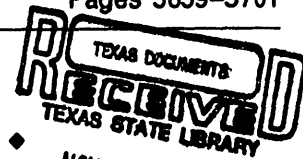


# Texas Register

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# Texas Register Publications

## Texas Register

The *Texas Register* (ISN 0362-4781) is published twice each week at least 100 times a year. Issues will be published by the Office of the Secretary of State.

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

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- Withdrawn Sections—sections withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date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

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

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

In order that readers may cite material more easily page numbers are now written as citations. Example: on page 2 in the lower left-hand corner of the page, would be written: "13 TexReg 2 issue date," while on the opposite page, page 3, in the lower right-hand corner, would be written "issue date 13 TexReg 3."

**How To Research:** The public is invited to research rules and information of interest between 8 a.m. and 5 p.m. weekdays at the *Texas Register* office, 503E Sam Houston Building, Austin. Material can be found using *Texas Register* indexes, the *Texas Administrative Code*, sections number, or TRD number.

## Texas Administrative Code

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

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

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

TAC stands for the *Texas Administrative Code*;

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

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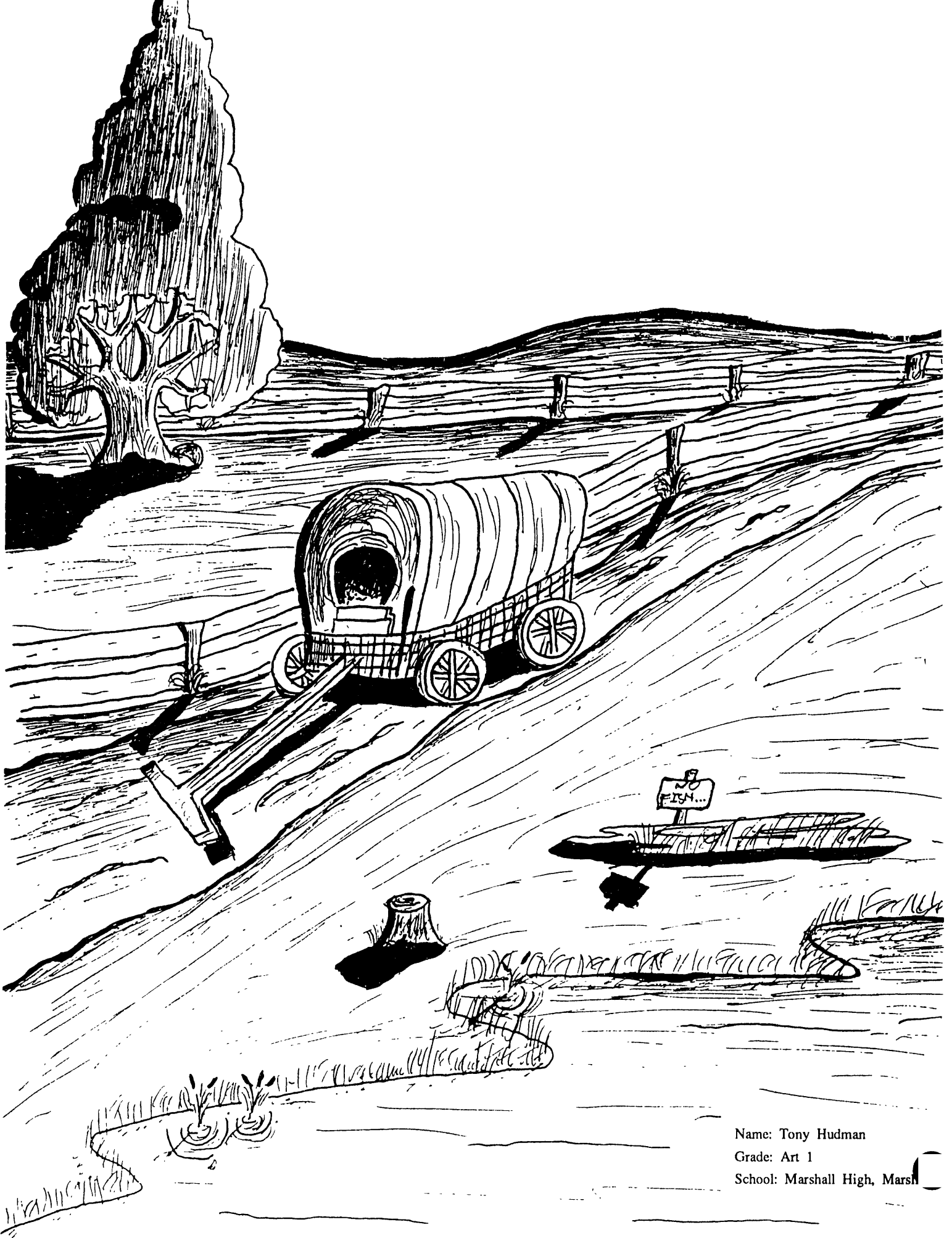
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Subscriptions—one year (96 regular issues), \$90; six months (48 regular issues and two index issues), \$70. Single copies of most issues are available at \$4 per copy.

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# TAC Titles Affected

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## TAC Titles Affected—November

The following is a list of the administrative rules that have been published this month.

### TITLE 1. ADMINISTRATION

#### *Part I. Office of the Governor*

1 TAC §§3.603, 3.606, 3.611, 3.620, 3.624—5679

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7 TAC §3.92—5514

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### TITLE 10. COMMUNITY DEVELOPMENT

#### *Part I. Texas Department of Community Affairs*

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10 TAC §5.501—5642

10 TAC §5.701—5679

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31 TAC §1.91—5673

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43 TAC §52.1—5543

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43 TAC §63.16—5648

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Grade: Art 1

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# Attorney General

**Description of Attorney General submissions.** Under provisions set out in the Texas Constitution, Texas Civil Statutes, Article 4399, and numerous statutes, the attorney general is authorized to write advisory opinions for state and local officials. These advisory opinions are requested by agencies or officials when they are confronted with unique or unusually difficult legal questions. The attorney general also determines, under authority of the Texas Open Records Act, whether information requested for release from governmental agencies maybe held from public disclosure. Requests for opinions, opinions, and open record decisions are summarized for publication in the *Texas Register*. The Attorney General responds to many requests for opinions and open records decisions with letter opinions. A letter opinion has the same force and effect as a formal Attorney General Opinion, and represents the opinion of the Attorney General unless and until it is modified or overruled by a subsequent letter opinion, a formal Attorney General Opinion, or a decision of a court of record.

## Requests for Opinions

(RQ-1569). Request from Roy Blake, Chairman, Senate Administrator, Texas State Senate, Austin, concerning the liability of an appraisal district and its agents for damages awarded in a federal court judgment, and related questions. TRD-8811351

(RQ-1570). Request from John Vance, District Attorney, Civil Section, Administration Building, Dallas, concerning whether a deputy constable is covered by the County Civil Service Act, the Local Government Code, §158. TRD-8811352

(RQ-1571). Request from Brad Wright, Texas House of Representatives, Austin, concerning the constitutionality of an amendment to Texas Civil Statutes, Article

4551(f), which requires dental laboratories doing business in Texas to register with the Board of Dental Examiners. TRD-8811354

(RQ-1572). Request from H. Tati Santiesteban, Chairman, Natural Resources Committee, Texas State Senate, Austin, concerning the authority of a home rule city to convey land to the state for use as a park, where the transfer is made at a price below market value. TRD-8811355

(RQ-1573). Request from Pasco Parker, Collin County Auditor, Office County Auditor, McKinney, concerning whether computation of a tax note under the Tax Code, §26.04, may be performed by an individual who is not certified under Texas Civil Statutes, Article 7422b. TRD-8811359

(RQ-1574). Request from William R. Moore, Tom Green County Attorney, San Angelo, concerning the applicability of certain statutes to the actions of a local salary grievance committee. TRD-8811358

(RQ-1575). Request from William M. Hale, Executive Director, Texas Commission on Human Rights, Austin, concerning the authority of the Texas Commission of Human Rights to adopt a procedural rule regarding the filing of complaints about alleged workplace discrimination against AIDS victims. TRD-8811357

(RQ-1576). Request from James Warren Smith, Frio County Attorney, Pearsall, concerning the authority of a commissioners court to set salaries for a county attorney's office. TRD-8811356



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# Emergency Rules

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 XXII. Texas State Board of Public Accountancy

#### Chapter 501. Professional Conduct

##### General Provisions

###### • 22 TAC §501.2

The Texas State Board of Public Accountancy adopts on an emergency basis an amendment to §501.2. The reason for the emergency is to conform it to national standards as set out by the National Association of State Boards of Accountancy and to correct ambiguities between the definitions in this section and those found elsewhere in the substantive rules. Further, it is the board's contention that the promulgation of these rules of professional conduct will better protect and serve the public by conforming them to Federal Trade Commission guidelines, thus preventing the possibility of infringement on the public's rights and consequently anti-trust action against the board and the State of Texas.

The amendment is adopted on an emergency basis 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 concerning applicability of the rules of professional conduct.

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

Practice of (or practicing) public accountancy—The [performance or] offering to perform by a person holding himself out to the public as a certificate or registration holder, or the performance by a certificate or registration holder, for a client or potential client, of one or more kinds of services involving the use of accounting or auditing skills, including the issuance of reports on financial statements, or of one or more kinds of management advisory or consulting services, or the preparation of tax returns or the furnishing of advice on tax matters. The phrase "services involving the use of accounting or auditing skills," as used in this definition, includes the provision of advice or recommendations in connection with the sale of products, when the

advice or recommendations require or imply the possession of accounting or auditing skills or expert knowledge in auditing or accounting.

Issued in Austin, Texas, on October 31, 1988.

TRD-8811308

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

Effective date: November 2, 1988

Expiration date: March 2, 1989

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

###### • 22 TAC §501.48

The Texas State Board of Public Accountancy adopts on an emergency basis an amendment to §501.48. The emergency action is necessary in order to correct syntax and to conform these rules to other substantive rules. Further, to protect the public interest, it is necessary for the board to possess the current mailing address of each certificate or registration holder in order to communicate with him via correspondence and other communication, regarding changes in board rules, amendments to the Public Accountancy Act, developments in the profession, and disciplinary matters.

The amendment is adopted on an emergency basis 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 concerning address change notification.

**§501.48. Responses.** A certificate or registration holder shall respond in writing to any communication from the board requesting a response, within 30 days of the mailing of such communication by registered or certified mail to the last address furnished to the board by the certificate or registration holder. Each certificate holder and each person required to be registered with the board under the Act, §10 shall notify the board, in writing, of any and all changes in such person's mailing address and the effective date thereof within 30 days before or after such effective date.

Issued in Austin, Texas, on October 31, 1988.

TRD-8811307

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

Effective date: November 2, 1988

Expiration date: March 2, 1989

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

## TITLE 28. INSURANCE

### Part I. State Board of Insurance

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

##### Subchapter E. Group Life and/or Group Accident and Health Insurance Policies and Certificates

###### • 28 TAC §3.408

The State Board of Insurance adopts on an emergency basis new §3.408, concerning mandatory policy provisions for payment to the Texas Department of Human Services under group policies of accident and sickness insurance. The new section is necessary to implement the provisions of the Insurance Code, Article 3.76, which provides that each individual or group policy of accident and sickness insurance, including a policy issued by a company subject to the Insurance Code, Chapter 20, that is delivered, issued for delivery, or renewed in Texas on or after January 1, 1988, shall provide for payment of benefits on behalf of children to the Texas Department of Human Services (the department) under appropriate circumstances. The new section specifies the language which an insurance policy must use to require payment to the department. An imminent peril to the public welfare requires adoption of the new section on an emergency basis in order to avoid denial of the benefits payable to the Texas Department of Human Services under group policies of accident and sickness insurance.

The new section is adopted on an emergency basis under the Insurance Code, Article 3.76, §3, which authorizes the State Board of Insurance to prescribe uniform policy provisions, riders, and endorsements for statutory requirements for individual and group policies of accident and sickness insurance, including a policy issued by a company subject to the Insurance Code, Chapter 20, that is delivered, issued for delivery, or renewed in this state.

###### §3.408. Mandatory Policy Provisions.

(a) Each group policy of accident and sickness insurance, including a policy issued by a company subject to the Insurance Code, Chapter 20, that is delivered,

issued for delivery, or renewed in Texas on or after January 1, 1988, must contain a benefit provision which states, "All benefits paid on behalf of the child or children under this policy must be paid to the Texas Department of Human Services" whenever:

(1) the Texas Department of Human Services is paying benefits pursuant to the Human Resources Code, Chapter 31 or Chapter 32, i.e., financial and medical assistance service programs administered pursuant to the Human Resources Code; and

(2) the parent who is covered by the group policy has possession or access to the child pursuant to a court order, or is not entitled to access or possession of the child

and is required by the court to pay child support.

(b) The insurer or group non-profit hospital service company must receive, at its home office, written notice affixed to the insurance claim when the claim is first submitted, and the notice must state that all benefits paid pursuant to this section must be paid directly to the Texas Department of Human Services.

(c) With respect to any policy forms approved by the State Board of Insurance prior to the effective date of this section, an insurer is authorized to achieve compliance with this section by the use of endorsements or riders, provided such endorsements or riders are approved by the

State Board of Insurance as being in compliance with this section and the provisions of the Insurance Code.

(d) All policies issued or renewed on and after January 1, 1988, will be considered in compliance with this section if they contain the language prescribed within subsection (a) of this section.

Issued in Austin, Texas, on November 2, 1988.

TRD-8811323

Nicholas Murphy  
Chief Clerk  
State Board of Insurance

Effective date: November 2, 1988

Expiration date: March 2, 1989

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

◆ ◆ ◆

# Proposed Sections

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

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

## TITLE 1.

### ADMINISTRATION

#### Part I. Office of the Governor

#### Chapter 5. Budget and Planning Office

#### Subchapter C. Energy Conservation Design Standards

#### Energy Conservation Design Standards for New State Buildings

##### • 22 TAC §5.301

The Energy Management Center of the Governor's Office of Budget and Planning proposes a new §5.301, which adopts by reference the Energy Conservation Design Standard for New State Buildings. The new section replaces the existing State Energy Conservation Manual, #123SBC705, Part II, Apartment and Non-Residential Buildings. The standard is proposed in order to comply with the Government Code, Title 4, §447.004. The purposes of the new section are to set minimum requirements and provide guidance for the energy efficient design of new buildings in order to minimize their energy use without constraining the building function nor the comfort or productivity of the occupants, and provide criteria for energy efficient building design and methods for determining if a new building design complies with these criteria. All new state buildings, including buildings of state-supported institutions of higher education, are required to meet the standard.

The new section is a Texas-specific version of the American Society of Heating, Refrigerating, and Air-Conditioning Engineers (ASHRAE) Proposed Standard 90.1P, "Energy Efficient Design of New Buildings Except Low-Rise Residential Buildings." ASHRAE 90.1P is the most current and up-to-date design standard for new buildings. Extensive research and public review have gone into its development. Efforts have been made to delete sections of ASHRAE 90.1P which are not applicable to Texas climates. In addition, equation variables used in ASHRAE 90.1P have been adjusted to reflect Texas climates more accurately. Personal computer software has been developed to assist in evaluating compliance of the lighting and building envelope systems with the standard.

Malcolm Verdict, state agencies department manager, at the Energy Management Center, 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. Verdict 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 a reduction in the amount of general revenue funds required to pay energy costs in new state buildings built in compliance with the section. The possible economic cost to individuals or design firms that are required to comply with the section as proposed will be the additional cost required for training to use the section.

The Energy Management Center invites public review and comment on the section from state agencies, registered architects, professional engineers, design firms, and all other interested parties. Public hearings will be held to receive comments on the (dates, times, and locations to be announced). Written comments on the section may be submitted at the hearings. Written comments received during the public review period shall be addressed and applied as necessary to the section.

