mining Company for a permit to divert and use 450 acre-feet of water for a three year period from a reservoir on an unnamed creek, tributary Clarks Creek, and two reservoirs on unnamed creeks, tributaries Hatley Creek, tributaries Sabine River, Sabine River Basin for industrial and irrigation purposes in Harrison County.

Contact: Brenda Foster, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: July 28, 1988, 4:23 p.m.

TRD-8807751

Thursday, August 11, 1988, 10 a.m. The commission will meet in Room 118, to consider the executive director's preliminary enforcement report and petition for order assessing administrative penalties against the City of Houston, Northside/69th Street Complex Collection System, Permit 10495-001 and petition for order assessing administrative penalties and requiring certain actions of the City of Alto-Permit 10546-01; consideration of the executive director's request to refer Norsham, Inc. doing business as Best Western Intercontinental Airport Inn, Permit 10980-01 to the Attorney General's office; consideration of the referral of West Montgomery Utility Company, Permit 11005-01, to the Attorney General for failure to comply with the July 8, 1987 order; examiner's proposal for decision on an application by City of Round Rock for certificate of convenience and ne-

cessity to provide sewer utility service and to amend ccn 11041 to provide water service to areas of Williamson and Travis Counties.

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

Filed: July 27, 1988, 4:06 p.m.

TRD-8807703

Friday, August 12, 1988, 10 a.m. The Office of Hearings Examiner will meet in Room 618 to consider Docket 7656-R-Rate increase of Combined Water Systems, Inc.

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

Filed: July 28, 1988, 4:21 p.m.

TRD-8807755

Friday, August 12, 1988, 10 a.m. The Office of Hearings Examiner will meet in Room 118, to consider Docket 7586-R-Rate increase of Pixley Water Works.

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

Filed: July 28, 1988, 4:20 p.m.

TRD-8807757

Monday, August 15, 1988, 10 a.m. The commission will meet in Room 118, to consider application by Mesa Point, Inc. for a permit (Proposed Permit 13375-01); consideration of the petition of the executive director for revocation of Permit 11502-01 issued to Lake Shore Utility Company, Inc. and application by Uri, Inc. previously doing business as Uranium Resources, Inc. for an aquifer exemption.

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

Filed: August 1, 1988, 4:16 p.m.

TRD-8807842

Monday, August 15, 1988, 11 a.m. The commission will meet in Room 118, to consider examiner's proposal for decision on a petition filed by Sharyland Water Supply Corporation for a review of wholesale water rates charged by the City of Mission, in the matter of Rio Grande Valley Dairy's request for a Texas Water Code §26.019, executive director's report and petition of the City of Morgan's Point, and the executive director's report and petition of the City of Bellaire.

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

Filed: August 1, 1988, 4:16 p.m.

TRD-8807840

Monday, August 15, 1988, 2 p.m. The commission will meet in Room 123, to consider the 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: August 1, 1988, 4:16 p.m.

TRD-8807841

Friday, August 19, 1988, 10 a.m. The Office of Hearings Examiner will meet in Room 618, to consider Docket 7501-C-Application for an amendment to Certificate of Convenience and Necessity 11864 filed by FCM Corporation doing business as Westwood Subdivision Water System.

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

Filed: July 28, 1988, 4:21 p.m.

TRD-8807753

Monday, August 22, 1988, 10 a.m. The Office of Hearings Examiner will meet in Room 1-1111, to consider Docket 7545-R-Rate increase of Concho Rural Water Corporation.

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

Filed: July 28, 1988, 4:20 p.m.

TRD-8807756

Tuesday, September 13, 1988, 9 a.m. The Office of Hearings Examiner will meet in the Commissioner's Chambers, Stephenville City Hall, 354 North Belknap, Stephenville. According to the agenda summary, the office will consider application of Neil Viss doing business as Grand Canyon Dairy, Route 1, P.O. Box 107E, Dublin, Texas 76446 to the commission for a permit (Proposed Permit 02950) to authorize disposal of wastes and wastewater from a dairy operation. The dairy will consist of a maximum of 1450 milking cattle. The waste treatment facilities will include storage ponds for washdown water, flushwater and stormwater retention with a combined surface area of approximately 6.7 acres and a volume of approximately 45.4 acre-feet. Wastewater from the ponds is to be disposed of by irrigation onto 250 acres of coastal bermuda. Manure and separated solids are to be applied as fertilizer or hauled off-site at least twice a month for disposal.

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

Filed: July 27, 1988, 4:07 p.m.

TRD-8807701

Wednesday, September 14, 1988, 9 a.m. The Office of Hearings Examiner will meet in the Commissioner's Chambers, Stephenville City Hall, 354 North Belknap, Stephenville. According to the agenda summary, the office will consider application of Aztex Dairy, Inc., P.O. Box 159, Dublin, Texas 76446 to the commission for a permit (Proposed Permit 02953) to authorize disposal of wastes and wastewater from a dairy operation. The dairy will consist of a maximum of 880 cows. The waste treat-

ment facilities will include storage ponds for washdown water, flushwater and stormwater retention with a combined surface area of approximately 6.8 acres and a volume of approximately 63 acre-feet. Wastewater and solids from the ponds are to be disposed of by irrigation onto approximately 2000 acres of coastal bermuda. Manure from the corral areas will be dry-scraped periodically and sold as fertilizer to local farmers. No discharge of pollutants into the water of the State is authorized by this permit.

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

Filed: July 27, 1988, 4:07 p.m.

TRD 8807700

Thursday, September 15, 1988, 10 a.m. The Office of Hearings Examiner will meet in the Fifth Floor Conference Room, Port Arthur City Hall, 414 Fourth Street, Port Arthur. According to the agenda summary, the office will consider application of Chemical Waste Management, Inc., Port Arthur Facility, P. O. Box 2563, Port Arthur, Texas 77640 to the commission for an amendment to Permit 02417 to add internal Outfall 101 to monitor a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 10,000 gallons per day. The proposed amendment would also add limitations on the discharge of metals and revise procedures for handling storm water. The existing permit authorizes an intermittent, variable flow of discharge of stormwater runoff, treated domestic sewage and utility water via Outfall 001, which will remain the same.

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

Filed: July 27, 1988, 4:07 p.m.

TRD-8807702

Regional Meetings

Meetings Filed July 25, 1988

The Rio Grande Valley Municipal Water Authority, Board, will meet at 10 North Broadway, McAllen, on August 8, 1988, at 7 p.m. Information may be obtained from Ersel G. Lantz, 3505 Boca Chica, Suite 303, Brownsville, Texas 78520.

TRD-8807590

Meetings Filed July 26, 1988

The Austin-Travis County MHMR Center, Finance and Control Committee met in Suite 501, 611 South Congress Avenue, Austin, on July 27, 1988, at 7:30 a.m. Information may be obtained from Sharon Taylor, (512) 447-4141.

The Education Service Center, Region VII, Board of Directors, will meet in the Holiday Inn, Henderson, on August 11,

1988, at 7 p.m. Information may be obtained from Don J. Peters, 818 East Main, Kilgore, Texas, (214) 984-3071.

The Harris County Appraisal District, Board of Directors, met and will meet on the Eighth Floor, 2800 North Loop West, Houston, on August 3, 1988, at 9 a.m. and August 17, 1988, at 1:30 p.m. Information may be obtained from Margie Hilliard, P.O. Box 920975, Houston, Texas 77292, (713) 958-5291

TRD 8807630

Meetings Filed July 27, 1988

The Austin-Travis County MHMR Center, Board of Trustees, met at 501 East Eighth Street, Austin, on July 28, 1988, at 7 a.m. Information may be obtained from Sharon Taylor, 611 South Congress Avenue, Austin, Texas 78701, (512) 447-4141.

