

# Texas Register

Volume 15, Number 48, June 26, 1990

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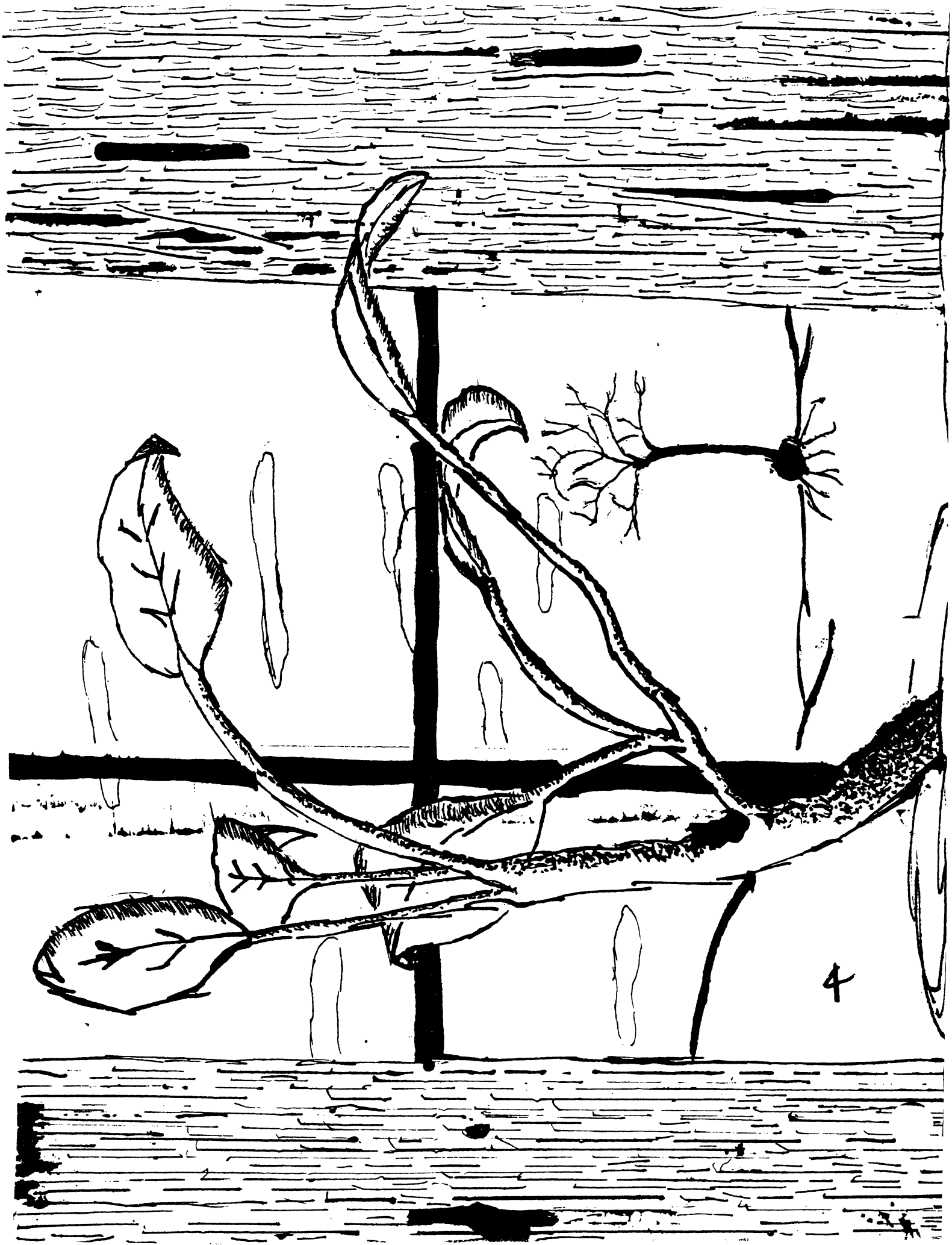
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**3711-Request for Proposals**

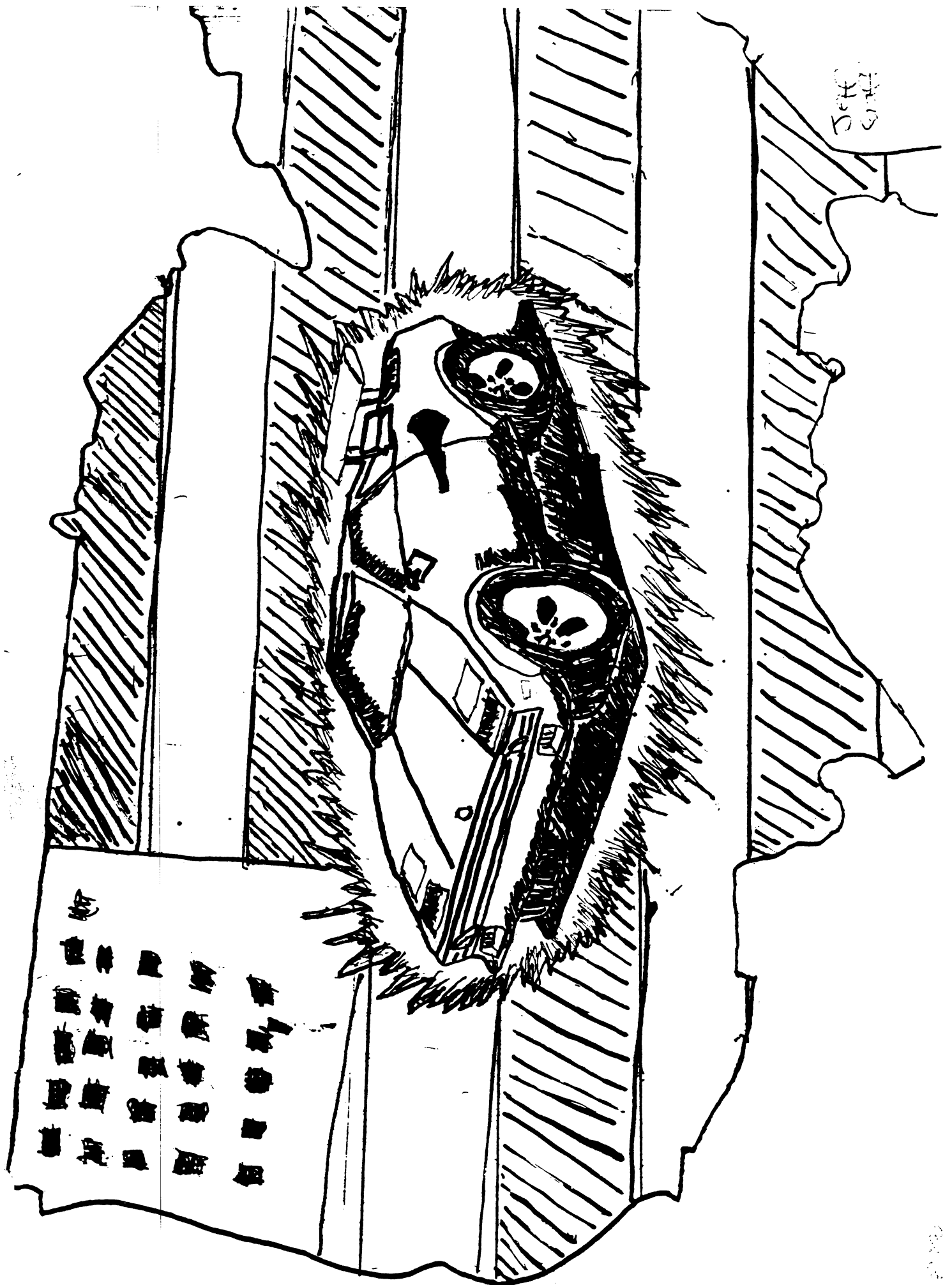
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1952



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*Scott Bruno*

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37 TAC §321.15, §321.16—3492

**Part IX. Texas Commission on Jail Standards**

37 TAC §§271.1-271.3—3623

37 TAC §271.2—3515

**TITLE 40. SOCIAL SERVICES AND ASSISTANCE**

**Part I. Texas Department of Human Services**

40 TAC §§4.1004, 4.1006, 4.1010, 4.1012—3515

40 TAC §9.101—3092, 3351

40 TAC §9.204—3092, 3351

40 TAC §§10.3101-10.3190—3162, 3320

40 TAC §§10.3301-10.3307, 10.3320-10.3324—3162, 3322

40 TAC §§10.3401-10.3454—3162, 3322

40 TAC §§10.3501-10.3506—3430

40 TAC §10.3507—3431

40 TAC §12.22, §12.23—3641

40 TAC §14.1—3690

40 TAC §§14.101, 14.103-14.105, 14.109—3690

40 TAC §§14.202, 14.203, 14.204—3692

40 TAC §15.200, §15.210—3092, 3351

40 TAC §16.901—3163

40 TAC §16.1101—3092, 3352

40 TAC §§16.1301-16.1305—3163

40 TAC §§16.1501, 16.1504-16.1509, 16.1511-16.1513—3163

40 TAC §§16.1514—3163, 3223

40 TAC §§16.1901, 16.1903, 16.1904, 16.1906, 16.1907, 16.1910-16.1912, 16.1914-16.1919—3167

40 TAC §§16.2901-16.2908—3167

40 TAC §§16.3001-16.3009, 16.3011-16.3017—3168

40 TAC §16.3010—3092, 3352

40 TAC §§16.3101-16.3107—3168

40 TAC §§16.3201-16.3212—3168

40 TAC §§16.3301-16.3304—3168

40 TAC §§16.3401-16.3404—3169

40 TAC §§16.3501-16.3507—3169

40 TAC §§16.3801-16.3805, 16.3807—3169

40 TAC §16.3806—3162, 3327

40 TAC §16.3901, §16.3902—3169

40 TAC §16.3903—3092, 3352

40 TAC §§16.4101-16.4103—3169

40 TAC §§16.4901-16.4913—3170

40 TAC §16.5101, §16.5102—3170

40 TAC §§16.5901-16.5903—3170

40 TAC §§16.6101-16.6111, 16.6113,-16.6120—3170

40 TAC §16.6112—3162, 3328

40 TAC §§16.7101, 16.7102, 16.7104—3171

40 TAC §16.7103—3092, 3352

40 TAC §16.9801—3092, 3353

40 TAC §16.9802—3171

40 TAC §19.1—3171

40 TAC §19.101—3172

40 TAC §§19.201-19.219—3177

40 TAC §§19.301-19.305—3184

40 TAC §19.401—3186

40 TAC §§19.501-19.505—3186

40 TAC §§19.601-19.604—3188

40 TAC §19.701—3193

40 TAC §§19.801-19.813—

40 TAC §§19.901-19.912—3199

40 TAC §§19.1001-19.1010—3202

40 TAC §§19.1101-19.1106—3203

40 TAC §§19.1201-19.1208—3205

40 TAC §§19.1301-19.1310—3206

40 TAC §§19.1401-19.1402—3210

40 TAC §§19.1501-19.1521—3212

40 TAC §§19.1501, 19.1504—3212

40 TAC §§19.1601-19.1612—3223

40 TAC §§19.1701-19.1708—3227

40 TAC §§19.1801-19.1809—3230

40 TAC §§19.1901-19.1933—3241

40 TAC §§19.2001-19.2013—3254

40 TAC §§19.2101-19.2107—3265

40 TAC §29.601—3266

40 TAC §29.1126—3266

40 TAC §§29.2201-29.2203—3162, 3431

40 TAC §§29.2401-29.2404—3267

40 TAC §31.101--31.107—3092, 3354

40 TAC §41.702—3092, 3354

40 TAC §46.5001—3694

40 TAC §§48.2101-48.2109—3092, 3355  
40 TAC §48.2501—3092, 3356  
19 TAC §§48.2601-48.2605, 48.2611—3582  
40 TAC §48.2911, §48.2918—3694  
40 TAC §48.2916—3162, 3328  
40 TAC §48.5902—3415  
40 TAC §48.9302—3583  
40 TAC §48.9802, §48.9808—3695  
40 TAC §51.50—3695  
40 TAC §54.403—3411  
40 TAC §§79.1701-79.1707—3092, 3356  
**Part IX. Texas Department on Aging**  
40 TAC §255.37—3642

## TITLE 43. TRANSPORTATION

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

43 TAC §§1.300-1.305—3075, 3269  
43 TAC §31.3—3643  
43 TAC §§31.50, 31.53, 31.55, 31.57—

### **Part III. Texas Department of Aviation**

43 TAC §§65.1-65.20—3625  
43 TAC §§65.1-65.21—3625

### **Part IV. Texas High-speed Rail Authority**

43 TAC §§81.1, 81.11, 81.21, 81.31, 81.41, 81.51, 81.61—3514  
43 TAC §§81.100, 81.110, 81.120, 81.130, 81.140, 81.150, 81.160—3515  
43 TAC §§83.1, 83.11, 83.21, 83.31—3515  
43 TAC §§83.100, 83.110, 83.120—3517

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# Attorney General

**Description of Attorney General submissions.** Under provisions set out in the Texas Constitution, the Texas Government Code, Title 4, §402.042 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.

## Opinions

**JM-1181 (RQ-1853).** Request from William D. Taylor, Executive Director, Texas Department of Commerce, Austin, concerning constitutionality of appropriations to the Texas Department of Commerce and the Comptroller of Public Accounts to pay former employees and contractors of the Texas Conservation Corps, Inc., under the Texas Constitution, Article III, §44.

**Summary of Opinion.** The claims of former employees and contractors of the Texas Conservation Corps, Inc., are not legally enforceable obligations against the state. Thus the 1989 appropriations by the legislature to pay those claims violate the pre-existing law requirement of the Texas

Constitution, Article III, §44, and are unconstitutional.

TRD-9006287



**JM-1182 (RQ-2008).** Request from Brad Wright, Chairman, Committee on Public Health, Texas House of Representatives, Austin and George Pierce, Chairman, Committee on Urban Affairs, Texas House of Representatives, Austin, concerning use of four-way stop signs by governmental bodies to control cut-through traffic in residential neighborhoods.

**Summary of Opinion.** Texas Civil Statutes, Article 6701d, §31, and the Texas Manual on Uniform Traffic Control Devices for Streets and Highways do not prohibit local authorities from erecting multi-way stop signs at intersections. The manual contains suggested guidelines in

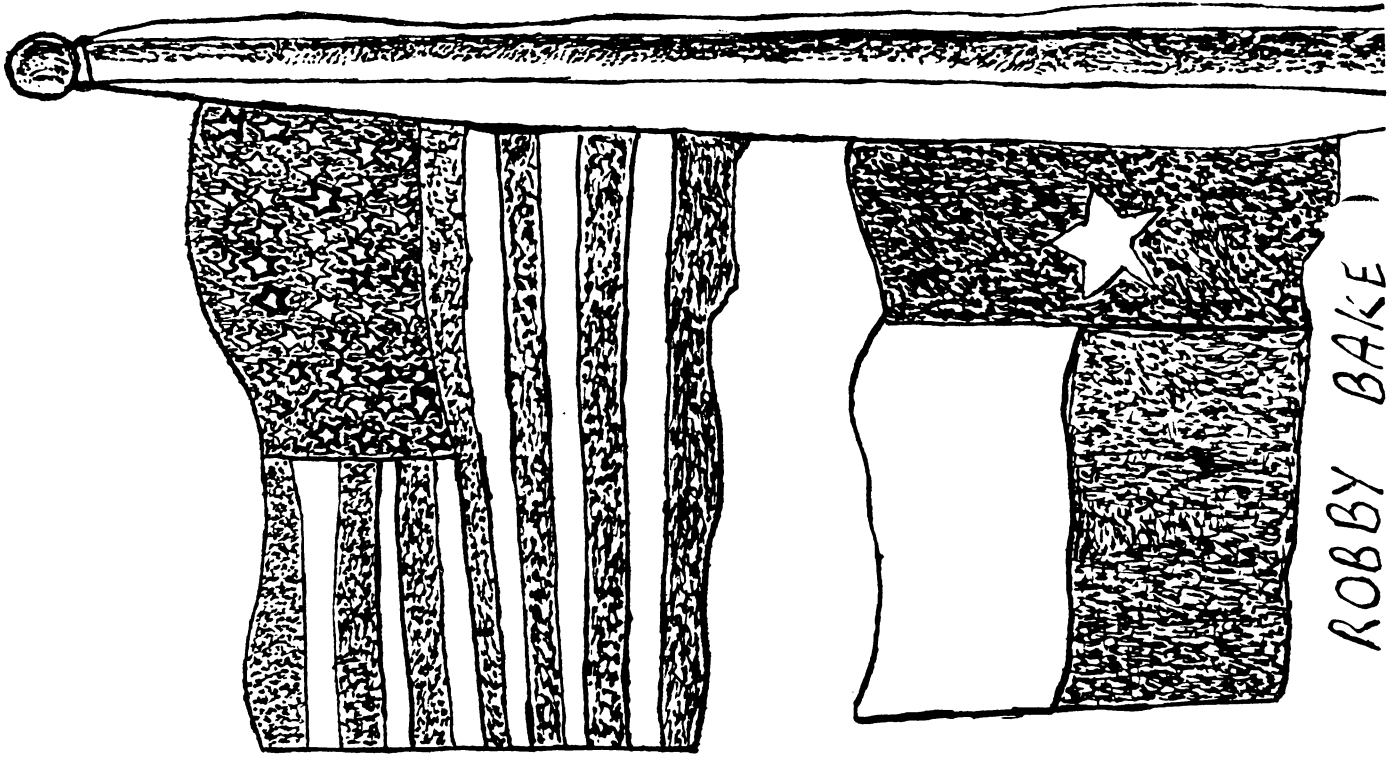
determining whether such signals should be installed and emphasizes the necessity of engineering judgment in arriving at a decision. In the event stop signs are installed, the signs must conform to the requirements of section 2B-4 of the manual as to dimensions, shape, color, placement, and under what conditions supplementary plates shall be used. Subsection (b) of §27, Texas Civil Statutes, Article 6701d, prohibits the erection of a stop sign at any location so as to require the traffic on any state highway, including farm-to-market or ranch-to-market roads, to stop before entering or crossing any intersecting highway unless such devices are erected and maintained pursuant to an agreement entered into between the local authorities and the State Highway and Public Transportation Commission pursuant to Texas Civil Statutes, Article 6673b.