Copies of the new section, including compliance software and a preface document, are available from Timothy J. Grigg, Energy Conservation Design Standard, Governor's Energy Management Center, P.O. Box 12428, Austin, Texas 78711. Comments on the new section should be submitted to Mr. Grigg. Comments will be accepted until 5 p.m., December 30, 1988. For more information regarding the public hearings, contact Mr. Grigg at the Governor's Energy Management Center at (512) 463-1931. Persons wishing to comment at a hearing must contact Mr. Grigg no later than three days prior to the hearing date to reserve a place on the agenda.

The new section is proposed under Texas Government Code, Title 4, §447.004, which provides the Energy Management Center of the Office of the Governor with the authority to adopt and publish energy conservation design standards for all new state buildings.

#### §5.301. *Energy Conservation Design Standard for New State Buildings.*

(a) The Energy Management Center of the Governor's Office of Budget and Planning, adopts by reference the energy conservation design standard entitled, "Energy Conservation Design Standard for New State Buildings, Energy Efficient Design of New Buildings Except Low-Rise Residential Buildings," Version 89/1, published by the Governor's Energy Management Center in February 1989. The purposes of the standard are to set minimum requirements and provide guidance

for the energy efficient design of new buildings in order to minimize their energy use without constraining the building function nor the comfort or productivity of the occupants, and provide criteria for energy efficient building design and methods for determining if a new building design complies with these criteria. All new state buildings, including buildings of state-supported institutions of higher education, are required to meet the standard.

(b) Copies of the standard are on file with the Governor's Energy Management Center, Sam Houston State Office Building, 201 East 14th Street, Austin, Texas 78711, and may be viewed during normal office 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 November 3, 1988.

TRD-8811345

Ron Lindsey  
Director  
Governor's Office of  
Budget and Planning

Earliest possible date of adoption: December 12, 1988

For further information, please call: (512) 463-1788

## TITLE 22. EXAMINING BOARDS

### Part XIV. Texas Optometry Board

#### Chapter 279. Interpretations

##### • 22 TAC §279.5

The Texas Optometry Board proposes an amendment to §279.5, concerning board interpretation number five, which sets forth those acts that may be performed by an optometric assistant and those acts that must be performed by the optometrist. The section is being amended to include the duties or acts that must be performed by the optometrist. The section is being amended to include the duties or acts associated with high-tech equipment used in the examination process.

Lois Ewald, 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. Ewald 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 competent optometrists and trained optometric assistants will provide quality eye examinations due to the defining of roles and supervision of assistants and equipment. There is no anticipated economic cost to individuals who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Lois Ewald, Executive Director, Texas Optometry Board, 9101 Burnet Road, Suite 214, Austin, Texas 78758.

The amendment is proposed under Texas Civil Statutes, Article 4552, §2.14, which provide the Texas Optometry Board with the authority to promulgate procedural and substantive rules.

*§279.5. Board Interpretation Number Five.*

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

(c) Assistants to optometrists are permitted to perform the following duties or acts, or both, under the direction and supervision of a licensed optometrist when working in the same office, which do not necessarily require the use of a professional judgment:

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

(3) angle of vision, to right and left [;], and/or autoperlimetry;

(4)-(7) (No change.)

(8) autorefraction (satisfying the requirement for static retinoscopy);

(9)[(8)] other duties or acts as determined by the board.

(d) (No change.)

(e) The optometrist shall, in the initial examination of the patient, make and record, if possible, the following findings of the condition of the patient, but not necessarily limited to the following findings:

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

(3) static retinoscopy, O.D., O.S.,[;] and/or autorefraction; autorefraction may be performed by the optometrist or the optometric assistant, but static retinoscopy must be performed by the optometrist;

(4)-(7) (No change.)

(f) (No change.)

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

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

TRD-8811296 Lois Ewald  
Executive Director  
Texas Optometry Board

Earliest possible date of adoption: December 12, 1988

For further information, please call: (512) 835-1938

**Part XVI. Texas State Board of Physical Therapy Examiners**

**Chapter 323. Powers and Duties of the Board**

**• 22 TAC §323.3**

The Texas State Board of Physical Therapy Examiners proposes new §323.3, concerning adoption of rules. The new section will assure regular notification of rule amendments to licensees, the public, and interested parties.

Lois M. Smith, executive director, has determined that for the first five-year period the proposed section is in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the section.

Ms. Smith also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be regular notification of rule amendments. There is no anticipated economic cost to individuals who are required to comply with the section as proposed.

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

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

*§323.3. Adoption of Rules.* The board may adopt rules consistent with the Physical Therapy Practice Act to carry out its duties in administering the Act. Rule revisions, other than emergency rules, may be adopted once a year.

(1) Proposed rule amendments must be submitted in writing to the Rules Committee for consideration no later than July 1.

(2) The Rules Committee will present all proposed rules for board approval at the first meeting of the fiscal year.

(3) After final adoption, rules will be printed and distributed to all licensees once a year.

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

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

TRD-8811292 Lois M. Smith  
Executive Director  
Texas State Board of  
Physical Therapy  
Examiners

Earliest possible date of adoption: December 12, 1988

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

**Chapter 341. License Renewal**

**• 22 TAC §§341.1-341.3**

The Texas State board of Physical Therapy Examiners proposes amendments to §§341.1, 341.2, and 341.3, concerning physical therapist, physical therapist assistant, and qualifying continuing education units. The amendments will simplify the mandated continuing education units and reporting process.

Lois M. Smith, executive director, has determined that for the first five-year period the proposed sections are in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the sections.

Ms. Smith 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 none. 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 Lois M. Smith, 313 East Rundberg Lane, Suite 113, Austin, Texas 78753.

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

*§341.1. Physical Therapist.*

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

(d) Copies of the original program completion document must be submitted to prove compliance with the required CEU's for the previous biennium as indicated in subsections (a) and (c) of this section. These documents must be submitted with the odd numbered year license renewal. [The odd numbered year renewal application will require notarization indicating compliance with the required CEU's for the previous biennium as indicated in subsection (a) of this section. Supportive documents as provided in subsection (c) of this section, must be submitted.]

*§341.2. Physical Therapist Assistant.*

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

(d) Copies of the original completion document must be submitted to prove compliance with the required CEU's for the previous biennium as indicated in subsections (a) and (c) of this section. These documents must be submitted with the odd numbered year license renewal. [The odd numbered year renewal application will require notarization

indicating compliance with the required CEU's for the previous biennium as indicated in subsection (a) of this section. Supportive documents as provided in subsection (c) of this section must be submitted.]

**§341.3. Qualifying Continuing Education Units.**

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

(e) The board may retroactively approve continuing education units (CEU's) for courses or workshops commenced on or after September 1, 1987, and completed prior to January 13, 1988, and completed prior to January 13, 1988, the effective date of §§341.1-341.4 of this title (relating to Physical Therapist; Physical Therapist Assistant; Qualifying Continuing Education Units; Licensees Failing to Comply). The courses must meet the requirements for CEU's as outlined in the section and board-approved procedures. This section will be in effect until September 1, 1991.

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

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

TRD-8811291 Lois M. Smith  
Executive Director  
Texas State Board of  
Physical Therapy  
Examiners

Earliest possible date of adoption: December 12, 1988

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

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**Chapter 343. Enforcement of Act**

• **22 TAC §343.1**

The Texas State Board of Physical Therapy Examiners proposes an amendment to §343.1, concerning revocation of license or discipline of licensee. After further review, the Texas State Attorney General's Office has determined that a portion of the section is not within the statutory authority of the Texas Physical Therapy Board.

Lois M. Smith, executive director, has determined that for the first five-year period the proposed section is in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the section.

Ms. Smith also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be none. There is no anticipated economic cost to individuals who are required to comply with the section as proposed.

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

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

**§343.1. Revocation of License or Discipline of Licensee.**

(a) (No change.)

(b) A license will be denied, suspended, or revoked for a period of not less than 30 days and a licensee or applicant will be appropriately disciplined if the applicant or licensee:

(1)-(9) (No change.)

[(10) employs or agrees to employ, pays, or promises to pay, or rewards or promises to reward any person, firm, association of persons, partnership, or corporation, for securing, soliciting, or drumming patients, or patronage. A physical therapist or physical therapist assistant may not accept or agree to accept any payment, fee, reward, or anything of value for securing, soliciting, or drumming for patients or patronage for any physical therapist or physical therapist assistant, physician, or surgeon. Each payment, reward, or fee, or agreement to pay or accept a reward or fee is a separate offense. The preceding shall not be construed to prohibit advertising except that which is false, misleading, or deceptive or that which advertises professional superiority or the performance of professional service in a superior manner and that is not readily subject to verification.]

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

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

TRD-8811290 Lois M. Smith  
Executive Director  
Texas State Board of  
Physical Therapy  
Examiners

Earliest possible date of adoption: December 12, 1988

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

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**TITLE 31. NATURAL RESOURCES AND CONSERVATION**

**Part I. General Land Office**

**Chapter 1. Executive Administration**

• **31 TAC §1.91**

The General Land Office (GLO) proposes an amendment to §1.91, concerning fees. The

General Land Office is now offering its digital mapping data to the public in magnetic tape form. The proposed amendment creates fees to offset reproduction and related costs that the General Land Office will incur in supplying the data. A fee is also created to offset the cost of preparing maps in cases in which the General Land Office is requested to show special or customized data. Pursuant to the Open Records Act, Texas Civil Statutes, Article 6252-17a, §9(B), the State Purchasing and General Services Commission has reviewed the proposed fees and finds them to be reasonable. The proposed amendment also eliminates the fee for the GLO subscription mailing list. This was a temporary fee and is no longer being charged.

June Middlebrooks, deputy commissioner for Data Services, has determined that there will be fiscal implications for state government and small businesses as a result of enforcing or administering the section. Because there is no historical basis for estimating demand for the data, the state's gross revenue from sales of the data cannot be estimated accurately. However, since the new fees are calculated to recoup the General Land Office's actual costs, there will be no net loss or increase in revenue. The cost of compliance with the section for small businesses will be minimal. Only those businesses that request digital mapping data will be required to pay fees. There will be no fiscal implications to local government as a result of enforcing or administering the section. Elimination of the subscription fee will cause no fiscal implications, as it is no longer being collected.

Ms. Middlebrooks 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 ready public access to the General Land Office's digital mapping data. The anticipated economic cost to individuals cannot be determined with accuracy because there is no historical basis for estimating demand for the data. The cost to individuals requesting the data is intended to offset the cost to this agency for providing the data and is borne only by those requesting the services.

Comments on the proposal may be submitted to Jim Phillips, General Counsel, General Land Office, 1700 North Congress Avenue, Austin, Texas 78701.

The amendment is proposed under the Natural Resources Code, §31.064, which provides the commissioner with the authority to set and collect fees for services performed by the General Land Office.

**§1.91. Fees.** The commissioner is authorized and required to collect the following fees where applicable.

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

(4) Maps and Plats.

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

(E) Digital mapping data.

(i) Digital mapping data per 7.5 minute quadrangle-\$5;

(ii) Tapes, each-\$10;

- (iii) Postage and handling per tape—\$15;
- (iv) Digital mapping data user's manual—\$5;
- (v) Digital mapping data quad availability list—\$5;
- (iv) Customized digital maps, per hour—\$50.

(5)-(7) (No change.)

(8) Publications.

(A)-(E) (No change.)

[(F) GLO subscription mailing list—\$50]

(9)-(14) (No change.)

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

Issued in Austin, Texas, on November 3, 1988.

TRD-8811332 Garry Mauro  
Commissioner  
General Land Office

Earliest possible date of adoption: December 12, 1988

For further information, please call: (512) 463-5009

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**TITLE 34. PUBLIC FINANCE**  
**Part VII. State Property Tax Board**  
**Chapter 155. Tax Record Requirements**

• 34 TAC §155.35

The State Property Tax Board proposes an amendment to §155.35, concerning agricultural land use application forms.

The amendment adopts by reference amended special use application forms for 1-d-1 agricultural land, 1-d-1 ecological laboratory land, and 1-d agricultural land. The amended forms reflect statutory changes related to raising of exotic animals and provide for information necessary for appraisal districts to determine qualification for special appraisal.

Sands L. Stiefer, 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.

Mr. Stiefer 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 more efficient determinations by appraisal districts of qualification for agricultural appraisal. 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 Sands L. Stiefer, General Counsel, State Property Tax Board, P.O. Box 15900, Austin, Texas 78761-5900.

The amendment is proposed under the Tax Code, §23.43(d) and §23.54(b), which provides the State Property Tax Board with the authority to prescribe model forms for 1-d and 1-d-1 appraisal applications.

§155.35. *Special Use Application Forms.*

(a) (No change.)

(b) The following model application forms are adopted by the State Property Tax Board by reference. Copies of these forms are available for inspection at the office of the Texas Register or can be obtained from the Office of the General Counsel, State Property Tax Board, P.O. Box 15900, Austin, Texas 78761:

(1) 1-d Appraisal Application [for land designated for agricultural use] (1-d Agricultural Land), State Property Tax Board Special Use Form 23.43, as amended December 14, 1988 [October 1983];

(2) 1-d-1 Appraisal [Open Space Land] Application (1-d-1 Agricultural Land), State Property Tax Board Special Use Form 23.54, as amended December 14, 1988 [October 1983];

(3) (No change.)

(4) [Open-Space Land Application (] 1-d-1 Ecological Laboratory Appraisal Application [Land]), State Property Tax Board Special Use Application Form 23.51 as amended December 14, 1988;

(5)-(6) (No change.)

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

Issued in Austin, Texas, on November 4, 1988.

TRD-8811449 Ron Patterson  
Executive Director  
State Property Tax Board

Earliest possible date of adoption: December 16, 1988

For further information, please call: (512) 834-4802

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**Chapter 161. Valuation Procedures**

• 34 TAC §161.6

The State Property Tax Board proposes an amendment to §161.6, concerning transportation company intangible report forms. The proposed amendment adopts by reference new railroad and pipeline intangible report forms. The forms have been revised to provide greater clarity, to delete obsolete information, and to require additional information.

Sands L. Stiefer, 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.

Mr. Stiefer 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 more efficient and equitable appraisal of transportation company intangible properties for property tax purposes. 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 Ron Patterson, Executive Director, P.O. Box 15900, Austin, Texas 78761-5900.

The amendment is proposed under the Tax Code, §24.10 which requires the agency to prescribe by rule report forms for intangible property appraisal.

§161.6. *Transportation Business Intangibles Property Information Reports.*

(a) The State Property Tax Board adopts by reference the following Transportation Business Intangibles Property Information Report forms:

(1) Annual Report—Texas Railroad Intangibles Tax (for Large Railroad), Form 24.01(a), as amended December 14, 1988 [V-6.07 (10/83)];

(2) Annual Report—Texas Railroad Intangibles Tax (for Small Railroads), Form 24.01(b);

(3) [(2)] Annual Report of Oil Pipeline Companies as amended December 14, 1988 [(1/82)]; and

(4) [(3)] Annual Report for Bridges, Ferries, etc. V-6.11 (5/80).

(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 November 4, 1988.

TRD-8811450 Ron Patterson  
Executive Director  
State Property Tax Board

Earliest possible date of adoption: December 16, 1988

For further information, please call: (512) 834-4802



# TITLE 40. SOCIAL SERVICES AND ASSISTANCE

## Part I. Texas Department of Human Services

### Chapter 71. Public Information

#### Public Interest Information

##### • 40 TAC §71.40

The Texas Department of Human Services (DHS) proposes new §71.40, concerning public information and complaints, in its Public Information chapter. The purpose of the new section is to enhance public access to information about the department and about procedures for filing complaints with the department.