The Barton Springs-Edwards Aquifer Conservation District, Board of Directors, met in Suite F, 909 North Loop 4, Buda, on August 1, 1988, at 7 p.m. The Appraisal Review Board met at the Appraisal District, 1200 Cedar Street, Bastrop, on August 4, 1988, at 7 p.m. Information may be obtained from Ralph Roming, Suite F, 909 North Loop 4, Buda, Texas 78610, (512) 282-8441 or 295-3596.

The Bastrop County Appraisal District, Appraisal Review Board, met at 1200 Cedar Street, Bastrop, on August 2, 1988, at 7 p.m. Information may be obtained from Lorraine Perry, 1200 Cedar Street, Bastrop, Texas 78602, (512) 321-3925.

The Bexar Appraisal District, Appraisal Review Board, met and will meet at 535 South Main, San Antonio, on August 1-4, 8-12, 15-18, 22-26, and 29-31, 1988, at 8:30 a.m. Information may be obtained from Walter Stoneham, 535 South Main, San Antonio, Texas 78204, (512) 224-8511.

The Blanco County Appraisal District, Board of Directors, will meet in the Courthouse Annex, Blanco County, Johnson City, on August 9, 1988, at 6 p.m. Information may be obtained from Hollis Petri, (512) 868-4621.

The Dallas Area Rapid Transit, Planning and Development Committee of the Whole, met in the Boardroom, 601 Pacific Avenue, Dallas, on August 2, 1988, at 2 p.m. The Minority Affairs Committee met at the same location on August 2, 1988, at 4 p.m. Information may be obtained from Sylvia Villarreal, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6240.

The Dallas Central Appraisal District, Board of Directors, met in Suite 500, 1420 West Mockingbird Lane, Dallas, on August 3, 1988, at 7:30 a.m. Information may be obtained from Rick L. Kuehler, 1420 West Mockingbird Lane, Suite 500, Dallas, Texas 75247.

The Dawson County Central Appraisal District, Board of Directors, met at 920 North Dallas Avenue, Lamesa, on August 3, 1988, 7 a.m. Information may be obtained from Tom Anderson, P.O. Box 797, Lamesa, Texas 79331, (806) 872-7060.

The Education Service Center, Region II, Combined Board of Directors and Joint Committee, will meet at Joe Cotton's Bar-B-Q, Highway 77, Robstown, on August 17, 1988, at 6:30 p.m. Information may be obtained from Gerald V. Cook, 209 North Water, Corpus Christi, Texas 78401, (512) 883-9288.

The Education Service Center, Region VIII, Regional Advisory Committee and Board of Directors, will meet at the Ramada Inn, Mount Pleasant, on August 10, 1988, at 7 p.m. and 8 p.m., respectively. Information may be obtained from Scott Ferguson, P.O. Box 1894, Mount Pleasant, Texas 75455.

The Gillespie Central Appraisal District, Board of Directors, met in the Assembly Room, City Hall, Fredericksburg, on August 4, 1988, at 9 a.m. Information may be obtained from Mary Lou Smith, P.O. Box 429, Fredericksburg, Texas 78624, (512) 997-9807.

The Grayson Appraisal District, Appraisal Review Board, will meet at 205 North Travis, Sherman, on August 1-29, 1988. Information may be obtained from Deborah Reneau, (214) 893-9673.

The Henderson County Appraisal District, Board of Directors, will meet at 1751 Enterprise, Athens, on August 8, 1988, at 7 p.m. and 7:30 p.m. Information may be obtained from Helen Marchbanks, 1751 Enterprise, Athens, Texas 75751, (214) 675-9296.

The Pecan Valley Mental Health and Mental Retardation Region, Board of Trustees, met at the Clinical Office, 104 Charles Street, Granbury, on August 3, 1988, at 8 a.m. Information may be obtained from Theresa Mulloy, P.O. Box 973, Stephenville, Texas 76401, (817) 965-7806.

The Permian Basin Regional Planning Commission, Board of Directors, met in emergency session at the Odessa County Club, Odessa, on July 29, 1988, at 11:30 a.m. Information may be obtained from Terri Moore, P.O. Box 6391, Midland, Texas 79711, (915) 563-1061.

The Sabine Valley Regional Mental Health and Mental Retardation Center, Board of Trustees, will meet at Grove-Moore Center, 401 North Grove, Marshall, on August 8, 1988, 7 p.m. Information may be obtained from Ron Cookston, P.O. Box 6800, Longview, Texas 75608, (214) 758-2471.

The Scurry County Appraisal District, Board of Directors, met at 2612 College Avenue, Snyder, on August 2, 1988, at 8 p.m. Information may be obtained from L.R. Peveler, 2612 College Avenue,

Snyder, Texas 79549, (915) 573-8549.

The Upshur County Appraisal District, Board of Directors, will meet in the District Office, Warren and Trinity Streets, Gilmer, on August 8, 1988, at 1 p.m. Information may be obtained from Louise Stracener, P.O. Box 280, Gilmer, Texas 75644, (214) 843-3041.

The Wood County Appraisal District, Appraisal Review Board, met in the Conference Room of the Wood, 217 North Main, Quitman, on August 1, 1988, at 10 a.m. Information may be obtained from W. Carson Wages, P.O. Box 951, Quitman, Texas 75783, (214) 763-4891.

TRD-8807759

Meetings Filed July 28, 1988

The Callahan County Appraisal District, Board, will meet at the District Office, First Floor, Callahan County Courthouse, Baird, on August 8, 1988, at 7:30 p.m. Information may be obtained from Jane Ringhoffer, P.O. Box 806, Baird, Texas 79504, (915) 854-1165.

The Central Plains Mental Health and Mental Retardation Center, Board of Trustees, met at 208 South Columbia, Plainview, on August 4, 1988, at 7 p.m. Information may be obtained from Rick Van Hersh, 2700 Yonkers, Plainview, Texas 79072, (806) 293-2636.

The Edwards Underground Water District, Conservation Committee, met at 1615 North St. Mary's Street, San Antonio, on August 2, 1988, at 9:30 a.m. Information may be obtained from Thomas P. Fox, 1615 North St. Mary's Street, San Antonio, Texas 78215, (512) 222-2204.

The Gillespie Central Appraisal District, Board of Directors, will meet in the Assembly Room, City Hall, Fredericksburg, on August 8, 1988, at 9 a.m. Information may be obtained from Mary Lou Smith, P.O. Box 429, Fredericksburg, Texas 78624, (512) 997-9807.

The Lamar County Appraisal District, Special Board, met at the District Office, 1523 Lamar Avenue, Paris, on August 1, 1988, at 5 p.m. Information may be obtained from Rodney Anderson, 1523 Lamar Avenue, Paris, Texas 75460, (214) 785-7822.

The Parmer County Appraisal District, Board of Directors, will meet at 305 Third Street, Bovina, on August 11, 1988, at 8 p.m. Information may be obtained from Ronald E. Procter, P.O. Box 56, Bovina, Texas 79009, (806) 238-1405.

The Tarrant Appraisal District, Appraisal Review Board, met in emergency session at 2309 Gravel Road, Fort Worth, on August 1, 1988, at 8:30 a.m. The board also met and will meet on August 2-5, 8-12, 15-19,

22-26, and 29-31, 1988, at 8:30 a.m. Information may be obtained from Linda R. Freeman, 2309 Gravel Road, Fort Worth, Texas 76118, (817) 284-8884.

