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TEXAS REGISTER

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How to Use the Texas Register

Information Available: The 11 sections of the Texas Register represent various facets of state government. Documents contained within them include

Governor - Appointments, executive orders, and proclamations.

Attorney General - summaries of requests for opinions, opinions, and open records decisions

Secretary of State - opinions based on the election laws.

Texas Ethics Commission - summaries of requests for opinions and opinions

Emergency Rules- sections adopted by state agencies on an emergency basis

Proposed Rules - sections proposed for adoption

Withdrawn Rules - sections withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the Texas Register six months after the proposal publication date

Adopted Rules - sections adopted following a 30-day public comment period.

Tables and Graphics - graphic material from the proposed, emergency and adopted sections

Open Meetings - notices of open meetings

In Addition - miscellaneous information required to be published by statute or provided as a public service.

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

How to Cite: Material published in the Texas Register is referenced by citing the volume in which the document appears, the words "TexReg" and the beginning page number on which that document was published. For example, a document published on page 2402 of Volume 19 (1994) is cited as follows: 19 TexReg 2402

In order that readers may cite material more easily, page numbers are now written as citations. Example: on page 2 in the lower-left hand corner of the page, would be written "19 TexReg 2 issue date," while on the opposite page, page 3, in the lower right-hand corner, would be written "issue date 19 TexReg 3"

How to Research: The public is invited to research rules and information of interest between 8 a.m. and 5 p.m. weekdays at the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brazos, Austin. Material can be found using Texas Register indexes, the Texas Administrative Code, section numbers, or TRI number.

Texas Administrative Code

The Texas Administrative Code (TAC) is the official compilation of all final state agency rules published in the Texas Register. Following its effective date, a rule is entered into the Texas Administrative Code. Emergency rules, which may be adopted by an agency on an interim basis, are not codified within the TAC. West Publishing Company, the official publisher of the TAC, publishes on an annual basis.

The TAC volumes are arranged into Titles (using Arabic numerals) and Parts (using Roman numerals)

The Titles are broad subject categories into which the agencies are grouped as a matter of convenience. Each Part represents an individual state agency. The Official TAC also is available on WESTLAW, West's computerized legal research service, in the TX-ADC database.

To purchase printed volumes of the TAC or to inquire about WESTLAW access to the TAC call West: 1-800-328-9352.

The Titles of the TAC, and their respective Title numbers are

- 1. Administration
4. Agriculture
7. Banking and Securities
10. Community Development
13. Cultural Resources
16. Economic Regulation
19. Education
22. Examining Boards
25. Health Services
28. Insurance
30. Environmental Quality
31. Natural Resources and Conservation
34. Public Finance
37. Public Safety and Corrections
40. Social Services and Assistance
43. Transportation

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

1 indicates the title under which the agency appears in the Texas Administrative Code; TAC stands for the Texas Administrative Code; §27.15 is the section number of the rule (27 indicates that the section is under Chapter 27 of Title 1; 15 represents the individual section within the chapter)

How to update: To find out if a rule has changed since the publication of the current supplement to the Texas Administrative Code, please look at the Table of TAC Titles Affected. The table is published cumulatively in the blue-cover quarterly indexes to the Texas Register (January 21, April 15, July 12, and October 11, 1994). In its second issue each month the Texas Register contains a cumulative Table of TAC Titles Affected for the preceding month. If a rule has changed during the time period covered by the table, the rule's TAC number will be printed with one or more Texas Register page numbers, as shown in the following example.

TITLE 40 SOCIAL SERVICES AND ASSISTANCE
Part I. Texas Department of Human Services
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The Table of TAC Titles Affected is cumulative for each volume of the Texas Register (calendar year).

Update by FAX: An up-to-date Table of TAC Titles Affected is available by FAX upon request. Please specify the state agency and the TAC number(s) you wish to update. This service is free to Texas Register subscribers. Please have your subscription number ready when you make your request. For non-subscribers there will be a fee of \$2.00 per page (VISA, MasterCard). (512) 463-5561.

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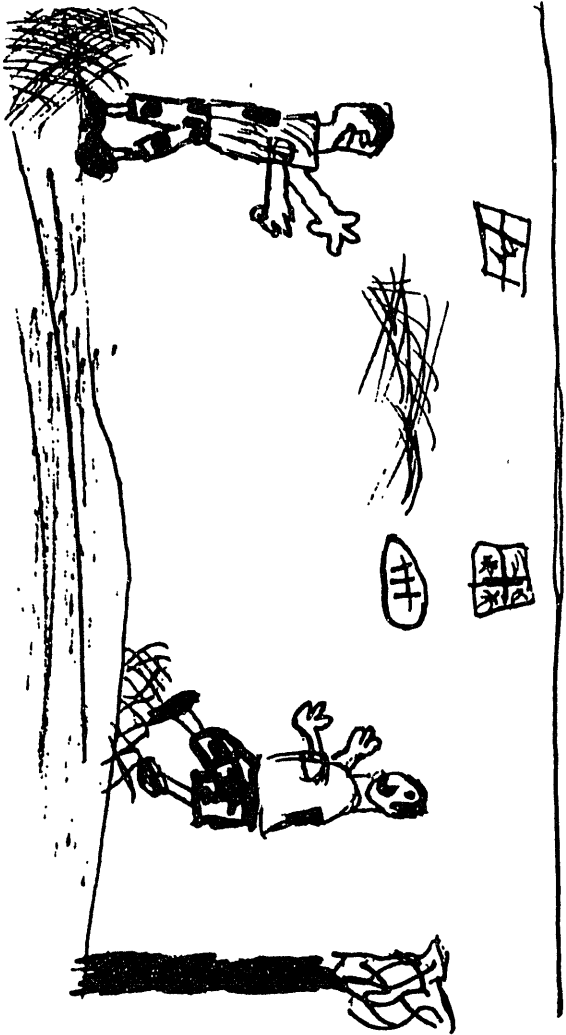
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Name: Jimmy Martinez
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School: Cambridge Elementary, Alamo Heights ISD





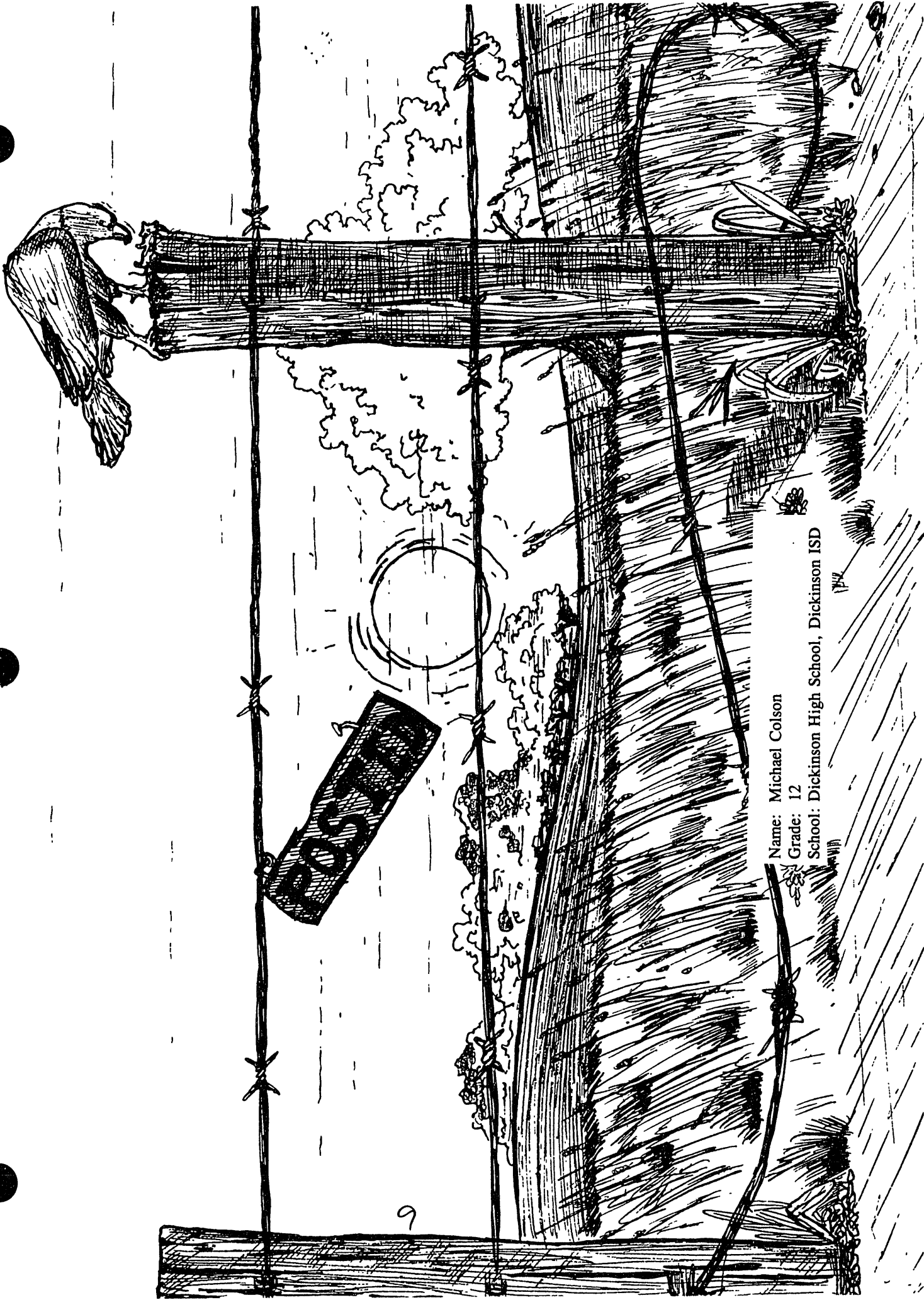
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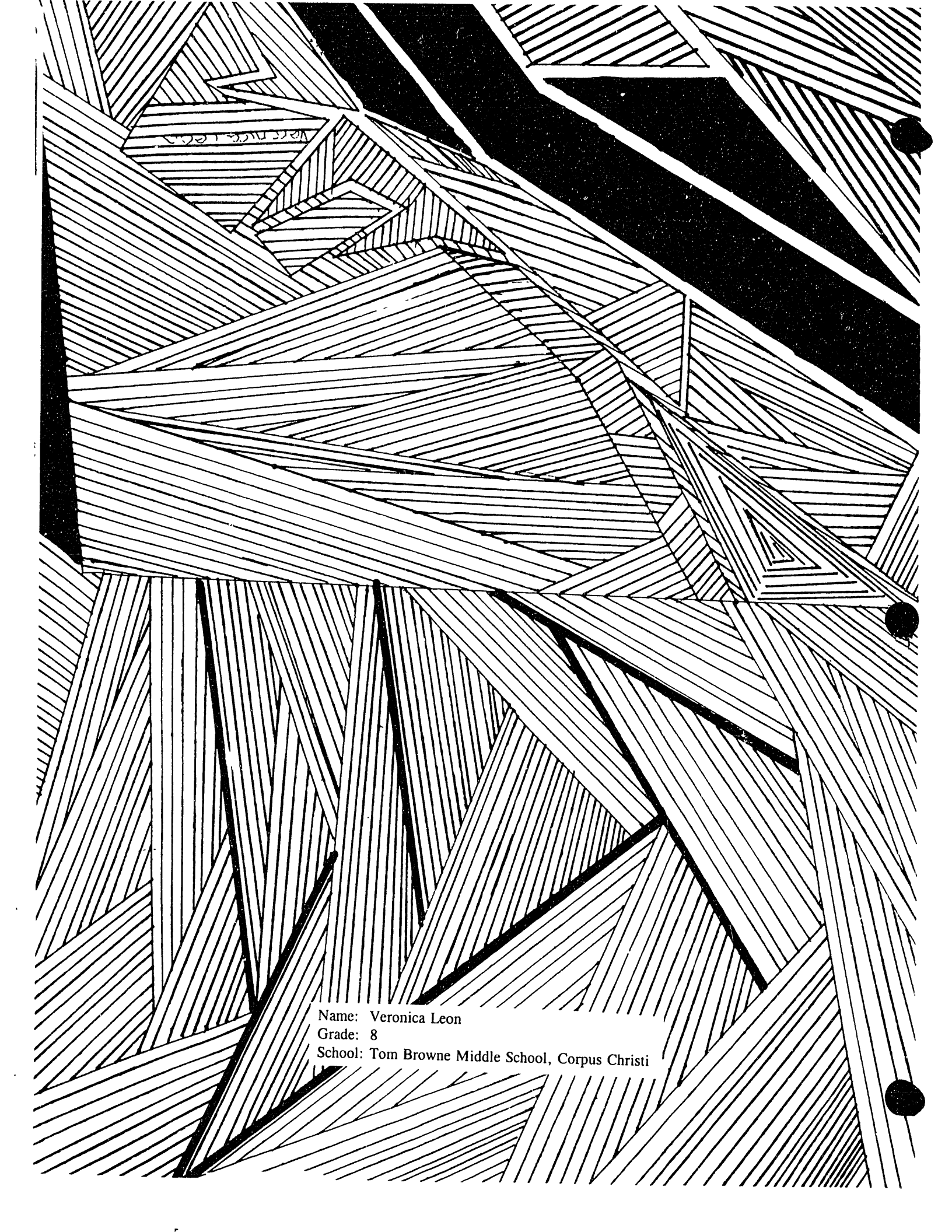
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School: Dickinson High School, Dickinson ISD