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 expedited handling of public inquiries and complaints, thereby enhancing department responsiveness to public needs. 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 Development Support Division-315, Texas Department of Human Services 222-E, P.O. Box 2960, Austin, Texas 78769, within 30 days of publication in the *Texas Register*.

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

##### §71.40. Public Interest; Complaints.

(a) The department must make available to the general public and to appropriate state agencies information of public interest. This information must include descriptions of the functions of the department, the functions of the Human Services Board, and the procedures by which complaints are filed with and resolved by the department or board.

(b) An individual or entity filing a complaint with the department must be certain that the complaint concerns an individual or entity regulated by the department or a service provided by the department.

(c) The department's centralized source for receipt of statewide complaints and information and referral services for the general public, clients, and elected officials is the Texas Department of Human Services, Special Services Division, mail code 132-W, P.O. Box 2960, Austin, Texas

78769, (512) 450-3284.

(d) Complaints about the provision of services may also be addressed to the regional administrator in each of the department's 10 regions. Those addresses are as follows.

(1) Region 01/02. Texas Department of Human Services, P.O. Box 10528, Lubbock, Texas 79408, (806) 741-0541.

(2) Region 03/12. Texas Department of Human Services, 5150 El Paso Drive, El Paso, Texas 79994, (915) 595-1700.

(3) Region 04. Texas Department of Human Services, 4380 Spindletop, Abilene, Texas 79608, (915) 698-3657.

(4) Region 05. Texas Department of Human Services, 631 106th Street, Arlington, Texas 76011, (817) 261-3376.

(5) Region 06. Texas Department of Human Services, 7901 Cameron Road, Building 2, Austin, Texas 78761, (512) 835-2350 extension 458.

(6) Region 07. Texas Department of Human Services, 4355 Bonham Street, Paris, Texas 75460, (214) 784-0841.

(7) Region 08. Texas Department of Human Services, 2520 North Closner, Edinburg, Texas 78539, (512) 383-5344.

(8) Region 09. Texas Department of Human Services, 233 East Mitchell Street, San Antonio, Texas 78237, (512) 533-3161.

(9) Region 10. Texas Department of Human Services, 285 Liberty Street, Ninth Floor, Beaumont, Texas 77701, (409) 835-3751.

(10) Region 11. Texas Department of Human Services, 1300 East 40th Street, Houston, Texas 77022, (713) 692-3236.

(e) Civil rights complaints alleging unfair treatment on the basis of race, color, religion, national origin, sex, political beliefs, or handicap may be addressed to one of the following:

(1) the Texas Department of Human Services, Civil Rights Division, P.O. Box 2960, mail code 433-W, Austin, Texas 78769; or

(2) the regional civil rights office in any of the 10 regional offices in subsection (d) of this section.

(f) The department also maintains toll-free hotlines that are operated to respond to complaints. Those hotlines are as follows.

(1) Income assistance (AFDC and food stamps). 1-800-252-9330.

(2) Medicaid. 1-800-252-8263.

(3) Fraud. 1-800-222-2526.

(4) Child and elder abuse. 1-800-252-5400.

(g) After an individual or entity files a complaint, the department must give status reports, at least four times a year until final disposition, to the complainant and to any involved service providers or entities regulated by the department. The department may make exceptions to this notification requirement if the notice would jeopardize an undercover investigation or potential criminal prosecution.

(h) The department maintains an information file about each complaint that relates to an individual or entity regulated by the department or to a service provided by the department.

(i) Exempt from the notification requirement are persons licensed to practice medicine and who provide professional services to people covered by the Social Security Act, Title XVIII or XIX.

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

Issued in Austin, Texas, on November 3, 1988.

TRD-8811456

Marlin W. Johnston  
Commissioner  
Texas Department of  
Human Services

Proposed date of adoption: January 15, 1989.

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

## Part III. Texas Commission on Alcohol and Drug Abuse

### Chapter 153. DWI Education Program Standards and Procedures

#### DWI Education Program Procedures

##### • 40 TAC §§153.1, 153.4, 153.34-153.36, 153.38, 153.39, 153.41

The Texas Commission on Alcohol and Drug Abuse proposes amendments to §§153.1, 153.4, 153.34-153.36, 153.38, 153.39, and 153.41, concerning program definitions; readmission criteria; program operation and reporting requirements; program facilities; and program staff requirements. The amendments are needed in order to clarify program operations requirements and enhance services.

Larry Goodman, deputy director of operations, has determined that there will be fiscal implications for local government and small businesses as a result of enforcing or administering the sections. The effect on local government for the first five-year period the sections will be in effect is unknown. There is no known basis for calculating cost. They will vary with each program depending on

whether the classrooms are currently equipped with tables or desks. The cost of compliance for small businesses compared with the cost of compliance for large businesses is unknown. There is no known basis for calculating costs. They will vary with each program depending on whether the classrooms are currently equipped with tables or desks.

Mr. Goodman also has determined that for each year of the first five years the sections as proposed are in effect the public benefit anticipated as a result of enforcing the sections will be enhancement of state-approved DWI Education Program operations offered throughout the state. 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 Patricia Kubsch, Texas Commission on Alcohol and Drug Abuse, 1705 Guadalupe, Austin, Texas 78701.

The amendments are proposed under the Texas Code of Criminal Procedure, Article 42.12, §6f, as amended in Chapter 473 (1987), which provides the Texas Commission on Alcohol and Drug Abuse with the authority to publish rules and regulations for approved DWI education programs.

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

**Act**—Texas Code of Criminal Procedure, Article 42.12, Adult Probation Law, §6f, [6d] as amended in Chapter 473 (1987).

**Class size**—The number of participants officially enrolled and in attendance at each [the first] class session.

**Class roster**—A form which includes information on those participants officially enrolled and in attendance at the first class session[.] and is used to collect data on those participants throughout the course.

**Reporting period**—That period of time beginning with the date the certification/recertification was granted and ending August 31 of every year. [Each year of the certification period beginning with the date the certification was granted.]

**§153.4. Program Certification.** A program seeking certification must comply with the provisions of this Act and with the rules, regulations, and standards of the commission adopted under this Act. A certificate may be issued when the commission receives a prescribed application form, and the DWI Certification Committee grants approval of the application. The certificate will become effective on the first day of the following month after approval and will expire on August 31 of every even numbered year. A program shall be monitored by the commission or its designated representative [prior to issuing program certification/recertification or] during the initial cer-

tification and/or recertification period. [Programs certified after March 1 of even numbered years may be monitored during their initial certification period and/or their recertification period.] Certified programs may be monitored without prior notice. Certified programs will be listed as potential referral schools in the Statewide DWI Education Program Directory. Non-certified programs are not eligible to receive referrals. Applications for certification are available from the commission's Statewide DWI Education Program director, Texas Commission on Alcohol and Drug Abuse, 1705 Guadalupe, Austin, Texas 78701-1214.

**§153.34. Re-admission.** [Non-Admission.] Persons who have previously [successfully] completed an approved DWI educational program may attend the program upon a subsequent offense if permitted or ordered by the court. [or who are currently under an order to attend an educational program shall not be eligible for attendance.]

**§153.35. Confidentiality.** Client confidentiality shall be assured according to the requirements of Volume 52 [40], Number 110 [127], *Federal Register*, June 9, 1987. [July 1, 1975.]

**§153.36. Program Operation Requirements.** All certified programs designed to rehabilitate persons who have been placed on probation for driving while intoxicated under the provisions of the Act shall:

(1) (No change).

(2) conduct the program a minimum of one time during each reporting period;

(3)[(2)] provide a minimum of eight hours of instruction per course. [and complete all pre-registration, data collection, and screening instrument(s) prior to the first class.] Instruction shall not exceed four hours in any one day;

(4) insure that all pre-registration, data collection, and screening instrument(s) are completed prior to the first class. The pre-test, post-test, and screening instrument(s) shall be completed under the direct supervision of program personnel. Program personnel includes DWI education program administrators, instructors, or support staff who are supervised by program personnel;

(5)[(3)] insure that all program instructors have attended and successfully completed the Administrator/Instructor DWI Education Training Program approved by the DWI Certification Committee;

(6)[(4)] insure that all classes are conducted by certified instructors;

(7)[(5)] utilize all required films, transparencies, and other required re-

sources in instruction. If the program uses VCR equipment, the monitor should be at least 25 inches and the video tapes must be of high quality. The monitor must be positioned in the classroom so that all participants have an unobstructed view. Any supplemental films used in the program must have prior approval from the DWI Certification Committee according to the following criteria:

(A) the program uses the required film(s) in the appropriate modules; and

(B) the program exceeds the minimum of eight hours of instruction; and

(C) the supplemental film relates directly to the objectives of the curriculum module in which it is used;

(6)[(6)] utilize appropriate facilities for class instruction;

(9)[(7)] administer and evaluate pre and post test instruments. Other instruments may be used as supplements;

(10)[(8)] administer, evaluate, and formulate a recommendation using the required screening instrument. Additional instruments may be used as supplements. The purpose of the testing is to make a recommendation for further evaluation where indicated. The recommendation shall be forwarded to the appropriate probation department and/or other referral resources(s) within ten working days after completion of the course and/or exit interview;

(11)[(9)] administer, at the end of each course, a student course evaluation;

(12)[(10)] set fees for client services, have other resources which are sufficient to carry out the program, or both;

(13)[(11)] make provisions to provide the program for persons who are unable to read and/or speak English;

(14)[(12)] maintain attendance records. Each participant shall be required to attend all classes in their proper order; and

(15)[(13)] insure that notice of completion of the program, for all participants, is given to the adult probation department for forwarding same to the convicting court clerk for reporting to the Department of Public Safety.

**§153.38. Program Staff.** Program staff should be selected using the following criteria:

(1) Instructors.

(A)-(J) (No change.)

(2) Administrators.

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

(D) The administrator shall observe and critique all class instructors during the program's certification period on a form prescribed by the commission.

**§153.39. Facilities.**

(a) Facilities shall be commensurate with good education practices and shall [should] include sufficient number of tables or desks, adequate seating, lighting, acoustics, and climate; conducive to study.

(b) (No change.)

(c) Audio-visual equipment shall [should] be in working order and in good condition for use in the class instruction.

**§153.41. Record Keeping and Reporting.**

(a) (No change.)

(b) The following items shall be submitted [reported] to the commission by September 15 of each year [annually and shall be used for statistical purposes only]:

(1)-(6) (No change.)

(7) names of all certified instructors employed by the program and number of courses each conducted during each year of the instructor's certification[.] period;

(8) Completed critiques on instructors observed during the reporting period.

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

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

TRD-8811374

Bob Dickson  
Executive Director  
Texas Commission on  
Alcohol and Drug  
Abuse

Earliest possible date of adoption: December 12, 1988

For further information, please call: (512) 463-5510

◆ ◆ ◆



Name: Eric Pope

Grade: Art 1

School: Marshall High, Marshall

# Adopted Sections

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

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

## TITLE 1.

### ADMINISTRATION

#### Part I. Office of the Governor

##### Chapter 3. Criminal Justice Division

###### Subchapter A. Criminal Justice Administration of the Crime Victims Assistance Act

- 1 TAC §§3.603, 3.606, 3.611, 3.620, 3.624

The Office of the Governor, Criminal Justice Division (CJD) adopts amendments to §§3.603, 3.606, 3.611, 3.620, and 3.624, without changes to the proposed text as published in the June 24, 1988, issue of the *Texas Register* (13 TexReg 3209).

Section 3.603(2) provides required compliance information pertaining to the annual *Criminal Justice Plan for Texas: Catalog of Program Information*.

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

Section 3.606(b)(5) expanded the classification of projects to include a fifth category. The fifth category defines comprehensive victim assistance projects which provide assistance to victims of all types of crime.

Section 3.611, requires that the applicant certify that Victims of Crime Act (VOCA) funds will not replace state or local funds that would otherwise be available.

Section 3.620(a)(6) requires that the applicant receive prior approval if deviating from the grant agreement.

Section 3.620(c) provides approval for the grantee's expenditures for any line item in the approved budget to exceed the budgeted amount, limited to a cumulative 5.0% of the total grant budget. This is contingent upon unexpended funds being available elsewhere and that there are no special conditions restricting the transferring of funds.

Section 3.624(b) requires that contracts over \$10,000 be reviewed and approved as to form by CJD prior to the execution of the contract.

The adoption of these amendments will ensure that the applicants for Victims of Crime Act of 1984 funds have complete and accurate information necessary for the develop-

ment of their applications and the administration of the project.

No comments were received regarding adoption of the amendments.

The amendments are adopted under Texas Civil Statutes, Article 4413(32a), §6(a)(11), which provide the Criminal Justice Division with the authority to adopt such rules, regulations, and procedures as may be necessary to carry out the provisions of the Act.

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

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

TRD-8811346

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

Effective date: November 24, 1988

Proposal publication date: June 24, 1988

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

## TITLE 10. COMMUNITY DEVELOPMENT

### Part I. Texas Department of Community Affairs

#### Chapter 5. Job Training

##### Subchapter C. Financial Management

- 10 TAC §5.317

The Texas Department of Community Affairs adopts the repeal of §5.317, without changes to the proposed text as published in the June 3, 1988, issue of the *Texas Register* (13 TexReg 2725).

The repeal of the section is justified based upon the transfer of Job Training Partnership Act (JTPA) Programs to the Texas Department of Commerce by legislative action.

The section concerned the program year 1985 6.0% incentive grant system under the JTPA Program in Texas.

No comments were received regarding adoption of the repeal.

The repeal is adopted under Texas Civil Statutes, Article 4413(201), which provide the Texas Department of Community Affairs with the authority to promulgate and adopt or repeal such rules and regulations as may be necessary to carry out its programs and re-

sponsibilities.

Issued in Austin, Texas, on November 3, 1988.

TRD-8811376

Roger A. Coffield  
General Counsel  
Texas Department of  
Community Affairs

Effective date: November 25, 1988

Expiration date: June 3, 1989

For further information, please call: (512) 834-6016

##### Subchapter G. Audit

- 10 TAC §5.701

The Texas Department of Community Affairs adopts the repeal of §5.701, without changes to the proposed text as published in the May 20, 1988, issue of the *Texas Register* (13 TexReg 2357).

The repeal of the section is justified based upon the transfer of Job Training Partnership Act (JTPA) Programs to the Texas Department of Commerce by legislative action.

The section concerned the audit management plan used for JTPA Programs in Texas.

No comments were received regarding adoption of the repeal.

The repeal is adopted under Texas Civil Statutes, Article 4413(201), which provide the Texas Department of Community Affairs with the authority to promulgate and adopt or repeal such rules and regulations as may be necessary to carry out its programs and responsibilities.

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

Issued in Austin, Texas, on November 3, 1988.

TRD-8811375

Roger A. Coffield  
General Counsel  
Texas Department of  
Community Affairs

Effective date: November 25, 1988

Proposal publication date: May 20, 1988

For further information, please call: (512) 834-6016

## TITLE 22. EXAMINING BOARDS

### Part IX. State Board of Medical Examiners

#### Chapter 164. Advertising

##### • 22 TAC §164.1

The Texas State Board of Medical Examiners adopts new §164.1 without changes to the proposed text as published in the September 6, 1988, issue of the *Texas Register* (13 TexReg 4423)

The section outlines what constitutes misleading or deceptive advertising, particularly as the terminology involving which board certification may be used. The section also states that the physicians must disclose the complete name of the specialty board which conferred the certification.

It is expected that the section will help the public to not be misled by physician advertising.

Some commenters said the section contains no criteria to differentiate between legitimate and bogus certifying boards. Others felt that requiring disclosure of the board granting certification inappropriately injects the Board of Medical Examiners into an interprofessional battle between specialists. Other commenters felt the section would impact unfairly on some specialists because the public does not understand their members' names or their training.