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

TRD-8807727

Meetings Filed August 1, 1988

The Archer County Appraisal District, Board of Directors, will meet in the Appraisal District Office, 211 South Center, Archer City, on August 10, 1988, at 4:30 p.m. Information may be obtained from Edward Trigg, III, P.O. Box 1141, Archer City, Texas 76351, (817) 574-2172.

The Bexar Appraisal District, Appraisal Review Board, will meet at 535 South Main, San Antonio, on August 5, 1988, at 9 a.m. Information may be obtained from Walter Stoneham, 535 South Main, San Antonio, Texas 78204, (512) 224-8511.

The Carson County Appraisal District, Board of Directors, will meet at 102 Main, Panhandle, on August 10, 1988, at 9:15 a.m. Information may be obtained from Dianne Lavake, P.O. Box 970, Panhandle, Texas 79068-0907.

The Dallas Central Appraisal District, Appraisal Review Board, will meet in Suite 500, 1420 West Mockingbird Lane, Dallas, on August 5, 1988, at 2 p.m. Information may be obtained from Rick L. Kuehler, 1420 West Mockingbird Lane, Suite 500, Dallas, Texas 75247, (214) 631-0520.

The East Texas Council of Governments, Board of Directors and Executive Committee, met at the Ole West Steak House, Kilgore, on August 4, 1988, at 11:30 a.m. and 2 p.m. Information may be obtained from Glynn J. Knight, 3800 Stone Road, Kilgore, Texas, (214) 984-8641.

The Education Service Center, Region XVI, Board of Directors, will meet in the Sutphen's-Lubbock Room, 16th Street at Madison, Amarillo, on August 31, 1988, at 1 p.m. Information may be obtained from Kenneth M. Laycock, P.O. Box 30600, Amarillo, Texas 79120, (806) 376-5521.

The Education Service Center, Region XVII, Board of Directors, will meet in the Boardroom, 4000 22nd Place, Lubbock, on August 16, 1988, at 10 a.m. Information may be obtained from Weldon E. Day, 4000 22nd Place, Lubbock, Texas 79410, (806) 792-4000.

The Edwards Underground Water District, Conservation Committee, met at 1615 North St. Mary's, San Antonio, on August

4, 1988, at 11 a.m. Information may be obtained from Thomas P. Fox, 1615 North St. Mary's, San Antonio, Texas 78215, (512) 222-2204.

The Erath County Appraisal District, Board of Directors, will meet at 1390 Harbin Drive, Stephenville, on August 9, 1988, at 9 a.m. Information may be obtained from Jerry Lee, 1390 Harbin Drive, Stephenville, Texas 76401, (817) 965-7301.

The Garza County Appraisal District, Board of Directors, will meet in the Appraisal Office, Courthouse, Post, on August 11, 1988, at 9 a.m. Information may be obtained from Jean Westfall, P.O. Drawer F, Post, Texas 79356.

The Kendall County Appraisal District, Appraisal Review Board, will meet at 207 East San Antonio Street, Boerne, on August 8, 1988, at 9 a.m. Information may be obtained from Sue R. Woodenfeld, P.O. Box 788, Boerne, Texas 78006, (512) 249-8012.

The Leon County Central Appraisal District, Appraisal Review Board, will meet in the Appraisal District Office, Gresham Building, Centerville, on August 11, 1988. Information may be obtained from Robert M. Winn, P.O. Box 536, Centerville, Texas 75833, (214) 536-2252.

The San Antonio River Authority, Board of Directors, will meet in the SARA General Offices, 100 East Guenther Street, San Antonio, on August 10, 1988, at 1 p.m. Information may be obtained from Fred N. Pfeiffer, 100 East Guenther Street, San Antonio, Texas 78283-0027, (512) 227-1373.

The San Patricio County Appraisal District, Board of Directors, will meet at 1146 East Market, Sinton, on August 11, 1988, at 9:30 a.m. Information may be obtained from Kathryn Vermillion, P.O. Box 938, Sinton, Texas 78387, (512) 364-5402.

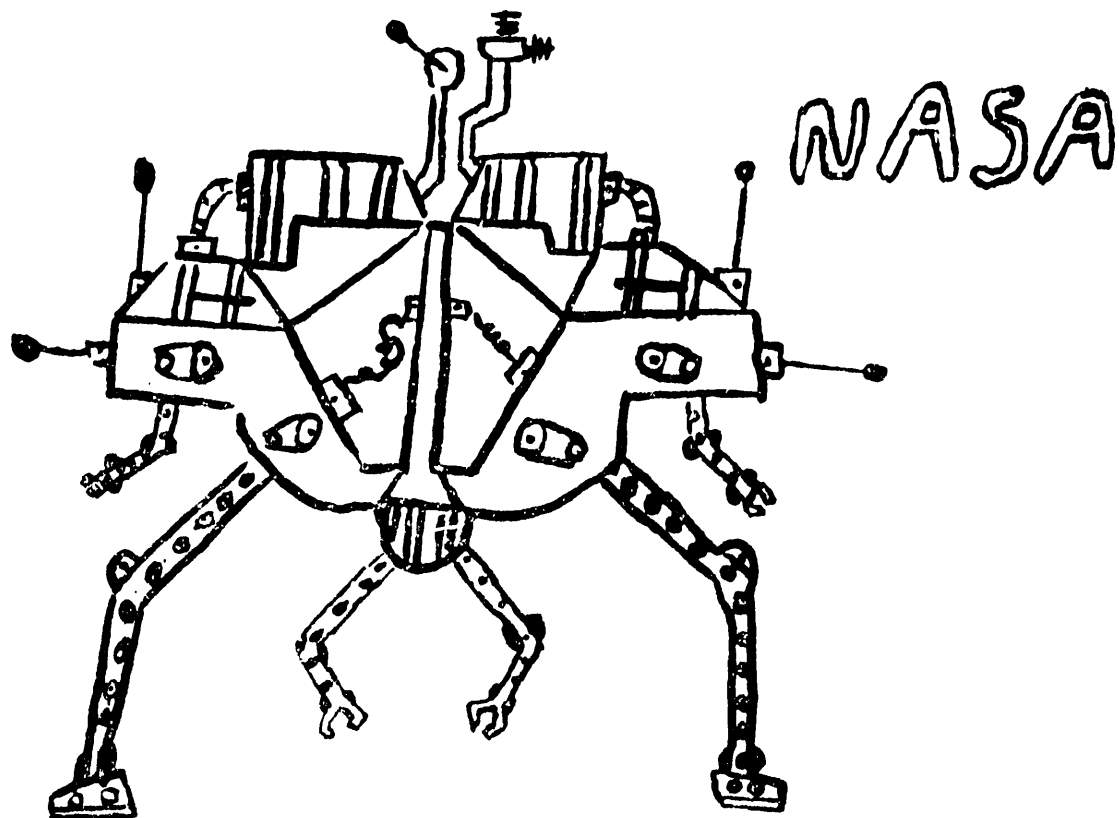
TRD-8807808

Meetings Filed August 2, 1988

The Dallas Area Rapid Transit, Board/Elected Officials Workshop, will meet in the Ramada Renaissance Hotel, Campbell and North Central Expressway, Richardson, on August 6, 1988, at 9 a.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237.

The Hunt County Tax Appraisal District, Board of Directors, will meet at 4801 King Street, Greenville, on August 5, 1988, at 7 a.m. Information may be obtained from Joe Pat Davis/Linda S. Haynes, P.O. Box 1339, Greenville, Texas 75401, (214) 454-3510.