TRD-9006286

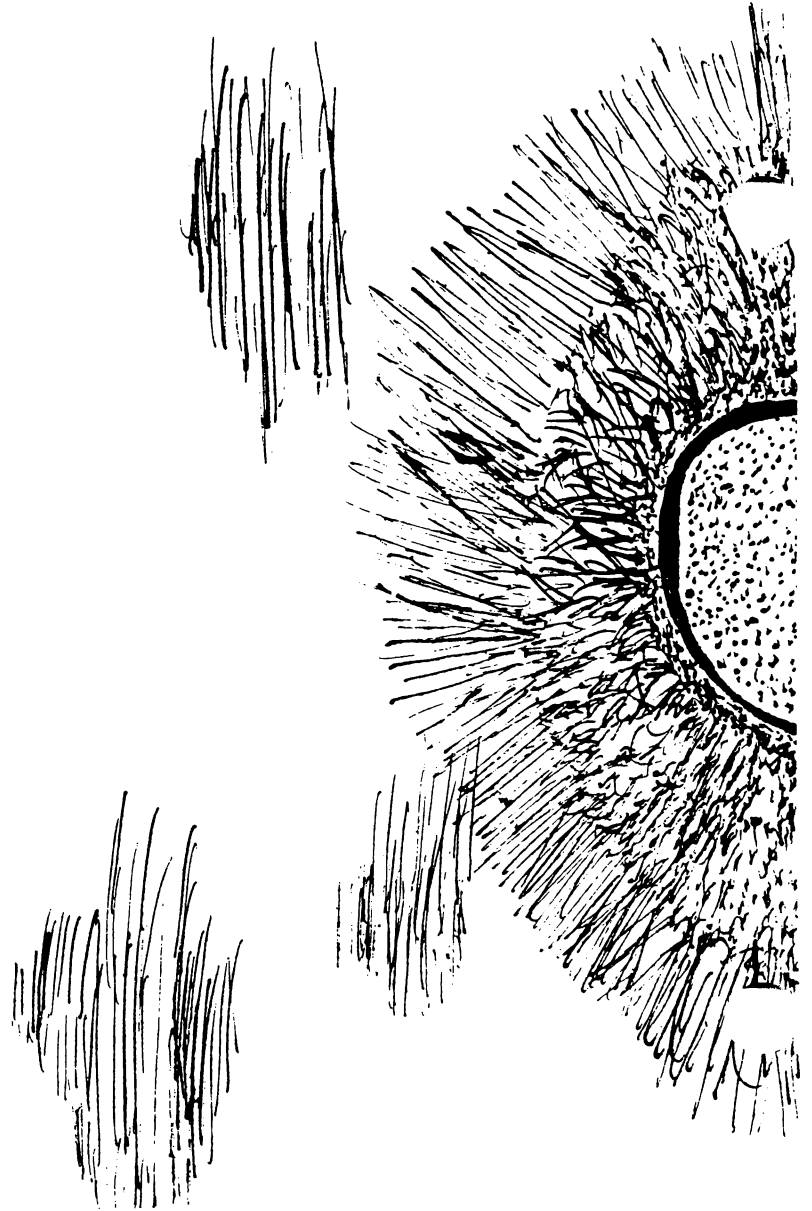


HAPPY 200<sup>th</sup>

Birthday Constitution



ROBBY BAKE





# Emergency Sections

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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.

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## TITLE 28. INSURANCE

### Part I. State Board of Insurance

#### Chapter 9. Title Insurance

##### Subchapter A. Basic Manual of Rules, Rates, and Forms for the Writing of Title Insurance in the State of Texas

###### • 28 TAC §9.21

The State Board of Insurance adopts on an emergency basis new §9.21, concerning adoption by reference of a procedural rule for construction of terms in a policy of title insurance (USA). An imminent peril to the public welfare requires adoption of this amendment on an emergency basis to avoid delay in the acquisition of property by the Texas National Research Laboratory Commission for the construction of the super conducting super collider project. Section 9.21 adopts by reference new Procedural Rule P-33. The new rule provides that, when a policy of title insurance (USA) (Form T-11) names as the insured the Texas National Research Laboratory Commission and the United States of America, as their interests may appear, some of the words and phrases appearing in the conditions and stipulations of the policy shall be read to mean certain

things. With respect only to the interest of the Texas National Research Laboratory Commission, the words and phrases, "Attorney General," "Attorney General of the United States," "Government," and "the United States or its duly authorized representative," shall be read to mean the Texas National Research Laboratory Commission; and the words, "him" and "his," shall be read to mean "it" and "its," respectively. The board has filed with the Secretary of State's Office, Texas Register Section, a copy of the material adopted by reference under §9.21. Persons desiring copies of Procedural Rule P-33 can obtain copies from the Title Section of the State Board of Insurance at 1110 San Jacinto Boulevard, Austin, Texas 78701-1998.

The new section is adopted on an emergency basis under the Insurance Code, Article 1.04 and Article 9.21, and Texas Civil Statutes, Article 6252-13a, §4 and §5. The Insurance Code, Article 1.04, authorize the State Board of Insurance to determine policy and rules. The Insurance Code, Article 9.21, authorizes the board to promulgate and enforce rules and regulations prescribing underwriting standards and practices and to promulgate and enforce all other rules and regulations necessary to accomplish the purposes of the Insurance Code, Chapter 9, concerning regulation of title insurance. Texas Civil Statutes, Article 6252-13a, §4, authorize and require each state agency to adopt rules of practice setting forth the nature and requirements of available procedures.

Section 5 prescribes the procedure for adoption of rules by a state administrative agency.

**§9.21. Procedural Rule for Construction of Terms in a Policy of Title Insurance (USA).** In addition to material adopted by reference under §9. 1 of this title (relating to Basic Manual of Rules, Rates, and Forms for the Writing of Title Insurance in the State of Texas (the Manual)), the State Board of Insurance adopts by reference, as part of the manual, Procedural Rule P-33 for construction of terms in a policy of title insurance (USA). This document is published by and is available from Hart Graphics, P.O. Box 968, Austin, Texas 78767, and is available from and on file at the Title Insurance Section, Mail Code 012-7, State Board of Insurance, 1110 San Jacinto Boulevard, Austin, Texas 78701-1998.

Issued in Austin, Texas on June 19, 1990.

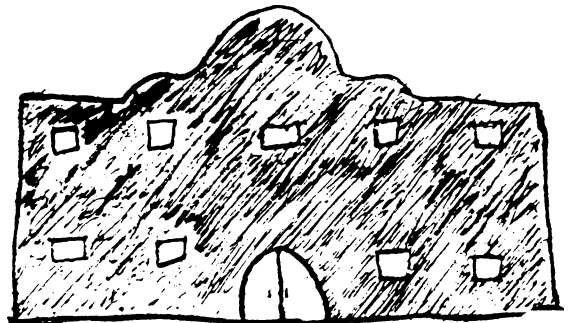
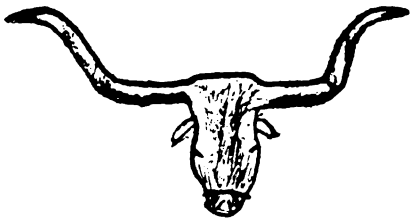
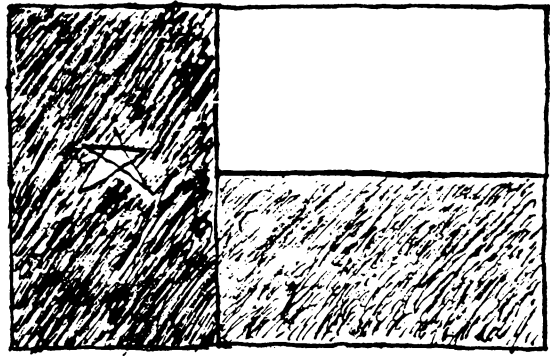
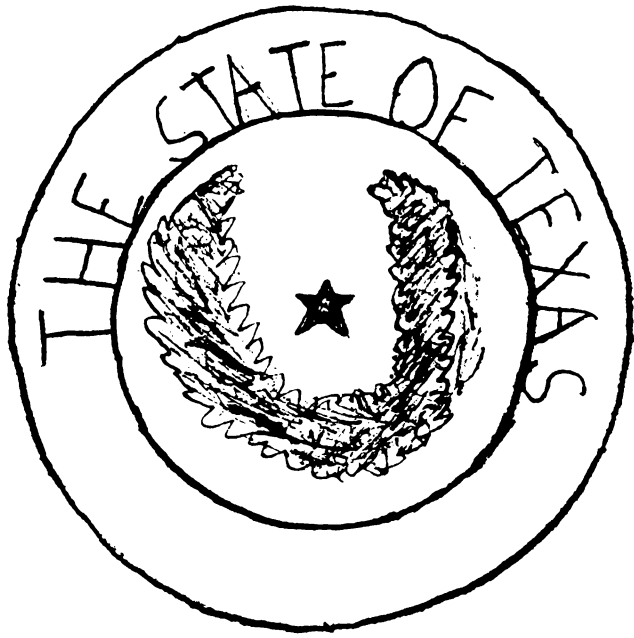
TRD-9006342 Nicholas Murphy  
Chief Clerk  
State Board of Insurance

Effective date: June 20, 1990

Expiration date: October 18, 1990

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





# Proposed Sections

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

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

## TITLE 28. INSURANCE

### Part I. State Board of Insurance

#### Chapter 9. Title Insurance

##### Subchapter A. Basic Manual of Rules, Rates, and Forms for the Writing of Title Insurance in the State of Texas

###### • 28 TAC §9.1

The State Board of Insurance proposes an amendment to §9.1, concerning the adoption by reference of the *Basic Manual of Rules, Rates, and Forms for the Writing of Title Insurance in the State of Texas* (the manual). The amendment to §9.1 is necessary to reflect amendments which the board is proposing to the manual, which the section adopts by reference. The amendments to the manual are necessary to facilitate the administration of regulation of title insurance in this state by modifying currently existing rules and forms. These amendments to the manual will be considered as Agenda Item 89-6 at a public hearing before the State Board of Insurance beginning at 9:30 a.m. on Wednesday, July 25, 1990. The hearing will be in Room 460 of the State Insurance Building at 1110 San Jacinto Boulevard in Austin. Agenda Item 89-6 would replace the current owner and mortgagee policy by creating new Texas owner and mortgagee policies. It would add new Texas owner and mortgagee coverage endorsements and create a new procedural rule to require mandatory attachment of said endorsements. Said endorsements will clarify the terms, conditions, stipulations, and coverages in proposed owner and mortgagee policies. It would also amend the commitment for title insurance, leasehold owner policy endorsement, leasehold mortgagee policy endorsement, mortgagee title policy binder on interim construction loan, adjustable mortgage loan endorsement, increased value endorsement, manufactured housing endorsement, the T-30 endorsement, endorsement instructions Number III, V, VI, VII, VIII and IX, and Procedural Rules P-2, P-6, P-8, P-9(a)(i), P-9(b)(5), P-11(b)(8), P-16 and P-20. The board has filed with the Secretary of State's Office, Texas Register Section, copies of the proposals for amendments to the manual under Agenda Item 89-6. Persons desiring copies of the proposal can obtain copies from the Title Insurance Section of the State Board of Insurance at 1110 San Jacinto Boulevard, Austin, Texas 78701-1998.

Fabian S. Gomez, Title Insurance Manager, has determined that for the first five-year period the section is in effect there will be no fiscal implications for state or local government and no effect on local employment or local economy as a result of enforcing or administering the section.

Mr. Gomez also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be clarification and standardization of rules and forms in the regulation of title insurance and an increase in the availability of title insurance coverage to the consumer. The effect on small businesses as a result of enforcing the section will be an increase of not more than \$25 in expenses for completion of any form required by the amendment. On the basis of cost per hour of labor, there will be no difference in cost of compliance between small businesses and larger businesses. The anticipated economic cost to persons who are required to comply with the section will be the same as the cost of compliance for small businesses.

Comments on the proposal may be submitted to Fabian S. Gomez, Title Insurance Manager, Mail Code 012-7, State Board of Insurance, 1110 San Jacinto Boulevard, Austin, Texas 78701-1998. The board also will receive comments on Agenda Item 89-6 at a public hearing beginning at 9:30 a.m. on Wednesday, July 25, 1990, in Room 460 of the State Insurance Building at 1110 San Jacinto Boulevard in Austin.

The amendment is proposed under the Insurance Code, Articles 1.04, 9.07, and 9.21, and Texas Civil Statutes, Articles 6252-13a, §4 and §5. The Insurance Code, Article 1.04, authorizes the State Board of Insurance to determine policy and rules. The Insurance Code, Article 9.07 authorizes and requires the board to promulgate or approve forms for policies of title insurance, to require title insurance companies and agents to submit information material for the board's consideration, and otherwise to provide for the regulation of the business of title insurance. The Insurance Code, Article 9.21, authorizes the board to promulgate and enforce rules and regulations prescribing underwriting standards and practices, and to promulgate and enforce all other rules and regulations necessary to accomplish the purposes of the Insurance Code, Chapter 9, concerning the regulation of title insurance. Texas Civil Statutes, Article 6252-13a, §4, authorize and require each state agency to adopt rules of practice setting forth the nature and requirements of available procedures. Section 5 prescribes the procedure for adoption of rules by a state administrative agency.

§9.1. *Basic Manual of Rules, Rates, and Forms for the Writing of Title Insurance in the State of Texas.* The State Board of Insurance adopts by reference the **Basic Manual of Rules, Rates, and Forms for the Writing of Title Insurance in the State of Texas** as amended effective **September 1** [March 1], 1990. The document is published by and is available from Hart Forms and Services, 11500 Metric Boulevard, Austin, Texas 78758, and is available from and on file at the Title Insurance Section, Mail Code 012-7, State Board of Insurance, 1110 San Jacinto Boulevard, Austin, Texas 78701-1998.

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

Issued in Austin, Texas, on June 20, 1990.

TRD-9006355

Nicholas Murphy  
Chief Clerk  
State Board of Insurance

Earliest possible date of adoption: July 27, 1990

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

## TITLE 40. SOCIAL SERVICES AND ASSISTANCE

### Part I. Texas Department of Human Services

#### Chapter 14. County Indigent Health Care Program

##### Subchapter A. Program Administration

The Texas Department of Human Services (DHS) proposes amendments to §§14.1, 14.101, 14.103, 14.104, 14.105, 14.109, 14.202, 14.203, and 14.204, concerning county program administration; application processing; household determinations; income; resources; monthly maximum countable income standards; exclusions and limitations; payments for mandatory services; and services and payment liability, limitations, and options; all in its County Indigent Health Care Program chapter. The purpose of the amendments is to settle a pending lawsuit, to include changes requested by the County Indigent Health Care Program (CIHCP) Advisory Committee, to incorporate Medicaid

policy changes, and to clarify policy concerning foster children and the monthly maximum countable income standards.

Burton F. Raiford, chief financial officer, 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 as a result of enforcing or administering the sections.

Mr. Raiford also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be that county governments will pay, on an ongoing basis, the health care costs of persons appealing social security disability determination denials if those persons are otherwise eligible for the County Indigent Health Care Program. If the appellants are certified as eligible for supplemental security income, Medicaid will reimburse the county for its payments. Other changes make CIHCP policy consistent with AFDC/Medicaid policy. There will be no effect on small businesses as a result of enforcing the sections. There is no anticipated economic cost to persons who are required to comply with the sections as proposed.

Questions about the content of this proposal may be directed to Carol Peters at (512) 338-6461 in DHS's County Indigent Health Care Program. Comments on the proposal may be submitted to Cathy Rossberg, Policy Communication Services Section-404, Texas Department of Human Services 454-W, P.O. Box 149030, Austin, Texas 78714-9030, within 30 days of publication in the *Texas Register*.

• 40 TAC §14.1

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

§14.1. County Program Administration.

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

(d) County administrative options [option].

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

(5) Upon county request, the Texas Medicaid/Vendor Drug Program will reimburse the counties for mandatory services provided to otherwise eligible county residents appealing a social security disability determination denial and who are later determined to be retroactively SSI/Medicaid-eligible. County eligibility for reimbursement is subject to §14.204(h) and (i) of this title (relating to Services and Payment Liability, Limitations, and Options). Reimbursement is available only for services covered by the Medicaid/Vendor Drug Program.

(e)-(i) (No change.)

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

Issued in Austin, Texas, on June 18, 1990.

TRD-9006322

Cathy Rossberg  
Agency Liaison, Policy  
Communication  
Services  
Texas Department of  
Human Services

Proposed date of adoption: September 1, 1990.