Commenting in favor of the adoption were individual physicians of the Texas Medical Association. Those commenting against the adoption were as follows: Texas Society of Plastic Surgeons; Texas Osteopathic Medical Association; individual physicians; American Academy of Facial Plastic and Reconstructive Surgery; American Academy of Otolaryngology-Head and Neck Surgery, Inc.; American Board of Otolaryngology; and Cosmetic Surgical Society of Texas.

The board seeks not to intervene in a dispute between specialists, but to protect the public from misleading or deceptive advertising. If the public is unfamiliar with some specialties, remedial public relations efforts may be undertaken by the specialty societies or boards affected.

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

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

Issued in Austin, Texas, on November 2, 1988.

TRD-8811373 G. V. Brindley, Jr., M.D.  
Executive Director  
Texas State Board of  
Medical Examiners

Effective date: November 25, 1988

Proposal publication date: September 6, 1988

For further information, please call: (152) 452-1078

#### Chapter 196. Voluntary Surrender of a Medical License

##### • 22 TAC §196.1

The Texas State Board of Medical Examiners adopts an amendment to §196.1 without changes to the proposed text as published in the September 13, 1988, issue of the *Texas Register* (13 TexReg 4478).

The amendment was necessary to state that the surrender of a Texas medical license without board acceptance or the licensee's failure to remit the annual registration fee prior to revocation of his or her license, shall not deprive the board of jurisdiction in the matter against the licensee.

It is expected that the amendment will greatly clarify the issue of voluntary surrender of medical license.

No comments were received regarding adoption of the amendment.

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

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

Issued in Austin, Texas, on November 2, 1988.

TRD-8811299 G. V. Brindley, Jr., M.D.  
Executive Director  
Texas State Board of  
Medical Examiners

Effective date: November 23, 1988

Proposal publication date: September 13, 1988

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

## Part XXIV. Board of Veterinary Medical Examiners

#### Chapter 571. Licensing

##### • 22 TAC §571.11

The Texas Board of Veterinary Medical Examiners adopts an amendment to §571.11, with changes to the proposed text as published in the September 13, 1988, issue of the *Texas Register* (13 TexReg 170).

The amendment will allow candidates for licensure an opportunity to review those areas in which they are deficient in order to prepare for future examinations.

The amendment allows unsuccessful examination participants the opportunity to meet with staff on a one-on-one basis to review those areas in which they are deficient, rather than requiring board time on an already crowded agenda.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 7465a, §7(a), which provide the Texas Board of Veterinary Medical Examiners with the authority to make, alter, or amend such rules and regulations as may be necessary or desirable to carry into effect the provisions of this Act.

§571.11. *Request to Examine Failing Papers.* Any applicant who fails the State Board Examination and makes a request to examine the failing paper, will be required to meet with the executive staff in the central office.

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

Issued in Austin, Texas, on November 3, 1988.

TRD-8811361 Donald B. Wilson  
Executive Director  
Texas State Board of  
Veterinary Medical  
Examiners

Effective date: November 24, 1988

Proposal publication date: September 13, 1988

For further information, please call: (512) 447-1183

## TITLE 31. NATURAL RESOURCES AND CONSERVATION

### Part I. General Land Office

#### Chapter 11. Legal Division

##### • 31 TAC §§11.1-11.5

The General Land Office adopts the repeal of §§11.1-11.5, without changes to the proposed text as published in the September 30, 1988, issue of the *Texas Register* (13 TexReg 4846).

The sections are unnecessary because the fees associated with certificates of fact are now incorporated into §1.91 of this title.

Certificates of fact are now being processed by the Asset Management Division of the General Land Office, not by the Legal Services Division.

No comments were received regarding adoption of the repeals.

The repeals are proposed under the Natural Resources Code, §31.051, which provides the commissioner of the General Land Office with the authority to make and enforce suitable rules consistent with the law.

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

Issued in Austin, Texas, on November 2, 1988.

TRD-8811331      Garry Mauro  
Commissioner  
General Land Office

Effective date: November 24, 1988

Proposal publication date: September 30, 1988

For further information, please call: (512) 463-5009



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### State Board of Insurance Exempt Filing

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Notification Pursuant to the Insurance Code, Chapter 5, Subchapter L

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

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

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

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

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

The State Board of Insurance has adopted amendments to the *Texas Automobile Manuals II and III*.

The board has adopted physical damage rating symbols for certain 1987, 1988, and 1989 model private passenger automobiles. The symbols adopted were developed from manufacturers F.O.B. list price data and adjusted in accordance with the prescribed vehicle series rating rule.

The F.O.B. list price/symbol chart from which the appropriate symbols are derived is on Page 2 of the Symbol and Identification Section of the *Texas Automobile Manual*.

If applicable, the appropriate symbol has been raised or lowered based on the experience thresholds set out in the vehicle series rating rule in the Symbol and Identification Section of the *Texas Automobile Manual*. The amendment is effective at 12:01 a.m. on the 15th day after notice of this action is published in the *Texas Register*.

This notification is made pursuant to the Texas Insurance Code, Articles 5.96 and 5.97, which exempts it from the requirements of the Administrative Procedure and Texas Register Act.

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

Issued in Austin, Texas on November 1, 1988.

TRD-8811306      Nicholas Murphy  
Chief Clerk  
State Board of Insurance

Effective date: November 27, 1988

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





*Rhea Reed*

Name: Rhea Reed  
Grade: Art 1  
School: Marshall High, Marshall



# 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

**Monday, November 28, 1988, 10 a.m.** The Texas Department of Agriculture will meet in the Ninth Floor Conference Room, Stephen F. Austin Building, Texas Department of Agriculture, 1700 North Congress Avenue, Austin. According to the agenda, the department will receive public comment regarding the proposed repeal of old §7.10 and proposed new §7.10 of the department's pesticide regulations regarding recertification requirements for commercial and non-commercial pesticide applicators as published in the *Texas Register* on November 4, 1988.

Contact: Jane Pulaski, P.O. Box 12847, Austin, Texas 78711, (512) 463-1103.

Filed: November 4, 1988, 8:59 a.m.

TRD-8811380

**Tuesday, November 29, 1988, 9 a.m.** The Produce Recovery Fund Board for the Texas Department of Agriculture will meet in Room 1-100, Travis State Building, 1701 North Congress Avenue, Austin. According to the agenda, the board will review alleged violation of Texas Agriculture Code Annotated, §103.001 by Gerald E. Mann, doing business as Gerald E. Mann Produce, as petitioned by Triangle J. Farms, Inc.

Contact: Margaret Alvarez, P.O. Box 12847, Austin, Texas 78711, (512) 463-7604.

Filed: November 4, 1988, 8:57 a.m.

TRD-8811381

**Tuesday, November 29, 1988, 1 p.m.** The Produce Recovery Fund Board for the Texas Department of Agriculture will meet in Room 1-100, Travis State Building, 1701 North Congress Avenue, Austin. According to the agenda, the board will review alleged violation of Texas Agriculture Code Annotated, §103.001 by Gerald E. Mann, doing business as Gerald E. Mann Produce, as petitioned by Margaret and Johnny Collins.

Contact: Margaret Alvarez, P.O. Box 12847, Austin, Texas 78711, (512) 463-7604.

Filed: November 4, 1988, 8:57 a.m.

TRD-8811379

## Automated Information and Telecommunications Council

**Friday, November 18, 1988, 9 a.m.** The Automated Information and Telecommunications Council will meet in Room 104, John H. Reagan Building, 105 West 15th Street, Austin. According to the agenda summary, the council will approve minutes of the previous meeting; hear executive director's report, report from executive director search committee, and staff reports; and consider procurement and future business.

Contact: Lynn B. Polson

Filed: November 8, 1988, 9:46 a.m.

TRD-8811489

## Texas School for the Blind

**Thursday, November 17, 1988, 1 p.m. and 2 p.m.** The Board of Trustees Personnel, Curriculum, and Finance Committees will meet at the Texas School for the Blind, 1100 West 45th Street, Austin. According to the agenda, the personnel committee will meet at 1 p.m. to discuss personnel matters and day care center; the curriculum committee will discuss curriculum project timeline; and the finance committee will discuss financial matters.

Contact: Cyral Miller, 1100 West 45th Street, Austin, Texas, (512) 454-8631.

Filed: November 4, 1988, 1:24 p.m.

TRD-8811426

**Thursday, November 17, 1988, 4 p.m.** The Board of Trustees for the Texas School for the Blind will meet at the Texas School for the Blind, 1100 West 45th Street, Austin. According to the agenda, the board will approve minutes of the September 15, 1988, meeting; present business requiring board approval; business for informational purposes; hear report of special committees;

audiences with individuals or committees wishing to make a report or request; and hear report or discussions from board members.

Contact: Cyral Miller, 1100 West 45th Street, Austin, Texas, (512) 454-8631.

Filed: November 4, 1988, 1:24 p.m.

TRD-8811425

## Texas Bond Review Board

**Thursday, November 10, 1988, 10 a.m.** The Texas Bond Review Board met in emergency session in the Senate Reception Room, State Capitol, Austin. According to the agenda, the board approved minutes of the previous meeting; considered proposed issues concerning Texas A&M University and Texas State University System, and other business. The emergency status was necessary to allow timely review of applications by staff members prior to the board's regularly scheduled monthly meeting.

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

Filed: November 7, 1988, 1:13 p.m.

TRD-8811459

## Texas Department of Commerce

**Monday, November 7, 1988, 10 a.m.** The Board of Directors for the Texas Department of Commerce met for an emergency agenda revision in the Third Floor Conference Room, 801 Main Street, Beaumont. According to the agenda, the board discussed administrative, personnel, and budget matters; and met in executive session. The emergency status was necessary due to a change of meeting site.

Contact: Mary Lane, (512) 320-9660.

Filed: November 4, 1988, 11:50 a.m.

TRD-8811423

**Monday, November 7, 1988, 1:30 p.m.**

The Board of Directors for the Texas Department of Commerce met for an emergency agenda revision in City Council Chambers, 801 Main Street, Beaumont. According to the agenda, the board considered enterprise zone applications; enterprise project application; delegation of authority on enterprise zones, enterprise projects and rural loan applications; considered location and date for January meeting; and discussed issues impacting economic development. The emergency status was necessary due to a change of meeting site, and the addition of one discussion item was not available at prior posting.

Contact: Mary Lane, (512) 320-9660.

Filed: November 4, 1988, 11:50 a.m.

TRD-8811422

### Texas Cosmetology Commission

Sunday, November 13, 1988, 9 a.m. The Texas Cosmetology Commission will meet at the Howard Johnson South Plaza Hotel, 3401 South IH 35, Austin. According to the agenda, the commission will introduce guests; hear reports; discuss new operator's examination; review Dorise Woodard case; discuss rule adoptions; consider other business; discuss need for agency audit; discuss executive director's role; and discuss hiring new executive director.

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

Filed: November 4, 1988, 1:08 p.m.

TRD-8811424

### Texas School for the Deaf

Thursday, November 10, 1988, 1 p.m. The Governing Board for the Texas School for the Deaf met in emergency session in the Administrative Boardroom, 1102 South Congress Avenue, Austin. According to the agenda, the board met in executive session to hold an expulsion hearing. The emergency status was necessary due to expulsion hearing time limits.

Contact: Martha G. Withers, (512) 440-5335.

Filed: November 3, 1988, 11:23 a.m.

TRD-8811334

### Office of the Governor, Criminal Justice Division

Tuesday, November 15, 1988, 5:30 p.m. The Texas Crime Stoppers Advisory Board for the Office of the Governor, Criminal Justice Division, will meet at the Holiday Inn, 3950 I-10 South at Walden Road, Beaumont. According to the agenda, the

council will approve minutes; hear committee reports; C.S.I. conference; Crime Stoppers State Conference; regional seminars; and hear coordinator's report.

Contact: David Cobos, Room 331, Sam Houston Building, Austin, Texas 78711.

Filed: November 4, 1988, 3:47 p.m.

TRD-8811443

### Texas Department of Human Services

Tuesday and Wednesday, November 15 and 16, 1988, 1 p.m., daily. The Committee for Child Care Administrators and Facilities of the Texas Department of Human Services will meet in Conference Room 560-W, Fifth Floor, West Tower, 701 West 51st Street, Austin. According to the agenda, the committee will hear the assistant commissioner's report; consider registered family homes standard revision, caregiver qualifications recommendations, other standards changes, and plan for revision process.

Contact: Doug Sanders, P.O. Box 2960, Austin, Texas 78769, (512) 450-3253.

Filed: November 4, 1988, 3:57 p.m.

TRD-8811444

Thursday and Friday, November 17 and 18, 1988, 2 p.m., daily. The Council on Child Abuse and Neglect Prevention of the Texas Department of Human Services will meet in the Representative Room, Radisson Plaza Hotel at Austin Center, 700 San Jacinto, Austin. According to the agenda, the council will hear presentation on community of caring child abuse and neglect prevention curriculum; and consider request for proposal discussion fiscal year 1990, public awareness presentation, and summary and calendar.

Contact: Janie Fields, P.O. Box 2960, Austin, Texas 78769, (512) 345-9218.

Filed: November 4, 1988, 3:57 p.m.

TRD-8811445

### State Board of Insurance

The Commissioner's Hearing Sections for the State Board of Insurance will meet at the State Insurance Building, 1110 San Jacinto, Austin. Dates, times, and agendas follow.

Friday, November 11, 1988, 9 a.m. The board will meet in Room 414 to consider decision on motion to stay revocation of agent's license of Al D. Gilmore pending appeal of commissioner's order 88-1110.

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

Filed: November 3, 1988, 4:11 p.m.

TRD-8811363

Wednesday, November 16, 1988, 1 p.m. The board will meet in Room 414 to consider decision on revision of Workers' Compensation and Employers' Liability insurance rates and rating values based on experience and the statutorily mandated benefits increase (hearing held November 1-3, 1988).

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

Filed: November 7, 1988, 11:12 a.m.

TRD-8811458

Monday, November 28, 1988, 9 a.m. The section will meet in Room 353 to consider Docket 10122-Approval of the amendments to the articles of agreement of Providence Lloyd's, Austin, changing the attorney-in-fact and substituting underwriters.

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

Filed: November 4, 1988, 9:32 a.m.

TRD-8811385

Tuesday, November 22, 1988, 9 a.m. The section will meet in Room 342 to consider Docket 10129-Application of George Sherman Hernandez, Odessa, for a Group I, legal reserve life insurance agent's license.

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

Filed: November 4, 1988, 9:32 a.m.

TRD-8811388

Wednesday, November 23, 1988, 9 a.m. The section will meet in Room 353 to consider Docket 10128-Renewal application of William Howard Shugart, Garland, for a Group I, legal reserve life insurance agents license, a Group II, life, health, and accident insurance agents license, and a local recording agents license.

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

Filed: November 4, 1988, 9:32 a.m.

TRD-8811386

Wednesday, November 23, 1988, 9 a.m. The section will meet in Room 342 to consider Docket 10124-Proposed acquisition of control of Montfort Life Insurance Company by Campagine Europeenne d'Assurances Industrielles, S.A.

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

Filed: November 4, 1988, 9:32 a.m.

TRD-8811387

Monday, November 28, 1988, 1:30 p.m. The section will meet in Room 443 to con-

sider Docket 10127-Application for amendment to the articles of incorporation of Secured Insurance Corporation, Dallas, regarding change of corporate name, change of registered agent and address of registered agent, director's liability, and director's indemnification.

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

**Filed:** November 4, 1988, 9:32 a.m.

TRD-8811383

**Monday, November 28, 1988, 1:30 p.m.** The section will meet in Room 353 to consider Docket 10115-Whether disciplinary action should be taken against Jerry Hugh Mudd, Houston, who holds a Group I, legal reserve life insurance agents license.