TRD-8807847



Name: Sean McCracken
Grade: 4
School: Merriman Park Elementary,
Richardson

In Addition

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

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

Texas Department of Agriculture Request for Proposals

The Texas Department of Agriculture (TDA) requests proposals for projects using integrated pest management. As required by Rider #25 to TDA's appropriation in Senate Bill Number 1, 70th Legislature, Second Called Session, 1987, Article I, p12-18 proposals must be made by a multi-county, multi-purpose, multicommodity pest management organization. TDA will award a total of \$90,000. TDA will consider dividing the funding among several applicants if appropriate. Each proposal should include a one-page project summary, a review of previous work related to the project, detailed project description encompassing a general work plan and rationale, bibliography, anticipated impact of the project, information on the historical background of the organization, biographical information about principals, project duration, and a detailed project budget. Upon completion of the project, a detailed project report will be due within four weeks. Plans for meeting this reporting requirement must be included with the project proposal. All awards are subject to an audit by TDA.

TDA is soliciting projects that expand the use of integrated pest management in agricultural, urban, forest, or other areas of pest control. The projects should be for implementing integrated pest management program for farmer groups, demonstration trials, or outreach programs developed from state of the art technology. TDA will favor projects which focus on the expanded use of integrated pest management in systems of long term sustainability or broad public benefits without a long-term duration of continued public funding. Proposals should be submitted to Paul Martin, Director, Pest Management Program, Texas Department of Agriculture, P.O. Box 12847, Austin, Texas 78711, (512) 463-7658. Mr. Martin may also be contacted for additional information about preparing the proposal.

Proposals must be submitted no later than 5 p.m., September 5, 1988.

Analysis of proposals will be made based on the requirements listed previously, plus reports of proven positive results from previously funded projects by TDA. Contracts may be awarded to more than one program.

Issued in Austin, Texas on July 27, 1988.

TRD-8807672 Dolores Alvarado Hibbs
Director of Hearings
Texas Department of Agriculture

Filed: July 27, 1988

For further information, please call (512) 463-7589

Texas Air Control Board Notice of Applications for Construction Permits

Notice is hereby given by the Texas Air Control Board (TACB) of applications for construction permits received during the period of June 10, 1988-July 10, 1988.

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

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

Exxon Corp., Baytown; gas oil cracking furnaces; Harris County; 18944; new.

Soltex Polymars Corp., Deer Park; polyolefin resin unit; Harris County; 18968; new.

Poly-Flex Packaging Co., Dallas; flexographic printing facility; Dallas County; 18945; new.

Hitachi Semiconductor Inc., Irving; semiconductor service manufacturing; Dallas County; 18972; new.

International Business Machines, Austin; cogeneration facility; Travis County; 18973; new.

Issued in Austin, Texas on July 26, 1988.

TRD-8807761 Bill Ehret
Director of Hearings
Texas Air Control Board

Filed: July 29, 1988

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

Texas Department of Banking Notice of Application

Texas Civil Statutes, Article 342-401a, require any person who intends to buy control of a trust company to file an application with the banking commissioner for the commissioner's approval to purchase control of a particular company. A hearing may be held if the application is denied by the commissioner.

On July 22, 1988, the banking commissioner received an application to acquire control of Standard Investors Trust Company, Houston, by Impact Energy, Inc., Fort Worth.

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

Issued in Austin, Texas on July 22, 1988.

TRD-8807599

William F. Aldridge
Director of Corporate Activities
Texas Department of Banking

Filed: July 25, 1988

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

Notice of Hearing Cancellation

As no opposition has been noted in the application for Crown Bank, N.A., San Antonio, to convert to a state charter under the name of Crown Bank, the hearing previously scheduled for Tuesday, August 2, 1988, has been cancelled.

Issued in Austin, Texas on July 26, 1988.

TRD-8807635

William F. Aldridge
Director of Corporate Activities
Texas Department of Banking

Filed: July 26, 1988

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

Texas School for the Blind Request for Proposal

Notice of Invitation for Proposals: The Texas School for the Blind (TSB) is soliciting proposals from interested parties to provide child daycare and after school services on the TSB campus to a population of children of TSB employees. The TSB will accept proposals until 5 p.m., August 26, 1988. Proposals need not be a formal commitment to provide the services; however, they should contain a statement of the provider's suggested approach and underlying philosophy to providing childcare services and a statement of qualifications of the persons who would be providing the care if the contract is awarded.

Contact Person: Proposals or requests for additional information should be directed to Cyral Miller, Texas School for the Blind, 1100 West 45th Street, Austin, Texas 78756, (512) 454-8631 ext. 233.

Closing Date: Proposals should be received by TSB no later than 5 p. m. August 26, 1988.

Award Procedure: Selection of the provider will be based on demonstrated competence, experience, knowledge, and qualifications in the areas of service desired and on the reasonableness of the proposed fees for the services. Proposed fees should be calculated on the assumption that space and utilities for the facility will be provided by TSB at no cost to the service provider.

The following is a suggested format for the submission of proposals: briefly describe the individual or organization, its background and qualifications; list references (minimum four who have knowledge of the provider's experience and qualifications in the area of childcare; list names and qualifications of provider's employees; provide and explain basis for proposed fees and expense charges; list supplies and materials which will be furnished and list those which parents must bring; explain proposed meals and snacks service; specify whether food will be provided or whether parents must bring; outline proposed daily activity schedule and hours of operation; responses must be completed on a questionnaire, which can be obtained from the Texas School for the Blind; provide any other information that you believe to be relevant to the selection process; and submit the written proposal in an envelope

marked Proposal for Child Daycare Services and addressed to the Texas School for the Blind, attention Cyral Miller, 1100 West 45th Street, Austin, Texas 78756. Proposals may be mailed or hand-delivered to the above address.

TSB reserves the right to accept or reject any or all proposals submitted. TSB is under no legal or other requirement to execute a resulting contract on the basis of this notice.

Issued in Austin, Texas on July 27, 1988.

TRD-8807768

William H. Miller
Executive Director
Texas School for the Blind

Filed: July 29, 1988

For further information, please call (512) 454-8631 ext. 133

Texas Department of Commerce Consultant Proposal Request

Pursuant to Texas Civil Statutes, Article 6252-11c, the Texas Department of Commerce (Commerce), as the state agency responsible for implementation and management of the Job Training Partnership Act (JTPA) Program in Texas, announces a request for proposals (RFP) for Special Programs for At-Risk Youth funded under JTPA, Title II-A, §123. The RFP will be available on or about August 5, 1988.

Two categories of projects will be considered: participant serving, dropout recovery programs which offer open-entry/open-exit, competency-based basic education remediation, and which also provide multiple support services and linkages with education to afford multiple diploma/certification options; and capacity building projects which: develop technical assistance for establishing hybrid programs for at-risk youth which include both at-risk students and dropouts with multiple services and multiple diploma/certification options, or develop technical assistance for poor school districts to address JTPA requirements/documentation for establishing programs for at-risk students and dropouts.

Proposals will be reviewed and evaluated on criteria such as the following: appropriateness of proposal methodology; cost effectiveness; bidder qualification.

All proposals will be evaluated on a numerical rating scale based on demonstrated experience and capacity for implementing said proposal. Proposals will need to address the criteria specified in the RFP.

The period of performance is estimated to be September 15, 1988, to August 31, 1989. The proposal deadline will be August 31, 1988.