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

◆ ◆ ◆  
Subchapter B. Determining Eligibility

• 40 TAC §§14.101, 14.103-14.105, 14.109

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

§14.101. Application Processing.

(a) The following words and terms, when used in Subchapters (B)-(E) of this chapter (relating to Determining Eligibility; Providing Services; Case Management; and SLIAG Reimbursement for County Indigent Health Care Program Services Provided to Eligible Legalized Aliens) [this section], shall have the following meanings, unless the context clearly indicates otherwise.

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

(5) SSI-Supplemental security income.

(6) SSDI-Social security disability income.

(7) Social security disability denial-A Social Security Administration denial of either SSI and/or SSDI when disability is the basis for application.

(8) SSI/SSDI appellant-A person appealing a supplemental security income and/or social security disability income denial.

(b)-(o) (No change.)

§14.103. Household Determinations.

(a) (No change.)

(b) An inmate in a county jail or a non-AFDC foster care child qualifies as a household if the inmate or the child meets all other eligibility criteria. A foster child in the managing conservatorship of a licensed privately funded 24-hour child care facility does not qualify for county health care assistance.

(c)-(e) (No change.)

(f) The following persons are disqualified from inclusion in the household:

(1) (No change.)

(2) a person who receives

Medicaid, or would be eligible if he applied. A person appealing a social security disability denial is considered an eligible household member;

(3)-(4) (No change.)

(g)-(k) (No change.)

§14.104. Income.

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

(c) Types of income. Eligibility staff must count or exempt types of income as follows:

(1) (No change.)

(2) **Allen Sponsor's Income.** Count the income of the alien's sponsor for three years after the alien's entry, as specified in subsection (e)(5) of this section.

(3)[(2)] Cash contributions. Cash contributions are counted as unearned income, but are exempted if they are irregular and unpredictable.

(4)[(3)] Child support payments. These payments are counted as unearned income after deducting \$50 from the household's total monthly child support payments.

(5)[(4)] Child's earned income. A child's earned income is exempted if the child is a full-time student or a part-time student employed less than 30 hours a week.

(6)[(5)] Disability insurance benefits. These benefits are counted as unearned income.

(7)[(6)] Disqualified household member's earned and unearned income. This income is exempted.

(8)[(7)] Dividends and royalties. Dividends and royalties are counted as unearned income.

(9)[(8)] Educational assistance. This assistance is exempted. These payments include aid from the United States Office of Education for undergraduate, vocational, or education courses.

(10)[(9)] Educational benefits. These benefits are counted as unearned income minus any part of the benefit that is for educational expenses, including tuition, books, fees, transportation, and child care.

(11)[(10)] Energy assistance. Energy assistance from federally funded, state-administered programs (HEAP, weatherization, energy crisis intervention) is exempted. Utility supplement payments from the Department of Housing and Urban Development (HUD) or local housing authorities, whether they are in the form of vendor payments, in-kind income, or cash payments, are exempted. Energy assistance from private, nonprofit, or government agencies that make payments based on need is exempted. If an energy assistance

payment is combined with other payments, only the energy assistance portion of the payment is exempted.

(12)[(11)] Foster care payments. These payments are exempted.

(13)[(12)] Government-sponsored programs. Payments from these programs are counted as unearned income unless the payments are from crisis intervention programs.

(14)[(13)] In-kind income. In-kind income (any gain or benefit that is not in the form of money payable directly to the household) is exempted.

(15)[(14)] Interest. Interest is counted as unearned income.

(16)[(15)] Job training. Payments made under the Job Training Partnership Act of 1982 (JTPA) are exempted.

(17)[(16)] Loans (noneducational). These loans are counted as unearned income unless there is an understanding that the money will be repaid, and the client can reasonably explain how he will repay the loan.

(18)[(17)] Lump-sum payments. These payments are a resource and are not counted as income.

(19)[(18)] Military pay and allowances. Military pay and allowances for housing, food, base pay, and flight pay are counted as earned income.

(20)[(19)] Other supplemental job training and training allowance payments. Job training and training allowance payments from agencies that are for training-related expenses are exempted.

(21)[(20)] Pensions. Pensions are counted as unearned income.

(22)[(21)] Retirement, survivors, and disability insurance (RSDI) benefits and other retirement benefits. These benefits are counted as unearned income (exempt the amount deducted from the RSDI check for the Medicare premium and any amount that is being recouped for a prior overpayment).

(23)[(22)] Reimbursements. Reimbursements, minus the actual expenses, are counted as unearned income.

(24)[(23)] Royalties. Royalties are counted as unearned income.

(25)[(24)] Supplemental security income (SSI) payments. These payments are exempted.

(26)[(25)] Self-employment income. Self-employment income (minus business expenses) is counted as earned income. A person is self-employed if he is engaged in an enterprise for gain, either as an independent contractor, franchise holder, or owner-operator. If someone other than the earner withholds either income taxes or FICA from the earner's earnings, the earner is an employee and not self-employed.

(27)[(26)] Income from property. This income is counted as un-

earned income, whether from rent, lease, or sale on an installment plan. If the household sells property on an installment plan, the payments are unearned income. The balance of the note is an inaccessible resource. Income from boarding situations is earned income.

(28)[(27)] Third-party payments. These payments are exempted if the money is intended and used for the maintenance of a nonmember. If a single payment is received for more than one beneficiary, the amount actually used for the nonmember up to the nonmember's identifiable portion or prorated portion, if the portion is not identifiable, is excluded.

(29)[(28)] Trust funds. Trust fund withdrawals or dividends are counted as unearned income.

(30)[(29)] Unemployment compensation. Unemployment compensation is counted as unearned income.

(31)[(30)] Vendor payments. These payments are exempted if made by a person or organization outside the household directly to the household's creditor or person providing the service.

(32)[(31)] Veterans Administration (VA) benefits. These benefits are counted as unearned income. Benefits that meet a special need are exempted.

(33)[(32)] Wages, salaries, and commissions. Wages, salaries, and commissions are counted as earned income.

(34)[(33)] Worker's compensation. Worker's compensation is counted as unearned income. Eligibility staff must, however, exempt any reimbursement for a medical bill that the household paid and any deductions for FICA or income taxes.

(35)[(34)] Unusual types of benefits/payments. Benefits/payments from the following programs are exempted:

(A)-(I) (No change.)

(d) (No change.)

(e) Budgeting.

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

(5) How to budget the income of the alien's sponsor. Eligibility staff must consider as unearned income available to the alien's household all the sponsor's and sponsor's spouse's gross countable income(s) after subtracting the following deductions:

(A) the lesser of 20% of the total gross monthly earned income, including net self-employment earned income; or \$175;

(B) an amount equal to the maximum income limit for the sponsor's family size as specified in §14.109 of this title (relating to Monthly Maximum Countable Income Standards). Include all members of the household who the sponsor claims or could claim as tax dependents;

(C) the total amount that the sponsor pays to anyone living outside the home and who the sponsor claims as a tax dependent;

(D) total alimony or child support that the sponsor pays to persons living outside the home.

(f) (No change.)  
§14.105. Resources.

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

(c) Types of resources. The following resources are countable or exempt. Eligibility staff must count the equity value of any resource not specifically exempted in this subsection.

(1)-(15) (No change.)

(16) Countable resources of an alien's sponsor and sponsor's spouse, if the sponsor and spouse are living together, are considered available to the sponsored alien for three years after the alien's entry. Eligibility staff must:

(A) determine the sponsor's countable resources as the applicant's resources would be determined as specified in this section;

(B) subtract \$1,500; and

(C) consider the remainder as available to the applicant.

(17)[(16)] Resources of disqualified persons are exempted.

(18)[(17)] Vehicles (one per household) are exempted if the vehicle is owned and used by the household for transportation and the equity value of the vehicle is less than \$1,500. If the equity value exceeds \$1,500, the excess equity is counted as a resource. The equity value of all other vehicles is counted.

(d)-(f) (No change.)

§14.109. Monthly Maximum Countable Income Standards. The following chart contains the maximum countable income standards.

Family Size	Single Adult and Adult with Children	Couples and Couples with Children	Minor Children Only [Children Living with Ineligible Adults Who Are Not Legal Parents]
1	\$ 75	---	\$ 63
2	158	\$120	90
3	184	200	126
4	221	226	151
5	246	262	194
6	284	289	210
7	308	324	261
8	351	350	287
9	377	392	330
10	420	418	356
11	446	461	399
12*	488	487	425

\*Add \$38 for each additional household member if the household size exceeds 12 persons.

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

Issued in Austin, Texas, on June 18, 1990.

TRD-9006323  
Cathy Rossberg  
Agency Liaison, Policy  
Communication  
Services  
Texas Department of  
Human Services

Earliest possible date of adoption: September 1, 1990.

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

## Subchapter C. Providing Services

### • 40 TAC §§14.202, 14.203, 14.204

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

#### §14.202. Exclusions and Limitations.

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

(d) Limited services. The following services and supplies are excluded unless the specified conditions are met.

(1) pneumonia and influenza immunizations unless provided to high-risk recipients. High-risk recipients include:

(A) persons under age two

or over age 60;

(B) nursing home residents;

(C) chronically ill or severely disabled persons; and

(D) persons with weakened immune systems.

(2)[(1)] other immunizations [immunizations] and vaccines unless directly related to the treatment of an injury or direct exposure to a disease;

(3)[(2)] services or supplies provided in a routine physical examination except in connection with family planning services;

(4)[(3)] services or supplies provided in cosmetic surgery unless they are:

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

(5)[(4)] routine circumcision (unless medically necessary) if a newborn is more than three days old. Circumcision of a newborn is covered during the first three days of his life;

(6)[(5)] a private inpatient hospital room unless a patient:

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

(7)[(6)] dental and podiatric care unless the service is covered as a physician service when provided by a licensed physician, and the dentist or podiatrist can

provide the service within the scope of his license;

(8)[(7)] ambulation aids and other durable medical equipment and supplies unless they are provided in a hospital setting or a skilled nursing facility;

(9)[(8)] parenteral hyperalimentation therapy as an outpatient hospital service unless the service is considered medically necessary to sustain life. Coverage does not extend to hyperalimentation administered as a nutritional supplement;

(10)[(9)] alcohol and drug abuse treatment services unless provided in an acute care, Title XIX-approved hospital and the hospital admission is medically necessary for the treatment of a physical condition other than alcohol and drug abuse;

(11)[(10)] alcohol and drug detoxification treatment alone, unless the patient is admitted to an acute care, Title XIX-approved facility, the physician determines the hospital admission is medically necessary, and the hospital stay does not exceed five days.

(e)-(g) (No change.)

#### §14.203. Payments for Mandatory Services.

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

(c) The payment standards for the individual mandatory service are:

(1)-(5) (No change.)

(6) Rural health clinic (RHC) services. The reimbursement rate is the current fee established by DHS for the

Medicaid program. [A payment standard is not established because there are no rural health clinics in Texas. If a county needs to reimburse a RHC in the future, DHS will use existing Medicaid rates.]

(d) (No change.)

*§14.204. Services and Payment Liability, Limitations, and Options.*

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

(f) Counties have the option to request that an eligible county resident, except an SSI/SSDI appellant, contribute a nominal amount toward the cost of mandatory services. If, however, the resident is unable or unwilling to make the nominal contribution, the county cannot deny eligibility or limit services. Counties that select this option must define the nominal amount.

(g) (No change.)

(h) Counties may claim Medicaid/Vendor Drug Program reimbursement for mandatory services provided to an SSI/SSDI appellant if the services are furnished by a Title XIX-enrolled provider; if the SSI/SSDI appellant is later determined to be retroactively eligible for SSI/Medicaid; and if the remaining requirements described in this subsection are met.

(1) An SSI/SSDI appellant who meets all other CIHCP eligibility requirements is considered an eligible household member if the applicant assigns his third-party recovery rights to the county and DHS by completing and signing the appellant/provider assignment form. The SSI/SSDI appellant's Medicaid ineligibility is verified by a social security disability denial.

(2) The county is legally liable for mandatory services furnished to an eligible county resident who is also an SSI/SSDI appellant only if:

(A) the provider is a Title XIX-enrolled provider; and

(B) the provider assigns his Medicaid reimbursement rights to the county and the County Indigent Health Care Program (CIHCP) state assistance fund by completing and signing the appellant/provider assignment form.

(3) By assigning his Medicaid reimbursement rights to the county and the CIHCP state assistance fund, the provider agrees that:

(A) payment by the county of the lesser of the billed amount or the CIHCP payment standard constitutes payment in full; and

(B) the provider is prohib-

ited from billing the eligible county resident for any services reimbursed by the county.

(4) The county must include on the monthly financial/activity report:

(A) the names of newly approved CIHCP recipients who are also SSI/SSDI appellants; and

(B) all changes in the eligibility status of a recipient who is an SSI/SSDI appellant and who was previously reported on the monthly financial/activity report.

(5) Within 30 days of the date entered by DHS on the SSI/SSDI appellant notification/claim form reporting the person's Medicaid eligibility, the county must:

(A) complete and send the notice of ineligibility form to the Medicaid-eligible person; and

(B) notify all providers who assigned their Medicaid reimbursement rights:

(i) that the Medicaid-eligible person is ineligible for the County Indigent Health Care Program;

(ii) of the initial date of Medicaid eligibility; and

(iii) that unpaid bills for services provided on or after the Medicaid effective date should be filed directly with the Texas Medicaid/Vendor Drug Program; and

(C) claim reimbursement for all CIHCP-covered services, except prescription drugs, provided during the period of retroactive Medicaid eligibility by:

(i) fully completing the SSI/SSDI appellant/notification claim form;

(ii) attaching one copy of the appellant/provider assignment form for the county resident and each provider who received county reimbursement; and

(iii) enclosing the original bills for all paid mandatory services, except prescription drugs; and

(D) claim Medicaid/Vendor Drug Program reimbursement for paid prescription drugs provided to the county resident during the period of retroactive Medicaid eligibility by:

(i) fully completing the State of Texas purchase voucher; and

(ii) attaching the

original bills for all claimed prescription drugs.

(6) Upon receipt of reimbursement, the county subtracts the amount of reimbursement from expenditures creditable toward eligibility for state assistance funds in the state fiscal year in which reimbursement is received.

(i) County expenditures for mandatory services provided to an SSI/SSDI appellant are creditable toward the county's 10% GRTL liability and eligibility for state assistance funds whether or not the county claims Medicaid/Vendor Drug Program reimbursement. Not creditable are county expenditures for bills received by the county on or after the date the county is notified of the appellant's Medicaid/SSI eligibility.

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

Issued in Austin, Texas, on June 18, 1990.

TRD-9006324

Cathy Rossberg  
Agency Liaison, Policy  
Communication  
Services  
Texas Department of  
Human Services

proposed date of adoption: September 1, 1990.

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

◆ ◆ ◆  
Chapter 46. Residential Care  
Program  
Records

The Texas Department of Human Services (DHS) proposes amendments to §§46.5001 and 46.7001, concerning record requirements and reimbursement methodology for residential care. The purpose for the amendments is to update the references in these two sections to DHS's rule concerning record retention requirements. The requirements, which are not changed, were moved from §51.50 of this title (relating to Record Retention Requirements) to §69.202 of this title (relating to Contractor's Records).

Burton F. Raiford, chief financial officer, 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 governments as a result of enforcing or administering the sections.

Mr. Raiford 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 correct references in these sections to DHS's record retention requirements. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the sections as proposed.

Comments on the proposal may be submitted to Cathy Rossberg, Agency Liaison, Policy

Communication Services-367, Texas Department of Human Services 454-W, P.O. Box 149030, Austin, Texas 78714-9030, within 30 days of publication in the *Texas Register*.

• 40 TAC §46.5001

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

§46.5001. *Record Requirements.*

(a) The facility must keep all recipient records according to the requirements stated in §69.202 [§51.50] of this title (relating to Contractor's Records [Record Retention Requirements]) and the provider agreement/contract.

(b)-(h) (No change.)

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

Issued in Austin, Texas on June 18, 1990.

TRD-9006326 Cathy Rossberg  
Agency liaison, Policy  
Communication  
Services  
Texas Department of  
Human Services

Proposed date of adoption: August 1, 1990

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

Support Documents TAC  
Section Number

• 40 TAC §46.7001

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

§46.7001. *Reimbursement Methodology for Residential Care.*

(a) Cost reporting.

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

(7) Record-keeping

requirements. Providers must maintain records according to the requirements stated in §69.202 [§51.50] of this title (relating to Contractor's Records [Record Retention Requirements]).

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

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

Issued in Austin, Texas on June 18, 1990.

TRD-9006327

Cathy Rossberg  
Agency liaison, Policy  
Communication  
Services  
Texas Department of  
Human Services

Proposed date of adoption: August 1, 1990

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

Chapter 48. Community Care  
for Aged and Disabled

Eligibility

• 40 TAC §48.2911 §48.2918

The Texas Department of Human Services (DHS) proposes amendments to §48.2911 and §48.2918, concerning eligibility, in its community care for aged and disabled chapter. The purpose of the amendments is to permit a client to receive less than the required six hours of family care (FC) or primary home care (PHC) per week, if he receives congregate or home-delivered meals, day activity and health services, or special services to handicapped adults, whether or not any of the services are provided by DHS. As exceptions under which a client may receive less than six hours of family care or primary home care per week, the amendments also include the client's receipt of aid-and-attendant benefits from the Veterans' Administration and DHS-funded in-home and family support services. Also, if a PHC client receives services through DHS's Waiver Program for Medically Dependent Children, he will be able to receive less than six hours of PHC per week.