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

**Filed:** November 4, 1988, 9:32 a.m.

TRD-8811384

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**Advisory Commission on Intergovernmental Relations**

**Friday, November 18, 1988.** Various committees for the Advisory Commission on Intergovernmental Relations will meet at the John H. Reagan Building, 105 West 15th Street, Austin. Times, room numbers, and agendas follow.

**8:30 a.m.** The Special Committee on Operations and Funding for the commission will meet in Room 102 to consider potential new grants and contracts, review status of budget request for 1990-1991 biennium, consider an amendment to 1989 operating budget, and review report on current finances.

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

**Filed:** November 4, 1988, 2:41 p.m.

TRD-8811436

**9:30 a.m.** The New Federalism Committee will meet in Room 102 to consider progress reports, including the study on the Superconducting Super Collider project; the productivity and management project; and other current projects.

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

**Filed:** November 4, 1988, 2:41 p.m.

TRD-8811434

**9:30 a.m.** The State-Local Issues Committee will meet in Room 103 to hear progress reports on commission projects for the Texas Cancer Council, subdivision regulation and other current projects.

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

**Filed:** November 4, 1988, 2:41 p.m.

TRD-8811435

**10:30 a.m.** The commission will meet in Room 103 to consider executive director's report, and committee reports-including operations and funding, state-local issues, and new federalism committees. The committees also will consider projects for final publication, review stats reports on all current projects as well as consider potential new projects in several areas.

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

**Filed:** November 4, 1988, 2:41 p.m.

TRD-8811433

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**Texas Department of Labor and Standards**

**Friday, November 18, 1988, 10 a.m.** The Manufactured Homeowners Recovery Fund for the Texas Department of Labor and Standards will meet in the Eleventh Floor Conference Room, E.O. Thompson Building, 920 Colorado Street, Austin. According to the agenda, the fund will approve minutes; discuss status of manufactured homeowners recovery fund; consider claims pending and procedure; and set date, place, and time of next meeting.

**Contact:** James H. Keahey, E.O. Thompson Building, 920 Colorado Street, Austin, Texas 78711, (512) 463-7337.

**Filed:** November 4, 1988, 9:40 a.m.

TRD-8811389

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**Board for Lease of University Lands**

**Wednesday, November 16, 1988, 9 a.m.** The Board for Lease of University Lands will meet in the lower level Conference Room, Midland Hilton Hotel, Midland. According to the agenda, the board will approve minutes; consider proposed secondary recovery unit, Saxon Oil Company, operator; proposed amendment to Texas Education Code, §66.68(b), primary term of oil and gas lease; continuation of proration or reduced production contract program; litigation-recess for sealed bid sale, second floor, Devonian Room, Midland Hilton Hotel; and approve lease awards to highest bidders.

**Contact:** Maxine R. Dean, 210 West Sixth Street, Austin, Texas 78701, (512) 499-4290.

**Filed:** November 4, 1988, 1:51 p.m.

TRD-8811429

**Texas Low-Level Radioactive Waste Disposal Authority**

**Wednesday, November 16, 1988, 7 p.m.** The Board of Directors of the Texas Low-Level Radioactive Waste Disposal Authority will meet at the Austin Marriott, 6121 I-35 North, Austin. According to the agenda, the board will discuss financing the authority's programs through bond proceeds; consider interstate low-level radioactive waste compacts and proposed legislation for 71st legislative session; and hear public comments.

**Contact:** L.R. Jacobi, 7703 North Lamar Boulevard, Suite 300, Austin, Texas 78752.

**Filed:** November 7, 1988, 10:04 a.m.

TRD-8811455

**Thursday, November 17, 1988, 8:30 a.m.** The Board of Directors of the Texas Low-Level Radioactive Waste Disposal Authority will meet in Suite 300, 7703 North Lamar Boulevard, Austin. According to the agenda summary, the board will approve minutes of the previous meeting; hear committee reports including reports from Budget Committee, Public Information Committee, Legislation Committee, general manager's report including a financial year-to-date report, and technical reports including a site studies status report; hear waste volume update report on institutional/industrial waste, power plant waste, and NORM waste; hear a waste form criteria report; consider legal matters including House of Representatives hearings on compacts, state's right to exclude out-of-state waste, negotiations with General Land Office for lease of site study area, and a discussion of 1990 milestone under the Low-Level Radioactive Waste Policy Amendments Act of 1985.

**Contact:** L.R. Jacobi, Jr., 7703 North Lamar Boulevard, Suite 300, Austin, Texas 78752.

**Filed:** November 7, 1988, 10:03 a.m.

TRD-8811454

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**Midwestern State University**

**Thursday, November 3, 1988.** Various committee for the Board of Regents of Midwestern State University met in emergency session in the Hardin Boardroom, MSU Campus, Wichita Falls, unless otherwise noted. Times and agendas follow.

**3 p.m.** The Executive Committee ratified submission of appropriations request; accepted financial disclosure statements; ratified long-range automated information and facility master plans; approved plans for renovation and construction of maintenance facility, Clark Student Center Phase III and Marchman Hall; authorized sale of bonds for these projects and approved bond advisor and bond counsel recommendations; ap-

proved repair of dormitories; accepted bids on Martin Building project; accepted recommendations on bank hall, music building and press building renovation projects; accepted recommendation on contracting custodial services; and discussed land purchase, held in closed session as allowed by the Texas Open Meetings Act, §2(f). The emergency status was necessary as items to be discussed on agenda had strict time deadline and a quorum of the board was not available at that time to take action.

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

Filed: November 3, 1988, 10:57 a.m.

TRD-8811338

4 p.m. The Finance Committee authorized fund transfers; received information on volleyball and soccer playoff expense; accepted recommendation on affinity credit card and general scholarships; and ratified items \$15,000 and under approved by the president. The emergency status was necessary as items to be discussed on agenda had strict time deadline and a quorum of the board was not available at that time to take action.

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

Filed: November 3, 1988, 10:57 a.m.

TRD-8811340

4:15 p.m. The Personnel and Curriculum Committee accepted position changes in fiscal year 1987-1988 budget; authorized new position; accepted enrollment, small class and last day enrollment reports; approved leave of absence of Dr. Leo Sabota; approved change in televised instruction policy and approved B.S. degree with major in chemical technology. The emergency status was necessary as items to be discussed on agenda had strict time deadline and a quorum of the board was not available at that time to take action.

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

Filed: November 3, 1988, 10:57 a.m.

TRD-8811339

4:40 p.m. The Student Affairs Committee discussed information presented concerning student housing and other student related matters. The emergency status was necessary as items to be discussed on agenda had strict time deadline and a quorum of the board was not available at that time to take action.

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

Filed: November 3, 1988, 10:57 a.m.

TRD-8811341

4:50 p.m. The University Development Committee accepted a summary of gifts grants and pledges for 1987-1988 and September 1, 1988-October 17, 1988. The emergency status was necessary as items to be discussed on agenda had strict time deadline and a quorum of the board was not available at that time to take action.

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

Filed: November 3, 1988, 10:57 a.m.

TRD-8811342

5 p.m. The Athletics Committee accepted athletics update report; approved barwise track contract; approved women's rifle team and men's and women's swimming team (non-scholarship). The emergency status was necessary as items to be discussed on agenda had strict time deadline and a quorum of the board was not available at that time to take action.

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

Filed: November 3, 1988, 10:57 a.m.

TRD-8811343

Friday, November 4, 1988, 9 a.m. The Board of Regents approved minutes; heard financial reports and committee appointments; accepted recommendations from the executive, finance, personnel and curriculum, and athletics committees; heard informational reports presented by the Student Affairs and University Development Committees and the president; and met in executive session to discuss a land purchase as required by the Open Meetings Act, §2(f). The emergency status was necessary as items to be discussed on agenda had strict time deadline and a quorum of the board was not available at that time to take action.

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

Filed: November 3, 1988, 10:57 a.m.

TRD-8811344

## Texas Motor Vehicle Commission

Friday, November 18, 1988, 9 a.m. The Texas Motor Vehicle Commission will meet in Suite 302, Brazos Building, 815 Brazos Street, Austin. According to the agenda summary, the commission will adopt minutes of commission meeting of October 14, 1988; consider proposals for decision and other actions-license and other cases; discuss motions for rehearing, proposals for decision (lemon law cases set for oral argument, exceptions filed, and lemon law cases, no argument or exceptions); discuss agreed orders for approval and entry by the commission; settlement orders, con-

sumer complaint cases; orders of dismissal, consumer complaints and dealer complaints; and discuss other business, review of agency budget and financial status.

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

Filed: November 4, 1988, 3:20 p.m.

TRD-8811440

## Board of Pardons and Paroles

Monday-Friday, November 14-18, 1988, 1:30 p.m. daily, except 11 a.m. on Friday. The Board of Pardons and Paroles will meet at 8610 Shoal Creek Boulevard, Austin. According to the agenda summary, the board will receive, review, and consider information and reports concerning prisoners/inmates and administrative releaseses 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: November 4, 1988, 11:28 a.m.

TRD-8811404

Tuesday, November 15, 1988, 9:30 a.m. The Board of Pardons and Paroles will meet at 8610 Shoal Creek Boulevard, Austin. According to the agenda, the board will act on or discuss MOU between BPP and the Texas Employment Commission for Project Rio; discuss policy regarding board actions-TDC population and special reviews; MACE policy; Project Chance-contracting for halfway house beds for mentally retarded offenders; and discuss concerns regarding PPT policy.

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

Filed: November 7, 1988, 4:13 p.m.

TRD-8811475

Tuesday, November 15, 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 sentences; and other reprieves, remissions, and executive clemency actions.

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

Filed: November 4, 1988, 11:27 p.m.

TRD-8811403

## Public Utility Commission of Texas

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

**Monday, November 14, 1988, 10 a.m.** The division will consider Docket 8046-Complaint from 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:** November 4, 1988, 2:51 p.m.

TRD-8811439

**Monday, November 14, 1988, 1:30 p.m.** The division will consider Docket 8216-Complaint of Sundra P. Woodfolk against Houston Lighting and Power Company.

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

**Filed:** November 3, 1988, 2:44 p.m.

TRD-8811349

**Monday, November 21, 1988, 10 a.m.** The division will consider Docket 8384-Appeal of Central Texas Electric Cooperative, Inc., for Ordinance 4-083 of the City of Fredericksburg.

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

**Filed:** November 3, 1988, 2:44 p.m.

TRD-8811350

**Wednesday, November 30, 1988, 10 a.m.** The division will consider Docket 7297-Inquiry of the general counsel into intrastate WATS overcharges and petition for refunds.

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

**Filed:** November 4, 1988, 2:51 p.m.

TRD-8811437

**Tuesday, December 6, 1988, 10 a.m.** The division will consider Docket 8387-Petition of R. A. Hirsch against Southwestern Bell Telephone Company.

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

**Filed:** November 3, 1988, 2:44 p.m.

TRD-8811347

**Monday, December 12, 1988, 1:30 p.m.** The division will consider Docket 8078-Application of El Paso Electric Company reporting sale and leaseback of Palo Verde

Nuclear Generating Station Unit Three.

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

**Filed:** November 3, 1988, 2:44 p.m.

TRD-8811348

**Tuesday, December 13, 1988, 10 a.m.** The division will consider Docket 7297-Inquiry of the general counsel into intrastate WATS overcharges and petition of refunds.

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

**Filed:** November 4, 1988, 2:51 p.m.

TRD-8811438

## Railroad Commission of Texas

**Monday, November 14, 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, procedures, and personnel matters.

**Contact:** Roger Dillon, P.O. Drawer 12970, Austin, Texas 78711, (512) 463-7257.

**Filed:** November 4, 1988, 10:37 a.m.

TRD-08811420

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:** November 4, 1988, 10:37 a.m.

TRD-08811414

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:** November 4, 1988, 10:37 a.m.

TRD-08811409

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) 463-6787.

**Filed:** November 4, 1988, 10:37 a.m.

TRD-08811413

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:** November 4, 1988, 10:37 a.m.

TRD-08811410

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) 463-6710.

**Filed:** November 4, 1988, 10:37 a.m.

TRD-08811415

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:** November 4, 1988, 10:37 a.m.

TRD-08811416

The Legal Division will consider and act on the 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: consideration of proposal for public comment of new general rules of practice and procedure for the commission and simultaneous repeal of the current general rules of practice and procedure, 16 TAC §§1.1-1.36; Missouri Pacific Railroad Co., et al. v. Railroad Commission of Texas Cause A-86-CA-406, U.S. District Court-Austin; and American Inter-Fidelity corp. v. Railroad Commission of Texas; Cause A-88-CA-861, U.S. District Court-Austin.

**Contact:** C. Tom Clowe, Jr., P.O. Drawer 12970, Austin, Texas 78711, (512) 463-7274.

**Filed:** November 4, 1988, 10:37 a.m.

TRD-08811411

LP-Gas Division will consider and act on division director's report on division admin-

istration, budget, procedures, and personnel matters; consider proposed rulemaking for public comment for a new §9.16 pertaining to franchise tax certification.

**Contact:** Thomas D. Petru, P.O. Drawer 12970, Austin, Texas 78711, (512) 463-6931.

**Filed:** November 4, 1988, 10:37 a.m.

TRD-08811419

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) 463-6848.

**Filed:** November 4, 1988, 10:37 a.m.

TRD-08811407

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) 463-6755.

**Filed:** November 4, 1988, 10:37 a.m.

TRD-08811408

The Oil and Gas Division will consider the letter required from the commission pursuant to Chapter 27 of the Texas Water Code, in conjunction with the application of Sweetwater Resources, Inc. to the commission for a class I hazardous waste disposal well permit for Fisher County.

**Contact:** Jerry Mullican, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6790.

**Filed:** November 4, 1988, 2:04 p.m.

TRD-08811406

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:** November 4, 1988, 10:37 a.m.

TRD-08811412

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:** November 4, 1988, 10:37 a.m.

TRD-08811417

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:** November 4, 1988, 10:37 a.m.

TRD-08811418

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:** Bob Biard, P.O. Drawer 12970, Austin, Texas 78711, (512) 463-7122.

**Filed:** November 4, 1988, 10:37 a.m.

TRD-08811421

**Monday, November 14, 1988, 1:30 p.m.** The Oil and Gas Division will consider statewide oil and gas market demand hearing.

**Contact:** Paula Middleton, P.O. Drawer 12967, Austin, Texas 78711-2967, (512) 463-6729

**Filed:** November 4, 1988, 12:28 p.m.

TRD-8811405

## School Land Board

**Tuesday, November 15, 1988, 10 a.m.** The School Land Board will meet in Room 831, General Land Office, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the board will approve minutes of the previous board meeting; pooling applications; royalty reduction application; consider procedures, terms, and conditions for the April, 1988, oil, gas, and other minerals lease sale; direct land sales; good faith claimant application; excess acreage applications; preliminary approval of sealed bid land sale of February 7, 1989; consider policy statement regarding upgrading of permanent school fund inventory; modification of AGE note; final approval of changes to the coastal public lands fee schedule; coastal public lands-commercial lease amendments, commercial lease applications, commercial lease renew-

als, easement applications and lease applications; meet in executive session-Timberland acquisition in Liberty and San Jacinto counties, raw commercial acquisition for El Paso County, consider land trade, Section 16 for Sections 315-1/2, and acquisition of Section 318, El Paso County; and consider acquisition of aquaculture demonstration facilities.

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

**Filed:** November 7, 1988, 4:26 p.m.

TRD-8811479

## State Soil and Water Conservation Board

**Wednesday, November 16, 1988, 8 a.m.**

The State Soil and Water Conservation Board will meet in the Conference Room, 311 North Fifth Street, Temple. According to the agenda, the board will review and take appropriate action on minutes of the October 3, 1988, meeting; district director appointments; 1990-1991 budget request; agency audit; travel management program; nonpoint source assessment and management program; state watermaster program; 1988 annual statewide meeting of soil and water conservation district directors; 1989 fiscal year technical assistance program allocations; 1988 district director elections; 1989 fiscal year subchapter H technical assistance funds allocations; legislative and executive committee actions for Governor's Committee on Water Resources Management, special committee on state government organization, Senate Natural Resources Committee-state wetlands policy; hear comments from agencies and guests; discuss board members travel; and schedule next regular board meeting for January 18, 1989.