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Grade: 12
School: Dickinson High School, Dickinson ISD

1994

An abstract black and white geometric artwork. The composition is filled with overlapping, parallel lines that form various shapes and patterns, creating a sense of depth and movement. The lines are arranged in a way that suggests a complex, multi-layered structure. The background is solid black, which makes the white lines stand out prominently. There are three circular punch holes along the right edge of the page.

Name: Veronica Leon
Grade: 8
School: Tom Browne Middle School, Corpus Christi

ATTORNEY GENERAL

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 may be 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.

Letter Opinions

LO94-87 (ID#-28291). Request from Nancy Braswell, Smith County Auditor, 100 North Broadway, Room 107, Tyler, Texas 75702, concerning whether purchases by Smith County of culverts and road sign components would run afoul of the prohibitions on separating purchases in order to avoid competitive bidding requirements.

Summary of Opinion. Determining whether purchases by Smith County of culverts and road sign components would fall within the prohibitions in Texas Civil Statutes, Article 6702-1, §3.211, or §262.023 of the County Purchasing Act, on the separation of purchases to avoid the competitive bidding requirements would involve questions of fact which cannot be resolved in an attorney general opinion.

TRD-9500389

LO94-88 (RQ-733). Request from Honorable Eugene D. Taylor, Williamson County Attorney, 405 Martin Luther King, Box 3, Georgetown, Texas 78626, concerning whether a county may levy a special tax pursuant to the Human Resources Code, §62.001 for the operation of a juvenile detention facility within the county and related question.

Summary of Opinion. The Human Resources Code, §62.001(c) authorizes a county to levy a special tax to establish and maintain a detention home or parental school for the juveniles of the county pursuant to §62.001(a) or to levy such a tax to pay another county for the proper care and training of its juveniles pursuant to §62.001(b). Of course, the county may not levy a special tax in either case without holding an election on the question in accordance with §62.001(c) and (d). A county may expend the revenues it generates from a special tax it has levied under subsection (c) to fund a contract with a private facility operator for the detention of children within the county.

TRD-9500390

LO94-89 (RQ-627). Request from Jack W. Garison, Executive Director, Texas Department of Licensing and Regulation, P.O. Box 12157, Austin, Texas 78711, concerning whether Texas Civil Statutes, Article 5221f, §18(a) or §17.42(a) of the Business and Commerce Code prohibits a consumer and retailer of a manufactured home from executing an agreement selecting binding arbitration in lieu of the courts as the forum for the resolution of all claims relating to the purchase and occupancy of the manufactured home and related question.

Summary of Opinion. This office is unable to predict whether a court would conclude that an agreement between the retailer of a manufactured home and the purchaser selecting binding arbitration in lieu of the courts as the forum for resolution of all claims relating to the purchase and occupancy of the manufactured home violates Texas Civil Statutes, Article 5221f, §18(a) or §17.42(a) of the Business and Commerce Code. Additionally, we cannot predict whether a court might find that such an arbitration agreement is enforceable under the Federal Arbitration Act, 9 United States Code, Chapter 1.

TRD-9500391

LO94-90 (ID#-26338). Request from Honorable Rayford A. Ratliff, Moore County Attorney, 715 Dumas Avenue, Courthouse, Room 208, Dumas, Texas 79029, concerning whether Moore County Development, Inc., is subject to the Open Meetings Act, Government Code, Chapter 551.

Summary of Opinion. The Moore County Development, Inc., a nonprofit corporation that uses federal grant funds to carry out the purposes of Title IX of the Public Works and Economic Development Act of 1965, is not subject to the Open Meetings Act.

TRD-9500392

LO94-91 (ID#-27566). Request from Honorable Mike Driscoll, Harris County Attorney, 1001 Preston, Suite 634, Houston, Texas 77002-1891, concerning whether the Harris County Commissioners Court may

place a nonbinding referendum on the ballot concerning the age of criminal responsibility.

Summary of Opinion. Absent specific statutory authority permitting it to do so, the Harris County Commissioners Court may not place a non-binding referendum concerning the age of criminal responsibility on the ballot.

TRD-9500393

LO94-92 (ID#-27736). Request from Honorable Tim Cone, Criminal District Attorney, Upshur County Justice Center, 405 North Titus Street, Gilmer, Texas 75644, concerning whether an early voting mail ballot may be sent to an address inside the county in response to a voter's application for such ballot on grounds of absence from the county.

Summary of Opinion. A mail ballot must be mailed to the voter at an address outside the county where the application for the ballot has been made on grounds of absence from the county.

TRD-9500394

LO94-93 (ID#-27765). Request from William L. Cunningham, Chair, Board of Regents, Texas State University System, 333 Guadalupe, Tower III, Suite 810, Austin, Texas 78701-3942, concerning whether the Teacher Retirement System of Texas must credit a Southwest Texas State University faculty member for a mid-year salary increase.

Summary of Opinion. Three percent salary increase awarded five months after a contract has been completed and performed in whole is clearly retroactive and in violation of section 44 of Article III of the Texas Constitution. The Government Code, §822.201 permits the Teacher Retirement System of Texas to exclude the compensation attributable to such an increase from a member's salary and wages when computing benefits.

TRD-9500395

LO94-94 (ID#-25540). Request from Honorable Allen Hightower, Chair, Committee on Corrections, Texas House of Representatives, P.O. Box 2910, Austin, Texas 78768-2910, concerning interpretation of the Civil Practice and Remedies Code, §§75.001-75.003, which limit the liability of landowners, lessees, or occupants of real property who permit recreational use of their land.

Summary of Opinion. The Civil Practice and Remedies Code's, §75.002, reference to an "owner, lessee, or occupant" of real property includes within it all legal entities with a present possessory interest in real property. The limitation of liability in this chapter does not apply to intentional torts, gross negligence, or bad faith. Further, the chapter applies only to owners, lessees, or occupants who either do not charge for entry on the land, or whose total charges do not exceed twice the total amount of ad valorem taxes imposed on the premises for the previous calendar year. Nothing in the chapter would forbid a landowner, as a contractual matter, from requiring his lessee to acquire recreational liability insurance naming the owner as an additional insured.
TRD-9500396

LO94-95 (ID#-29575). Request from Honorable John Whitmire, Chair, Criminal Justice Committee, Texas State Senate, P.O. Box 12068, Austin, Texas 78711, concerning whether the activity known as "horse tripping" is prohibited by the Penal Code, §42.09.

Summary of Opinion. Finding that a person has intentionally engaged in the activity known as "horse tripping" is sufficient to support a conviction for "torturing an animal" under the Penal Code, §42.09(a)(1).
TRD-9500397

LO94-96 (ID#-28648). Request from Jack W. Garrison, Executive Director, Texas Department of Licensing and Regulation, P.O. Box 12157, Austin, Texas 78711, concerning whether the Health and Safety Code, §754.014 authorizes the Texas Department of Licensing and Regulation to adopt standards regulating an elevator that only employees or service contractors use and related questions.

Summary of Opinion. The Health and Safety Code, §754.014(a)(2), which requires the commissioner of licensing and regulation to adopt standards for the installation, alteration, and operation of elevators, escalators, and related equipment, pertains to all elevators, escalators, and related equipment designed to carry any and all individuals in any building other than a private home.
TRD-9500398

LO94-97 (ID#-24416). Request from Honorable Mike Driscoll, Harris County Attorney, 1001 Preston, Suite 634, Houston,

Texas 77002-1891, concerning assessment of fees for filing an involuntary health commitment.