Burton F. Raiford, chief financial officer, 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 as a result of enforcing or administering the sections.

Mr. Raiford 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 coordination of services and efficient use of resources. There will be no effect on small businesses as a result of enforcing the sections. There is no anticipated economic cost to persons who are required to comply with the sections as proposed.

Questions about the content of this proposal may be directed to Frances Barraza at (512) 450-3216 in DHS's Long Term Care Section. Comments on the proposal may be submitted to Cathy Rossberg, Policy Communication Services- 322, Texas Department of Human Services 454-W, P.O. Box 149030, Austin, Texas 78714-9030, within 30 days of publication in the *Texas Register*.

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

§48.2911. *Family Care.*

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

(c) The applicant/client must require at least six hours of family care per week. An applicant/client requiring fewer than six hours per week may be eligible if he:

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

(3) [also] receives congregate or home-delivered meals, assistance with activities of daily living from a home health aide, day activity and health services, or special services to handicapped adults day care[,], whether or not any of these services are purchased by the department; or

(4) receives aid-and-attendance benefits from the Veterans Administration; or

(5) receives services through the department's In-home and Family Support Program.

§48.2918. *Eligibility for Primary Home Care.*

(a) Applicants/clients for primary home care services must meet all of the following eligibility criteria. The applicant/client must:

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

(5) require at least six hours of primary home care per week. An applicant/client requiring fewer than six hours per week may be eligible if he meets at least one of the following criteria:

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

(C) [also] receives congregate or home-delivered meals, assistance with activities of daily living from a home health aide, day activity and health services, or special services to handicapped adults day care[,], whether or not any of these services are purchased by the department; or

(D) receives aid-and-attendance benefits from the Veterans Administration;

(E) receives services through the department's In-home and Family Support Program; or

(F) receives services through the department's Waiver Program for Medically Dependent Children.

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

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

Issued in Austin, Texas, on June 18, 1990.



TRD-9006329

Cathy Rossberg  
Agency liaison, Policy  
Communication  
Services  
Texas Department of  
Human Services

Proposed date of adoption: September 1, 1990

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

◆ ◆ ◆  
• 40 TAC §48.9802 §48.9808

The Texas Department of Human Services (DHS) proposes amendments to §48.9802 and §48.9808, concerning Reimbursement Methodology for Home and Community-based Services (HCS) and Reimbursement Methodology for the Social Security Act, §1915(c), Medicaid Home and Community Based Waiver Services for Persons with Related Conditions. The purpose for the amendments is to update the references in these two sections to DHS's rule concerning record retention requirements. The requirements, which are not changed, were moved from §51.50 of this title (relating to Record Retention Requirements) to §69.202 of this title (relating to Contractor's Records).

Burton F. Raiford, chief financial officer, 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 as a result of enforcing or administering the sections.

Mr. Raiford 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 correct references in these sections to DHS's record retention requirements. There will be no effect on small businesses as a result of enforcing the sections. There is no anticipated economic cost to persons who are required to comply with the sections as proposed.

Comments on the proposal may be submitted to Cathy Rossberg, Agency Liaison, Policy Communication Services-367, Texas Department of Human Services 454-W, P.O. Box 149030, Austin, Texas 78714-9030, within 30 days of publication in the (Texas Register.)

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

*§48.9802. Reimbursement Methodology for Home and Community-based Services (HCS).*

(a) (No change.)

(b) General information.

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

(5) Providers must retain financial records according to the provisions of

§69.202 [§51.50] of this title (relating to Contractor's Records [Record Retention Requirements]). Providers must ensure that records are in sufficient detail to support the information reported in the reimbursement claim. Failure to comply with this requirement may result in cancellation of the provider's contract.

(c)-(e) (No change.)

*§48.9808. Reimbursement Methodology for the Social Security Act, §1915(c), Medicaid Home and Community Based Waiver Services for Persons with Related Conditions.*

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

(d) Reporting of cost.

(1) Cost report. Each provider must submit financial and statistical information on a cost report or in a survey format designated by DHS. The cost report must capture the expenses of the waiver services provider, including salaries and benefits, administration, building and equipment, utilities, supplies, travel, and indirect overhead expenses related to the waiver services program.

(A)-(H) (No change.)

(I) Record keeping requirements. Each provider must maintain records according to the requirements stated in §69.202 [§51.50] of this title (relating to Contractor's Records [Records Retention Requirements]). The provider must ensure that the records are accurate and sufficiently detailed to support the financial and statistical information reported in the cost report. If a provider does not maintain records which support the financial and statistical information submitted on the cost report, the provider will be given 90 days to correct his record keeping. A hold of the vendor payments to the provider will be made if the deficiency is not corrected within 90 days from the date the provider is notified.

(J) (No change.)

(2) (No change.)

(e)-(f) (No change.)

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

Issued in Austin, Texas, on June 18, 1990.

TRD-9006328

Cathy Rossberg  
Agency liaison, Policy  
Communication  
Services  
Texas Department of  
Human Services

Proposed date of adoption: August 1, 1990

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

◆ ◆ ◆  
Chapter 51. Organization,  
Administration, and  
Management

• 40 TAC §51.50

*(Editor's note: The text of the following section proposed for repeal will not be published. The section may be examined in the offices of the Texas Department of Human Services or in the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brazos Street, Austin.)*

The Texas Department of Human Services (DHS) proposes the repeal of §51.50, concerning record retention requirements. The purpose of the repeal is to delete this section which was superceded when DHS adopted §69.202 of this title (concerning contractor's records). Since §51.50 is the only remaining section in Chapter 51, the repeal also deletes the chapter.

Burton F. Raiford, chief financial officer, has determined that for the first five-year period the proposed repeal will be in effect there will be no fiscal implications for state or local governments as a result of enforcing or administering the repeal.

Mr. Raiford also has determined that for each year of the first five years the repeal is in effect the public benefit anticipated as a result of enforcing the repeal will be deletion of obsolete rule material. There will be no effect on small businesses as a result of enforcing the section. There is no anticipated economic cost to persons who are required to comply with the proposed repeal.

Comments on the proposal may be submitted to Cathy Rossberg, Agency Liaison, Policy Communication Services-367, Texas Department of Human Services 454-W, P.O. Box 149030, Austin, Texas 78714-9030, within 30 days of publication in the Texas Register.

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

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

Issued in Austin, Texas, on June 18, 1990.

TRD-9006325

Cathy Rossberg  
Agency liaison, Policy  
Communication  
Services  
Texas Department of  
Human Services

Proposed date of adoption: August 1, 1990

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



# 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 22. EXAMINING BOARDS

### Part XXII. Texas State Board of Public Accountancy

#### Chapter 511. Certification as CPA

##### Educational Requirements

###### • 22 TAC §511.55

The Texas State Board of Public Accountancy adopts an amendment to §511.55, without changes to the proposed text as published in the March 9, 1990, issue of the *Texas Register* (15 TexReg 1282).

The amendment to this section will ensure a consistently applied method of reporting grades, credits, degrees, and dates.

The amendment will set out educational requirements to sit for the examination and will require reporting credits on a form prescribed by the board.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 41a-1, §6(a), which provide the Texas State Board of Public Accountancy with the authority to promulgate rules deemed necessary or advisable to insure high standards of professional competency and learning.

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

Issued in Austin, Texas, on June 14, 1990.

TRD-9006317      Bob E. Bradley  
Executive Director  
Texas State Board of  
Public Accountancy

Effective date: July 9, 1990

Proposal publication date: March 9, 1990

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

###### • 22 TAC §511.61

The Texas State Board of Public Accountancy adopts an amendment to §511.61, without changes to the proposed text as published in the March 13, 1990, issue of the *Texas Register* (15 TexReg 1369).

The amendment to this section will ensure a consistently applied method of reporting

grades, credits, degrees, and dates.

The amendment to this section sets out the education requirements to sit for the exam and requires reporting credits on a form prescribed by the board.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 41a-1, which provide the Texas State Board of Public Accountancy with the authority to promulgate rules relating to education requirements for exam candidates.

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

Issued in Austin, Texas, on June 14, 1990.

TRD-9006318      Bob E. Bradley  
Executive Director  
Texas State Board of  
Public Accountancy

Effective date: July 9, 1990

Proposal publication date: March 13, 1990

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

##### Experience Requirements

###### • 22 TAC §511.123

The Texas State Board of Public Accountancy adopts the repeal of §511.123, without changes to the proposed text as published in the March 27, 1990, issue of the *Texas Register* (15 TexReg 1683).

The adoption of the repeal of this section will clarify the materials to be submitted to the board to meet the work experience requirement.

The adoption of this repeal will allow for the revision of a section dealing with the same subject matter.

No comments were received regarding adoption of the repeal.

The repeal is adopted under Texas Civil Statutes, Article 41a-1, §6(a), which provide the Texas State Board of Public Accountancy with the authority to promulgate rules relating to experience requirements a candidate must meet prior to certification.

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

Issued in Austin, Texas, on June 14, 1990.

TRD-9006315      Bob E. Bradley  
Executive Director  
Texas State Board of  
Public Accountancy

Effective date: July 9, 1990

Proposal publication date: March 27, 1990

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

The Texas State Board of Public Accountancy adopts new §511.123, without changes to the proposed text as published in the March 27, 1990, issue of the *Texas Register* (15 TexReg 1683).

The adoption of this new section will clarify the materials to be submitted to the board to meet the work experience requirements.

The adoption of this new section clarifies the information an applicant who is not in public accounting must submit to the board.

No comments were received regarding adoption of the new section.

This new section is adopted under Texas Civil Statutes, Article 41a-1, §6(a), which provide the Texas State Board of Public Accountancy with the authority to promulgate rules relating to experience requirements a candidate must meet prior to certification.

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

Issued in Austin, Texas, on June 14, 1990.

TRD-9006316      Bob E. Bradley  
Executive Director  
Texas State Board of  
Public Accountancy

Effective date: July 9, 1990

Proposal publication date: March 27, 1990

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 W. Miscellaneous Rules for Group and Individual Accident and Health Insurance

• 28 TAC §3.3602

The State Board of Insurance adopts new §3.3602, without changes to the proposed text as published in the March 27, 1990, issue of the *Texas Register* (15 TexReg 1683).

Section 3.3602 concerns minimum standards for notice of conversion or group continuation privilege under group accident and health policies applicable to insurers and other entities providing such insurance or benefits in Texas. The new section is necessary to provide uniform standards for notice, thereby facilitating consumer information regarding availability of health insurance and health care benefits coverage, in conformity with the legislative mandate found in the Insurance Code, Article 3.51-6, §3(C)(b).

The new section provides for applicability, consistent with the provisions of the Insurance Code, Article 3.51-6, §3C(a); and for the type of notice required, the time limits within which notice is to be provided, the major components of the notice, and the circumstances under which it may be coordinated with other notice requirements.

No comments were received regarding adoption of the new section.

The new section is adopted under the Insurance Code, Article 1.04, which authorizes the State Board of Insurance to determine rules in accordance with the laws of this state; under the Insurance Code, Article 3.51-6, §3C(b), which authorizes and mandates the board to establish and adopt minimum standards for notice required of an employer that provides to its employees group accident and health insurance coverage which includes a conversion or group continuation privilege on termination of such group coverage; and under the Insurance Code, Article 3.51-6, §5, which authorizes the State Board of Insurance to issue such rules and regulations as necessary to carry out the various provisions of the article, which concerns group accident and health insurance.

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

Issued in Austin, Texas on June 19, 1990.

TRD-9006341 Nicholas Murphy  
Chief Clerk  
State Board of Insurance

Effective date: July 10, 1990

Proposal publication date: March 27, 1990

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

◆ ◆ ◆  
**TITLE 37. PUBLIC  
SAFETY AND CORREC-  
TIONS**

**Part III. Texas Youth  
Commission**

**Chapter 81. General Provisions**

**Disciplinary Practices**

• 37 TAC §§81.421-81.423

The Texas Youth Commission adopts the repeal of §§81.421-81.423, without changes to the proposed text as published in the May 8, 1990, issue of the *Texas Register* (15 TexReg 2625).

The repeals are justified in order to adopt new sections which make the process more efficient and timely in providing services to the youth and community.

The repealed sections provided procedures for due process hearings held for committed youth prior to administering consequences when rules were violated. New procedures are being adopted.

No comments were received regarding adoption of the repeals.

The repeals are adopted under the Human Resources Code, §61.034, which provides the Texas Youth Commission with the authority to make rules appropriate to proper accomplishment of its duties.

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

Issued in Austin, Texas on June 15, 1990.

TRD-9006277 Ron Jackson  
Executive Director  
Texas Youth Commission

Effective date: August 1, 1990

Proposal publication date: May 8, 1990

For further information, please call: (512) 483-5244

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**Chapter 83. Contracted Youth  
Services**

• 37 TAC §83.11

The Texas Youth Commission adopts the repeal of §83.11, without changes to the proposed text as published in the May 18, 1990, issue of the *Texas Register* (15 TexReg 2796).

The repeal is justified to allow for new procedures providing a more effective process for securing placements for delinquent youth into community contract placements.

The repeal will allow for more effective procedures in requesting proposals from the general public.

No comments were received regarding adoption of the repeal.

The repeal is adopted under the Human Resources Code, §61.034, which provides the Texas Youth Commission with the authority to make rules appropriate to proper accomplishment of its functions.

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

Issued in Austin, Texas on June 18, 1990.

TRD-9006279

Ron Jackson  
Executive Director  
Texas Youth Commission

Effective date: August 1, 1990

Proposal publication date: May 18, 1990

For further information, please call: (512) 483-5244

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The Texas Youth Commission adopts new §83.11, with changes to the proposed text as published in the May 18, 1990, issue of the *Texas Register* (15 TexReg 2796).

The new section is justified to provide more efficient procedures for securing placements, with which the commission may contract, for delinquent youth who would otherwise be returned to the community without supervision provided by a residential placement.

The new section provides specific procedures by which the commission requests proposals and selects proposals from the general public for contracted program services for delinquents who are returning to the community. The Texas Youth Commission may contract for halfway house or other residential day treatment or specialized nonresidential services throughout Texas. The change in the new section indicates that the commission may publish requests for proposals in the *Texas Register*.

No comments were received regarding adoption of the new section.

The new section is adopted under the Human Resources Code, §61.034, which provides the Texas Youth Commission with the authority to make rules appropriate to proper accomplishment of its functions.

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*§83.11. Request for Proposal.*

(a) Policy. The Texas Youth Commission (TYC) may request proposals through the approved request for proposal (RFP) procedure for new or unique program development of a halfway house or other residential, day treatment, or specialized nonresidential services needed to meet the needs of TYC youth in communities throughout the State of Texas. The purpose of this process is to ensure cost-effective, quality programming through competitive bidding to enhance community participation and encourage new program development.

(b) Rules.

(1) Notification of requests for proposal.

(A) A request for proposal and the criteria for screening proposals are developed by the contract administrator and approved/reviewed by the director of community services.

(B) The RFP notification may be sent to current vendors, potential vendors, and may be published in the *Texas Register*.

(C) Information packets are provided in accordance with the RFP notification timetable dates.

(2) Screening and approving proposals.

(A) Proposals are received for a period of time set by the commission.

(B) On being received, each RFP is logged and screened for completeness. Bidders are asked to supply any missing information. All information must be submitted by the due date.

(C) An RFP screening committee for each RFP is selected by the contract administrator and director of community services.

(D) Requests for proposals are screened according to the timetable established for each RFP.

(E) Staff recommendations are submitted to the executive director for final approval of the recommended selection.

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

Issued in Austin, Texas on June 18, 1990.

TRD-9006278

Ron Jackson  
Executive Director  
Texas Youth Commission

Effective date: August 1, 1990

Proposal publication date: May 18, 1990

For further information, please call: (512) 483-5244

## Chapter 91. Discipline and Control

### Due Process Hearings Procedures

#### • 37 TAC §§91.31-91.33, 91.35, 91.37

The Texas Youth Commission (TYC) adopts new §§91.31-91.33, 91.35, and 91.37. Sections 91.31, 91.32, and 91.37 are adopted with changes to the proposed text as published in the May 8, 1990, issue of the *Texas Register* (15 TexReg 2626). Section 91.33 and 91.35 are adopted without changes and will not be republished.

The justification for the new sections is clarification of due process procedures followed in administrative hearings held to determine facts and disposition for youth committed to TYC who subsequently violate rules of conduct. Hearings are conducted prior to moving a youth to placement of more restriction, detaining in detention units, and restricting privileges.

Section 91.31 and §91.32 provide procedures for hearings including provisions for a Level I hearing by telephone when a youth wishes to plead "true" to allegations against him or her, instead of holding an on-site hearing. Section 91.33 and §91.35 provide due process procedures for youth having engaged in misconduct and subject to specific consequences. Section 91.37 provides for a detention review hearing under certain circumstances when a youth is held in detention. Three changes were made. To §91.31, language regarding certification of documents required in Level I hearings has been clarified. To §91.32, a criterion that commission staff have no objection to conducting a hearing by telephone has been added to other criteria. To §91.37, the 11-day period a youth may be held in detention without a Level IV hearing being conducted has been changed to 10 days.

One comment was received from an individual. The individual objected to the commission holding a Level I hearing by telephone when the youth wishes to plead "true" to allegations on the basis that TYC hearings examiners will not be able to determine whether the plea is, in fact, voluntary.

The agency agrees with the commenter and fees that adequate safeguards are present to prevent a youth from being coerced into an unjust plea. Each youth is represented by an attorney and may have his or her parents present in the proceedings.