**Contact:** Harvey Davis, P.O. Box 658, Temple, Texas 76503, (817) 773-2250, STS 820-1250.

**Filed:** November 3, 1988, 3:32 p.m.

TRD-8811360

**Wednesday, November 16, 1988, 8 a.m.**

The State Soil and Water Conservation Board will meet in the Conference Room, 311 North Fifth Street, Temple. According to the agenda, the board will approve minutes of the October 3, 1988, meeting; consider district director appointments, 1990-1991 budget request, agency audit, travel management program, nonpoint source assessment and management program, state watermaster program, 1988 annual statewide meeting of soil and water conservation district directors, 1988 district director elections, and allocation of grant funds; consider legislative and executive committee actions concerning Governor's Committee on Water Resources Management, Special Committee on State Government Organiza-

tion, and Senate Natural Resources Committee—state wetlands policy; hear comments from agencies and guests; consider board members travel; consider next regular board meeting—January 18, 1989; consider lender SWCDs in the board pilot program for low interest loans for agricultural water conservation equipment.

Contact: Harvey Davis, P.O. Box 658, Temple, Texas 76503, (817) 773-2250.

Filed: November 7, 1988, 9:44 a.m.

TRD-8811453

### Texas Sunset Advisory Commission

Thursday and Friday, November 17 and 18, 1988, 9 a.m. daily. The Texas Sunset Advisory Commission will meet in the House Chamber, State Capitol, Austin. According to the agenda, the commission will approve minutes of the previous meeting; consider initial decisions on Department of Labor and Standards; and consider decisions on legislation for Texas Commission on Human Rights, State Property Tax Board, and the Metropolitan Transit Authorities for Houston and Corpus Christi; hear staff presentation and public testimony on Texas Education Agency, Texas Higher Education Coordinating Board, and Texas Department of Agriculture.

Contact: Jeri Kramer, 105 West 15th Street, Room 305, Austin, Texas, (512) 463-1300.

Filed: November 7, 1988, 2:01 p.m.

TRD-8811460

### Texas Southern University

Friday, November 18, 1988, 10 a.m. The Board of Regents for Texas Southern University will meet on the Fifth Floor, University Library, Texas Southern University, Houston. According to the agenda, the board will consider minutes; budget changes; investments; budgets for restricted and/or grants and projects funds; construction change orders; payment to architects, contractors, and engineers; authorization and ratification of contracts and awards; review on-going construction and current contractual relations; personnel actions, hear report on progress of academic activities and programs; hear report from president; and meet in executive session.

Contact: Everett O. Bell, 3100 Cleburne Avenue, Houston, Texas 77004, (713) 529-8911.

Filed: November 3, 1988, 10:48 a.m.

TRD-8811335

### Texas State University System

Friday, November 11, 1988, 9 a.m. The Selection Advisory Committee of the Texas State University System, will meet in Boardroom 3, La Mansion del Norte, San Antonio. According to the agenda, the committee will discuss any and all matters relating to the employment of a president for Southwest Texas State University. (Executive session could be held.)

Contact: Lamar Urbanovsky, (512) 463-1808.

Filed: November 8, 1988, 8:33 a.m.

TRD-8811482

### Texas Water Commission

Monday, November 14, 1988, 10 a.m. The Office of Hearings Examiner for the Texas Water Commission will meet in Room 103, John H. Reagan Building, 105 West 15th Street, Austin. According to the agenda, the examiners will consider the rate increase of Deep East Texas Savings Association, doing business as Toledo Village Water System, Docket 7697-R.

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

Filed: November 4, 1988, 2:09 p.m.

TRD-8811432

Tuesday, November 15, 1988, 9 a.m. The Texas Water Commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the commission will consider revenue bond issue; bond issue amendments; surplus funds; certificates of convenience and necessity; waste discharge permit; proposed permits; amendments; minor amendments; renewals; domestic falcon permit; amendments to water permit; and water quality management plan.

Contact: Beverly De La Zerda, P.O. Box 13087, Austin, Texas 78711, (512) 475-2161.

Filed: November 3, 1988, 4:22 p.m.

TRD-8811365

Wednesday, November 30, 1988, 9 a.m. The Texas Water Commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the commission will consider the creation of Northeast Medina County Municipal Utility Districts 1-3.

Contact: Beverly De La Zerda, P.O. Box 13087, Austin, Texas 78711, (512) 475-2161.

Filed: November 3, 1988, 4:22 p.m.

TRD-8811431

Wednesday, December 7, 1988, 9 a.m. The Texas Water Commission will meet in

Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the commission will consider the creation of Harris County Municipal Utility Districts 345, 346, and 347.

Contact: Beverly De La Zerda, P.O. Box 13087, Austin, Texas 78711, (512) 475-2161.

Filed: November 3, 1988, 4:22 p.m.

TRD-8811430

Monday, December 12, 1988, 10 a.m. The Office of Hearings Examiner for the Texas Water Commission will meet in Room 618, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the examiner will consider rate increase by Smith Water Company, Docket 7806G.

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

Filed: November 7, 1988, 4:19 p.m.

TRD-8811477

Friday, December 16, 1988, 10 a.m. The Office of Hearings Examiner for the Texas Water Commission will meet in Room 618, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the examiner will consider rate increase by Cade Lake Water System, Docket 7753-R.

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

Filed: November 7, 1988, 4:18 p.m.

TRD-8811478

Monday, December 19, 1988, 10 a.m. The Office of Hearings Examiner for the Texas Water Commission will meet in Room 618, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the examiner will consider rate increase by Horseshoe Bend Estates Homeowners Association of Wichita Falls, Inc., Docket 7791-G.

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

Filed: November 7, 1988, 4:18 p.m.

TRD-8811476

Monday, January 16, 1989, 10 a.m. The Texas Water Commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the commission will consider notice of application 5197 on William N. Allan, and wife Thelma B. Allan for an 11.121 permit to divert not to exceed 300 acre-feet of water per aknum from two springs, approximately 14 miles southwest of Bandera, adjacent to Hondo Creek, tributary of the Frio River, tributary of the Nueces River, Nueces River Basin in Bandera County. Water will be pumped from the springs through a covered concrete water storage tank to a small pressure vessel for filtering and chlorination. The water will be



sold to customers for municipal purposes in bulk quantities. The storage tank will have a capacity of 206,000 gallons on the vessel will have a capacity of 3540 gallons.

**Contact:** Karen A. Phillips, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

**Filed:** November 4, 1989, 4:04 p.m.

TRD-8811447

**Monday, January 16, 1989, 10 a.m.** The commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the commission will consider notice of application for an extension of time by City of Lubbock to commence and complete construction of a proposed dam and reservoir (Lake Alan Henry, formerly known as Justiceburg Res) authorized by Permit 4146 the permit authorizes the construction and maintenance of a dam creating a 115, acre-foot capacity reservoir on South Fork Double Mountain Fork Brazos River, tributary of the Brazos River, Brazos River Basin, in Garza and Kent Counties, approximately 21 miles southeast of Post for recreational use, the diversion and use of not to exceed 35,000 acre-feet of water per annum from the reservoir for municipal purposes and use of not to exceed 21,000 acre-feet per annum of the sewage effluent created by the municipal use authorized to irrigate 10,000 acres of land in Lubbock and Lynn Counties. The applicant is requesting to extend the commencement date of construction from September 25, 1988 to September 25, 1992 and to extend the completion date of construction from September 25, 1989 to September 25, 1995.

**Contact:** Karen A. Phillips, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

**Filed:** November 7, 1988, 2:04 p.m.

TRD-8811461

## Regional Meetings

### Meetings Filed November 3, 1988

**The Barton Springs-Edward Aquifer Conservation District**, Board of Directors, met for an emergency agenda revision at the District's Office, Suite F, 909 North Loop 4, Buda, on November 7, 1988, at 7 p.m. Information may be obtained from Bill Couch, 909 North Loop 4, Suite F, Buda, Texas 78610, (512) 282-8441, (512) 295-3596.

**The Brazos Higher Education Authority, Inc.**, Board of Directors, met at the Brazos Club, United Bank Tower, Valley Mills and Waco Drive, Waco, on November 8-9, 1988, at 11 a.m. Information may be obtained from Murray Watson, Jr., 2600 Washington Avenue, Waco, Texas 76710,

(817) 753-0913.

**The Concho Valley Council of Governments**, Executive Committee, met at 5002 Knickerbocker Road, San Angelo, on November 9, 1988, at 7 p.m. Information may be obtained from Robert R. Weaver, P.O. Box 60050, San Angelo, Texas 76904, (915) 944-9666.

**The Dallas Central Appraisal District**, Board of Directors, met in Suite 500, 1420 West Mockingbird Lane, Dallas, on November 9, 1988, at 7:30 a.m. Information may be obtained from Rick L. Kuehler, 1420 West Mockingbird Lane, Suite 500, Dallas, Texas 75247, (214) 631-0520.

**The Golden Crescent Service Delivery Area**, Private Industry Council, Inc., met at 1301 East Rio Grande, Victoria, on November 9, 1988, at 6:30 p.m. Information may be obtained from Sleva Schoener, Box 2149, Victoria, Texas 77902.

**The Henderson County Appraisal District**, Board of Directors, will meet at 1751 Enterprise, Athens, on November 14, 1988, at 7:30 p.m. The Appraisal Review Board will meet at the same location on November 17, 1988, at 9 a.m. Information may be obtained from Helen Marchbanks, 1751 Enterprise, Athens, Texas, (214) 675-9296.

**The Hickory Underground Water Conservation District**, Board and Advisors met at the District Office, 2005 Old Nine Road, Brady, on November 10, 1988, at 7 p.m. Information may be obtained from Vickie Roddie, Box 1214, Brady, Texas 76825, (915) 597-2785.

**The Lampasas County Appraisal District**, Board of Directors, met at 109 East Fifth, Lampasas, on November 9, 1988, at 9:30 a.m. Information may be obtained from Dana Ripley, P.O. Box 175, Lampasas, Texas 76550, (512) 556-8058.

**The Lavaca County Central Appraisal District**, Board of Directors, will meet at the Lavaca County Central Appraisal District, 113 North Main, Hallettsville, on November 14, 1988, 4 p.m. Information may be obtained from Diane Munson, P.O. Box 386, Hallettsville, Texas 77964, (512) 798-4396.

**The North Texas Municipal Water District**, Board of Directors, will meet in the Administrative Offices, 505 East Brown Street, Wylie, on November 22, 1988, at 4 p.m. Information may be obtained from Carl W. Riehn, (214) 442-5405.

**The Nueces-Jim Wells-Kleberg-Kenedy Soil and Water Conservation District**, Board of Directors, will meet in 710 East Main Street, Robstown, on November 15, 1988, 2 p.m. Information may be obtained from Joan D. Rumfield, 710 East Main Street, Robstown, Texas 78380, (512) 387-4116.

**The Texas Panhandle Mental Health Authority**, Board of Trustees, met at Kilgore Atrium, 1200 Wallace Boulevard, Amarillo,

on November 10, 1988, at 1 p.m. Information may be obtained from Claire Rigler, P.O. Box 3250, Amarillo, Texas 79160, (806) 353-7235.

**The Permian Basin Regional Planning Commission**, Board of Directors, met at PBBPC Offices, Midland International Airport, Midland, on November 9, 1988, at 1:30 p.m. Information may be obtained from Terri Moore, P.O. Box 6391, Midland, Texas 79711.

**The Sabine Valley Regional Mental Health and Mental Retardation Center**, Board of Trustees, will meet in the Administration Building, Sabine Valley Center, 107 Woodbine Place, Longview, on November 14, 1988, at 7 p.m. Information may be obtained from Ron Cookston, P.O. Box 6800, Longview, Texas 75608, (214) 758-2471.

TRD-8811333

### Meetings Filed November 4, 1988

**The Dallas Area Rapid Transit, Mobility Impaired Committee**, met in the Training Room, Paratransit Office, 101 North Peak, Dallas, on November 8, 1988, at 2 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237.

**The Dallas Central Appraisal District**, Appraisal Review Board, will meet in Suite 500, 1420 West Mockingbird Lane, Dallas, on November 18, 1988, at 10 a.m. Information may be obtained from Rick L. Kuehler, 1420 West Mockingbird Lane, Suite 500, Dallas, Texas 75247, (214) 631-0520.

**The Denton Central Appraisal District**, Appraisal Review Board, will meet at 3911 Morse, Denton, on November 14, 1988, at 9 a.m. The Board of Directors will meet at the same location on November 17, 1988, at 4 p.m. Information may be obtained from John D. Brown, 3911 Morse, Denton, Texas 76205, (817) 566-0904.

**The East Texas Council of Governments**, Board of Directors, met at ETCOG Offices, Kilgore, on November 9, 1988, at 2 p.m. Information may be obtained from Glynn J. Knight, 3800 Stone Road, Kilgore, Texas (214) 984-8641.

**The Education Service Center**, Board of Directors, will meet at the Holiday Inn, Henderson, on November 17, 1988, at 7 a.m. Information may be obtained from Don J. Peters, 818 East Main, Kilgore, Texas, (214) 984-3071.

**The Edwards Underground Water District**, Conservation Committee, met in emergency session at 1615 North St. Mary's Street, San Antonio, on November 7, 1988, at 10 a.m. Information may be obtained from Russell L. Masters, 1615 North St. Mary's Street, San Antonio, Texas



78215, (512) 222-2204.

**The Golden Crescent Service Delivery Area**, Private Industry Council, Inc., met at 1301 East Rio Grande, Victoria, on November 9, 1988, at 6:30 p.m. Information may be obtained from Cleve Schoener, Box 2149, Victoria, Texas 77902.

**The Grand Parkway Association**, met at 140 East Wing, 5757 Woodway, Houston, on November 9, 1988, at 8:15 a.m. Information may be obtained from Larry W. Nettles, 2823 First City Tower, 1001 Fannin, Houston, Texas 77002-6760, (713) 654-4586.

**The Gulf Bend MHMR Center**, Board of Trustees, met at 1404 Village Drive, Victoria, on November 10, 1988, at Noon. Information may be obtained from Bill Dillard, 1404 Village Drive, Victoria, Texas 77901, (512) 575-0611.

**The Hale County Appraisal District**, Appraisal Review Board, will meet at the Golden Corral Family Steakhouse, 2606 Olton Road, Plainview, on November 14, 1988, at 7:30 p.m. Information may be obtained from Linda Jaynes, 302 West Eighth Street, Plainview, Texas 79072, (806) 293-4226.

**The Hays County Appraisal District**, Board of Directors, met at the Administration Building, Dripping Springs Independent School District, Dripping Springs, on November 10, 1988, at 6:30 p.m. Information may be obtained from Lynnell Sedlar, 632 "A" East Hopkins, Municipal Building, San Marcos, Texas 78666, (512) 754-7400.

**The Texas Municipal Power Agency (TMPA)**, Board of Directors, met at the Administration Building, Gibbons Creek Steam Electric Station, 2 1/2 miles north of Carlos on FM Road 244, on November 10, 1988, at 10 a.m. Information may be obtained from Jim Bailey, P.O. Box 7000, Bryan, Texas 77805, (409) 873-2013.

**The Red River Authority of Texas**, Board of Directors, will meet in the Wichita Falls Activity Center, 607 Tenth, Wichita Falls, on November 17, 1988, at 9:30 a.m. Information may be obtained from Ronald J. Glenn, 520 Hamilton Building, Wichita Falls, Texas 76301, (817) 723-8797.