Summary of Opinion. The Local Government Code, §118.052(b) provides that in certain circumstances the county clerk may collect a fee of \$40 for mental health services. However, the clerk is not authorized to collect a fee upon the filing of an application for an involuntary mental health commitment case. In the event that collection is made pursuant to the Local Government Code, §118.052, Article V, §20 of the Texas Constitution prohibits such collection on the basis of a sliding scale.
TRD-9500399

Opinions

DM-310 (RQ-555). Request from Doayne Bailey, Administrator, Texas Alcoholic Beverage Commission, P.O. Box 13127, Austin, Texas 78711-3127, concerning whether the Texas Alcoholic Beverage Code, §5.05(a) prohibits a member of the Texas Alcoholic Beverage Commission from investing money through an investment advisory firm, which, using an unrelated broker, may invest the money in corporations that engage in the sale of alcoholic beverages.

Summary of Opinion. The Texas Alcoholic Beverage Code, §5.05(a) prohibits a member of the Texas Alcoholic Beverage Commission from investing money in any corporation that engages in the sale of alcoholic beverages, even if the member makes the investment through an investment advisory firm. Additionally, §5.05(a) prohibits a member of the Texas Alcoholic Beverage Commission from investing in a corporation whose sole contact with the alcoholic beverage business is through a subsidiary or for which the sale of alcoholic beverages is purely incidental to the corporation's primary business.
TRD-9500386

DM-311 (RQ-690). Request from Lionel R. Meno, Commissioner of Education, Texas Education Agency, 1701 North Congress Avenue, Austin, Texas 78701-1494, concerning whether the offices of county commissioner and public school district trustee are incompatible.

Summary of Opinion. The offices of county commissioner and public school district trustee are incompatible. Attorney General Opinions V-63 (1947) and C-43 (1963) and Letter Opinion Number 92-10 (1992) are overruled to the extent they are inconsistent with this opinion.
TRD-9500387

DM-312 (RQ-693). Request from Honorable Bill Ratliff, Chair, Education Committee, Texas State Senate, P.O. Box 12068, Austin, Texas 78710, concerning whether a

homestead exemption under the Tax Code, §11.13(n) may be adopted by public election pursuant to voter petition in the taxing unit.

Summary of Opinion. There is no provision for the adoption of homestead exemptions under Tax Code, §11.13(n), by public election in a taxing unit. Said exemptions are adopted by action of the taxing unit's governing body.
TRD-9500388

Requests for Opinions

RQ-764. Request from Todd K. Brown, Executive Director, Texas Workers' Compensation Commission, 4000 South IH-35, Austin, Texas 78704-7491, concerning effect of Family Code, §14.52, which bars delinquent child support obligors from receiving state grants or loans or bidding on state contracts.

RQ-765. Request from Honorable Mike Driscoll, Harris County Attorney, 1001 Preston, Suite 624, Houston, Texas 77002-1891, concerning disposition of cases involving a 17-year old who is charged with committing a Class C misdemeanor.

RQ-766. Request from Larry A. Farrow, Executive Director, Texas Funeral Services Commission, 8100 Cameron Road, Suite 550, Austin, Texas 78754-3896, concerning whether a "complaint review committee" created by the Texas Funeral Services Commission is a "governmental body" for purposes of the Open Meetings Act, Government Code, §§551.001, et seq.

RQ-767. Request from Honorable Fred Hill, Chair, Committee on Urban Affairs, Texas House of Representatives, P.O. Box 2910, Austin, Texas 78768-2910, concerning applicability of Article XVI, §1, Texas Constitution, which prescribes the form of official oaths, to employees of police departments of a home rule city.

RQ-768. Request from Leonard W. Peck, Jr., Assistant General Counsel, Legal Affairs Division, Texas Department of Criminal Justice, P.O. Box 99, Huntsville, Texas 77342-0099, concerning availability under the Open Records Act and Article 42.18, §18 of the Code of Criminal Procedure of the identity of parolees who are on annual-report status in Harris County.

RQ-769. Request from William H. Cunningham, Chair, Board of Regents, The University of Texas System, 201 West Seventh Street, Austin, Texas 78701-2981, Attention: W. O. Shultz II, General Attorney and Associate General Counsel, concerning whether the board of regents of a state university may waive certain fees for particular students or groups of students, and related questions.
TRD-9500385

PROPOSED RULES

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 action is 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 action, 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 13. CULTURAL RESOURCES

Part II. Texas Historical Commission

Chapter 19. Texas Main Street Project

• 13 TAC §19.6

The Texas Historical Commission proposes an amendment to §19.6, concerning the Urban Main Street Program. The Urban Main Street Program was begun in 1989 to respond to requests for assistance from cities over 50,000 population. Although a three year commitment is necessary for the small Main Street city program, it is necessary to have a commitment for the fourth and fifth year to succeed in the Urban Main Street program.

Anice Read, director, Main Street Program, Texas Historical Commission, has determined that for the first five-year period the rule is in effect there will be fiscal implications as a result of enforcing or administering the rule. The effect on state government for the first year in 1996 is \$7,500, 1997-\$2,500, 1998-\$1,500, 1999-\$1,500, and 2,000-\$1,500. There will be no effect on local government.

Mrs. Read also has determined that for the first five years the rule is in effect the public benefit anticipated as a result of enforcing the rule will be the success of the urban main street cities. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the rule as proposed.

Comments may be submitted to Cindy Laguna Dally, Administrative Assistant, Texas Historical Commission, 1511 Colorado Street, or P.O. Box 12276, Austin, Texas 78711-2276.

The amendment is proposed under Texas Government Code, Chapter 442, §442.005(q), which provides the Texas Historical Commission the authority to promulgate rules it considers proper for the effective administration of Chapter 442, Texas Government Code.

The Government Code, Chapter 442 is affected by the proposed amendment.

§19.6. *Qualification as an Urban Main Street Program.*

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

(c) The local program must be established by resolutions of support passed by the City Council and the co-sponsoring non-profit organization. This resolution must indicate financial and staff support for five [three] years for a local Main Street program.

(d)-(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 January 9, 1995.

TRD-9500277

Curtis Tunnell
Executive Director
Texas Historical
Commission

Earliest possible date of adoption: February 17, 1995

For further information, please call: (512) 463-5768

TITLE 22. EXAMINING BOARDS

Part IV. Texas Cosmetology Commission

Chapter 89. General Rules and Regulations

• 22 TAC §§89.4, 89.5, 89.54

The Texas Cosmetology Commission proposes amendments to §89.4 and §89.54 and new §89.5, concerning cosmetology instructor on duty; specialty instructor on duty; and independent contractor/booth rental license.

Dick Strader, Executive Director, Texas Cosmetology Commission, has determined that for the first five-year period the rules are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the rules.

Mr. Strader also has determined that for each year of the first five years the rules are in effect, the public benefit anticipated as a re-

sult of enforcing the rules will be to ensure that all certificate holders and licensees comply with the requirements of the rules of the commission. There will be no effect on small businesses. There is no anticipated economic costs to persons who are required to comply with the rules as proposed.

Comments on the proposals may be submitted to Dick Strader, Texas Cosmetology Commission, P.O. Box 26700, Austin, Texas 78755-0700.

The amendments and new section are proposed under Texas Civil Statutes, Article 8451a, §4(a), which provide the Texas Cosmetology Commission with the authority to "issue rules consistent with this Act after a public hearing", to protect the public's health and welfare.

Texas Civil Statutes, Article 8451a, is affected by these proposed amendments and new section.

§89.4. *Cosmetology Instructor on Duty.*

(a) (No change.)

(b) Private cosmetology schools shall maintain on staff and on duty during normal business hours, not less than two full-time instructors to a maximum of 50 students in attendance. One instructor is sufficient whenever student enrollment drops below 15. One instructor will be required for each additional 25 students, or part thereof, in attendance over 50. Speciality licensed instructors can only teach the subject matter in which they are licensed.

(1) The speciality licensed instructor shall be considered when determining the student teacher ratio in this section.

(2) When enrollment in the operator course exceeds 25 students there must be two cosmetology instructors:

(A) Enrollment 0-14, one cosmetology instructor required;

(B) Enrollment 15-25, one cosmetology instructor and one full-time licensed instructor in any speciality area required;

(C) Enrollment 26-50, two cosmetology instructors required;

(D) 51 or above, one cosmetology instructor for each each 25 students or part thereof (Cosmetology instructor as defined in §89.15(b) of this title (relating to Definitions of License Authorizations)).

(c)-(g) (No change.)

(h) Private cosmetology schools may utilize their licensed Cosmetology Instructors to instruct in the areas of the Manicure Specialty course or Facial Specialty course without violating §89.5(1)(a) or (b) and (2)(a) or (b) of this title (relating to Specialty Instructor on Duty).

§89.5. Specialty Instructor on Duty.

(a) Manicure Specialty Instructor.

(1) Private cosmetology schools shall maintain on staff and on duty during normal business hours not less than one full time Manicure Specialty Instructor, to a maximum of 15 manicure students. One instructor will be required for each additional 15 manicure students, or part thereof.

(2) Schools conducting evening classes for students other than those enrolled during normal business hours shall maintain the instructor-student ratio described in this subsection. The evening class instructor-student ratio is based upon actual attendance without regard to actual enrollments.

(3) Private cosmetology schools may utilize their licensed Cosmetology Instructors to instruct in the areas of Manicure Specialty course without violating this section.

(b) Facial Specialty Instructor.

(1) Private cosmetology schools approved to teach the Facial Specialty course shall maintain on staff and on duty during normal business hours, not less than one full time Facial Specialty Instructor, to a maximum of 15 facial students. One instructor will be required for each additional 15 facial students, or part thereof.

(2) Schools conducting evening classes for students other than those enrolled during normal business hours shall maintain the Instructor-student ratio described in subsection (a) of this section. The evening class instructor-student ratio is based upon actual attendance without regard to actual enrollments.

(3) Private cosmetology schools may utilize their licensed Cosmetology Instructors to instruct in the areas of Facial Specialty course without violating this section.

§89.54. Independent Contractor/Booth Rental License.

(a) To qualify as an independent contractor, an applicant must make application for a booth rental salon license and have an area clearly defined that is his/her responsibility as far as sanitation is concerned.