The new sections are adopted under the Human Resources Code, §61.034, which provides the Texas Youth Commission with the authority to make rules appropriate to proper accomplishment of its duties.

#### §91.31. Level I Hearing Procedure.

(a) Policy. The Level I hearing procedure is appropriate due process in the following instances:

(1) parole revocation; and

(2) reclassification. See GOP.65.02, §91.32 of this title (relating to Level I Hearing by Telephone) for circumstances in which the hearing may be conducted by telephone.

(b) Rules.

(1) The hearing shall be conducted by a hearings examiner appointed by the Texas Youth Commission (TYC) director of legal services. The hearings examiner shall be one who has not previously participated in a hearing for the youth.

(2) The hearing shall be conducted in two parts: fact-finding and disposition.

(A) The purpose of the fact-finding shall be to establish whether the youth's behavior and/or circumstances require that action be taken.

(B) The purpose of the disposition shall be to determine whether the

action proposed by TYC staff is appropriate under TYC policy.

(3) The person requesting a hearing shall appoint a staff representative to appear at the hearing and present the reasons for the proposed action. The staff representative shall also be responsible for making relevant information available to all parties to the hearing.

(4) The youth shall be assisted by legal counsel at the hearing. Counsel for indigent youth will be provided through the Counsel for Indigent Parolees Program of the State Bar of Texas.

(5) The date and time for the hearing shall be determined by the hearings examiner.

(6) The hearing shall be held in the community in which the youth resides unless, for good cause, the hearings examiner directs that it be held in another locale.

(7) All necessary parties shall be present at the hearing site unless it is conducted pursuant to GOP.65.02 §91.32 (relating to Level I Hearing by Telephone).

(8) The staff representative shall provide the youth with written notice of the date and time of the hearing not less than three working days before the scheduled date. This notice shall include:

(A) the reason(s) for the hearing;

(B) the proposed action to be taken; and

(C) the youth's rights in connection with the hearing.

(9) The staff representative shall make reasonable efforts to inform the youth's parent(s) of the date, time, and place of the hearing not less than three working days prior to the scheduled hearing date.

(10) The staff representative shall provide counsel for the youth with written notice of the date, time, and place of the hearing not less than three working days prior to the scheduled hearing date. The notice to counsel shall also include:

(A) the name, address, and telephone number of the staff representative and the hearings examiner;

(B) a list of all witnesses the staff representative intends to call;

(C) an indication of the expected testimony of each witness;

(D) copies of any statements

made by the youth;

(E) copies of any statements, affidavits, reports, or other documentation relied upon as grounds for the proposed action; and

(F) copies of any reports or summaries which will be relied upon at disposition.

(11) Requests for continuance or postponement shall be directed to the hearings examiner.

(12) If requested by counsel, the hearings examiner shall postpone the hearing for not more than 10 days following the date upon which counsel received notice of the hearing. The hearings examiner may grant a postponement for good cause at the request of any party.

(13) As soon as possible following receipt of the notice of hearing, and no later than the commencement of the hearing, counsel shall inform the staff representative of any witnesses he wishes to call on behalf of the youth. The staff representative will, if necessary, assist counsel in contacting those witnesses and securing their attendance at the hearing.

(14) The staff representative shall provide counsel for the youth with reasonable access to all information concerning the youth who is held by TYC. Counsel for the youth will respect the confidential nature of such information and will comply with reasonable requests to withhold sensitive information from the youth or his family.

(15) Prior to the hearing, the hearings examiner may review copies of any documentation previously provided to counsel except for those documents which relate solely to dispositional criteria. Such information shall be made available to the hearings examiner only if the hearing proceeds to disposition.

(16) If necessary, the hearings examiner may direct that a subpoena be issued to compel the attendance of a witness at the hearing or the production of books, records, papers, or other objects.

(A) Motions for subpoenas shall be addressed to the hearings examiner and shall state the name and address of the witness or specify the books, records, papers, or other objects desired and the material and relevant facts to be proved by them. If the matter of testimony sought is relevant, material, and necessary and will not result in harassment or undue inconvenience or expense, the hearing examiner shall direct the issuance of a subpoena.

(B) Subpoenas shall be issued only after a showing of good cause and deposit of sums sufficient to insure

payment of expenses incident to the subpoenas. Payment of witness fees shall be in the manner prescribed in the Administrative Procedure and Texas Register Act (Texas Civil Statutes, Article 6252-13a, §14).

(17) A victim who appears as a witness should be provided a waiting area which eliminates or minimizes contact between the victim and the youth, the youth's family, or witnesses on behalf of the youth.

(18) To protect the confidential nature of the hearing, persons other than the youth, counsel for the youth, the staff representative, and the youth's parent(s) may be excluded from the hearing room at the discretion of the hearings examiner.

(A) Observers may be permitted with the consent of the youth.

(B) Any person except the youth and his counsel may be excluded from the hearing room if their presence causes undue disruption or delay of the hearing.

(19) The hearing shall be tape recorded and the hearings examiner shall retain copies of all documents admitted into evidence. Physical evidence may be retained at the discretion of the hearings examiner; if not retained, an adequate description of the item(s) shall be entered in the record by oral stipulation.

(20) Factual issues not in dispute may be stipulated to by the staff representative and counsel for the youth. Such stipulations shall be made on the record of the hearing.

(21) A youth accused of misconduct shall be given the opportunity to respond "true" or "not true" to each allegation of such conduct prior to any evidence being heard on such allegations.

(A) The youth shall have a right to respond "not true" to any such allegation and require that proof of the allegation be presented at the hearing.

(B) A response of "true" to any such allegation shall be sufficient to establish each and every element necessary to proof of that allegation without the presentation of any other evidence.

(22) All witnesses shall take an oath to testify truthfully.

(23) With the exception of the youth, any person designated as a witness may be excluded from the hearing room during the testimony of other witnesses and may be instructed to refrain from discussing their testimony with anyone until all the witnesses have been dismissed.

(24) The hearings examiner may question each witness at his discretion. Counsel for the youth and the staff

representative shall be given an opportunity to question each witness.

(25) The hearings examiner may permit a witness to testify outside the presence of the youth if such appears reasonable and necessary to secure the testimony of the witness. If the youth is excluded from the hearing room during testimony, counsel for the youth shall be present during the testimony and shall have the opportunity to review the testimony with the youth before questioning the witness.

(26) The youth shall not be called as a witness unless, after consulting with counsel, he or she waives his right to remain silent on the record.

(A) The youth's failure to testify shall not create a presumption against him.

(B) A youth who waives his right to remain silent may only be questioned concerning those issues addressed by his testimony.

(27) All factual issues shall be determined by a preponderance of the evidence. Preponderance of the evidence means the greater weight and degree of credible evidence admitted at the hearing.

(28) The hearings examiner shall determine the admissibility of evidence. Irrelevant, immaterial, or unduly repetitious evidence shall be excluded.

(29) The rules of evidence will generally be those applicable to civil nonjury trials in the district courts of Texas. Unless specifically precluded by statute, evidence not admissible under those rules may be admitted if it is of a type commonly relied upon by reasonably prudent men in the conduct of their affairs.

(30) Copies of due process hearing documents received through the interstate compact administrator or of document(s) admitted for purposes of classifying a youth need not be certified if such document(s) are part of the youth's record(s).

(31) Accomplice testimony is sufficient to prove an allegation if it is corroborated by other evidence tending to connect the youth with the alleged violation. The corroboration is not sufficient if it merely shows the commission of the violation alleged. If two accomplices testify, the testimony of each can serve to corroborate the other.

(32) Legally recognized privileges will be given effect.

(33) Evidence otherwise admissible may be received in written form if so doing will expedite the hearing and will not significantly prejudice the rights or interests of the youth.

(34) A youth's written statement

concerning his possible involvement in illegal activities is admissible if it is signed by the youth and accompanied by evidence indicating that the youth made the statement voluntarily after being advised of:

- (A) his right to remain silent;
- (B) the possible consequences of giving the statement;
- (C) his right to consult with an attorney prior to giving the statement; and
- (D) his right to have an attorney provided for him if he is indigent.

(35) A youth's oral statement is admissible only if it relates facts which are found to be true and which tend to establish the youth's involvement in illegal activities.

(36) The hearings examiner shall rule immediately on any motions or objections made in the course of the hearing. All such motions, objections, and rulings shall be included in the hearings examiner's written report.

(37) The hearings examiner may, for good cause, recess or continue the hearing for such period(s) of time as may be necessary to insure an informed and accurate fact-finding.

(38) Following the presentation of all evidence pertaining to the factual issues raised at the hearing, the hearings examiner shall announce his findings as to those issues.

(A) When the fact-finding concerns an allegation of criminal conduct, the hearings examiner may find that the evidence suffices to prove an offense other than that originally alleged and enter the appropriate allegation in the record if the original allegation gave sufficient notice of the offense proved.

(B) Irrespective of the evidence, the hearings examiner may not find a criminal offense more serious than that originally alleged unless the original allegation has been amended on the record and after notice to counsel for the youth.

(C) If the hearings examiner's findings require that disposition be made, the hearing shall proceed to disposition; if not, the hearing shall be adjourned with no change in the youth's status.

(39) The hearings examiner may receive additional evidence for purposes of disposition or, with the consent of all parties, may make a decision concerning disposition based upon the evidence already in the record.

(40) Following announcement of the decision as to disposition, the hearings examiner shall inform the youth of his right to appeal any or all findings and decision made at the hearing.

(41) A notice of appeal or request for a rehearing shall not suspend implementation of the hearings examiner's decision(s), which shall be effective when announced at the hearing.

(42) As soon as possible following the conclusion of the hearing, the hearings examiner shall prepare a written report which shall include:

(A) a summary of the evidence presented;

(B) findings of fact, including the reliability of the evidence and the credibility of the witnesses, and the reasons for those findings;

(C) conclusions of law;

(D) an explanation of the dispositional decision; and

(E) rulings made on motions and objections and the reasons therefore.

(43) Copies of the hearings examiner's report shall be provided to counsel for the youth and the staff representative.

(44) An edited copy of the hearings examiner's report is given to the youth.

(45) A copy of the hearings examiner's report is placed in the masterfile only if the allegations are found. If allegations are not found, all references to the disciplinary actions are removed from the youth's masterfile.

#### *§91.32. Level I Hearing by Telephone.*

(a) Policy. A Level I hearing may be conducted by telephone when so doing will not significantly diminish a youth's due process rights.

(b) Rules.

(1) A youth may waive in writing the on-site presence of a hearings examiner for a Level I hearing after consultation with his/her attorney. The hearings examiner may then conduct the hearing via telephone; all other necessary parties must appear at the time and place designated for the hearing.

(2) A hearings examiner may agree to conduct a telephone hearing if:

(A) the youth's attorney notifies the legal department at least two working days prior to the scheduled hearing

that the youth wishes to answer "true" to the allegation(s) against him/her;

(B) the staff representative has no objection to the hearing being conducted by telephone; and

(C) an authorization for telephone hearing form is properly executed.

(3) A telephone hearing shall be conducted according to the rules of evidence and procedure otherwise applicable to Level I hearings.

(4) The hearings examiner will adjourn the telephone hearing and require an on-site hearing if the hearings examiner determines that a youth is not knowingly and voluntarily responding "true" to the allegation(s) presented at the hearing.

(5) With the consent of the youth and the youth's attorney, a hearing examiner who adjourns a telephone hearing may subsequently conduct the on-site hearing.

#### *§91.37. Level IV Hearing Procedure.*

(a) Policy. A detention review hearing is a Level IV hearing. A Level IV hearing is provided to determine whether justification exists to warrant holding a youth in detention pending a hearing when the hearing cannot be held within 10 days of the detention. The Level IV hearing requirement applies to youth held in:

(1) county detention pending a Level I or II hearing when the county does not hold a detention hearing; or

(2) TYC institutional security unit in lieu of detention in a county facility pending a Level I hearing.

(b) Rules.

(1) Decision maker. The parole supervisor or casemanager supervisor in the community or superintendent in the institution appoints a hearing administrator, an impartial decision maker, who schedules the hearing.

(2) Detention review hearings.

(A) The youth has a right to be represented:

(i) if the youth is awaiting a Level I hearing, by counsel. Counsel is:

(I) an attorney obtained by the youth; or

(II) the attorney appointed to represent the youth;

(ii) if the youth is awaiting a Level II hearing, by a youth advocate.

(B) The youth may waive the Level IV hearing after being advised by an attorney (for Level I hearing) or an advocate (for a Level II hearing).

(C) When a detention review is necessary due to the adjournment of a Level I telephone hearing under GOP.65.02 §91.32 of this title (relating to Level I Hearing by Telephone), the hearings examiner may conduct a Level IV hearing following adjournment of the telephone hearing.

(D) Hearings can be held by conference call if necessary.

(E) The staff responsible for calling for the Level I or II hearing shows cause to detain the youth pending the hearing. The attorney or advocate shows cause why the youth should not be detained.

(3) The decision.

(A) The decision of the decision maker is based on criteria for detaining/extending the stay of the youth. See

criteria in GOP. 67.19 §91.69 of this title (relating to Detention).

(B) If criteria are not met, the youth is released to his assigned location.

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

Issued in Austin, Texas, on June 15, 1990.

TRD-9006275 Ron Jackson  
Executive Director  
Texas Youth Commission

Effective date: August 1, 1990

Proposal publication date: May 8, 1990

For further information, please call: (512) 483-5244

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• 37 TAC §91.37

The Texas Youth Commission adopts the repeal of §91.37, without changes to the proposed text as published in the May 8, 1990, issue of the *Texas Register* (15 TexReg 2630).

The repeal is justified in order to adopt new sections which make the process more efficient and timely in providing services to the youth and community.

The repealed sections provided procedures for due process hearings held for committed youth prior to administering consequences when rules were violated. New procedure are being adopted.

No comments were received regarding adoption of the repeal.

The repeal is adopted under the Human Resources Code, §61.034, which provides the Texas Youth Commission with the authority to make rules appropriate to proper accomplishment of its duties.

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

Issued in Austin, Texas on June 15, 1990.

TRD-9006276 Ron Jackson  
Executive Director  
Texas Youth Commission

Effective date: August 1, 1990

Proposal publication date: May 8, 1990

For further information, please call: (512) 483-5244

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# Open Meetings

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

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

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

## Texas Commission on Alcohol and Drug Abuse

**Thursday, June 28, 1990, 9 a.m.** The Grant and Contract Review Committee of the Texas Commission on Alcohol and Drug Abuse will meet at the Representative Room, Radisson Plaza Hotel, 700 San Jacinto Street, Austin. According to the complete agenda, the committee will meet to discuss and review deliberation and determination of final funding decisions on eligible applications received through the comprehensive alcohol and drug abuse services request for proposals.

**Contact:** Reta Alexander, 1705 Guadalupe, Austin, Texas 78701, (512) 867-8700.

**Filed:** June 19, 1990, 12:02 p.m.

TRD-9006340

## State Bar of Texas

**Friday, June 29, 1990, 1 p.m.** The Executive Committee of the State Bar of Texas will meet at the Texas Law Center, Room 206/7, 1414 Colorado Street, Austin. According to the agenda summary, the committee will meet to discuss reports of chairman, president, president elect, TYLA president, executive director, general counsel, immediate past president, immediate past chairman and supreme court liaison.

**Contact:** Pat Hiller, 1414 Colorado Street, Austin, Texas 78701, (512) 463-1451.

**Filed:** June 20, 1990, 3:56 p.m.

TRD-9006384

## Bond Review Board

**Thursday, June 21, 1990, 10 a.m.** The Bond Review Board met at the State Capitol, Sergeant's Committee Room, Austin. According to the emergency revised agenda summary, the board met to discuss other business; and consideration of the public school facilities funding program rules. The emergency status was necessary to allow timely consideration and publication of the

Bond Review Board-Public School Facilities Funding Program rules.

**Contact:** Tom K. Pollard, 506 Sam Houston Building, 201 East 14th Street, Austin, Texas 78701, (512) 463-1741.

**Filed:** June 20, 1990, 11:07 a.m.

TRD-9006363

## Child Care Development Board

**Monday, July 2, 1990, 9 a.m.** The Child Care Development Board will meet at the Sam Houston Building, 7th Floor, Conference Room, Austin. According to the complete agenda, the board will approve minutes from previous meeting; update on the status of the 15th and Lavaca site; review of next steps from the State Purchasing and General Services Commission; update on the draft request for a proposal for a day care provider; discussion of distribution of the RFP and new business.

**Contact:** Lynn Leverty, P.O. Box 12608, Austin, Texas 78711, (512) 463-5979.

**Filed:** June 21, 1990, 9:40 a.m.

TRD-9006392

## Texas Corn Producers Board

**Thursday, June 21, 1990, 9 a.m.** The Texas Corn Producers Board of the Texas Department of Agriculture met at the Harvey Hotel, 3100 I-40 West, Amarillo. According to the emergency revised agenda summary, the board discussed resignation of board member and appointment of new board member to fill vacancy. The emergency status was necessary due to resignation of board member since posting of meeting necessitates adding item to agenda on an emergency basis.

**Contact:** Carl King, 218 East Bedford, Dimmitt, Texas 79027, (806) 647-4224.

**Filed:** June 20, 1990, 3:48 p.m.

TRD-9006383

## Texas Commission for the Deaf

**Saturday, June 23, 1990, 10 a.m.** The Board for Evaluation of Interpreters (BEI) Subcommittee of the Texas Commission for the Deaf met in an emergency meeting at the Basement Conference Room, 510 South Congress Avenue, Austin. According to the complete agenda, the subcommittee made announcements; discussed policy and procedures manual for evaluators; committee report; and chairperson's report. The emergency status was necessary because the subcommittee needed to review and make recommendations before the next board meeting.