Commerce retains the right to accept or reject any or all proposals. Commerce is under no legal requirement to execute a resulting contract on the basis of its making this request for proposals and intends the material provided herein only as a means of identifying and considering various contractor alternatives and the general cost of services desired. Approximately \$750,000 is available. Proposals should be limited to a maximum of \$150,000 per proposal.

This request for proposals does not commit Commerce to pay for any costs incurred prior to execution of a contract or prior to fund availability from the United States Department of Labor for this procurement. Commerce specifically reserves the right to vary the provisions set forth herein at any time prior to execution of a contract where

Commerce deems such variance to be in the best interest of the State of Texas, and to act otherwise at it deems in its sole discretion.

Interested bidders may obtain proposal instructions from the Texas Department of Commerce, Work Force Development Division, at the following address: Texas Department of Commerce, Work Force Development Division, 8317 Cross Park Drive, P.O. Box 12728, Austin, Texas 78711, Attention: Dale McCollough.

Issued in Austin, Texas on July 29, 1988.

TRD-8807788 J. William Lauderback
Executive Director
Texas Department of Commerce

Filed: July 29, 1988

For further information, please call (512) 320-9679

◆ ◆ ◆
**Weekly Report on the 1988 Allocation
of the State Ceiling on Certain Private
Activity Bonds**

The Tax Reform Act of 1986 (the Tax Act) imposes a volume ceiling on the aggregate principal amount of private activity bonds that may be issued within the State of Texas during any calendar year. The state ceiling for Texas, imposed by the Tax Act for calendar year 1988 is \$834,100,000.

State legislation, Senate Bill 1382, Chapter 1092, Acts of the 70th Legislature, (the Act), established the allocation process for the State of Texas. The Act specifies that one-third of the state ceiling is to be made available to qualified mortgage bonds and of that one-third, one-third is available to the Texas Housing Agency. One-fourth of the state ceiling is available to state-voted issues, and the balance of the state ceiling is available for all other issuers of bonds requiring an allocation.

Pursuant to the Act, the aggregate amount for qualified mortgage bond subceiling is \$278,033,300, with \$185,355,500 available to the local housing authorities and \$92,677,800 available to the Texas Housing Agency. The aggregate amount for state-voted issues is \$208,525,000 and the amount for all other bonds requiring an allocation is \$347,541,700.

Generally, the state ceiling is allocated on a first-come, first-served basis, with the Texas Department of Commerce (the department) administering the allocation system.

The information that follows is a weekly report of the allocation activity for the period, July 18, 1988-July 22, 1988.

Weekly report on the 1988 allocation of the state ceiling on certain private activity bonds as pursuant to Senate Bill 1382.

Total amount of state ceiling remaining unreserved for the \$278,033,300 subceiling for qualified mortgage bonds under the Act as of July 22, 1988: \$212, 953,300.

Total amount of state ceiling remaining unreserved for the \$208,525,000 subceiling for state-voted issues under the Act as of July 22, 1988: \$208,525, 000.

Total amount of state ceiling remaining unreserved for the \$347,541,700 subceiling for all other bonds under the Act as of July 22, 1988: \$226,700.

Total amount of the \$834,100,000 state ceiling remaining unreserved as of July 22, 1988: \$421,705,000.

Comprehensive listing of bond issues which have received a reservation date pursuant to the Act from July 18, 1988-July 22, 1988: none.

Comprehensive listing of bonds issued and delivered as pursuant to the Act from July 18, 1988-July 22, 1988: Acton Municipal Utility District, Acton MUD-Lake Granbury Project, Water Facility, \$1,610,000.

Issued in Austin, Texas, on July 25, 1988.

TRD-8807617 J. William Lauderback
Executive Director
Texas Department of Commerce

Filed: July 25, 1988

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

◆ ◆ ◆
**Office of Consumer Credit
Commissioner**

Notice of Rate Ceilings

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

<u>Type of Rate</u> <u>ceilings</u>	<u>Effective Period</u> <u>(Dates are</u> <u>Inclusive)</u>	<u>Consumer⁽³⁾/Agri-</u> <u>cultural/Commercial⁽⁴⁾</u> <u>thru \$250,000</u>	<u>Commercial⁽⁴⁾</u> <u>over \$250,000</u>
Indicated (Weekly) Rate - Art. 1.04(a)(1)	08/01/88-08/07/88	18.00%	18.00%
Monthly Rate Art. 1.04(c) ⁽¹⁾	08/01/88-08/31/88	18.00%	18.00%
Standard Quarterly Rate - Art. 1.04(a)(2)	07/01/88-09/30/88	18.00%	18.00%
Retail Credit Card Quarterly Rate - Art. 1.11 ⁽³⁾	07/01/88-09/30/88	18.00%	N.A.
Lender Credit Card Quar- terly Rate - Art. 15.02(d) ⁽³⁾	07/01/88-09/30/88	14.00%	N.A.
Standard Annual Rate - Art. 1.04(a)(2) ⁽²⁾	07/01/88-09/30/88	18.00%	18.00%
Retail Credit Card Annual Rate - Art. 1.11 ⁽³⁾	07/01/88-09/30/88	18.00%	N.A.
Annual Rate Applicable to Pre-July 1, 1983 Retail Credit Card and Lender Credit Card Balances with Annual Implementation Dates from:	07/01/88-09/30/88	18.00%	N.A.
Judgment Rate - Art. 1.05, Section 2	08/01/88-08/31/88	10.00%	10.00%

- (1) For variable rate commercial transactions only.
- (2) Only for open-end credit as defined in Art. 5069-1.01(f) V.T.C.S.
- (3) Credit for personal, family or household use.
- (4) Credit for business, commercial, investment or other similar purpose.

Issued in Austin, Texas, on July 25, 1988.

TRD-8807634 Al Endsley
Consumer Credit Commissioner

Filed: July 26, 1988

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

◆ ◆ ◆
Texas Department of Health
AIDS Prevention/Services

The Texas Department of Health is now inviting education/service projects funded by the Texas Legislature for fiscal year 1988 (January 4, 1988-August 31, 1988), to submit applications for continuation in fiscal year 1989 of the projects covered by the notice in the September 8, 1987, issue of the *Texas Register* (12 TexReg 3108). The contract period will be from September 1, 1988-August 31, 1989.

Application kits were mailed to the current providers during the month of July. Inquiries related to the applications may be directed to Christie M. Reed, M.P.H., Director, AIDS Division at (512) 458-7207.

Issued in Austin, Texas July 26, 1988.

TRD-8807714 Robert A. MacLean, M.D.
Deputy Commissioner for Professional
Services
Texas Department of Health

Filed: July 26, 1988.

For further information, please call: (512) 458-7207

◆ ◆ ◆
Correction of Error

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

In the preamble for §§119.1-119.13, the second paragraph should read: The new section will replace the existing sections, and will strengthen the Health Maintenance Organization (HMO) quality assurance surveillance program by expanding the requirements of the HMO quality assurance plan; providing an agenda for the survey process; including a compliance section; defining disciplinary action; and redefining the geographic area.

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

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

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

(C) the quality assurance committee does the following:

(i) assesses the quality of care and service by determining the availability, accessibility and adequacy of personnel and facilities;

- (ii) assesses health care continuity;
- (iii) performs quality of care studies which are based upon health care processes and outcomes;
- (iv) reviews quality of service, facility, and environmental complaints; and
- (v) analyzes quality of service complaints.

◆ ◆ ◆
The Texas Department of Health submitted a proposed section which contained an error as published in the July 22, 1988, issue of the *Texas Register* (13 TexReg 3629).