(1) Independent contractor in a cosmetology salon requirements:

(A) one work station;

(B) one styling chair;

(C) one wet disinfectant soaking container;

(D) one dry storage container for disinfected implements;

(E) covered trash container.

(2) Independent contractor in a facial salon:

(A) one facial couch and facial chair;

(B) one wet disinfectant soaking container;

(C) one dry storage container for disinfected implements;

(D) one mirror, wall hung, or one hand held mirror;

(E) covered trash can.

(3) Independent contractor in a manicure salon:

(A) one manicure table with light;

(B) one manicure stool;

(C) one professional type chair;

(D) one wet disinfectant soaking container;

(E) one dry storage container for disinfected implements;

(F) covered trash can.

(b) (No change.)

(c) To qualify as an independent contractor the following guidelines apply:

(1) any person licensed by the Texas Cosmetology Commission, responsible for reporting their own taxes (IRS), social security taxes, unemployment taxes (TEC), or any other self employment taxes must obtain an independent contractor/booth rental license [Independent contractor does not pay a percentage of his/her income to the lessor];

(2)-(6) (No change.)

(d)-(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 January 11, 1995.

TRD-8500404

Dick G. Strader
Executive Director
Texas Cosmetology
Commission

Earliest possible date of adoption: February 17, 1995

For further information, please call: (512) 454-4874

Part XII. Board of Vocational Nurse Examiners

Chapter 231. Administration

General Practice and Procedure

• 22 TAC §§231.17, 231.20, 231.32, 231.50

The Board of Vocational Nurse Examiners proposes amendments to §§231.17, 231.20, and 231.32; and new §231.50. The amendments are proposed to clarify language and bring the sections up to date. Section 231.50 is proposed to comply with House Bill 1009, §5, Acts of the 73rd Legislature.

Marjorie A. Bronk, executive director, has determined that for the first five year period the rules are in effect, there will be no fiscal implication for state or local government as a result of enforcing or administering the rules as such charges set forth in §231.50 were already in effect prior to the requirement to adopt such a rule.

Mrs. Bronk also has determined that for each year of the first five years the rules are in effect the public benefit anticipated as a result of enforcing the rules will be clarification of the rules and information as to the cost of obtaining public records. There will be some cost recovery through fees obtained.

Comments on the proposed amendments may be submitted to Marjorie A. Bronk, R.N., M.S.H.P., Executive Director, Board of Vocational Nurse Examiners, 9101 Burnet Road, Suite 105, Austin, Texas 78758, (512) 835-2071.

The amendments and new section are proposed under Texas Civil Statutes, Article 4528c, §5(g), which provide the Board of Vocational Nurse Examiners with the authority to make such rules and regulations as may be necessary to carry in effect the purposes of the law.

No other statute, article or code will be affected by this proposal.

§231.17. *President of the Board.* The President shall be the Executive Officer of the Board. [The president shall approve and co-sign all vouchers for disbursements in the absence of the Secretary-Treasurer.] The President may exercise executive authority in the following instances:

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

§231.20. *Secretary-Treasurer of the Board.* The Secretary-Treasurer shall verify, by signature, the minutes of all Board Meetings [The Secretary-Treasurer shall record the minutes of each meeting; keep a register of the names of all nurses licensed under the Vocational Nurse Act; and keep the books of account of fees received and disbursements with the approval of the Board.]

§231.32. *Record of Meeting.* The Secretary-Treasurer shall verify [keep a record of] all minutes meetings of the board and they [such records] shall be retained as a permanent record of the transactions of the Board. A copy of the minutes of each meeting shall be filed with the Texas State Library.

§231.50. *Charges for Providing Copies of Public Information.* The charges for providing copies of public information are as follows:

- (i) Standard-Size Paper Copies .10/page;
- (2) Diskettes 1.00 each;
- (3) Magnetic Tape \$10 00 each;
- (4) Other Actual Cost;
- (5) Personnel Charges \$15/hour;
- (6) Overhead Charges 20% of Total Personnel Charges;
- (7) Computer Resource Charges 17.50/minute;
- (8) Programming Time \$26/hour;
- (9) Posting/Shipping Charges Actual Cost.

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 January 9, 1995.

TRD-9500315 Marjorie A. Bronk
Executive Director
Board of Vocational Nurse
Examiners

Earliest possible date of adoption: February 17, 1995

For further information, please call: (512) 835-2071

Chapter 233. Education

The Board of Vocational Nurse Examiners proposes amendments to §233.1, concerning Definitions, §233.26, concerning Clinical Facility, and §233.71, concerning System of Grading. Rule 233.1 is amended to provide a definition for Director Affidavit as it is required in the application for licensure by examination and endorsement. Rule 233.26 is being amended to clarify that clinical facilities do not require a survey visit or board approval as it is not cost effective or necessary for programs other than newly approved programs.

Marjorie A. Bronk, executive director, has determined that for the first five year period the rules are in effect, there will be no fiscal implication for state or local government as a result of enforcing or administering the rules.

Mrs. Bronk also has determined that for each year of the first five years the rules are in effect, there is no anticipated public benefit. There will be no effect on small business. There is no anticipated economic cost to persons who are required to comply with the rules as proposed.

Comments on the proposed amendments may be submitted to Marjorie A. Bronk, R.N., M.S.H.P., Executive Director, Board of Vocational Nurse Examiners, 9101 Burnet Road, Suite 105, Austin, Texas 78758, (512) 835-2071.

General Provisions

• 22 TAC §233.1

The amendment is proposed under Texas Civil Statutes, Article 4528c, §5(g), which provide the Board of Vocational Nurse Examiners with the authority to make such rules and regulations as may be necessary to carry in effect the purposes of the law.

No other statute, article or code will be affected by this proposal.

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

Director Affidavit—An official board form containing an approved nursing program's curriculum components and hours, a statement attesting to an applicant's qualifications for vocational nurse licensure in Texas, the official school seal and the signature of the nursing program director.

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 January 9, 1995.

TRD-9500316 Marjorie A. Bronk
Executive Director
Board of Vocational Nurse
Examiners

Earliest possible date of adoption: February 17, 1995

For further information, please call: (512) 835-2071

Operation of a Vocational Nursing Program

• 22 TAC §233.26

The amendment is proposed under Texas Civil Statutes, Article 4528c, §5(g), which provide the Board of Vocational Nurse Examiners with the authority to make such rules and regulations as may be necessary to carry in effect the purposes of the law.

No other statute, article or code will be affected by this proposal.

§233.26. *Clinical Facility.* The board office must be notified and approval given prior to beginning a new clinical affiliation. A hospital cannot affiliate with more than one vocational nursing program for all major areas. Clinical facilities that do not require approval [a survey visit] prior to affiliations are clinics, day care centers, physicians' offices, geriatric centers, and psychiatric hospitals.

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 January 9, 1995.

TRD-9500317 Marjorie A. Bronk
Executive Director
Board of Vocational Nurse
Examiners

Earliest possible date of adoption: February 17, 1995

For further information, please call: (512) 835-2071

Vocational Nursing Education Standards

• 22 TAC §233.71

The amendment is proposed under Texas Civil Statutes, Article 4528c, §5(g), which provide the Board of Vocational Nurse Examiners with the authority to make such rules and regulations as may be necessary to carry in effect the purposes of the law.

No other statute, article or code will be affected by this proposal.

§233.71. *System of Grading.* A licensing application indicating a grade of less than a "C" [or less than 70%] on any subject equivalent to the specific provisions of curriculum requirements, §233.58 (d) of this title (relating to Curriculum Requirements), shall not be accepted.

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 January 9, 1995.

TRD-9500318 Marjorie A. Bronk
Executive Director
Board of Vocational Nurse
Examiners

Earliest possible date of adoption: February 17, 1995

For further information, please call: (512) 835-2071

Chapter 239. Contested Case Procedure

The Board of Vocational Nurse Examiners proposes amendments to §§239.1, 239.11, 239.22, 239.24, 239.25, 239.33, and 239.53 and new §239.18 and §239.19. The rules are amended for clarification and to substitute Texas Government Code for Administrative Procedure and Texas Register Act and Texas Civil Statutes, Article 6252-13a. New §239.18 addresses penalties and sanctions the board may impose and §239.19 addresses the fines the board has authority to assess.

Marjorie A. Bronk, executive director, has determined that for the first five year period the rules are in effect, there will be no fiscal implication local government as a result of enforcing or administering the rules. The fiscal implication to state government would be an increase in revenue from the collection of fines.

Mrs. Bronk also has determined that for each year of the first five years the rules are in effect there is no public benefit anticipated as a result of enforcing the rules. There will be no effect on small businesses. The anticipated economic cost to persons who are required to comply with the rules as proposed would be the amount of fines they would have to pay.

Comments on the proposed rules may be submitted to Marjorie A. Bronk, R.N., M.S.H.P., Executive Director, Board of Vocational Nurse Examiners, 9101 Burnet Road, Suite 105, Austin, Texas 78758, (512) 835-2071.

Definitions

• 22 TAC §239.1

The amendment is proposed under Texas Civil Statutes, Article 4528c, §5(g), which provide the Board of Vocational Nurse Examiners with the authority to make such rules and regulations as may be necessary to carry in effect the purposes of the law.

No statute, article or code will be affected by the proposal.

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

Administrative Law Judge (ALJ)—A person who presides at an administrative hearing held under Texas Government Code, Chapter 2001. [the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a.]

APA—The Administrative Procedure Act, Texas Government Code, Chapter 2001.

[APTRA—The Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a.]

Disciplinary Action—Imposition of a sanction by the board which may include a monetary fine, reprimand, suspension, pro-

bation of suspension or revocation of a license.

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 January 9, 1995.

TRD-9500319

Marjorie A. Bronk
Executive Director
Board of Vocational Nurse
Examiners

Earliest possible date of adoption: February 17, 1995

For further information, please call: (512) 835-2071

Enforcement

• 22 TAC §§239.11, 239.18, 239.19

The amendment and new sections are proposed under Texas Civil Statutes, Article 4528c, §5(g), which provide the Board of Vocational Nurse Examiners with the authority to make such rules and regulations as may be necessary to carry in effect the purposes of the law.

No statute, article or code will be affected by the proposal.

§239.11. Unprofessional Conduct.