**Contact:** Larry D. Evans, 510 South Congress Avenue, #300, Austin, Texas 78704, (512) 469-9891.

**Filed:** June 19, 1990, 11:03 a.m.

TRD-9006338

## Texas Education Agency

**Wednesday-Thursday, June 27-28, 1990, 1:30 p.m. and 8:30 a.m. respectively.** The Continuing Advisory Committee for Special Education of the Texas Education Agency will meet at the Holiday Inn Town Lake, Room 118 Lake Tower, IH-35 and Town Lake Road, Austin. According to the agenda summary, the agency will meet to approve minutes; discuss perfection of agenda; hearing officer decisions; administrative management session; Senate Bill 1; interagency memorandum of understanding; orientation notebook; discussion of previous presentations; parent-to-parent project; surrogate parents; paperwork reduction; and public comment on agenda items.

**Contact:** Dr. Joyce Scheffler, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9414.

**Filed:** June 19, 1990, 11:44 a.m.

TRD-9006332

## Texas Higher Education Coordinating Board

**Thursday, July 12, 1990, 9 a.m.** The Texas Higher Education Coordinating Board will meet at the Chevy Chase Office Complex, Building 1, Room 1.100, 7700 Chevy Chase Drive, Austin. According to the complete agenda, the board will conduct a public hearing on the issuance by the Coordinating Board of \$50,000,000 State of Texas College Student Loan Bonds, Series 1990.

**Contact:** Kenneth H. Ashworth, P.O. Box 12788, Austin, Texas 78711, (512) 483-6101.

**Filed:** June 20, 1990, 10:54 a.m.

TRD-9006369

**Thursday, July 12, 1990, 9:30 a.m.** The Health Affairs Committee of the Texas Higher Education Coordinating Board will meet at the Chevy Chase Office Complex, Building 1, Room 1.100, 7700 Chevy Chase Drive, Austin. According to the agenda summary, the Health Affairs Committee will meet to consider matters relating to health affairs.

**Contact:** Kenneth H. Ashworth, P.O. Box 12788, Austin, Texas 78711, (512) 483-6101.

**Filed:** June 20, 1990, 10:54 a.m.

TRD-9006368

**Thursday, July 12, 1990, 10:30 a.m.** The Administration and Financial Planning Committee of the Texas Higher Education Coordinating Board will meet at the Chevy Chase Office Complex, Building 1, Room 1.100, 7700 Chevy Chase Drive, Austin. According to the agenda summary, the committee will meet to consider matters relating to administration and financial planning.

**Contact:** Kenneth H. Ashworth, P.O. Box 12788, Austin, Texas 78711, (512) 483-6101.

**Filed:** June 20, 1990, 10:54 a.m.

TRD-9006367

**Thursday, July 12, 1990, 11:30 a.m.** The Long Range Planning Committee of the Texas Higher Education Coordinating Board will meet at the Chevy Chase Office Complex, Building 1, Room 1.100, 7700 Chevy Chase Drive, Austin. According to the complete agenda, the committee will meet to discuss a draft of the five year master plan for Texas Higher Education.

**Contact:** Kenneth H. Ashworth, P.O. Box 12788, Austin, Texas 78711, (512) 483-6101.

**Filed:** June 20, 1990, 10:54 a.m.

TRD-9006366

**Thursday, July 12, 1990, 1 p.m.** The Universities Committee of the Texas Higher

Education Coordinating Board will meet at the Chevy Chase Office Complex, Building 1, Room 1.100, 7700 Chevy Chase Drive, Austin. According to the agenda summary, the committee will meet to discuss matters relating to universities.

**Contact:** Kenneth H. Ashworth, P.O. Box 12788, Austin, Texas 78711, (512) 483-6101.

**Filed:** June 20, 1990, 10:55 a.m.

TRD-9006365

**Thursday, July 12, 1990, 1:45 p.m.** The Research Committee of the Texas Higher Education Coordinating Board will meet at the Chevy Chase Office Complex, Building 1, Room 1.100, 7700 Chevy Chase Drive, Austin. According to the complete agenda, the committee will meet to approve the program announcement for a 1990 Energy Research in Applications Program competition; will consider a resolution regarding implementation of provisions of H.B. 2181, 70th Legislature, related to overhead earned on externally-funded research projects; will consider a proposal to increase minority involvement in ARP/ATP; and will consider approval to award additional grants using unexpended ARP/ATP funds.

**Contact:** Kenneth H. Ashworth, P.O. Box 12788, Austin, Texas 78711, (512) 483-6101.

**Filed:** June 20, 1990, 10:55 a.m.

TRD-9006364

**Thursday, July 12, 1990, 2 p.m.** The Community Colleges and Technical Institutes Committee of the Texas Higher Education Coordinating Board will meet at the Chevy Chase Office Complex, Building 1, Room 1.100, 7700 Chevy Chase Drive, Austin. According to the agenda summary, the committee will meet to consider matters relating to community colleges and technical institutes.

**Contact:** Kenneth H. Ashworth, P.O. Box 12788, Austin, Texas 78711, (512) 483-6101.

**Filed:** June 20, 1990, 10:55 a.m.

TRD-9006362

**Thursday, July 12, 1990, 2:30 p.m.** The Educational Opportunity Planning Committee of the Texas Higher Education Coordinating Board will meet at the Chevy Chase Office Complex, Building 1, Room 1.100, 7700 Chevy Chase Drive, Austin. According to the complete agenda, the committee will meet to consider four additional recommendations developed from the visits of members of the Educational Opportunity Committee to eight campuses this past fall.

**Contact:** Kenneth H. Ashworth, P.O. Box 12788, Austin, Texas 78711, (512) 483-6101.

**Filed:** June 20, 1990, 10:55 a.m.

TRD-9006361

**Thursday, July 12, 1990, 3 p.m.** The Facilities and Campus Planning Committee of the Texas Higher Education Coordinating Board will meet at the Chevy Chase Office Complex, Building 1, Room 1.100, 7700 Chevy Chase Drive, Austin. According to the agenda summary, the committee will meet to consider matters relating to facilities and campus planning.

**Contact:** Kenneth H. Ashworth, P.O. Box 12788, Austin, Texas 78711, (512) 483-6101.

**Filed:** June 20, 1990, 10:55 a.m.

TRD-9006360

**Thursday, July 12, 1990, 3:30 p.m.** The Student Services Committee of the Texas Higher Education Coordinating Board will meet at the Chevy Chase Office Complex, Building 1, Room 1.100, 7700 Chevy Chase Drive, Austin. According to the agenda summary, the committee will meet to consider matters relating to student services.

**Contact:** Kenneth H. Ashworth, P.O. Box 12788, Austin, Texas 78711, (512) 483-6101.

**Filed:** June 20, 1990, 10:55 a.m.

TRD-9006359

**Thursday, July 12, 1990, noon.** The Committee of the Whole of the Texas Higher Education Coordinating Board will meet at the Chevy Chase Office Complex, Building 1, Room 1.102, 7700 Chevy Chase Drive, Austin. According to the complete agenda, the committee will meet in executive session to hear a report on the status of the South Texas Lawsuit.

**Contact:** Kenneth H. Ashworth, P.O. Box 12788, Austin, Texas 78711, (512) 483-6101.

**Filed:** June 20, 1990, 10:56 a.m.

TRD-9006358

**Friday, July 13, 1990, 9 a.m.** The Coordinating Board of the Texas Higher Education Coordinating Board will meet at the Chevy Chase Office Complex, Building 1, Room 1.100, 7700 Chevy Chase Drive, Austin. According to the agenda summary, the board will meet to consider matters relating to the committees on health affairs; administration and financial planning; long range planning; universities; research; community colleges and technical institutes; educational opportunity planning; facilities and campus planning; student services; and reports to the Coordinating Board.

**Contact:** Kenneth H. Ashworth, P.O. Box 12788, Austin, Texas 78711, (512) 483-6101.

**Filed:** June 20, 1990, 10:56 a.m.

TRD-9006357

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## State Board of Insurance

**Thursday, June 28, 1990, 10 a.m.** The State Board of Insurance will meet at 1110 San Jacinto Street, Room 460, Austin. According to the agenda summary, the board will review and discuss proposed application and policy form for Texas Catastrophe Property Insurance Association; filings under the Omnibus Rural Healthcare Rescue Act; Proposed action on 28 TAC 5.4001, 19.2001-19.2005, 5.6601-5.6615, 5.1521, 1.1001, 27.16, 27.15, and Chapter 27, Subchapter F; Emergency action on 28 TAC 1.001, 27.16, 27.15, and Chapter 27, Subchapter F; Motion for rehearing in the matter of Ferrel T. Riley; Board orders on several different matters; motions for dismissal in the appeals of Malone Company, Donald Grove, Amador Ydrogo and King Well Service; personnel matters; litigation; solvency matters; discussion of Fire Marshal's authority; ratification of contract transferring to Employers Casualty Company the responsibilities of Texas Employers Insurance Association as a servicing carrier of the Texas Workers' Compensation Assigned Risk Pool.

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

**Filed:** June 20, 1990, 3:15 p.m.

TRD-9006379

**Thursday, June 28, 1990, 10 a.m.** The State Board of Insurance will meet at 1110 San Jacinto Street, Room 460, Austin. According to the complete agenda, the board will consider directing certain workers' compensation insurers to file with the board designated claims data for use in pricing Senate Bill 1 of the 71st Legislature for ratemaking purposes.

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

**Filed:** June 20, 1990, 4:33 p.m.

TRD-9006386

## Legislative Education Board

**Friday, June 29, 1990, 9 a.m.** The Legislative Education Board will meet at the State Capitol, Old Supreme Court Room 310, Austin. According to the complete agenda, the board will approve minutes; overview of Senate Bill 1 and role of Legislative Education Board; commissioner's request for clarification of items in Senate Bill 1; timetable for implementation of Senate Bill 1 and other business.

**Contact:** Nancy Frank, Capitol Building, Room G-31, Austin, Texas 78711, (512) 463-0010.

**Filed:** June 20, 1990, 4:45 p.m.

TRD-9006387

## Texas Motor Vehicle Commission

**Thursday, June 28, 1990, 9 a.m.** The Texas Motor Vehicle Commission will meet at 815 Brazos Street, Suite 302, Brazos Building, Austin. According to the agenda summary, the commission will review and discuss adoption of minutes of the May 17, 1990, meeting. Proposals for decision: licensing and enforcement; lemon law cases set for oral argument; lemon law cases with exceptions only; lemon law cases, no arguments or exceptions; agreed orders-enforcement; settlement orders-consumer complaints; orders of dismissal: consumer complaints; licensing and enforcement. Other: public hearing and consideration of adoption of proposed amendments to (1) commission rule §103.5, relating to the time for filing protests of new motor vehicle dealer license applications, and (2) commission rule §101.13, concerning the filing of documents by mail; and review of agency budget and financial status; review of final copy of lemon law consumer handbook; review of lemon law consumer complaint recap report; review of litigation status report; review of deferred adjudication policy in agency enforcement cases; and other miscellaneous matters.

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

**Filed:** June 20, 1990, 9:53

TRD-9006354

## Texas State Board of Public Accountancy

**Wednesday, June 27, 1990, 9 a.m.** The Public Hearing Committee of the Texas State Board of Public Accountancy will meet at 1033 La Posada, Suite 340, Austin. According to the complete agenda, the board will conduct a public hearing on complaint number 84-04-15L.

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

**Filed:** June 19, 1990, 11:03 a.m.

TRD-9006337

**Wednesday, June 27, 1990, 1 p.m.** The Public Hearing Committee of the Texas State Board of Public Accountancy will meet at 1033 La Posada, Suite 340, Austin. According to the complete agenda, the board will conduct a public hearing on complaint number 84-09-01L.

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

**Filed:** June 19, 1990, 11:03 a.m.

## Public Utility Commission of Texas

**Friday, June 29, 1990, 9 a.m.** The Hearings Division of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450N, Austin. According to the complete agenda, a prehearing conference will be held on docket number 9592-petition of San Miguel Electric Cooperative, Inc., for authority to implement a permanent reduction in rates and motion for interim order.

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

**Filed:** June 20, 1990, 2:58 p.m.

TRD-9006373

**Friday, June 29, 1990, 2 p.m.** The Hearings Division of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450N, Austin. According to the complete agenda, a prehearing conference will be held on docket number 9529-application of Rusk County Electric Cooperative, Inc., for authority to change rates.

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

**Filed:** June 20, 1990, 2:59 p.m.

TRD-9006371

**Monday, July 9, 1990, 10 a.m.** The Hearings Division of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450N, Austin. According to the complete agenda, a prehearing conference will be held on docket number 8777-petition of the general counsel to inquire into the reasonableness of the rates and services of San Marcos Telephone Company.

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

**Filed:** June 20, 1990, 2:58 p.m.

TRD-9006372

## State Securities Board

**Tuesday, July 24, 1990, 9 a.m.** The Securities Commission of the State Securities Board will meet at 1800 San Jacinto, Austin. According to the agenda summary, a hearing will be held for the purpose of determining whether a Cease and Desist order should be issued prohibiting the sale and offer for sale of securities issued by Austin-Young, Inc., First American Consulting, Inc., Terry Young, John Shaw, Doug Murrell and Wesley F. Johnson or by entities under respondents' control and prohibiting respondents from acting as dealers.

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

Filed: June 20, 1990, 4:11 p.m.

TRD-9006385

## University of Houston System

**Wednesday, June 27, 1990, 8 a.m.** The Board of Regents of the University of Houston System will meet at the Conrad Hilton, Waldorf Astoria Room (Zodiac), College Building, University of Houston, Houston. According to the agenda summary, the board will discuss and/or act upon the following: minutes; appreciation resolution; revision of board policy 01.10(b); College of Business administration; personnel recommendations; Ph.D. in social psychology and clinical neuropsychology, master of healthcare administration and business administration, Bachelor of Science in Criminal Justice, faculty Emeritus appointment; dual employment; tuition rates; dormitory room and board fees; purchase of research equipment; various contracts/agreements; traffic and parking regulations; fiscal year 1991 operating budget; legislative appropriations request; \$4 million reserve fund; various banking resolutions; 1990-1991 benefits plan renewals, fiscal year 1989 financial and auditor's reports, various internal audit reports, appointment of endowment asset consultant; appointment of endowment fund auditor; oil and gas lease; gift acceptance reports; consent docket and election of officers.

Contact: Peggy Cervenka, 1600 Smith, 34th Floor, Houston, Texas 77002, (713) 754-7440.

Filed: June 21, 1990, 9:55 a.m.

TRD-9006393

## Texas Water Commission

**Monday, July 9, 1990, 10 a.m.** The Texas Water Commission will meet at the Stephen F. Austin Building, Room 1028A, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will discuss setting a hearing on the complaint of Travis County WCID Number 10 against the City of Austin. Docket number 8157-M.

Contact: Leslie Limes, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: June 20, 1990, 3:36 p.m.

TRD-9006381

**Friday, July 13, 1990, 10 a.m.** The Texas Water Commission will meet at the Stephen F. Austin Building, 1028A, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will conduct a hearing on application for a certificate of convenience and necessity for

City of Tom Bean. Docket number 8422-C.

Contact: Carol Wood, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: June 20, 1990, 3:36 p.m.

TRD-9006382

**Wednesday, July 18, 1990, 3 p.m.** The Office of Hearings Examiner of the Texas Water Commission will meet at the Stephen F. Austin Building, Room 118, 1700 North Congress Avenue, Austin. According to the agenda summary, the examiner will review application by Kelly Lane Utility Company for amendment to Permit number 13219-01 in order to add an initial phase which would authorize disposal by irrigation on a golf course. The permit would continue to authorize a discharge of treated domestic wastewater effluent in phases into the an unnamed tributary of Wilbarger Creek; thence to Wilbarger Creek; thence to the Colorado River in segment number 1428 of the Colorado River Basin.

Contact: Gloria A. Vasquez, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: June 19, 1990, 4:15 p.m.

TRD-9006344

**Wednesday, September 5, 1990, 3 p.m.** The Texas Water Commission will meet at the Stephen F. Austin Building, Room 118, 1700 North Congress Avenue, Austin. According to the complete agenda, the board review and discuss application by Patten Corporation Southwest, App. number 5298, for a water use permit under sections 11.121 and 11.143 to maintain three existing dams and reservoirs on an unnamed tributary of Eagle Creek and Eagle Creek, tributary of the San Antonio River, San Antonio River Basin for recreational purposes in Wilson County, approximately 7.5 miles northwest of Floresville.

Contact: Weldon Hawthorne, P.O. Box 13087, Austin, Texas 78711, (512) 371-6388.

Filed: June 20, 1990, 3:37 p.m.

TRD-9006380

## Texas Water Well Drillers Board

**Thursday, June 28, 1990, 9 a.m.** The Texas Water Commission of the Texas Water Well Drillers Board will hold a emergency meeting at the San Antonio Convention Center, San Antonio. According to the agenda summary, the board will consider the approval of minutes of May 8, 1990 meeting; certification of applicants for registration; consideration of applications for driller-trainee registration; and whether to set the following complaints for formal public hearing before the board or for other appropriate legal action; Gene

Cureton, Richard R. Albert, Gerald Biffle, Pedro Campos, R.W. Crouce, Brasmo DeLewon, Lewis Dodd, John Fowler, John Hayes, Joe Hargrove, Dwight Hill, Cecil Jeter, Augustin Kalisek, Charlie Kuhn, Carl McDaniel, Kelvin Miles, Manuel Pizano and Paul Rhodes. The board will consider staff reports. The emergency status was necessary because the meeting date had to be moved up in order for both boards to meet.