In §73.22, the third sentence in paragraph (a)(1) should read: "First, the distances across which specimens and reports would have to be shipped are great if only the department's central laboratory in Austin offered public health laboratory services."

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Notice of Intent to Revoke a Certificate of Registration

The Bureau of Radiation Control, Texas Department of Health, is seeking the revocation of Certificate of Registration Number R13847, issued to American Medcenter Inc., because the agency determined that the registrant is no longer located at 2219 South Loop 288, Suite 114, Denton, Texas 76226. The registrant has not notified the agency of a change of address and no forwarding address is available.

All attempts by the agency to contact the registrant by telephone, by certified mail, and by inspection have been unsuccessful. Therefore, the Texas Department of Health, Bureau of Radiation Control, recommends that the certificate of registration be revoked immediately.

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

Issued in Austin, Texas on July 22, 1988.

TRD-8807638 Robert A. MacLean
Deputy Commissioner for Professional
Services
Texas Department of Health

Filed: July 26, 1988

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

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Notice of Intent to Revoke a Radioactive Material License

The Bureau of Radiation Control, Texas Department of Health, is seeking the revocation of Radioactive Material License Number L03556, issued to Fishing Tools Inc., because the agency determined that the licensee is no longer located at 5875 Agnes Street, P.O. Box 4516, Corpus Christi, Texas 78408. The licensee has not notified

the agency of a change of address and no forwarding address is available.

All attempts by the agency to contact the registrant by telephone, by mail, and by inspection have been unsuccessful. Therefore, the Texas Department of Health, Bureau of Radiation Control, recommends that the radioactive material license be revoked immediately.

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

Issued in Austin, Texas on July 22, 1988.

TRD-8807636 Robert A. MacLean
Deputy Commissioner for Professional
Services
Texas Department of Health

Filed: July 26, 1988

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

Notice of Rescission of Order

Notice is hereby given that the Bureau of Radiation Control, Texas Department of Health, rescinded the following order. Order of revocation issued June 21, 1988, to Clinical Support Services Laboratory, 605 Belknap Place, San Antonio, Texas 78212, holder of General License Acknowledgement Number 9-1226.

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

Issued in Austin, Texas on July 22, 1988.

TRD-8807637 Robert A. MacLean
Deputy Commissioner for Professional
Services
Texas Department of Health

Filed: July 26, 1988

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

Houston-Galveston Area Council Consultant Contract Award

In accordance with Texas Civil Statutes, Article 6252-11c, the Houston-Galveston Area Council publishes this notice of consultant contract award. The consultant proposal request appeared in the July 5, 1988, issue of the *Texas Register* (13 TexReg 3385). The consultant is to further develop a technique for the estimation of population, employment, and land use changes at the census tract and zonal level.

The consultant selected to perform this service is S.H. Putman and Associates, 7030 Wissanicken, Philadelphia, Pennsylvania 19111. The maximum amount of the contract is \$20,000. The contract will begin on July 15, 1988, and will terminate on January 13, 1989. A final report will be due by January 13, 1989.

Issued in Austin, Texas on July 15, 1988.

TRD-8807594 Jack Steele
Executive Director
Houston-Galveston Area Council

Filed: July 25, 1988

For further information, please call (713) 627-3200

State Board of Insurance Company Licensing

The following applications have been filed with the State Board of Insurance and are under consideration:

1. Application for admission to do business in Texas of Consumers Life Insurance Company, a foreign life insurance company. The home office is in Wilmington, Delaware.
2. Application for a name change by Secured Insurance Corporation, a domestic casualty insurance company. The home office is in Dallas. The proposed new name is Charter Indemnity Company.
3. Application for admission to do business in Texas of American Fidelity Casualty Insurance Company, a foreign casualty insurance company. The home office is in Oklahoma City, Oklahoma.
4. Application for admission to do business in Texas of NN Insurance Company, a foreign casualty insurance company. The home office is in Brookfield, Wisconsin.
5. Application for admission to do business in Texas of BancInsure, Inc., a foreign casualty insurance company. The home office is in Oklahoma City, Oklahoma.
6. Application for a name change by Chilton Insurance Company, a domestic casualty insurance company. The home office is in Dallas. The proposed new name is Transamerica Fairmont Insurance Company of Texas.

Issued in Austin, Texas, on July 25, 1988.

TRD-8807710 Nicholas Murphy
Chief Clerk
State Board of Insurance

Filed: July 27, 1988

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

Company Licensing

The following applications have been filed with the State Board of Insurance and are under consideration:

1. Application for admission to do business in Texas of Beacon Insurance Company of America, a foreign casualty insurance company. The home office is in Westerville, Ohio.
2. Application for a name change by Mid-South Insurance Company of North America, a foreign life insurance company. The home office is in Fayetteville, North Carolina. The proposed new name is Mid-South Insurance Company.
3. Application for admission to do business in Texas of the Cincinnati Life Insurance Company, a foreign life insurance company. The home office is in Fairfield, Ohio.

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

TRD-8807725 Nicholas Murphy
Chief Clerk
State Board of Insurance

Filed: July 28, 1988

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

Interagency Council on Early Childhood Intervention

Correction of Error

The Interagency Council on Early Childhood Intervention submitted a proposed amendment which contained an error as published in the July 19, 1988, issue of the *Texas Register* (13 TexReg 3564).

In §621.23, subsection (l) mistakenly appeared as subsection (e) but should read as (l).

Legislative Budget Board

Joint Budget Hearing Schedule

The Joint Budget Hearing Schedule concerning appropriations requests for the 1990-1991 biennium for the period of August 8, 1988-August 12, 1988, is as follows:

The Texas Rehabilitation Commission, 9 a.m., August 8, Room 101, John H. Reagan Building, Austin; West Texas State University, 1:30 p.m., August 8, West Texas State University, Administration Building, Room 104, 23rd and Second Avenue, Canyon; the Human Rights Commission, 2 p.m., August 8, Room 246, John H. Reagan Building, Austin; the Board of Private Investigators and Private Security Agencies, 2 p.m., August 8, Room 105, John H. Reagan Building, Austin; the Panhandle-Plains Historical Museum, 3 p.m., August 8, West Texas State University, Administration Building, Room 104, 23rd and Second Avenue, Canyon; the Texas Education Agency, 9 a.m., August 9, Room 103, John H. Reagan Building, Austin; Texas Tech University, 9 a.m., August 9, Boardroom, Second Floor, Administration Building, Texas Tech University, Lubbock; Texas Tech University Health Sciences Center, 9 a.m., August 9, Boardroom, Second Floor, Administration Building, Texas Tech University, Lubbock; the Texas Tech University Museum, 9 a.m., August 9, Boardroom, Second Floor, Administration Building, Texas Tech University, Lubbock; the Board of Architectural Examiners, 9 a.m., August 9, Room 246, John H. Reagan Building, Austin; the Bond Review Board, 9:30 a.m., August 9, Room 101, John H. Reagan Building, Austin; the Texas Water Commission, 10 a.m., August 9, Room 107, John H. Reagan Building, Austin; the Advisory Council for Technical/Vocational Education, 11 a.m., August 9, Room 103, John H. Reagan Building, Austin; the Industrial Accident Board, 2 p.m., August 9, Room 107, John H. Reagan Building, Austin; the Texas Historical Commission, 2 p.m., August 9, Room 102, John H. Reagan Building, Austin; the Veterinary Medical Examiners, 9 a.m., August 10, Room 102, John H. Reagan Building, Austin; the State Property Tax Board, 10 a.m., August 10, Room 103, John H. Reagan Building, Austin; the Texas Commission on Alcohol and Drug Abuse, 10 a.m., August 10, Room 107, John H. Reagan Building, Austin; Texas River Compact Commissioners, 2 p.m., August 10, Room 107, John H. Reagan Building, Austin; the Board of Tax Professional Examiners, 2 p.m., August 10, Room 102, John H. Reagan Building, Austin; the Texas Commission for the Blind, 9 a.m., August 11, Room 102, John H. Reagan Building, Austin; the Texas Surplus Property Agency, 1 p.m., August 11, Room 102, John H. Reagan Building, Austin; the Texas Commission for the Deaf, 2 p.m., August 11, Room 107, John H. Reagan Building, Austin; the Employee Retirement System, 2