(a) Unprofessional or dishonorable conduct, likely to deceive, defraud or injure the public may include the following described acts or omissions:

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

(10) practicing as a vocational nurse while the individual's ability to practice is impaired by alcohol, drugs, physical or mental disability and/or testing positive for alcohol or other substances not prescribed, while on duty;

(11)-(26) (No change.)

(27) failing to conform to the minimal standards of acceptable prevailing practice, regardless of whether or not actual injury to any person was sustained, including but not limited to:

(A)-(G) (No change.)

(H) leaving a nursing assignment while being the only licensed professional on the premises or leaving an assignment without notifying another on duty licensed medical professional [one's immediate supervisor];

(I)-(K) (No change.)

(28)-(29) (No change.)

(b) (No change.)

§239.18. Penalties and Sanctions. If the Board finds that a person has violated any of the provisions of the Vocational Nurse Act, or a rule or Order of the Board, the

Board may impose one or more of the following:

- (1) issue a warning;
- (2) administer a public reprimand;
- (3) suspend a license;
- (4) probate the suspension of a license;
- (5) revoke a license;
- (6) require the vocational nurse to submit to care, counseling or treatment;
- (7) require the vocational nurse to participate in a program of education or counseling;
- (8) require the vocational nurse to practice under the supervision of a licensed medical professional; or
- (9) assess a monetary fine.

§239.19. Schedule of Fines. In disciplinary matters, the board shall assess a monetary fine in the circumstances and amounts as described.

(1) The following violations shall be subject to a fine with or without additional stipulations:

(A) practice on a delinquent license for more than six months but less than two years:

(i) first occurrence: \$100;

(ii) subsequent occurrence: \$250;

(B) practice on a delinquent license for two to four years:

(i) first occurrence: \$250;

(ii) subsequent occurrence: \$500;

(C) practice on a delinquent license over four years: \$500, plus \$100 for each year over four years, not to exceed \$1,000 accrued amount;

(D) failure to comply with Continuing Education requirements:

(i) first occurrence \$100;

(ii) subsequent occurrence: \$250.

(2) Mitigating circumstances can be taken into account in varying the fines, subject to the Board's discretion.

(3) Fines shall be payable in full by cashier's check or money order not later than the 30th day after the date the Board's order is final.

(4) The payment of a fine shall be in addition to the full payment of all applicable fees and satisfaction of all other

applicable requirements of the Vocational Nurse Act and Board Rules.

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 January 9, 1995.

TRD-9500320

Marjorie A. Bronk
Executive Director
Board of Vocational Nurse
Examiners

Earliest possible date of adoption: February 17, 1995

For further information, please call: (512) 835-2071

Hearings Process

- 22 TAC §§239.22, 239.24, 239.25, 239.33

The amendments are proposed under Texas Civil Statutes, Article 4528c, §5(g), which provide the Board of Vocational Nurse Examiners with the authority to make such rules and regulations as may be necessary to carry in effect the purposes of the law.

No statute, article or code will be affected by the proposal.

§239.22. *Witness Fees and Expenses.* A witness who is not a party to the proceeding and who is subpoenaed to appear at a deposition or hearing or to produce documents, records, or other tangible things, shall receive reimbursement for expenses incurred in complying with the subpoena. Reimbursement shall be based on the minimum set forth in the Administrative Procedure [and Texas Register] Act (APA) or the State of Texas Travel Allowance Guide issued by the Comptroller of Public Accounts, whichever is greater. Said amount shall be paid by the party at whose request the witness is subpoenaed.

§239.24. *Hearings.* All hearings on complaints and applications for reinstatement filed with the agency shall be conducted as contested case proceedings under the Administrative Procedure [and Texas Register] Act (APA) [APTRA], and shall be held in Travis County as the county of the Board's residence.

§239.25. *Proposals for Decision.* In a contested case heard by an Administrative Law Judge (ALJ), a proposal for decision shall be rendered as set forth in the Administrative Procedure [and Texas Register] Act. At anytime, the proposal for decision may be adopted by written order of the board, unless exceptions and briefs shall have been filed in the manner required by §239.26 of this title (relating to Filing of Exceptions, Briefs and Replies). If deemed warranted, the ALJ may direct a party to draft and submit a proposal for decision which shall include proposed findings of

fact and a concise and explicit statement of the underlying facts supporting such proposed findings developed from the record.

§239.33. *Release of Information.*

(a) A complaint and investigation concerning a licensee/applicant and all information and materials compiled by the board in connection with a complaint and investigation are confidential and not subject to disclosure under Texas Government Code Annotated, Chapter 552-Open Records [Chapter 424, Acts of the 63rd Legislature, Regular Session, 1973 (Article 6252-17a, Vernon's Texas Civil Statutes.) and not subject to disclosure, subpoena, or other means of legal compulsion for their release to anyone other than the board or its employees or agents involved in licensee discipline except that this information may be disclosed to:

(1) the nurse being investigated and/or his or her authorized representative [attorney];

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

(4) peer assistance programs approved by the board under the Health and Safety Code, Chapter 467 [Chapter 701, Acts of the 69th Legislature, Regular Session, 1985 (Texas Civil Statutes, Article 5561c-3)];

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

(b) The filing of formal charges against a licensee/applicant by the board, the nature of those charges, disciplinary proceedings of the board, and final disciplinary actions, including warnings and reprimands, by the board are not confidential and are subject to disclosure in accordance with Texas Government Code, Chapter 552-Open Records [Chapter 424, Acts of the 63rd Legislature, Regular Session, 1973 (Texas Civil Statutes, Article 6252-17a)].

(c) (No change.)

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

Issued in Austin, Texas, on January 9, 1995.

TRD-9500321

Marjorie A. Bronk
Executive Director
Board of Vocational Nurse
Examiners

Earliest possible date of adoption: February 17, 1995

For further information, please call: (512) 835-2071

Reinstatement Process

- 22 TAC §239.53

The amendment is proposed under Texas Civil Statutes, Article 4528c, §5(g), which provide the Board of Vocational Nurse Examiners with the authority to make such rules and

regulations as may be necessary to carry in effect the purposes of the law.

No statute, article or code will be affected by the proposal.

§239.53. *Procedure Upon Request for Reinstatement.*

(a) (No change.)

(b) An applicant who fails to personally appear at a prehearing conference, or who fails to reach an agreed settlement at a prehearing conference, must personally appear at an administrative hearing.

(c)[(b)] Upon submission of proof of past revocation or suspension of the applicant's license, the applicant has the burden of proof to show present fitness and/or rehabilitation to practice vocational nursing.

(d)[(c)] Where the applicant's license has been revoked, suspended or voluntarily surrendered based on a finding, admission or allegation that the applicant was unfit to practice vocational nursing by reason of intemperate use of alcohol or drugs, misappropriation of controlled substances, an adjudication of mental incompetence, the existence of any mental disorder, or a conviction of a [violent] crime of a violent or sexual nature; the applicant must submit a written psychiatric or psychological evaluation and a written medical evaluation. Said evaluations shall be obtained at the applicant's expense and forwarded directly to the agency by the examiner. The psychiatric or psychological evaluation must be prepared by a licensed psychiatrist or psychologist and the medical evaluation must be prepared by a licensed physician. Said reports shall include such information as the agency may specifically require with notice to the applicant.

(e)[(d)] Upon receipt of a written request for reinstatement as required by §239.51 of this title (relating to Application for Reinstatement of License) and all information required by subsection (d) [(c)] of this section, the applicant will be notified of a date and time of their personal appearance at a prehearing conference or administrative hearing.

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 January 9, 1995.

TRD-9500322

Marjorie A. Bronk
Executive Director
Board of Vocational Nurse
Examiners

Earliest possible date of adoption: February 17, 1995

For further information, please call: (512) 835-2071

Part XXIX. Texas Board of Professional Land Surveying

Chapter 663. Standards of Responsibility and Rules of Conduct

Professional and Technical Standards

• 22 TAC §663.19

The Texas Board of Professional Land Surveying proposes an amendment to §663.19, concerning plats/descriptions/reports and further clarifies how boundary monuments found or placed by the surveyor shall be described upon the survey plat.

Sandy Smith, executive director, Texas Board of Professional Land Surveying, has determined that for the first five-year period the amendment is in effect there will be no fiscal implications for state or local governments as a result of enforcing or administering the amendment.

Ms. Smith also has determined that for the first five-year period the amendment is in effect the public benefit anticipated as a result of enforcing the amendment will be all work conforming to the definition of surveying, as defined by the Act, will be required to adhere to minimum standards, thus providing the public with a better surveying product. There will be no effect on small or large businesses. There are no anticipated economic costs to persons who are required to comply with the amendment.

Comments may be submitted to Sandy Smith, Texas Board of Professional Land Surveying, 7701 North Lamar Boulevard, Suite 400, Austin, Texas 78752.

The amendment is proposed under Texas Civil Statutes, Article 5282c, §9, which provide the Texas Board of Professional Land Surveying with the authority to make and enforce all reasonable and necessary rules, regulations and bylaws not inconsistent with the Texas Constitution, the laws of this state and this Act.

The Texas Civil Statutes, Article 5282c, is affected by this proposed amendment.

§663.19. Plat/Description/Report. For the purposes of these rules the word "report" shall mean any or all of the following survey plat, descriptions or separate narratives.

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

(6) Boundary monuments found or placed by the surveyor shall be described upon the survey plat, noting [including] those controlling monuments to which the boundary location is [survey may be] referenced. The surveyor shall note upon the survey plat which monuments were found and which monuments were placed as a result of his/her survey.

(7)-(9) (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 January 10, 1995.

TRD-9500364

Sandy Smith
Executive Director
Texas Board of
Professional Land
Surveying

Earliest possible date of adoption: February 17, 1995

For further information, please call: (512) 452-9427

TITLE 28. INSURANCE

Part I. Texas Department of Insurance

Chapter 7. Corporate and Financial Regulation

Subchapter A. Examination and Corporate Custodian and Tax

• 28 TAC §7.11

The Commissioner of Insurance of the Texas Department of Insurance proposes an amendment to §7.11, concerning the National Association of Insurance Commissioners Examiners Handbook. The amendment to §7.11 clarifies which version of the NAIC Examiners Handbook has been officially adopted by reference by the Texas Department of Insurance. The amendment to §7.11 is proposed to comply with a newly enacted provision of the Insurance Code, Article 1.27, which recites that the Department may not require an insurer to comply with any rule, regulation, directive, or standard adopted by the National Association of Insurance Commissioners unless it is expressly authorized by and approved by the Commissioner. The amendment will allow interested persons notice and opportunity for a hearing if the Department proposes to adopt a particular version of the NAIC Examiners Handbook.