Contact: Larry Persky, Texas Water Commission, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: June 21, 1990, 8:28 a.m.

TRD-9006391

## Regional Meetings

### Meetings Filed June 19, 1990

**The Atascosa County Appraisal District Appraisal Review Board** met at 4th and Avenue J, Poteet, June 25-27, 1990, at 8 a.m. Information may be obtained from Vernon A. Warren, 1010 Zanderson, Jourdanton, Texas 78026, (512) 742-3591.

**The Dallas Central Appraisal District Board of Directors** met at 1420 West Mockingbird Lane, #500, Conference C, Dallas, June 21, 1990, at 9:30 a. m. Information may be obtained from Rick L. Kuehler, 1420 West Mockingbird Lane, #500, Dallas, Texas 75247, (214) 631-0520.

**The Dewitt County Appraisal District Appraisal Review Board** will meet at the Dewitt County Appraisal District Office, 103 Bailey Street, Cuero, June 26, 1990, at 9 a.m. Information may be obtained from John Haliburton, P.O. Box 4, Cuero, Texas 77954, (512) 275-5753.

**The Hood County Appraisal District Appraisal Review Board** will meet at 1902 West Pearl Street, District Office Building, Granbury, June 27, 1990, at 9 a.m. Information may be obtained from Harold Chesnut, P.O. Box 819, Granbury, Texas 76048, (817) 573-2471.

**The Mills County Appraisal District** met at the Mills County Courthouse, Goldthwaite, June 25-26, 1990, at 8 a.m. and 1 p.m. respectively. Information may be obtained from Doran E. Lemke, P.O. Box 565, Goldthwaite, Texas 76844, (915) 648-2253.

**The Sabine River Authority of Texas Executive Committee** will meet at the Toledo Bend Office, Burkeville, June 26, 1990, at 10 a.m. Information may be obtained from Sam F. Collins, P.O. Box 579, Orange, Texas 77630, (409) 746-3200.

TRD-9006339

## Meetings Filed June 20, 1990

**The Ark-Tex Council of Governments** Board of Directors will meet at the Country Club, Mount Pleasant, June 28, 1990, at 5:30 p.m. Information may be obtained from Susan J. Rice, P.O. Box 5307, Texarkana, Texas 75505, (214) 832-8636.

**The Blanco County Central Appraisal District** 1990 Appraisal Review Board met at the Blanco County Courthouse Annex, Avenue G and 7th Street, Johnson City, June 25, 1990, at 10 a.m. Information may be obtained from Hollis Petri, P.O. Box 338, Johnson City, Texas 78636, (512) 868-4624.

**The Dallas Central Appraisal District** Appraisal Review Board will meet at 1420 West Mockingbird Lane, Suite 500, Dallas, June 29, 1990, at 2 p.m. Information may be obtained from Rick L. Kuehler, 1420 West Mockingbird Lane, Suite 500, Dallas, Texas 75247, (214) 631-0520.

**The Coryell County Appraisal District** Appraisal Review Board will meet at 113 North 7th Street, Gatesville, June 27, 1990, at 9:30 a.m. Information may be obtained from Darrell Lisenbe, P.O. Box 142, Gatesville, Texas 76528, (817) 865-6593.

**The El Oso Water Supply Corporation** Board of Directors held an emergency meeting at their office, Karnes City, June 20, 1990, at 8 p.m. The emergency status was necessary because of the need for Karnes County to have an answer from El Oso on providing water to the prison by June 21, 1990. Information may be obtained from Hilmer Wagener, P.O. Box 309, Karnes City, Texas 78118, (512) 780-3539.

**The Golden Crescent Service Delivery Area Private Industry Council, Inc.**, held an emergency meeting at 2401 Houston Highway, Victoria, June 20, 1990, at 5:30 p.m. The emergency status was necessary because of urgent personnel matters to be discussed. Information may be obtained from Charley Steele, 24401 Houston Highway, Victoria, Texas 77901, (512) 576-5562.

**The Golden Crescent Service Delivery Area Private Industry Council, Inc.**, met at 2401 Houston Highway, Victoria, June 20, 1990, at 5:30 p.m. Information may be obtained from Charley Steele, 2401 Houston Highway Victoria, Texas 77901, (512) 576-5562.

**The Heart of Texas Council of Governments** Executive Committee will meet at 300 Franklin Avenue, HOTCOG Conference Room, Waco, June 28, 1990 at 10 a.m. Information may be obtained from Mary McDow, 300 Franklin, Waco, Texas 76701, (817) 756-7882.

**The Lubbock Regional Mental Health Mental Retardation Center** Board of

Trustees met at 3801 Avenue J, Board Room, Lubbock, June 25, 1990, at noon. Information may be obtained from Gene Menefee, 1210 Texas Avenue, Lubbock, Texas 79401, (806) 766-0202.

**The Panhandle Groundwater Conservation District No. 3** Board of Directors Public Meeting will be at the Water District Office, 300 South Omohundro, White Deer, June 26, 1990, at 8 a.m. Information may be obtained from C. E. Williams, P.O. Box 637, White Deer, Texas 79097, (806) 883-2501.

**The Panhandle Regional Planning Commission** Board of Directors will meet at the Board Room, 2736 West Tenth, Amarillo, June 28, 1990, at 1:30 p.m. Information may be obtained from Rebecca Rusk, P.O. Box 9257, Amarillo, Texas, 79105-9527, (807) 372-3381.

**The Region VIII Education Service Center** Board of Directors will meet at the Region VIII Education Service Center, Mount Pleasant, June 28, 1990, at 7 p.m. Information may be obtained from Scott Ferguson, F.M. 1734, Mount Pleasant, Texas 75455, (214) 572-8551.

**The Scurry County Appraisal District** Appraisal Review Board met at 2612 College Avenue, Snyder, June 25, 1990, at 9 a.m. Information may be obtained from L. R. Peveler, 2612, College Avenue, Snyder, Texas 79549, (915) 573-8549.

TRD-9006350

## Meetings Filed June 21, 1990

**The Angellina and Neches River Authority** Board of Directors will meet at the Raguet Room, Fredonia Hotel, 200 North Fredonia Street, Nacogdoches, June 26, 1990, at 11 a.m. Information may be obtained from Gary L. Neighbors, P. O. Box 387, Lufkin, Texas 75902-0387, (409) 632-7795.

**The Brazos River Authority** Lake Management Committee will meet at the Lake Supervisor's Office, Possum Kingdom Lake, June 28, 1990, at 10 a.m. Information may be obtained from Mike Bukala, P.O. Box 7555, Waco, Texas 76714-7555, (817) 776-1441.

**The Brazos River Authority** Search Committee will meet at 4400 Cobbs Drive, Waco, July 9, 1990, at 1 p.m. Information may be obtained from Mike Bukala, P.O. Box 7555, Waco, Texas 76714-7555, (817) 776-1441.

**The Deep East Texas Council of Governments** Board of Directors will meet at the Crockett Civic Center, Crockett, June

28, 1990, at 10 a.m. Information may be obtained from Katie Bayliss, 274 East Lamar Street, Jasper, Texas 75951, (409) 384-5704.

**The Gregg Appraisal District** Appraisal Review Board will meet at 2010 Gilmer Road, Longview, July 2, 1990, at 9 a.m. Information may be obtained from William T. Carroll, 2010 Gilmer Road, Longview, Texas 75604, (214) 759-0015.

**The Gregg Appraisal District** Appraisal Review Board will meet at 2010 Gilmer Road, Longview, July 3, 1990, at 9 a.m. Information may be obtained from William T. Carroll, 2010 Gilmer Road, Longview, Texas 75604, (214) 759-0015.

**The Gregg Appraisal District** Appraisal Review Board will meet at 2010 Gilmer Road, Longview, July 5, 1990, at 9 a.m. Information may be obtained from William T. Carroll, 2010 Gilmer Road, Longview, Texas 75604, (214) 759-0015.

**The Hale County Appraisal District** Appraisal Review Board met at Plainview, June 25, 1990, at 9 a.m. Information may be obtained from Linda Jaynes, 302 West 8th Street, P.O. Box 329, Plainview, Texas 79072, (806) 293-4226.

**The North Texas Private Industry Council** will meet at the Wichita Falls Activity Center, Room 215, 10th and Indiana, Wichita Falls, June 27, 1990, at 12:15 p.m. Information may be obtained from Art Frerich, 4515 Allendale Road, Wichita Falls, Texas 76310, (817) 322-5281.

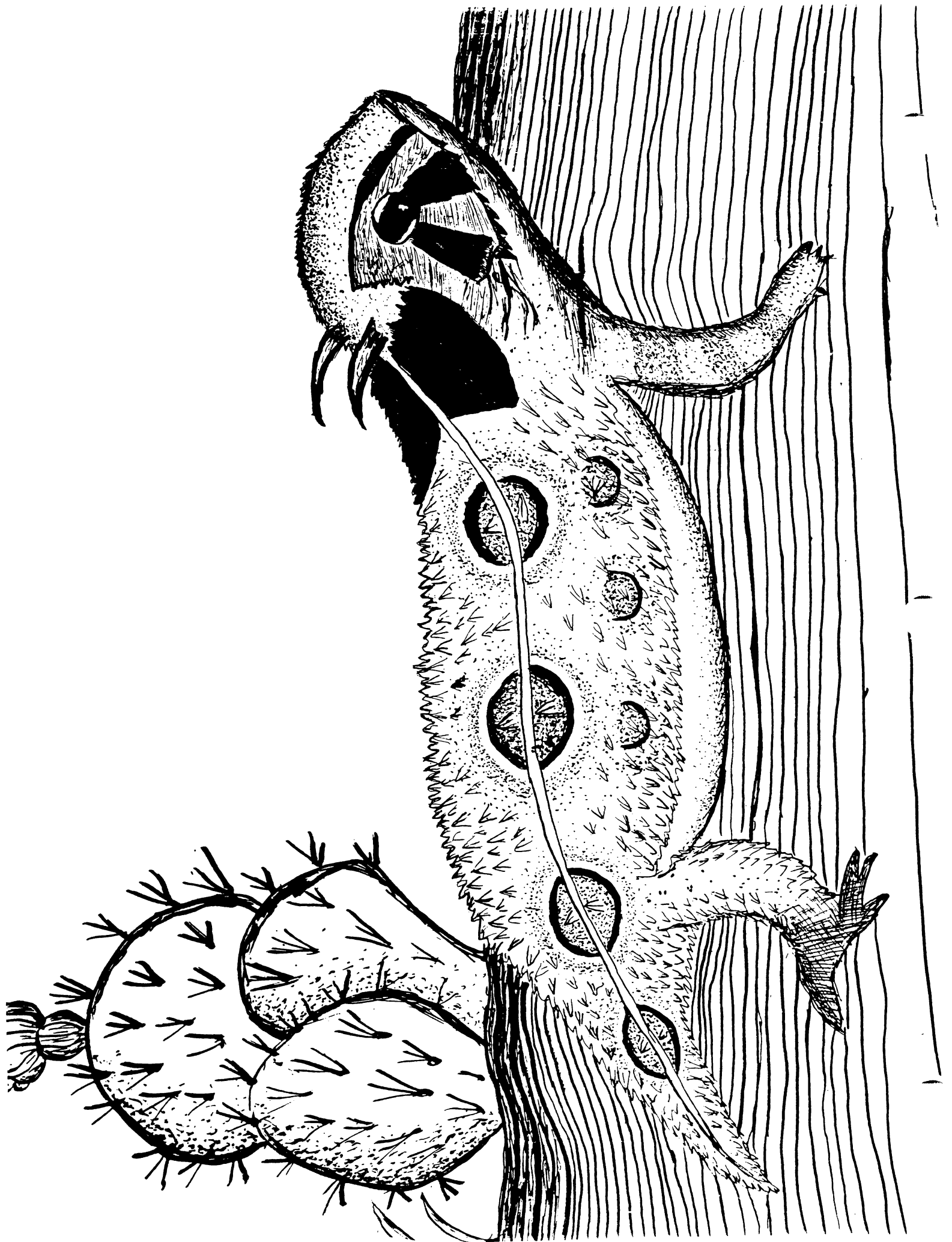
**The Parmer County Appraisal District** Board of Directors will meet at 305 3rd Street, Bovina, July 12, 1990, at 7:30 p.m. Information may be obtained from Ron Procter, P.O. Box 56, Bovina, Texas 79009, (806) 238-1405.

**The Trinity River Authority of Texas** Board of Directors will meet at 5300 South Collins, Arlington, June 27, 1990, at 10 a.m. Information may be obtained from Jack C. Worsham, P.O. Box 60, Arlington, Texas 76004, (817) 467-4343.

**The West Central Texas Council of Governments** Executive Committee will meet at 1025 East North 10th, Abilene, June 27, 1990, at 12:45 p.m. Information may be obtained from Brad Helbert, P.O. Box 3195, (915) 672-8544.

**The Wheeler County Appraisal District** Board of Review will meet at the Appraisal District Office, County Courthouse Square, Wheeler, June 29, 1990, at 7 p.m. Information may be obtained from Larry M. Schoenhals, P.O. Box 1200, Wheeler, Texas 79096, (806) 826-5900.

TRD-9006390



# In Addition

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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.

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## Texas Education Agency Consultant Proposal Request

RFP #701-90-018. Filed in accordance with the provisions of Texas Civil Statutes, Article 6252-11c.

**Eligible Applicants.** The Texas Education Agency (TEA) is requesting proposals from institutions of higher education, private companies, or individuals for the development of two reports on the status of current national and state research on special education effectiveness and the implications of research for special education in Texas.

**Description.** The Texas Education Agency is requesting proposals to assist in the studies of the effectiveness of special education in developing life skills for students leaving the public school system. The successful proposer will work closely with the Division of Program Evaluation in an evaluation required by law. The study has four parts: a post-hoc analysis of the effectiveness of special education based upon a study of the current status of former students of special education; a longitudinal study of students in their last year of school; a study of methods of monitoring special education programs; and a study of the applicability of essential elements for special education programs.

This consultant proposal request is to assist in the conduct of the study in addressing the following two components. First, all existing literature concerning special education effectiveness, both nationally and statewide, will be reviewed and evaluated. Detailed information on methods of program evaluation will be provided to frame the development of subsequent studies by TEA. The goal of this component is to provide information which can be used to frame the post-hoc and longitudinal study. Second, a report on implications and recommendations from the literature research study, as they may affect future special education evaluations, monitoring, and essential elements will be provided.

**Dates of Project.** The project will begin on July 1990 and will end no later than October 1, 1990.

**Project Amount.** Funding for the proposer's role in this study will not exceed \$20,000.

**Selection Criteria.** Proposals will be evaluated on the basis of demonstrated knowledge of the topic area, quality and appropriateness of the proposal, potential applicability of the findings to state and local policy-making efforts, quality of the management and activity plans, and the evaluation component.

**Requesting the Proposal.** Those interested in submitting a proposal for this study should request RFP #701-90-018, either by telephone or in writing from the Document Control Center, Room 6-108, Texas Education Agency, William B. Travis Building, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9304.

**Further Information.** For more specific information

about this request, contact Dr. Kimberly Hoagwood, Educational Program Director, Division of Program Evaluation, Texas Education Agency, (512) 463-9524.

**Deadline for Receipt of Proposals.** The deadline for submitting a proposal is 5 p.m., on Friday, July 13, 1990.

Issued in Austin, Texas, on June 19, 1990.

TRD-9006335            W. N. Kirby  
   Commissioner of Education

Filed: June 19, 1990

For further information, please call: (512) 463-9701

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## Notice of Contract Award

**Description.** In compliance with Texas Civil Statutes, Article 6252-11c, the Texas Education Agency furnishes this notice of consultant contract award. The consultant proposal request appeared in the February 13, 1990, issue of the *Texas Register* (15 TexReg 783). The contractor will provide the necessary services, information, and products for the efficient administration of federal funds through the automation of a federal funding system.

The contractor selected to perform this service is CW Systems Incorporated, 600 Congress Avenue, Suite 2780, Austin, Texas 78701-3274.

**Cost and Dates.** The total value of this contract is \$300,000. The contract period extends from March 27, 1990-August 31, 1990.

Issued in Austin, Texas, on June 18, 1990.

TRD-9006334            W. N. Kirby  
   Commissioner of Education

Filed: June 19, 1990

For further information, please call: (512) 463-9701

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## Public Hearing Announcement

A public hearing will be held before the State Board of Education Committee on School Finance, the Committee on Students, and invited members of the Texas Higher Education Coordinating Board on the proposed annual update of the master plan for vocational and technical education. The hearing will start at 1:30 p.m. on Friday, July 13, 1990, in Room 1-104 of the William B. Travis Building, Austin. This hearing is being held in accordance with the Texas Education Code, §21.113(d), which states that the board shall hold a public hearing annually prior to its final approval of the update of the plan. The purpose of the hearing is to afford all segments of the public, independent school districts, postsecondary institutions, interested organizations, and groups an opportunity to present their views and make recommendations regarding the plan.