TRD-8811395.

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**Meetings Filed November 7,  
1988**

**The Dewitt County Appraisal District**, Board of Directors, will meet at 103 Bailey Street, Cuero, on November 15, 1988, at 7:30 p.m. Information may be obtained from Wayne K. Woolsey, P.O. Box 4, Cuero, Texas 77954, (512) 275-5753.

**The Education Service Center, Region IX**, Board of Directors, met at 301 Loop 11, Wichita Falls, on November 10, 1988, at 1:30 p.m. Information may be obtained

from Jim O. Rogers, 301 Loop 11, Wichita Falls, Texas 76305, (817) 322-9628.

**The Edwards Underground Water District**, Board of Directors, met at 1615 North St. Mary's, San Antonio, on November 9, 1988, at 10 a.m. Information may be obtained from Russell L. Masters, 1615 North St. Mary's, San Antonio, Texas 78215, (512) 222-2204.

**The Ellis County Appraisal District**, met at 406 Sycamore Street, Waxahachie, on November 10, 1988, at 7 p.m. Information may be obtained from Russell A. Garrison, P.O. Box 878, Waxahachie, Texas (214) 937-3552.

**The Gillespie Central Appraisal District**, Board of Directors, will meet in the Assembly Room, City Hall, Fredericksburg, on November 17, 1988, at 9 a.m. Information may be obtained from Mary Lou Smith, P.O. Box 429, Fredericksburg, Texas 78624, (512) 997-9807.

**The Gonzales County Appraisal District**, Board of Directors, met at 928 St. Paul Street, Gonzales, on November 10, 1988, at 4 p.m. Information may be obtained from Glenda Strackbein, 928 St. Paul Street, Gonzales, Texas 78629, (512) 672-2879.

**The Gray County Appraisal District**, Board of Directors, met at 815 North Sumner, Pampa, on November 10, 1988, at 5 p.m. Information may be obtained from W. Pat Bagley, 815 North Sumner, Pampa, Texas (806) 665-0791.

**The Appraisal District of Jones County**, Board of Directors, will meet at 1137 East Court Plaza, Anson, on November 17, 1988, at 8 a.m. Information may be obtained from John Steele, 1137 East Court Plaza, Anson, Texas 79501, (915) 823-2422.

**The Lee County Appraisal District**, Appraisal Review Board, will meet at 218 East Richmond Street, Giddings, on November 17, 1988, at 9 a.m. Information may be obtained from Delores Shaw, 218 East Richmond Street, Giddings, Texas 78942, (409) 542-9618.

**The Liberty County Central Appraisal District**, Board of Directors and Appraisal Review Board, will meet at 1820 Sam Houston, on November 16 and 17, 1988, at 9:30 a.m., respectively. Information may be obtained from Sherry Greak, P.O. Box 10016, Liberty, Texas 77575.

**The Lower Neches Valley Authority**, Wage and Personnel Committee met at 7850 Eastex Freeway, Beaumont, on November 10, 1988, at 9:30 a.m. The Board of Directors will meet at the same location on November 15, 1988, at 10:30 a.m. Information may be obtained from A.T. Hebert, Jr., P.O. Box 3464, Beaumont, Texas 77704, (409) 892-4011.

**The Nortex Regional Planning Commission**, Executive Committee and North Texas State Planning Region Consortium

will meet in the Bounty Room, Trade Winds Motor Hotel, 1212 Broad Street, Wichita Falls, on November 17, 1988, at Noon and 1 p.m., respectively. Information may be obtained from Edwin B. Daniel and Fritz Taylor, P.O. Box 5144, Wichita Falls, Texas 76307 (817) 322-5281.

**The Palo Pinto Appraisal District**, Board of Directors, will meet at the Palo Pinto County Courthouse, Palo Pinto, on November 16, 1988, at 3 p.m. Information may be obtained from Jack F. Samford, P.O. Box 250, Palo Pinto, Texas 76067, (817) 659-1234.

**The San Antonio River Authority**, Board of Trustees and Board of Directors, will meet at 100 East Guenther Street, San Antonio, on November 16, 1988, at 1:30 p.m. and 2 p.m., respectively. Information may be obtained from Fred N. Pfeiffer, P.O. Box 830027, San Antonio, Texas 78283-0028, (512) 227-1373.

**The Sulphur River Basin Authority**, Board of Directors, will meet at Mount Pleasant Chamber of Commerce Building, 1604 North Jefferson, Mount Pleasant, on November 16, 1988, at 1:30 p.m. Information may be obtained from David Glass, P.O. Box 626, Paris, Texas 75460.

**The Upper Leon River Municipal Water District**, Board of Directors, will meet at the General Office of the Filter Plant, Procter Lake, Comanche County, on November 17, 1988, at 6:30 p.m. Information may be obtained from Garry W. Godfrey, P.O. Box 67, Comanche, Texas 76442, (817) 879-2258.

**The Upshur County Appraisal District**, Board of Directors, will meet at Warren and Trinity Streets, Gilmer, on November 14, 1988, at 1 p.m. Information may be obtained from Louise Stracener, P.O. Box 280, Gilmer, Texas 75644, (214) 843-3041.

**The West Central Texas Council of Governments**, Executive Committee, and General Membership and Board of Directors, will meet at Embassy Suites, 4250 Ridgemont Drive, Abilene, on November 17, 1988, at 6 p.m. and 7 p.m., respectively. Information may be obtained from Brad Helbert, (915) 672-8544.

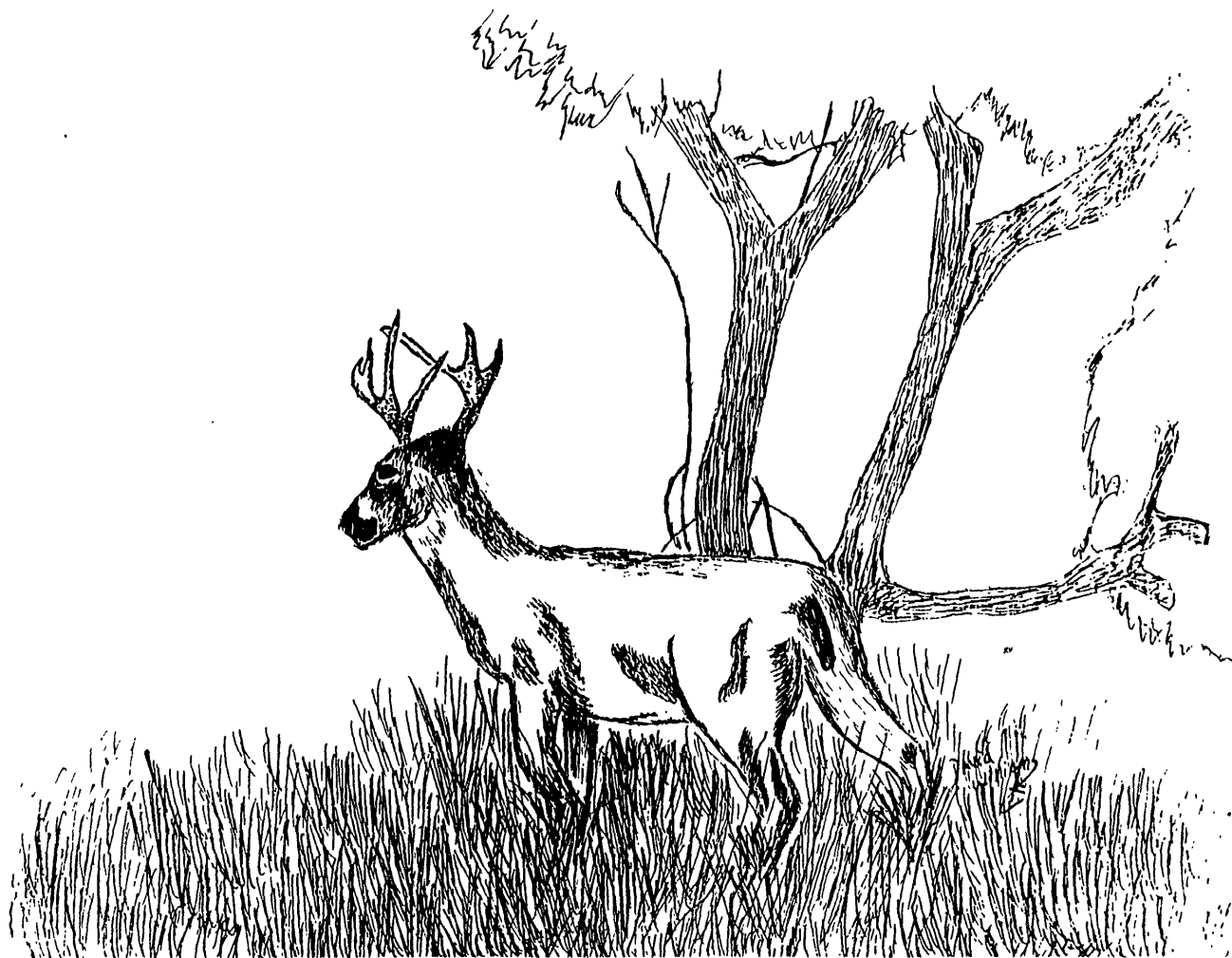
TRD-8811448

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**Meetings Filed November 8,  
1988**

**The Burnet County Appraisal District**, Board of Directors, will meet at 215 South Pierce, Burnet, on November 14, 1988, at 6:30 p.m. Information may be obtained from Amy Shrader, Drawer E, Burnet, Texas 78611.

**The Capital Area Planning Council**, Executive Committee, will meet in Suite 100, 2520 IH-35 South, Austin. Information may be obtained from Richard G. Bean, 2520 IH-35 South, Suite 100, Austin, Texas 78704, (512) 443-7653.

TRD-8811481



Name: David Williams

Grade: Art 1

School: Marshall High, Marshall

# 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 Commission for the Blind Request for Proposals

The Texas Commission for the Blind announces a request for proposals for services leading to supported employment. The intent of the Texas Commission for the Blind is to establish a statewide system of supported employment which provides the option of integrated, community-based employment, for visually-impaired individuals who require ongoing support in order to maintain employment.

**Funding Areas.** The commission anticipates awarding grants to approximately seven organizations within the state who wish to begin a supported employment project. Awards will include up to \$25,000 in start-up funds, plus fees for job development and job coaching services.

**Definitions.** Supported employment is defined as competitive employment in an integrated work setting with ongoing support for individuals with severe disabilities, for whom competitive employment has not traditionally occurred or has been interrupted or intermittent as a result of the severe disability. Job coach services under supported employment are provided to clients in order to reinforce and stabilize the client on the job. Included are such activities as job skill training, intervention, and supervision of the client at the job site, assistance with transportation and housing, personal care services, contact with the employer about the client who is working, contact with the family, and assessments to determine the individual's potential for supported employment.

Ongoing support is job skill training provided at least twice monthly at the work site to enable the individual to perform the work. Ongoing support services other than job skill training may be provided so long as the client has a need for ongoing job skill training and is receiving that training at the job site. An integrated work site is one in which most co-workers are not disabled, or individuals are part of a work group of not more than eight individuals with disabilities.

**Grant requirements.** Funds awarded under this grant are intended for new or expanded services to commission clients. Organizations who receive funds must agree to provide or arrange for ongoing support to maintain each client in their job after the maximum 18-month period. Federal regulations regarding supported employment must be met.

**Application process.** Organizations who can provide services leading to supported employment for the visually impaired are encouraged to apply. Write or call Keith Kitchens, Supported Employment Coordinator, Texas Commission for the Blind, P.O. Box 12866, Austin, Texas 78711, (512) 459-2669, to obtain an application packet or ask questions. A committee will review applications for funding and will select applicants based on evaluation criteria within the application packet.

**Deadline.** Applicants responding to this request for proposals must submit proposals postmarked no later than

December 15, 1988. It is anticipated that awards will be announced within one month after proposal deadline.

Issued in Austin, Texas on November 2, 1988.

TRD-8811288 Pat D. Westbrook  
Executive Director  
Texas Commission for the Blind

Filed: November 2, 1988

For further information, please call (512) 459-2601

## Texas Department of Commerce 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.

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, October 24, 1988-October 28, 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 \$834,100,000 subceiling for qualified mortgage bonds under the Act as of October 28, 1988: \$0

Comprehensive listing of bond issues which have received a reservation date pursuant to the Act from October 24, 1988-October 28, 1988: Lubbock Housing Finance Corporation; Eligible Borrowers; Qualified Mortgage Bonds; \$8,000,000.

Comprehensive listing of bonds issued and delivered as pursuant to the Act from October 24, 1988-October 28, 1988: none

Note: The following reservation was cancelled: Weslaco Industrial Development Corporation (the issuer) for Ditto Apparel of California, Inc. (\$8,000,000).

Issued in Austin, Texas, on October 31, 1988.

TRD-8811288

J. William Lauderback  
Executive Director  
Texas Department of Commerce

Filed: November 2, 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 Ceilings</u>	<u>Effective Period (Dates are Inclusive)</u>	<u>Consumer<sup>(3)</sup>/Agri- cultural/Commercial<sup>(4)</sup> thru \$250,000</u>	<u>Commercial<sup>(4)</sup> over \$250,000</u>
Indicated (Weekly) Rate - Art. 1.04(a)(1)	11/07/88-11/13/88	18.00%	18.00%
Monthly Rate Art. 1.04(c) <sup>(1)</sup>	11/01/88-11/30/88	18.00%	18.00%
Standard Quarterly Rate - Art. 1.04(a)(2)	10/01/88-12/31/88	18.00%	18.00%
Retail Credit Card Quarterly Rate - Art. 1.11 <sup>(3)</sup>	10/01/88-12/31/88	18.00%	N.A.
Lender Credit Card Quar- terly Rate - Art. 15.02(d) <sup>(3)</sup>	10/01/88-12/31/88	14.13%	N.A.
Standard Annual Rate - Art. 1.04(a)(2) <sup>(2)</sup>	10/01/88-12/31/88	18.00%	18.00%
Retail Credit Card Annual Rate - Art. 1.11 <sup>(3)</sup>	10/01/88-12/31/88	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:	10/01/88-12/31/88	18.00%	N.A.
Judgment Rate - Art. 1.05, Section 2	11/01/88-11/30/88	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 October 31, 1988.

TRD-8811297 Al Endsley  
Consumer Credit Commissioner

Filed: November 2, 1988

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

## Texas Department of Health Correction of Error

The Texas Department of Health submitted proposed sections which contained errors as published in the October 14, 1988, issue of the *Texas Register* (13 TexReg 5162).

For the repeal of §§37.51-37.70 and proposed new §§37.51-37.69 the first sentence of the third paragraph should read: "Mr. Stephen Seale, chief accountant III, has determined that for the first five-year period in which the sections as proposed will be in effect there will be fiscal implications as a result of enforcing or administering the sections."

The first sentence of the fourth paragraph should read: "Mr. Seale also has determined that for each year of the first five years the sections as proposed are in effect the public benefit anticipated as a result of enforcing or administering the sections will be that PKU special dietary formula will be offered without cost to all persons whose family incomes are under 200% of the federal poverty guidelines, rather than 100%."

## Emergency Cease and Desist Order

Notice is hereby given that Universal Laboratory, Inc., P.O. Box 461087, Garland, Texas 75046, is ordered to cease and desist from operating and/or using any source of radiation at any location in the State of Texas. The order is issued because the company possessed and used industrial x-ray machines without being registered with the agency, did not pay the appropriate fee, did not possess a radiation survey instrument, did not provide dosimeters nor film badges or TLD's to employees, and did not have high radiation entrance controls at the permanent radiographic installation. Also, two of the company's employees performed duties as radiographers without completion of the agency-administered examination, and without possession of a current I.D. card. Further, the required evaluation, inventory, surveys, and maintenance checks were not performed.