This amendment to §7.11 is proposed as part of Title 28 Part 1, Chapter 7, Subchapter A, relating to the general provisions for examinations and reporting requirements for insurance entities.

A. W. Pogue, associate commissioner for the financial division, has determined that for each year of the first five years the amendment is in effect there will be no fiscal implications for state and local governments as the result of administering this section. There is no anticipated additional effect on local employment or the local economy, reduction in costs to local governments, or loss or increase in revenue to the state or local governments as a result of administering and enforcing the proposed amendment.

Mr. Pogue also has determined that for each year of the first five years the amendment is in effect there will be no anticipated economic cost to persons who must comply with the amendment. Mr. Pogue also determined the public benefit resulting from administration of the proposed section will be the ability to receive notice and opportunity for a hearing if

the Department proposes to adopt a particular version of the NAIC Examiners Handbook.

Comments on this proposal must be submitted in writing within 30 days after publication of this section in the *Texas Register* to the Chief Clerk of the Texas Department of Insurance, Mail Code 113-2A, P.O. Box 149104, Austin, Texas 78714-9104, with a copy to A. W. Pogue, Associate Commissioner of Financial, Mail Code 305-2A, P.O. Box 149104, Austin, Texas 78714-9104. A request for public hearing on the amended section should be submitted separately to the Office of the Chief Clerk.

The amendment is proposed pursuant to the Insurance Code, Article 1.03A. Article 1.03A authorizes the Commissioner of Insurance to promulgate and adopt rules and regulations for the conduct and execution of duties and functions by the Department.

The proposed rule affects Insurance Code, Article 1.27.

§7.11. National Association of Insurance Commissioners Examiners Handbook. [Except as may be provided by law or where the board has adopted rules which provide otherwise for the examination of insurers licensed in this state, the National Association of Insurance Commissioners Examiners Handbook and its amendments may be used as a resource manual by the State Board of Insurance when conducting examinations of insurers licensed in Texas.]

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

(1) Commissioner-The Commissioner of Insurance.

(2) Department-The Texas Department of Insurance.

(3) NAIC-The National Association of Insurance Commissioners.

(b) The Commissioner adopts by reference the NAIC Examiners Handbook (March, 1994) as the standard for the Department when conducting statutory examinations and rehabilitations of insurers licensed in Texas, except where otherwise provided by law or where the Commissioner has adopted rules which provide otherwise. Whenever the Examiners Handbook is referred to by statute or rule it shall mean the reference version of the NAIC Examiners Handbook cited in this section unless specifically stated otherwise.

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 January 11, 1995.

TRD-9500427

D. J. Powers
Chief Clerk and General
Counsel
Texas Department of
Insurance

Earliest possible date of adoption: February 17, 1995

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

TITLE 30. ENVIRONMENTAL QUALITY

Part I. Texas Natural Resource Conservation Commission

Chapter 114. Control of Air Pollution From Motor Vehicles

• 30 TAC §114.13

The Texas Natural Resource Conservation Commission (TNRCC or Commission) proposes an amendment to §114.13, concerning Oxygenated Fuels. The amendment is in response to a petition for rulemaking filed by Exxon Company, U.S.A.

Exxon asserts that the changes to §114.13(f) will reduce administrative costs for the company and others providing oxygenated fuels in El Paso. The current rule states that from October 1 to March 31, gasoline pumps dispensing oxygenated gasoline shall display a legible and conspicuous label with the following statement: "The gasoline dispensed from this pump is oxygenated and will reduce carbon monoxide from motor vehicles." The proposed amendment would allow owners of pumps dispensing oxygenated gasoline to add the relevant dates to the required label in order to eliminate the need to remove the label during months in which oxygenated gasoline is not dispensed.

Stephen Minick, Strategic Planning and Appropriations Division, TNRCC, 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 as a result of enforcing or administering the section.

Mr. Minick 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 reductions in procedural requirements affecting fuel facility operators, decreased administrative costs of compliance with labeling regulations for gasoline pumps, and more cost-effective administration of air quality programs. Adoption of the section as proposed will result in potential cost savings for businesses, many of which are small businesses. The cost savings for any size business will be in direct proportion to the number of fuel pumps owned or operated by a business in the area subject to the section. There is no anticipated economic cost to any other persons who are required to comply with the section as proposed.

A public hearing on the proposal will be held February 16, 1995 at 10:00 a. m. in Room 365 of TNRCC Building E, located at 12118 North IH-35, Park 35 Technology Center, Austin. The hearing is structured for the receipt of oral or written comments by interested persons. Individuals may present oral statements when called upon in order of reg-

istration. Open discussion within the audience will not occur during the hearing; however, a TNRCC staff member will be available to discuss the proposal 30 minutes prior to the hearing and will answer questions before and after the hearing.

Written comments not presented at the hearing may be submitted to the TNRCC central office in Austin through February 17, 1995. Material received by the TNRCC Office of Policy and Regulatory Development by 4:00 p.m. on February 17, 1995 will be considered by the Commission prior to any final action on the proposal. Please mail written comments to Lisa Martin, Office of Policy and Regulatory Development, P.O. Box 13087, Austin, Texas 78711-3087. Copies of the revision are available at the central office of the TNRCC located at 12118 North IH-35, Park 35 Technology Center, Building E, Austin, and at all TNRCC regional offices. For further information, contact Dr. Basil Ubanwa at (512) 239-1473.

Persons with disabilities who have special communication or other accommodation needs who are planning to attend the hearing should contact the agency at (512) 239-1459. Requests should be made as far in advance as possible.

The amendment is proposed under the Texas Health and Safety Code, Texas Clean Air Act (TCAA), §382.017, which provides the TNRCC with the authority to adopt rules consistent with the policy and purposes of the TCAA.

The proposed amendment affects the Health and Safety Code, §382.017.

§114.13. Oxygenated Fuels.

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

(f) Each gasoline pump at a retail outlet from which oxygenated gasoline is dispensed shall display a legible and conspicuous label on which either the statement in paragraph (1) or the statement in paragraph (2) of this subsection is printed in 36-point bold type in a color contrasting with the intended background. This label shall be placed so it is clearly legible from each side of the pump from which fuel can be dispensed.

(1) A label on which the following statement is printed shall be displayed only[.] during the period of October 1 through March 31[, a legible and conspicuous label with the following statement]: "The gasoline dispensed from this pump is oxygenated and will reduce carbon monoxide pollution from motor vehicles." [This label shall be printed in 36-point bold type in a color contrasting the intended background and shall be placed so it is clearly legible from each side of the pump from which fuel can be dispensed.]

(2) A label on which the following statement is printed shall be displayed during the period of October 1 through March 31 and may be displayed at any other time up to year-round: "From October 1 through March 31, the gasoline dispensed from this pump is oxy-

genated and will reduce carbon monoxide pollution from motor vehicles."

(g) (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 January 4, 1995.

TRD-9500416

Kevin McCalla
Acting Director, Legal
Services Division
Texas Natural Resource
Conservation
Commission

Proposed date of adoption: April 1, 1995

For further information, please call: (512) 239-1966

Chapter 345. Advisory Committee Rules

• 30 TAC §§345.1-345.14

The Texas Natural Resource Conservation Commission (TNRCC or Commission) proposes new §§345.1-345.14, concerning Advisory Committee Rules.

These sections include provisions relating to the creation, duration, purposes and duties of advisory committees. These rules also cover purpose; definitions; composition and membership terms; membership; attendance; reimbursement; presiding officers; manner of reporting; subcommittees; meetings; and records.

Stephen Minick, Strategic Planning and Appropriations Division, has determined that for the first five-year period these sections as proposed are in effect there will be no significant fiscal implications anticipated for state or local units of government as a result of enforcing or administering these sections.

Mr. Minick 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 greater public involvement in policy and regulatory development through a standardized comment and advisory process. There is no anticipated economic cost to persons or small businesses required to comply with the sections as proposed.

A public hearing on the proposal will be held in Austin on February 16, 1995 at 11:00 a.m. at the TNRCC Central Office, 12118 North IH-35, Building E, Conference Room 365, Austin. Individuals may present oral statements when called upon in order of registration. Open discussion within the audience will not occur during the hearing; however, a TNRCC staff member will be available to discuss the proposal 30 minutes prior to the hearing and will answer questions before and after the hearing.

Written comments not presented at the hearing may be submitted to the TNRCC central office in Austin through February 17, 1995. Material received by the TNRCC Office of Policy and Regulatory Development by 4:00 p.m. on that date will be considered by the Commission prior to any final action on the proposal. Copies of the proposal are avail-

able at the central office of the TNRCC located at 12118 North IH-35, Building E, Austin. Please mail written comments to Heather Evans, Office of Policy and Regulatory Development, P.O. Box 13087, Austin, Texas 78711-3087. For further information contact Thomas Ortiz at (512) 239-1054.

Persons with disabilities who have special communication or other accommodation needs who are planning to attend the hearing should contact the agency at (512) 239-1459. Requests should be made as far in advance as possible.

The new sections are proposed under the Texas Water Code, §5.103 and §5.105, which authorizes the Commission to adopt any rules necessary to carry out its powers and duties under the Code and other laws of this state and to establish and approve all general policy of the Commission.

These rules implement the requirements of Texas Civil Statutes, Article 6252-33 relating to the existence, composition, and expenses of state agency advisory committees.

§345.1. Purpose. The sections under this chapter govern procedures applicable to advisory committees created to advise the Texas Natural Resource Conservation Commission.

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

Advisory committee—A committee, council, commission, task force, or other entity that:

(A) is not a state agency;

(B) is created by or under state law; and

(C) has as its primary function advising the Texas Natural Resource Conservation Commission.

§345.3. Creation and Duration of Advisory Committees. Except as otherwise provided by law, advisory committees shall be created by resolution of the Texas Natural Resource Conservation Commission (Commission). Unless it has a specific duration prescribed by statute, an advisory committee shall be abolished on the fourth anniversary of the date of its creation unless the Commission has established a different date by Commission resolution or the Commission affirmatively votes to continue the advisory committee in existence after the date previously established for abolishment.