p.m., August 11, Room 246, John H. Reagan Building, Austin; the Secretary of State, 9:30 a.m., August 12, Room 215, State Capitol Building, Austin; the State Department of Highways and Public Transportation, 2 p.m., August 12, Red Room, D.C. Green Building, 11th and Brazos Streets, Austin; the Teacher Retirement System and Optional Retirement System, 3 p.m., August 12, Room 103, 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 29, 1988.

TRD-8807785 Larry Kopp
Assistant Director for Budgets
Legislative Budget Office

Filed: July 29, 1988

For further information, please call (512) 463-1200

Texas State Library and Archives Commission

Consultant Contract Award

To comply with the provisions of Texas Civil Statutes, Article 6252-11c, the Texas State Library and Archives Commission furnishes this notice of consultant contract awards. After solicitation of proposals in the December 4, 1987, issue of the *Texas Register* (12 TexReg 4549), the following five proposals were approved for funding.

The Brazoria County Library System will add five school and academic libraries to the current CD-ROM union catalog project of the BRAZNET Library Consortium. Expansion of the project will facilitate resource sharing and cooperative collection development by adding an estimated 25,000 new titles to the union catalog. The CD-ROM union catalog project is currently being funded by an LSCA Title III grant. The contract is with Brazoria County, 412 North Front Street, Angleton, Texas 77515 for \$52,100.

The Corpus Christi Public Libraries will conduct a feasibility study and create a planning document involving cooperation by the Corpus Christi Public Libraries, the Corpus Christi Independent School District, and the Catholic Schools of the Diocese of Corpus Christi to enhance library services and resources for school-aged children. The contract is with the City of Corpus Christi, 805 Comanche, Corpus Christi, Texas 78401 for \$20,364.

Stephen F. Austin State University will convert the holdings of the Nacogdoches Public Library and link them to the records of Stephen F. Austin State University in a common on-line database located at the university and available for users at both locations. Reciprocal borrowing and courier delivery service will be instituted, and circulation will be converted to an automated process at Nacogdoches Public Library. Dial up access to the database will be available for those having home computers. The contract is with Stephen F. Austin State University, P.O. Box 13055, Nacogdoches, Texas 75962-3055 for \$90,306.

Three library consortia will create a union catalog on CD-ROM of the holdings of 31 academic, public, school, and hospital libraries in the South Texas area. This project is the first step in a three year program intended to provide a union catalog, to establish an electronic communications network for interlibrary loan requests among the participants, and to make copies of the union catalog available to non-members. The contract is with the University of

Houston-Victoria, 2602 North Ben Jordan, Victoria, Texas 77901 for \$127,547.

The newly established Wellington Independent School District/Collingsworth County Library will join the Harrington Library Consortium, allowing the applicant to establish automated circulation for 3,000 patrons, to create an automated catalog of 5,200 unique titles, and to participate in the range of services and responsibilities associated with consortium membership, including resource sharing. The contract is with Wellington Independent School District, 605 15th Street, Wellington, Texas 79095 for \$52,308.

The beginning date for all these projects is September 1, 1988, and the ending date is August 31, 1989. A progress report is due on March 27, 1989, for the first six months of the project, and a final report is due September 25, 1989.

Issued in Austin, Texas on July 27, 1988.

TRD-8807683 Raymond Hitt
Assistant State Librarian
Texas State Library and Archives
Commission

Filed: July 27, 1988

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

Texas A&M University System Consultant Proposal Request

Pursuant to Texas Civil Statutes, Article 6252-11c, the Texas A&M University System (TAMUS) is requesting proposals for consulting services.

Description: The Texas A&M University System is accepting proposals for consulting services to conduct a needs assessment and analyses program necessary to support development of the following system level long range plans: Long Range Video Systems Plan; Long Range Automated Information Systems Plan; and Long Range Telecommunications Systems Plan. These needs assessments and analyses are to focus on the current and projected needs required to carry out the missions, goals, and objectives of the Texas A&M University System and all subordinate elements through the year 2000.

Procedure for Selection of Consultant: Proposals are being sought under the provisions of Texas Civil Statutes, Article 6252-11c, and the Texas A&M University System reserves the right to reject any or all bids and to waive any or all formalities. The Texas A&M University System will consider the demonstrated competence, knowledge, and qualifications to complete the work satisfactorily and on time as well as the reasonableness of the proposed fee. The Texas A&M University System shall be the sole judge of the proposal which best meets its needs.

Contact Person: Proposal packets may be obtained by contacting Rex E. Janne, Purchasing Department, Texas A&M University, College Station, Texas 77843-1477, (409) 845-4579.

Closing Date: All proposals should be clearly marked as follows.

Sealed Proposal: Long Range Plans

Open: 2 p.m., August 15, 1988

Proposals must be received by the opening date above and are to be addressed to: Rex E. Janne, Purchasing Department, Texas A&M University, College Station, Texas 77843-1477, (409) 845-3800.

Issued in College Station, Texas on July 16, 1988.

TRD-8807623

Bill Prenal
Executive Secretary of the Board of Regents
The Texas A&M University System

Filed: July 26, 1988

For further information, please call (409) 845-9603

Texas Water Commission Enforcement Order

Pursuant to the Texas Water Code, which states that if the commission finds that a violation has occurred and a civil penalty is assessed, the commission shall file notice of its decision in the *Texas Register* not later than the 10th day after the date on which the decision is adopted, the following information is submitted.

An enforcement order was issued to Celanese Engineering Resins, Inc., WDW210, 2111, and 212, on July 28, 1988, assessing \$1,200 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Patricia Barnhard, Staff Attorney, Texas Water Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 463-8069.

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

TRD-8807801 Gloria A. Vasquez
Notices Coordinator
Texas Water Commission

Filed: July 29, 1988

For further information, please call (512) 463-8069.

Notice of Application For Waste Disposal Permit

Notice is given by the Texas Water Commission of public notices of waste disposal permit applications issued during the period of July 18-22, 1988.

No public hearing will be held on these applications unless an affected person has requested a public hearing. Any such request for a public hearing shall be in writing and contain the name, mailing address, and phone number of the person making the request; and a brief description of how the requester, or persons represented by the requester, would be adversely affected by the granting of the application. If the commission determines that the request sets out an issue which is relevant to the waste discharge permit decision, or that a public hearing would serve the public interest, the commission shall conduct a public hearing after the issuance of proper and timely notice of the hearing. If no sufficient request for hearing is received within 30 days of the date of publication of notice concerning the applications, the permit will be submitted to the commission for final decision on the application.

Information concerning any aspect of these applications may be obtained by contacting the Texas Water Commission, P.O. Box 13087, Capitol Station, Austin, Texas 78711, (512) 463-7905.