The company is ordered to cease and desist operating and or using any source of radiation until the violations identified during the inspection have been corrected and evidence of such corrections has been submitted to the agency, in writing, and the agency authorizes, in writing, the resumption of such activities.

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 am.-5 p.m. (except holidays).

Issued in Austin, Texas on November 3, 1988.

TRD-8811378 Robert A. MacLean, M.D.  
Deputy Commissioner, Professional  
Services  
Texas Department of Health

Filed: November 4, 1988

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

## Notice of Public Hearing

The Texas Department of Health has scheduled a public hearing to receive comments on the proposed amendment to Chapter 145, Subchapter E, §145.91, concerning administrative penalties for nursing homes, which was published in the October 14, 1988, issue of the *Texas Register* (13 TexReg 5163). The hearing is scheduled at 9 a.m., on Tuesday, November 22, 1988, in the auditorium of the Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756.

Issued in Austin, Texas on November 2, 1988.

TRD-8811311 Robert A. MacLean, M.D.  
Deputy Commissioner for Professional  
Services  
Texas Department of Health

Filed: November 2, 1988.

For further information, please call: (512) 458-7709

## 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 October 12, 1988, to Medicenter, 8702 B Spring Valley Road, Dallas, Texas 75243, holder of Certificate of Registration Number 5-14635.

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 November 3, 1988.

TRD-8811377 Robert A. MacLean, M.D.  
Deputy Commissioner, Professional  
Services  
Texas Department of Health

Filed: November 4, 1988

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

## 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 incorporation of United Trust Life Insurance Company, a domestic life insurance company. The home office is in Houston.
2. Application for admission to do business in Texas of National Guaranty Insurance Company, a foreign casualty insurance company. The home office is in Tempe, Arizona.
3. Application for admission to do business in Texas of Cadillac Life Insurance Company, a foreign life insurance company. The home office is in Detroit, Michigan.
4. Application for admission to do business in Texas of Financial Security Assurance, Inc., a foreign casualty insurance company. The home office is in New York, New York.

5. Application for incorporation of American Managing Company, a domestic third party administrator. The home office is in Houston.

6. Application for admission to do business in Texas of First Southeast Risk Management of Georgia, Inc., a foreign third party administrator. The home office is in Atlanta, Georgia.

Issued in Austin, Texas, on November 3, 1988.

TRD-8811362      Nicholas Murphy  
                         Chief Clerk  
                         State Board of Insurance

Filed: November 3, 1988

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

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## 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 New Braunfels Aviation doing business as Airmotive Engineering SWR Number 69145, on November 2, 1988, assessing \$7,240 in administrative penalties-\$3,620 deferred.

Information concerning any aspect of this order may be obtained by contacting Lisa Montgomery, Staff Attorney, Texas Water Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 463-8069.

Issued in Austin, Texas, on November 3, 1988.

TRD-8811364      Glona A. Vasquez  
                         Notices Coordinator  
                         Texas Water Commission

Filed: November 3, 1988

For further information, please call (512) 463-8069.

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## Texas Water Development Board Request for Proposals

The Texas Water Development Board (board) requests, pursuant to 31 Texas Administrative Code (TAC) §355.13(a), the submission of regional planning proposals 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 Maverick County. Special emphasis shall be placed on selecting feasible, low-cost solutions to existing and probable water supply and sewer problems in the county. In order to be eligible to receive a grant, the applicant must have the authority to plan, implement, and operate water and/or wastewater facilities.

**Description of planning objectives.** The purpose of this project is to prepare a plan that documents service needs, identifies feasible alternatives to meet water supply 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 Maverick County. Regional planning shall be for unincorporated areas of the county that are presently inhabited and where human habitation is expected between 1990 and 2020. Individual cities located within the planning area may, through appropriate official action, choose to be included and participate in the planning effort. If individuals 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 for 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 Maverick County. Seventy-five percent state funding from the board's research and planning fund has been authorized for amounts of up to \$50,000 for Maverick County. 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.

**Deadlines and contact person for additional information.** Ten copies of the full regional planning proposal must be filed with the board prior to 5 p. m., December 19, 1988. A contract must be completed and work must be underway no later than April 19, 1989. 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 August 31, 1989. Completion date: August 31, 1989.

Issued in Austin, Texas on November 4, 1988.

TRD-8811368      Suzanne Schwartz  
                         General Counsel  
                         Texas Water Development Board

Filed: November 4, 1988

For further information, please call (512) 463-7850

◆            ◆            ◆

The Texas Water Development Board (board) requests, pursuant to 31 Texas Administrative Code (TAC) §355.13(a), the submission of regional planning proposals leading to the award of a contract to evaluate and determine the most feasible alternatives to meet water supply needs, estimate the costs associated with implementing feasible water supply alternatives, and identify institutional arrangements to provide water services for Taylor, Callahan, Nolan, Eastland, Stephens, Shackelford, Jones, and Fisher Counties, excluding the incorporated limits of the City of Abilene. In order to receive a grant, the applicant must have the authority to plan, implement, and operate water supply facilities.

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

Discrete phases to implement water supply facilities to meet projected needs will be identified. Cost estimates shall be made for each respective implementation phase to determine the capital, operation, and maintenance area requirements during the 30-year planning period. Separate cost estimates shall be made for each supply system component, including the water conservation program. Cost estimates for facilities shall be divided into: water supply source(s) and conveyance to treatment facilities; and water treatment, storage, and distribution. The planning period for 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 and activity for the respective phases.

**Description of funding consideration.** The board has determined that there is an urgent need for regional water supply planning in the West Central Texas Municipal Water District Planning area. Fifty percent state funding for a state amount of up to \$125,000 has been authorized from the board's research and planning fund. In the event that no acceptable proposal is submitted, the board retains the right to make no award of contract funds as specified by provisions of 31 TAC §355.13(a)(3).

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

**Deadlines and contact person for additional information.** Ten copies of the full regional planning proposal must be filed with the board prior to 5 p. m., December 19, 1988. A contract must be completed and work must be underway no later than April 19, 1989. 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 John Miloy at the preceding address or (512) 463-7926.

**Statement of contract terms and required completion date.** Procedures for awarding contracts shall comply with Texas Civil Statutes, Article 6252-11c, and Article 664-4, where applicable, and with 31 TAC §§355.10-355.19. Contractual agreements and associated funding will termi-

nate on August 31, 1989. Completion date: August 31, 1989.

Issued in Austin, Texas on November 4, 1988.

TRD-8811367      Suzanne Schwartz  
General Counsel  
Texas Water Development Board

Filed: November 4, 1988

For further information, please call (512) 463-7850



The Texas Water Development Board (board) requests, pursuant to 31 Texas Administrative Code (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 Zavala County. The board will also consider applications covering more than Zavala County if the application includes adjacent county areas solicited under similar requests for proposals. Special emphasis shall be placed on selecting feasible, low-cost solutions to existing and probable water supply and sewer problems in the county. In order to be eligible to receive a grant, the applicant must have the authority to plan, implement, and operate water and/or wastewater facilities.

**Description of planning objectives.** The purpose of this project is to prepare a plan that documents service needs, identifies feasible alternatives to meet water supply 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 Zavala County. Regional planning shall be for unincorporated areas of the county that are presently inhabited and where human habitation is expected between 1990 and 2020. Individual cities located within the planning area 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. 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 for 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 Zavala County. Seventy-five percent state funding from the board's research and planning fund has been authorized for amounts of up to \$30,000 for Zavala County. 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.

**Deadlines and contact person for additional information.** Ten copies of the full regional planning proposal must be filed with the board prior to 5 p. m., December 19, 1988. A contract must be completed and work must be underway no later than April 19, 1989. 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 August 31, 1989. Completion date: August 31, 1989.

Issued in Austin, Texas on November 4, 1988.

TRD-8811366      Suzanne Schwartz  
                            General Counsel  
                            Texas Water Development Board

Filed: November 4, 1988

For further information, please call (512) 463-7850



The Texas Water Development Board (board) requests, pursuant to 31 Texas Administrative Code (TAC) §355.13(a), the submission of regional planning proposals leading to the possible award of a contract to evaluate and determine the most feasible alternatives to meet water supply needs, estimate the costs and schedule associated with implementing feasible water supply alternatives, and develop a comprehensive water conservation and drought management plan for the City of San Antonio. In order to be eligible to receive a grant, the applicant must have the authority to plan, implement, and operate water supply facilities.

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

Discrete phases to implement water supply facilities and programs to meet projected needs will be identified. Separate cost estimates for capital, operation, and maintenance requirements shall be made for each supply system component, including the water conservation program, by implementation phase during the 30-year planning period. Cost estimates for facilities shall be divided into: water supply source(s) and conveyance to treatment facilities; water use facilities; and water treatment, storage, and distribution facilities. The planning period for 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 and activity for the respective phases.

**Description of funding consideration.** The board has determined that there is an urgent need for regional water supply planning in the San Antonio area. Fifty percent state funding for a state amount of up to \$100,000 has been authorized from the board's research and planning fund. In the event that no acceptable proposal is submitted, the board retains the right to make no award of contract funds as specified by provisions of 31 TAC §355.13(a)(3).

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

**Deadlines and contact person for additional information.** Ten copies of the full regional planning proposal must be filed with the board prior to 5 p. m., December 19, 1988. A contract must be completed and work must be underway no later than April 19, 1989. 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 John Miloy at the preceding address or (512) 463-7926.

**Statement of contract; terms and required completion date.** Procedures for awarding contracts shall comply with Texas Civil Statutes, Article 6252-11c, and Article 664-4, where applicable, and with 31 TAC §§355.10-355.19. Contractual agreements and associated funding will terminate on August 31, 1989. Completion date: August 31, 1989.

Issued in Austin, Texas on November 4, 1988.

TRD-8811372      Suzanne Schwartz  
                            General Counsel  
                            Texas Water Development Board

Filed: November 4, 1988

For further information, please call (512) 463-7850



The Texas Water Development Board (board) requests, pursuant to 31 Texas Administrative Code (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 Val Verde County. Special emphasis shall be placed on selecting feasible, low-cost solutions to existing and probable water supply and sewer problems in the county. In order to be eligible to receive a grant, the applicant must have the authority to plan, implement, and operate water and/or wastewater facilities.

**Description of planning objectives.** The purpose of this project is to prepare a plan that documents service needs, identifies feasible alternatives to meet water supply 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 Val Verde County. Regional planning shall be for unincorporated areas of the county that are presently inhabited and where human habitation is expected between

1990 and 2020. Individual cities located within the planning area 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 for 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 Val Verde County. Seventy-five percent state funding from the board's research and planning fund has been authorized for amounts of up to \$35,000 for Val Verde County. 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.

**Deadlines and contact person for additional information.** Ten copies of the full regional planning proposal must be filed with the board prior to 5 p. m., December 19, 1988. A contract must be completed and work must be underway no later than April 19, 1989. 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 August 31, 1989. Completion date: August 31, 1989.

Issued in Austin, Texas on November 4, 1988.

TRD-8811369      Suzanne Schwartz  
General Counsel  
Texas Water Development Board

Filed: November 4, 1988

For further information, please call (512) 463-7850



The Texas Water Development Board (board) requests, pursuant to 31 Texas Administrative Code (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 Dimmit County. The board will also consider applications covering more than Dimmit County if the application includes adjacent county areas solicited under similar requests for proposals. Special emphasis shall be placed on selecting feasible, low-cost solutions to existing and probable water supply and sewer problems in the county. In order to be eligible to receive a grant, the applicant must have the authority to plan, implement, and operate water and/or wastewater facilities.

**Description of planning objectives.** The purpose of this project is to prepare a plan that documents service needs, identifies feasible alternatives to meet water supply 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 Dimmit County. Regional planning shall be for unincorporated areas of the county that are presently inhabited and where human habitation is expected between 1990 and 2020. Individual cities located within the planning area 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 for 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 Dimmit County. Seventy-five percent state funding from the board's research and planning fund has been authorized for amounts of up to \$30,000 for Dimmit County. 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.

**Deadline and contact person for additional information.** Ten copies of the full regional planning proposal must be filed with the board prior to 5 p. m., December 19, 1988. A contract must be completed and work must be underway no later than April 19, 1989. 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 August 31, 1989. Completion date: August 31, 1989.

Issued in Austin, Texas on November 4, 1988.

TRD-8811370      Suzanne Schwartz  
                            General Counsel  
                            Texas Water Development Board

Filed: November 4, 1988

For further information, please call (512) 463-7850



The Texas Water Development Board (board) requests, pursuant to 31 Texas Administrative Code (TAC) §355.34(a), the submission of proposals for fiscal year 1989 leading to the possible award of a contract to develop a flood protection plan for Martin County and the City of Big Springs area, including Sulphur Springs Draw, Natural Dam Lake, and area playa lakes.

In order to be eligible to receive a grant, the applicant must have the legal authority to plan for and abate flooding and must participate in the National Flood Insurance Program.

**Description of planning objectives.** The purpose of the project is to develop a flood protection plan that provides protection from flooding through structural and non-structural measures as described in 31 TAC §355.33(e). Planning for flood protection will include studies and analyses to determine and describe problems resulting from or relating to flooding and the views and needs of the affected public relating to flooding problems. Potential solutions to flooding problems will be identified, and the benefits and costs of these solutions will be estimated. From the planning analysis, feasible solutions to flooding problems will be recommended.

**Description of funding consideration.** The board will provide funding from the research and planning fund not to exceed 50% for a state amount of up to \$100,000.

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 §355.34(a)(3). Each applicant will have 90 days from the date of board approval of an application to execute a contract and demonstrate to the executive administrator of the board that it has the local matching share committed and available.

**Review criteria and procedure.** The board's procedures for evaluating and selecting proposals for assistance awards are set forth in 31 TAC §§355.35 and §355.38.

**Guidelines for proposal contents.** All proposals must conform to all of the requirements in 31 TAC §§355.31-355.40.

**Deadlines and contact person for additional information.** Ten Copies of the flood protection planning proposal must be filed with the board prior to 5 p. m., December 19, 1988. A contract must be completed and work must be underway no later than April 19, 1989. An initial phase of the work must be completed by July 15, 1989, at which time the applicant must submit to the board a draft report covering this phase of the work. A final report covering the initial phase of the work and incorporating board review comments must be submitted to the board by August 31, 1989, unless this requirement is extended at a later date by the board. Flood protection 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, flood protection planning objectives, and applicable planning rules in accordance with 31 TAC §§355.31-355.40 may be directed to Bob Wear at the preceding address or (512) 463-7987.

**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 §§355.31-355.40. Contractual agreements and associated funding will terminate on August 31, 1989. Completion date: August 31, 1989.

Issued in Austin, Texas on November 4, 1988.

TRD-8811371      Suzanne Schwartz  
                            General Counsel  
                            Texas Water Development Board

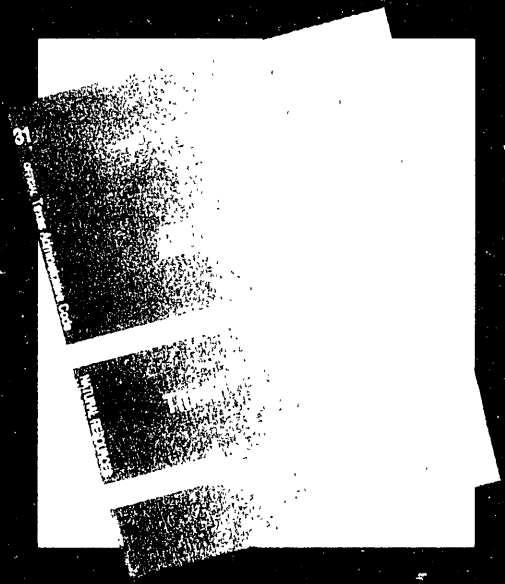
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