§345.4. Purpose and Duties of Advisory Committees. The purpose of advisory committees shall be to give the Texas Natural Resource Conservation Commission (Commission) the benefit of the members'

collective business, environmental, and technical expertise and experience to help the Commission with respect to matters within the jurisdiction of the Commission. The advisory committees' sole duty is to advise the Commission. Advisory committees have no executive or administrative powers or duties with respect to the operation of the Commission, and all such powers and duties rest solely with the Commission. The specific purposes and tasks of an advisory committee subject to this chapter shall be identified by resolution of the Commission.

§345.5. Composition of Advisory Committees. Except as otherwise provided by law, advisory committees shall be composed of a number of members, not to exceed 24, set by Texas Natural Resource Conservation Commission (Commission) resolution, and shall provide a balanced representation between industries or occupations regulated or directly affected by the Commission and consumers of services provided either by the Commission or by industries or occupations regulated by the Commission.

§345.6. Membership Terms. Except as otherwise provided by law, advisory committee members may serve two or four-year terms, as resolved by the Texas Natural Resource Conservation Commission (Commission). Should the Commission resolve that the members of a committee serve four-year terms, these terms shall initially be staggered, with one half of the members (rounded down should one half of the number of members not be a whole number) serving two-year terms, and one half (rounded up should one half of the number of members not be a whole number) serving four-year terms, and the terms for each member decided by drawing lots in the first committee meeting following the establishment of the membership of the committee by the Commission.

§345.7. Membership. Except as otherwise provided by law, all members of advisory committees are appointed by and serve at the pleasure of the Texas Natural Resource Conservation Commission (Commission). If a member resigns, dies, becomes incapacitated, is removed by the Commission, or otherwise vacates his or her position prior to the end of his or her term, the Commission shall appoint a replacement who shall serve the remainder of the unexpired term.

§345.8. Attendance. A record of attendance at each meeting of the advisory committee shall be made. Except as otherwise provided by law, if a member of an advisory committee misses three consecutive regularly scheduled meetings or more than half of all the regularly scheduled meetings in a one-year period, that member automati-

cally vacates his or her position on the advisory committee and the Texas Natural Resource Conservation Commission shall make an appointment to fill the remainder of the unexpired term of the vacancy.

§345.9. Reimbursement. Members of an advisory committee shall not be reimbursed for expenses unless the Texas Natural Resource Conservation Commission (Commission) by resolution expressly authorizes reimbursement. The Commission may, in its discretion, reimburse the expenses of members of any duly authorized subcommittee of an advisory committee.

§345.10. Presiding Officer. Except as otherwise provided by law, or by resolution of the Texas Natural Resource Conservation Commission (Commission), each committee shall elect from its members a presiding officer, or chairperson, who shall report the committee's advice and attendance in writing to the Commission. The Commission may, at its discretion, appoint presiding officers of advisory committees. Committees may elect other officers at their pleasure.

§345.11. Manner of Reporting. Advisory committees shall report in writing to the Texas Natural Resource Conservation Commission (Commission) in September and March of each year. The report provided by an advisory committee shall be sufficient to allow the Commission to properly evaluate the committee's work, usefulness, and the costs related to the committee's existence.

§345.12. Subcommittees. Advisory committees may organize themselves into subcommittees. One member of each subcommittee shall serve as the chairperson of that subcommittee. Subcommittee chairs shall make written reports regarding their subcommittee's work to the presiding officer of the advisory committee. A subcommittee of an advisory committee may include members who are not members of the advisory committee with the consent of the Texas Natural Resource Conservation Commission, but must include at least one member of the advisory committee.

§345.13. Meetings. Advisory committees shall meet at the call of the presiding officer or of the Texas Natural Resource Conservation Commission. All advisory committee and subcommittee meetings shall be open to the public.

§345.14. Records. Texas Natural Resource Conservation Commission (Commission) staff shall record and maintain the minutes of each advisory committee and subcommittee meeting. The staff shall maintain a record of actions taken and shall distribute copies of approved minutes and

other committee documents to the Commission and to advisory committee members.

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 January 11, 1995.

TRD-9500415

Kevin McCalla
Director, Legal Services
Division
Texas Natural Resource
Conservation
Commission

Proposed date of adoption: March 15, 1995

For further information, please call: (512)
239-1970

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TITLE 40. SOCIAL SERVICES AND ASSISTANCE

**Part VI. Texas
Commission for the
Deaf and Hearing
Impaired**

**Chapter 183. Board for
Evaluation of Interpreters
and Interpreter Certification**

**Subchapter A. Definitions and
Board Operations**

• **40 TAC §183.29**

The Texas Commission for the Deaf and Hearing Impaired proposes an amendment to §183.29, concerning Contracted Evaluators, which will set forth criteria for evaluators. This amendment will provide clarification of the requirements which must be met by individuals seeking contracts as evaluators for the Board for Evaluation of Interpreters.

David W. Myers, Executive Director, has determined that there will be no fiscal implication for state or local government as a result of the amendment of this paragraph.

Mr. Myers also has determined that the public benefit anticipated as a result of this amendment will be updated procedures and clarification in the operation of the Board for Evaluation of Interpreters. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

Comments on this amendment may be submitted to Angela Bryant, Board for Evaluation

of Interpreters, Texas Commission for the Deaf and Hearing Impaired, P.O. Box 12904, Austin, Texas 78711-2904.

The amendment is proposed under the Human Resources Code, §81.006(b)(3), which provides the Texas Commission for the Deaf and Hearing Impaired the authority to adopt rules for administration and programs.

The proposed amendment affects §81.006(b)(3).

§183.29. *Contracted Evaluators.* Contracted evaluators will be composed of interpreters who have applied to be evaluators and have been interviewed, tested, evaluated, trained, and appointed by the board and approved by the commission for the purpose of conducting evaluations of interpreting skills to determine the qualifications of interpreters. The contracted evaluators function under supervision of the board.

(1) (No change.)

(2) Required qualifications of evaluators. [Evaluators must hold a TCDHI certificate at Level III or above or specialty certification and complete annual evaluation training.]

(A) Evaluator candidates who are hearing must provide proof of valid certification through TCDHI at Levels III, IV, or V for a minimum of five years.

(B) Evaluator candidates who are deaf or hard of hearing must be certified Level III, IV, or V, and have documentation of involvement in the interpreting field, and as a consumer.

(C) For Morphemic Sign System (MSS) and Oral evaluators, the BEI Board will recommend people properly trained for those respective evaluations.

(D) All evaluator candidates:

(i) must have a resume and application on file with TCDHI;

(ii) must be a resident of Texas;

(iii) required to submit a letter of reference from the following:

(I) professional in the field of interpreting and/or deafness; and

(II) a deaf/hard of hearing consumer;

(iv) must be interviewed by the BEI Board, or interview committee appointed by the Chairperson of the BEI;

(v) must successfully complete evaluator training and assessments provided by the BEI;

(vi) must sign a conflict of interest disclaimer;

(vii) must provide the name of a contact person from one of the following:

(I) local council;

(II) school district;

(III) interpreter agency;

(IV) other entity in which services have been contracted.

(3) Preferred qualification of evaluators. Attendance or presentations of workshops related to the field of deafness are preferred (Linguistics, Sign Language Theory, Interpreting, etc.).

(4)[(3)] Responsibilities. Evaluators are responsible for conducting and scoring evaluations at levels assigned by the board.

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

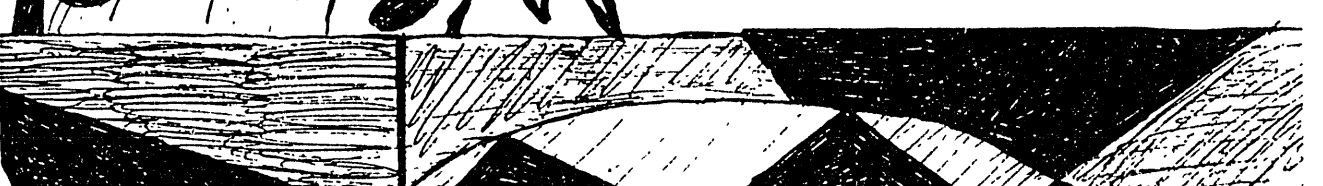
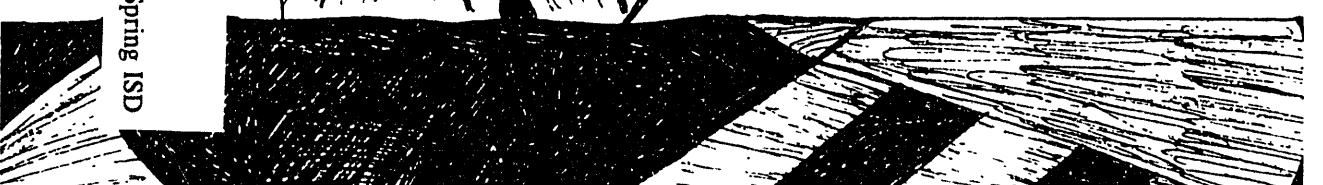
Issued in Austin, Texas, on June 15, 1994.

TRD-9500366

David W. Myers
Executive Director
Texas Commission for the
Deaf and Hearing
Impaired

Earliest possible date of adoption: February 17, 1995

For further information, please call: (512)
451-8494



Name: Shelly Linch
Grade: 12
School: China Spring High School, China Spring ISD

Shelly Linch

ADOPTED RULES

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 4. AGRICULTURE

Part I. Texas Department of Agriculture

Chapter 17. Marketing and Development Division

Standards for "NATURALLY TEXAS" Products

• 4 TAC §§17.81, 17.85, 17.86

The Texas Department of Agriculture adopts amendments to §§17.81, 17.85, and 17.86, concerning standards for "NATURALLY TEXAS" products and renewal of membership in the "NATURALLY TEXAS" program, without changes to the proposed text as published in the December 2, 1994, issue of the *Texas Register* (19 TexReg 9437).

The amendments are adopted in order to provide a consistent, uniform expiration date and more efficient renewal process.

The amendments will function by providing that registration certificates shall be sent to registrants between January 1 and January 31 of each year, and that payments for renewal are due within 30 days of receipt of the billing statement. The amendments will further provide that failure to remit the registration fee within 60 days of the due date shall result in automatic termination of registration. The proposed amendment to §17.86 provides the annual registration fee shall be prorated for registrations that commence after January 1.

No comments were received regarding adoption of the amendments.