Listed are the name of the applicant and the city in which the facility is located, type of facility, location of the facility, permit number, and type of application—new permit, amendment, or renewal.

Alta Verde Industries, Inc., doing business as Alta Verde Beef Pack, Eagle Pass; slaughterhouse; located at Fifth and G Streets, Eagle Pass Army Air Field, near the intersection of United States Highway 277 and State High-

way 131 in Maverick County; 02666; renewal.

Billy C. Christian, Stephenville; dairy; to be located approximately 1.2 miles north of the Highland Community, which is located on FM Road 2156, which is about 6.3 miles west of the intersection of United States Highway 377 and FM Road 219, which is just north of the City of Dublin, Erath County; 03000; new.

Paper Chemicals, Inc., Texarkana; manufacturing plant producing antifoam agents used in the paper industry; located at 3901 Terry Street in the City of Texarkana, Bowie County; 02955; amendment.

Erickson Refining Corporation, Port Neches; crude oil processing plant; located at Lee and Block Streets in the City of Port Neches, Jefferson County; 02065; renewal.

Lafarge Corporation, Dallas; Balcones Cement Plant; located at the intersection of Wald Road and Solms Road, approximately 1.8 miles southwest of the City of New Braunfels, Comal County; 02179; renewal.

Baytank (Houston) Inc., Seabrook; bulk liquid storage and tank terminal; located on Port Road, adjacent to and south of the Bayport Ship Channel Turning Basin in the Bayport Industrial Complex, Harris County; 02547; renewal.

Texaco Chemical Company, Subsidiary of Texaco Inc., Conroe; petrochemical manufacturing plant; located approximately five miles east of the City of Conroe, south of FM Road 1485, and approximately 1/2 mile west of the City of Cut-N-Shoot, Montgomery County; 00584; renewal.

Nueces County Water Control and Improvement District Number 4, Port Aransas; Mustang Island North Plant; located approximately 1/4 mile west of the intersection of Sixth Street and Avenue I, west of the City of Port Aransas, Nueces County; 10846-01; renewal.

Petrounited Terminals, Inc., Seabrook; bulk liquid storage terminal; located at 11666 Port Road, near the City of Seabrook, Harris County; 02110; renewal.

Reid Road Municipal Utility District Number 1, Houston; wastewater treatment facilities; located approximately 1.1 miles east-southeast of the intersection of FM Road 1960 and Jones Road; 3,600 feet south of the intersection of Windfern Road and Rainbow Glen Drive in Harris County; 11563-01; renewal.

Paktank Corporation, Galena Park Terminal, Galena Park; bulk liquid storage and transshipment terminal; located at 1500 Clinton Drive in the City of Galena Park, Harris County; 01662; renewal.

Hughes Tool Company, Houston; earth drilling tools manufacturing plant; located at 5425 Polk Avenue (between Harrisburg Boulevard and Polk Avenue) in the City of Houston, Harris County; 01046; renewal.

City of Center; east bank plant wastewater treatment facilities; located 3,000 feet south west of the intersection of Ice Plant Road and State Highway Seven in Shelby County; 10063-03; renewal.

City of Portland; wastewater treatment facilities; located at 900 Moore Avenue FM Road 893), 2,000 feet northwest of the intersection of FM Road 893 and United States Highway 181, in the City of Portland, San Patricio County; 10478-01; renewal.

Texaco Refining and Marketing, Inc., Port Arthur; facility which received, stores, and ships petroleum products and operates deballasting units; located on an island bounded on the west and north by the Port Arthur Ship Canal and Turning Basin and on the south and east by the Sabine-Neches Canal, Jefferson County; 00415; renewal.

Mobil Chemical Company, Beaumont; plant manufacturing polyethylene; located north of United States Highway 90, south of Old Sour Lake Road and east of the LNVA Canal, approximately 0.5 mile west of the Beaumont Municipal Airport and seven miles west of the City of Beaumont, Jefferson County; 02029; renewal.

Issued in Austin, Texas, on July 26, 1988.

TRD-88 07758 Karen A. Phillips
Chief Clerk
Texas Water Commission

Filed: July 28, 1988

For further information, please call (512) 463-7906

Texas Water Development Board Request for Proposals

The Texas Water Development Board (Board) requests, pursuant to 31 TAC §355.13(a), the submission of regional planning proposals leading to the award of a contract to establish service needs, determine feasible alternatives to meet water supply and wastewater facilities needs, estimate the costs associated with implementing feasible water supply and wastewater collection and treatment alternatives, and identify institutional arrangements to provide water services in Starr County. Special emphasis shall be placed on selecting feasible, low-cost solutions to existing and probable water supply and sewer problems in the county.

Description of Planning Objectives: The purpose of this project is to prepare a plan that documents service needs, identifies feasible alternatives to meet water supply and wastewater treatment needs, presents estimates of costs associated with providing water supply and wastewater collection and treatment system(s), and evaluates various institutional arrangements to deliver water and wastewater services in Starr County. Regional planning shall be for unincorporated areas of Starr County that are presently inhabited and where human habitation is expected between 1990 and 2020. Individual cities located within Starr County may, through appropriate official action, choose to be included and participate in the planning effort. If individual cities are included, separate sections of the plan shall be prepared for each individual city, rural community, and unincorporated area. Discrete phases to implement water supply and wastewater facilities to meet projected needs of rural communities and individual participating cities will be identified. Cost estimates shall be made for each respective implementation phase to maintain the fiscal well-being of proposed water supply and wastewater systems. Separate cost estimates shall be made for water supply and wastewater systems. Water system cost estimates shall be divided into: water supply source(s) and conveyance to treatment facilities; and water treatment and wholesale transmission. Separate cost estimates for wastewater facility services shall include: wastewater collection; and wastewater treatment and disposal.

The planning period of the proposed work shall extend from 1990 through the year 2020 and shall include project implementation schedules by service area and by type of service facility for the respective phases. A list of specific objectives to be accomplished by this regional planning project may be obtained from the board.

Description of Funding Consideration: The board has determined that there is an urgent need for regional water supply and wastewater planning in Starr County. Seventy-five percent state funding for a state amount of up to \$50,000 for a project duration of six months has been autho-

rized from the board's research and planning fund. In the event that no acceptable proposal is submitted, the board retains the right to make no award of contract funds as specified by provisions of 31 TAC §355.13(a)(3).

The selected proposer will have 90 days from board approval to enter into the contract and to demonstrate to the executive administrator that it has its matching share committed and available [§355.11].

Deadlines and Contact Person for Additional Information: Ten copies of the full regional planning proposal must be filed with the board prior to 5 p. m., September 5, 1988. A contract must be completed and work must be underway no later than December 2, 1988. Regional planning proposals must be directed to M. Reginald Arnold II, Executive Administrator, Texas Water Development Board, P.O. Box 13231, Austin, Texas 78711-3231.

Requests for information, regional planning objectives,

and applicable planning rules in accordance with 31 TAC §§355.10-355.19, may be directed to Herbert W. Grubb at the preceding address or (512) 463-7868.

Statement of Contract Terms and Required Completion Date: Procedures for awarding contracts shall comply with Texas Civil Statutes, Article 6252-11c, and Article 664-4, where applicable, and with 31 TAC §§355.10-355.19. Contractual agreements and associated funding will terminate on June 1, 1989. Completion date: June 1, 1989.

Issued in Austin, Texas on July 28, 1988.

TRD-8807715 Suzanne Schwartz
 General Counsel
 Texas Water Development Board

Filed: July 28, 1988

For further information, please call (512) 463-7850