Individuals who wish to speak at the hearing should register by calling Robert S. Patterson, Director, Vocational Education Programs, at (512) 463-9446, no later

than 5 p.m., Wednesday, July 11, 1990. Copies of the plan are available upon request. A limited number of copies are available for review at regional education service centers. It is requested that individuals wishing to testify limit their comments to three minutes at the hearing. It is also requested that individuals wishing to testify shall ensure that 20 typed copies of their testimony are available for distribution at the hearing.

Issued in Austin, Texas, on June 18, 1990.

TRD-9006333 W. N. Kirby  
Commissioner of Education

Filed: June 19, 1990

For further information, please call: (512) 463-9701

## Texas Department of Human Services Request for Proposal

The Texas Department of Human Services (DHS) is announcing a request for proposal for dietitians to conduct nutrition education workshops.

**Description.** Dietitians are needed to conduct nutrition education workshops, evaluate materials, attend training workshops, and assist in the development of materials for the Nutrition Education and Training (NET) Program. The contractor's services will be required on an irregular basis depending on the number and type of workshops planned for his/her area. A contractor may be required to work 20 to 30 hours one month and only 1 or 2 hours in subsequent months. Evaluation of nutrition education materials will be arranged according to the time the contractor has available in any given month. The contractor will attend training sessions at DHS state office in Austin twice a year. Based upon need, the contractor may assist in the development of NET materials.

**Term of contract.** Contracts for services will become effective October 1, 1990, and conclude September 30, 1991.

**Contact person.** If you have any questions or need a proposal packet, please call Abby November at (512) 450-4816. If you are interested, respond in writing by August 22, 1990 to Nutrition Education and Training (NET) Program; Contracted Services MC 654-W, Texas Department of Human Services, P.O. Box 149030, Austin, Texas 78714-9030, please include in your response the following: a current resume describing your education and training, accreditation, experience, and three names of references; and availability for work from October 1, 1990-September 30, 1991.

**Evaluation.** Applicants must have a bachelor's degree from an accredited college or university with a specialization in dietetics or foods and nutrition which includes 24 semester hours selected from basic foods and nutrition, advanced quantity food production, child nutrition, food practices and preservation; or a bachelor's degree from an accredited college or university with a minimum of 12 semester hours in foods and nutrition and a minimum of 24 semester hours from the following areas: child development and family relations; management of home and family resources; or consumer education, housing and equipment, or the behavioral sciences, and one year of experience as a nutritionist, dietitian, teacher, or home demonstration agent. Preference will be given to registered and/or licensed dietitians. Additionally, preference to applicants with experience in conducting workshops, with child nutrition programs, and fluency in Spanish will be given.

Issued in Austin, Texas on June 20, 1990.

TRD-9006351 Cathy Rossberg  
Agency liaison, Policy Communication  
Services  
Texas Department of Human Services

Filed: June 20, 1990

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

## State Board of Insurance Notice of Public Hearing

Notice is hereby given that the State Board of Insurance will hold a public hearing under Docket Number 1768, beginning at 9:30 a.m. on Wednesday, July 25, 1990. The hearing will begin in Room 460 of the State Insurance Building at 1110 San Jacinto Boulevard in Austin, and may continue each day thereafter from time to time and from place to place as specified by the board. The hearing will consider possible adoption of an amendment to 28 TAC §9.1, concerning adoption by reference of the *Basic Manual of Rules, Rates, and Forms for the Writing of Title Insurance in the State of Texas* (the manual), and, more specifically, will consider possible adoption of new Texas owner and mortgagee policies of title insurance in substitution for the current owner and mortgagee policy, and will consider such other matters as may properly be brought before the board. The possible amendments to the manual would add new Texas owner and mortgagee coverage endorsements and create a new procedural rule to require mandatory attachment of said endorsements. Said endorsements will clarify the terms, conditions, stipulations, and coverages in proposed owner and mortgagee policies. Amendments would also amend the commitment for title insurance, leasehold owner policy endorsement, leasehold mortgagee policy endorsement, mortgagee title policy binder on interim construction loan, adjustable mortgage loan endorsement, increased value endorsement, manufactured housing endorsement, the T-30 endorsement, endorsement instructions Number III, V, VI, VII, VIII and IX, and Procedural Rules P-2, P-6, P-8, P-9(a)(i), P-9(b)(5), P-11(b)(8), P-16, and P-20. The full text of the proposal under consideration for possible amendments to the manual is available from the Manager of Title Insurance, Mail Code 012-7, State Board of Insurance, 1110 San Jacinto Boulevard, Austin, Texas 78701-1998.

This hearing will be held in accordance with the legal authority and jurisdiction provided in the Texas Insurance Code, Articles 1.04, 9.07, and 9.21. The hearing and procedure will be governed by the provisions of the Administrative Procedure and Texas Register Act (Texas Civil Statutes, Article 6252-13a) and the rules of practice and procedure before the State Board of Insurance (28 TAC, Chapter 1, Subchapter A). This hearing may involve Chapter 9 and other articles of the Texas Insurance Code and Chapter 9 and other sections of Title 28 of Texas Administrative Code, as well as the *Basic Manual of Rules, Rates, and Forms for the Writing of Title Insurance in Texas*.

Inquiries regarding this hearing may be directed to Fabian S. Gomez, Manager of Title Insurance, Mail Code 012-7, State Board of Insurance, 1110 San Jacinto Boulevard, Austin, Texas 78701-1998, (512) 322-3470.

Issued in Austin, Texas on June 20, 1989.

TRD-9006356 Nicholas Murphy  
Chief Clerk  
State Board of Insurance



Filed: June 20, 1990

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

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**North Central Texas Council of  
Governments**

**Consultant Proposal Request**

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

NCTCOG is requesting proposals to develop the Regional Airport System Plan 2010 for the Dallas-Fort Worth area. The primary focus of this project is to catalog the existing general aviation airport system in the North Central Texas region, forecast the associated demand to the year 2010, identify potential capacity deficiencies, and recommend any capacity improvements necessary to preserve or improve the current level of service.

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

**Regulations.** The NCTCOG, in accordance with Title VI of the Civil Rights Act of 1964, 78 Statute 252, 41 United States Code 2000d-4; and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 1, Nondiscrimination in Federally Assisted Programs of the Department of Transportation issued pursuant to such act, hereby notifies all bidders that it will affirmatively assure that in regard to any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, sex, age, or national origin in consideration of an award.

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

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

**Due Date.** Proposals must be submitted no later than 12 noon, July 2, 1990, to Julie Dunbar, North Central Texas Council of Governments, 616 Six Flags Drive, Second Floor, or P.O. Drawer COG, Arlington, Texas 76005-5888. For more information and copies of the Request for Proposals, contact Julie Dunbar, (817) 640-3300.

Issued in Arlington, Texas, on June 14, 1990.

TRD-9006280 William J. Pitstick  
Executive Director  
North Central Texas Council of  
Governments

Filed: June 18, 1990

For further information, please call: (817) 640-3300  
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**The On-site Wastewater Treatment  
Research Council**

**Request for Proposal**

**Purpose.** The On-site Wastewater Treatment Research Council (council) is requesting proposals from interested parties to conduct applied research and/or demonstration projects which improve the quality of on-site wastewater treatment and reduce the cost of providing on-site wastewater treatment to consumers. Texas Health and Safety Code, Chapter 367, authorizes the council to award competitive grants to support applied research at accredited colleges and universities in this state regarding on-site wastewater treatment technology and systems applicable to this state.

**Eligible applicants.** They include accredited colleges and universities in this state and applicants who are affiliated with colleges and universities in this state and other qualified applicants for demonstration and technology transfer grants. More detailed specifications for applicant eligibility may be found in the rules promulgated by the council in 25 TAC §§901.1-901.15. Council rules may be obtained from the Executive Secretary, On-Site Wastewater Treatment Research Council, Attention James Pope, P.E., Director, Division of Water Hygiene, 1100 West 49th Street, Austin, Texas 78756. Applicants must be prepared to show how the specific area of research and/or demonstration is suitable and effective on a regional basis and as a treatment alternative; must be able to demonstrate and evaluate appropriate on-site wastewater treatment technology in the various regions of the state; must be able to determine cost and efficiency comparisons of appropriate on-site wastewater treatment technology.

**Council review criteria.** An applicant must address a thorough review of applicable literature and existing data and must not duplicate prior research and/or demonstration; must develop technical design guidelines for appropriate system technology; must design, install, demonstrate and evaluate appropriate technology by region; and must synthesize and report results to the council. In addition to the eligibility, required information and criteria for selection as listed in the council's procedural rules, an applicant must include a description of the project objective; a deadline and address for a contract award; a commitment date for a contract award; an outline of the proposal contents; and the designation of a contact person for additional information. Texas based applicants will be given priority consideration and only in unusual circumstances will this priority be disregarded. Research projects shall be conducted in Texas. Project duration should be for a minimum of one year and a maximum of three years, but the contract will be renegotiated at the end of the current fiscal year, August 31, 1990. On the basis of the information included herein, as well as the council's procedural rules and on independent investigation, the council chairman will recommend those proposals that meet requirements for funding to the council. Upon approval of the council, the council chairman will be authorized to negotiate and finalize a contract with the applicant. If the applicant is a state agency, state university or state institution, an interagency contract will be used. If the applicant is a political subdivision or a private contractor, a uniquely prepared contract between the contractor and the council will be used.

**Application procedure.** James Pope, P.E., Director, Division of Water Hygiene, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7533 is the contact person for the council who has a more complete request for proposal document. All

requests for council rules and the complete request for proposal should be directed to Mr. Pope. The signed original and 20 copies of the proposal must be submitted to Mr. Pope on or before August 1, 1990. Applications received after that deadline will be considered unsolicited proposals and will receive appropriate consideration within the council's time and funding limitations.

Issued in Austin, Texas on June 20, 1990.

TRD-9006349 Bill Tennison  
Chairperson  
On-site Wastewater Treatment Research  
Council

Filed: June 20, 1990

For further information, please call: (512) 458-7533

◆ ◆ ◆  
**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 the City of Weinert, Permit Number 11018-01, on June 12, 1990, assessing \$1,330 in administrative penalties with \$1,030 deferred contingent upon compliance. Stipulated penalties were also imposed.

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

Issued in Austin, Texas, on June 15, 1990.

TRD-9006345 Gloria A. Vasquez  
Notices Coordinator  
Texas Water Commission

Filed: June 19, 1990

For further information, please call: (512) 463-7906

◆ ◆ ◆  
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 Bill Blue doing business as Bill Blue Dairy (No Permit) on June 12, 1990, assessing \$2,400 in administrative penalties with entire penalty deferred and possibly waived contingent upon compliance. Stipulated penalties were also imposed.

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

Issued in Austin, Texas, on June 15, 1990.

TRD-9006346 Gloria A. Vasquez  
Notices Coordinator  
Texas Water Commission

Filed: June 19, 1990

For further information, please call: (512) 463-7906

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 Dale Van Es Dairy (No Permit) on June 12, 1990, assessing \$51,200 in administrative penalties with entire penalty deferred and possibly waived contingent upon compliance. Stipulated penalties were also imposed.

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

Issued in Austin, Texas, on June 15, 1990.

TRD-9006347 Gloria A. Vasquez  
Notices Coordinator  
Texas Water Commission

Filed: June 19, 1990

For further information, please call: (512) 463-7906

◆ ◆ ◆  
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 C. W. Pennebaker Dairy (No Permit) on June 12, 1990, assessing \$4,100 in administrative penalties with \$2,050 deferred and possibly waived contingent upon compliance. Stipulated penalties were also imposed.

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

Issued in Austin, Texas, on June 15, 1990.

TRD-9006348 Gloria A. Vasquez  
Notices Coordinator  
Texas Water Commission

Filed: June 19, 1990

For further information, please call: (512) 463-7906

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**Notice of Application For Waste**  
**Disposal Permit**

Notice is given by the Texas Water Commission of public notices of waste disposal permit applications issued during the period of June 11-15, 1990.

No public hearing will be held on these applications unless an affected person has requested a public hearing. Any such request for a public hearing shall be in writing and contain the name, mailing address, and phone number of the person making the request; and a brief description of how the requester, or persons represented by the requester, would be adversely affected by the granting of the application. If the commission determines that the request sets out an issue which is relevant to the waste discharge permit decision, or that a public hearing would serve the public interest, the commission shall conduct a public hearing, after the issuance of proper and timely notice of

the hearing. If no sufficient request for hearing is received within 30 days of the date of publication of notice concerning the applications, the permit will be submitted to the commission for final decision on the application.

Information concerning any aspect of these applications may be obtained by contacting the Texas Water Commission, P.O. Box 13087, Capitol Station, Austin, Texas 78711, (512) 463-7905.

Listed are the name of the applicant and the city in which the facility is located, type of facility, location of the facility, permit number, and type of application--new permit, amendment, or renewal.

Amerifirst Properties, Inc.; Houston; Harris County MUD Number 277 wastewater treatment plant; south bank of Dinner Creek, approximately one mile southwest of the intersection of FM Road 525 (Freeman Road) and Barker-Cypress Road in Harris County; 13023-01; renewal.

City of Blooming Grove; wastewater treatment facility; west bank of Rush Creek, at a point approximately 4,200 feet southeast of the intersection of State Highway 22 and FM Road 55, in Navarro County; 11606-01; renewal.

Bradley D. Bouma; Clint; a dairy; approximately 1,200 feet northeast of State Highway 76, at a point approximately three miles north of Fabens on State Highway 76 in El Paso County; 03169; new.

City of Childress; wastewater treatment facility; northern most portion of the Municipal Airport of Childress, approximately four miles west of the intersection of U.S. Highways 287 and 83-62 in the City of Childress, Childress County; 10076-03; amendment.

Wiebe Devries; Dublin; a dairy; approximately 1.2 miles south of the intersection of FM Roads 6 and 219 in Erath County; 03151; new.

Ergon Asphalt and Emulsions, Inc., Waco Plant; asphalt emulsions manufacturing plant; 1820 State Highway 6 East in the City of Waco, McLennan County; 03209; new.

Harris County Municipal Utility District Number 284, Houston, Harris County MUD Number 284 wastewater treatment facility; approximately 0.75 mile northeast of the intersection of Fry Road and Clay Road, approximately four miles north of the intersection of Fry Road and Interstate Highway 10 in Harris County; 12949-01; renewal.

City of Houston; Northwest Wastewater Treatment Facility; approximately 1/4 mile west of the confluence of Cole Creek and White Oak Bayou, approximately 1-1/2 miles northeast of the intersection of U.S. Highway 290 and Antoine Drive in the City of Houston, Harris County; 10495-76; renewal.

City of Houston; White Oak Wastewater Treatment Facility; north bank of White Oak Bayou, approximately 500 feet west of the crossing of White Oak Bayou by North Houston Rosslyn Road in the City of Houston, Harris County; 10495-99; renewal.

Huckabee and Sons Dairy, Inc.; Stephenville; a dairy; on an unnamed county road, south of FM Road 205, approximately seven miles east of the intersection of U.S. Highway 377 and FM Road 205 in Erath County; 03220; new.

City of Llano; wastewater treatment facility; approximately 1.05 miles north of State Highway Number 71, 350 feet south of the center line of the Llano River and 1.25 miles east of the Llano County Courthouse in Llano County; 10209-01; amendment.

McDonald's Corporation; Houston; wastewater treatment facility; 16002 Hempstead Highway and U.S. Highway 290 near the City of Jersey Village, Harris County; 02729; renewal.

Sam Roberts; Stephenville; a dairy; south of U.S. Highway 67, approximately five miles east of the intersection of U.S. Highway 67 and U.S. Highway 281 in Erath County; 03212; new.

Leonard Smith; Rosharon; Fresno Mobile Home Park wastewater treatment facility; on County Road 739 (Trammel-Fresno Road), approximately two miles north of the intersection of State Highway six and FM Road 521 in Fort Bend County; 12804-01; amendment.

City of Somerville; wastewater treatment facility; adjacent to FM Road 1361, approximately 1/2 mile northeast of the intersection of FM Road 1361 and State Highway 36, east of the City of Somerville in Burleson County; 10371-01; renewal.

Texas Parks and Wildlife Department; Austin; Stephen F. Austin State Park wastewater treatment facility; approximately 4,300 feet north of the intersection of Peach Street and Park Road 38, in the Stephen F. Austin State Park, in Austin County; 10896-01; renewal.

James Traweek; Stephenville; a dairy; adjacent to and south of State Highway 6, approximately 2.5 miles east of the intersection of State Highway 6 and FM Road 219 in Erath County; 03217; new.

Issued in Austin, Texas, on June 15, 1990

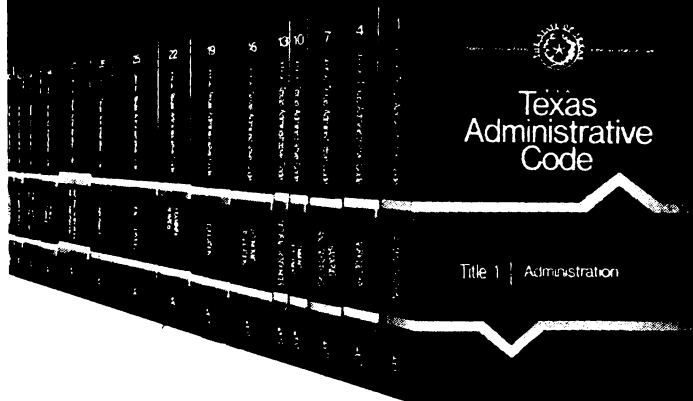
TRD-9006343                    Brenda W. Foster  
   Chief Clerk  
   Texas Water Commission

Filed: June 19, 1990

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