The amendments are adopted under Texas Agriculture Code, §12.002, which provides the Texas Department of Agriculture with the authority to encourage the proper development of agriculture, horticulture, and related industries; Texas Agriculture Code, §12.016, which provides the department with general rulemaking authority; Texas Agriculture Code, §12.0175, which provides that if the department establishes a program to promote products grown in the state or products made from ingredients grown in the state, the department may set by rule and collect a fee from each producer that participates in the program; and Texas Government Code, §2001.004, which requires that the department adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

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

Issued in Austin, Texas, on January 10, 1995.

TRD-9500382

Dolores Alvarado Hbbs
Chief Administrative Law
Judge
Texas Department of
Agriculture

Effective date: January 31, 1995

Proposal publication date: December 2, 1994

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

TITLE 28. INSURANCE

Part I. Texas Department of Insurance

Chapter 1. General Administration

Subchapter C. Maintenance Taxes and Fees

• 28 TAC §1.414

The Texas Department of Insurance adopts an amendment to §1.414, concerning assessment of maintenance taxes and fees on insurance companies, with changes to the proposed text as published in the December 6, 1994, issue of the *Texas Register* (19 TexReg 9588).

The section is necessary to provide rates of assessment and record the rates of assessment for maintenance taxes and fees for 1995 for all lines of insurance.

Section 1.414 provides the methods of assessment on the basis of gross premium receipts for calendar year 1994 or some other statutorily designated basis. These rates apply to life, accident, and health insurance; motor vehicle insurance; casualty and fidelity insurance and guaranty and surety bonds; fire and allied lines insurance, including marine; workers' compensation insurance; title insurance; health maintenance organizations; third party administrators; and corporations issuing prepaid legal services contracts.

Three comments were received by the Department relating to the assessment of maintenance taxes and fees on insurance companies.

a. Two commenters questioned why the assessments were going up when many of the services previously provided by the Department had been privatized. The commenters questioned the fire assessment in particular. In addition, one commenter proposed that the maintenance tax be eliminated and premium tax be increased. The Department staff explained that the maintenance tax increase for fire insurance resulted from a change in the reporting of the projected expenses for the Texas Commission on Fire Protection. These expenses continued to be charged directly to the fire insurance line. However, in 1994 the expenses were reflected in the direct percentage allocation of agency costs which effected the percentage allocation of all agency indirect costs. Consequently, no change has been made to the text of §1.414 based on this comment.

b. One commenter stated that the "per enrollee" rate for single service health maintenance organizations and multi-service health maintenance organizations did not reflect the 3.5 to 1.0 ratio split. Department staff agreed that the method of setting rates did not accurately reflect the difference in "per enrollee" revenues realized between the two types of companies and recommended an adjustment to \$.38 per enrollee for single service health maintenance organizations and \$1.27 per enrollee for multi-service health maintenance organizations. This would allow approximately a 3.5 to 1.0 ratio of the rate for single service enrollees versus multi-service enrollees and more fairly distribute the tax burden between the two types of companies. Consequently the proposed rate of \$.61 per enrollee for single service health maintenance organizations was reduced to \$.38 and the \$1.22 proposed rate for multi-service health maintenance organizations was increased to \$1.27 and the text of §1.414 was changed to reflect this modification.

Commenters against the rate increases were Clark, Thomas & Winters, attorneys at law and Thompson, Coe, Cousins & Irons, L.L.P., attorneys at law on behalf of the Association of Fire and Casualty Companies in Texas (AFACT). A commenter against the proposed rate ratio for health maintenance organizations was the Texas HMO Association. No comments in favor of this section were received.

The amendment is adopted under the Insurance Code, Articles 4.17, 5.12, 5.24, 5.49, 5.68, 9.46, 21.07 §21, 23.08A, and 1.03A,

and the Texas Health Maintenance Organization Act, Article 20A.33, which provide authorization for the Texas Department of Insurance to assess maintenance taxes for the lines of insurance and related activities specified in amended §1.414. The Insurance Code, Article 4.17 establishes a maintenance tax based on insurance premiums for life, accident, and health coverage and the gross consideration for annuity and endowment contracts. Article 5.12 establishes a maintenance tax based on insurance premiums for motor vehicle coverage. Article 5.24 establishes a maintenance tax based on insurance premiums for casualty insurance and fidelity, guaranty and surety bonds coverage. Article 5.49 establishes a maintenance tax based on insurance premiums for fire and allied lines coverage, including inland marine. Article 5.68 establishes a maintenance tax based on insurance premiums for workers' compensation coverage. Article 9.46 establishes a maintenance fee based on insurance premiums for title coverage. Article 21.07-6 §21 establishes a maintenance tax based on the gross amount of administrative or service fees for third party administrators. Article 23.08A establishes a maintenance tax based on gross revenue of corporations issuing prepaid legal service contracts. The Texas Health Maintenance Organization Act, Section 33 (codified at the Insurance Code, Article 20A.33), establishes an annual tax based on the gross amounts of revenues collected for the issuance of health maintenance certificates or contracts. Article 1.03A authorizes the Commissioner of Insurance to adopt rules and regulations for the conduct and execution of the duties and functions of the Department as authorized by statute.

§1.414. Assessment of Maintenance Taxes and Fees, 1995.

(a) The following rates for maintenance taxes and fees are assessed on gross premiums of insurers for calendar year 1994 for the lines of insurance specified as follows:

- (1) for motor vehicle insurance, pursuant to the Insurance Code, article 5.12, the rate is .068 of 1.0%;
- (2) for casualty insurance, and fidelity, guaranty and surety bonds, pursuant to the Insurance Code, Article 5.24, the rate is .319 of 1.0%;
- (3) for fire insurance and allied lines, including inland marine, pursuant to the Insurance Code, Article 5.49, the rate is .656 of 1.0%;
- (4) for workers' compensation insurance, pursuant to the Insurance Code, Article 5.68, the rate is .120 of 1.0%;
- (5) for title insurance, pursuant to the Insurance Code, article 9.46, the rate is .171 of 1.0%.

(b) The rate for the maintenance tax to be assessed on gross premiums for calendar year 1994 for life, health, and accident insurance, pursuant to the Insurance Code, Article 4.17, is .040 of 1.0%.

(c) Rates for maintenance taxes are assessed for calendar year 1994 for the following entities:

(1) pursuant to the Texas Health Maintenance Organization Act, §33 (codified at the Insurance Code, Article 20A.33), the rate is \$.38 per enrollee for single service health maintenance organizations and \$1.27 per enrollee for multi-service health maintenance organizations;

(2) pursuant to the Insurance Code, Article 21.07-6 §21, the rate is .235 of 1.0% of the correctly reported gross amount of administrative or service fees for third party administrators; and

(3) pursuant to the Insurance Code, Article 23.08, the rate is 1.0% of correctly reported gross revenues for corporations issuing prepaid legal service contracts.

(d) The taxes assessed under subsection (a), (b), and (c) of this section shall be payable and due to the Comptroller of Public Accounts, Austin, Texas 78774-0100 on March 1, 1995.

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 January 11, 1995.

TRD-9500421
D. J. Powers
Chief Clerk and General
Counsel
Texas Department of
Insurance

Effective date: February 1, 1995

Proposal publication date: December 6, 1994

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

• 28 TAC §1.415

The Texas Department of Insurance adopts an amendment to §1.415, concerning the assessment of a maintenance tax surcharge which will be used to service the bond debt for the Texas Workers' Compensation Insurance Fund, with changes to the proposed text as published in the December 6, 1994, issue of the *Texas Register* (19 TexReg 9589). In subsection (a), the term insurance "company" has been changed to insurance "carrier" to correct the wording to conform it to the previously adopted and published text.

The section is necessary to provide a method of assessment and to record the rate of assessment of taxes and surcharges due in 1995 on the basis of gross premium receipts for calendar year 1994 for workers' compensation insurance companies.

Section 1.415 provides the assessment of a maintenance tax surcharge which will be used to service the bond debt for the Texas Workers' Compensation Insurance Fund. Annually, a maintenance tax surcharge is set by the Texas Department of Insurance on behalf of the Texas Workers' Compensation Insurance Fund in accordance with the Texas Workers' Compensation Act. A tax form with

instructions for filing and paying the surcharge will be distributed to all affected insurers by the comptroller of Public Accounts.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Insurance Code, Articles 5.76-5, 5.76-3, 5.68 and 1.03A and Texas Civil Statutes, Articles 8308-2.22, 8308-2.23, and 8308-11.09. The Insurance Code, Article 5.76-5 establishes the maintenance tax surcharge. Article 5.76-3 establishes the Texas Workers' Compensation Insurance Fund. Article 5.68 establishes the maintenance tax based on premiums for workers' compensation coverage. Article 1.03A authorizes the Commissioner of Insurance to adopt rules and regulations for the conduct and execution of the duties and functions of the Department as authorized by statute. Texas Civil Statutes, Articles 8308-2.22, 8308-2.23, and 8308-11.09 establish the maintenance tax for workers' compensation insurance companies.

§1.415. Maintenance Tax Surcharge for the Texas Workers' Compensation Insurance Fund, 1995.

(a) The maintenance tax surcharge is levied against each insurance carrier writing workers' compensation insurance in this state at the rate of .54% of the correctly reported gross workers' compensation insurance premiums for the calendar year 1994 to cover debt service for bonds issued on behalf of the Texas Workers' Compensation Insurance Fund.

(b) The maintenance tax surcharge shall be payable and due to the Comptroller of Public Accounts, Austin, Texas 78774-0100 on March 1, 1995.

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 January 11, 1995.

TRD-9500422
D. J. Powers
Chief Clerk and General
Counsel
Texas Department of
Insurance

Effective date: February 1, 1995

Proposal publication date: December 6, 1994

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

**Chapter 7. Corporate and
Financial Regulation
Subchapter J. Examination Ex-
penses and Assessments**

• 28 TAC §7.1012

The Texas Department of Insurance adopts an amendment to §7.1012, concerning rates of assessment and charges to cover the expenses of examining insurance companies, without changes to the proposed text as published in the December 6, 1994, issue of the *Texas Register* (19 TexReg 9590).

The section is necessary to provide a rate of assessment for domestic and foreign insurance company examination expenses. Examination assessment rates vary from year to year since the rate is based on the examination costs of the department after taking into account any unexpended funds.

Section 7.1012 provides the method and the rates of assessment for examination expenses of foreign and domestic insurance companies. Rates of assessment are levied against and collected from each domestic insurance company based on admitted assets and gross premium receipts for the 1994 calendar year, and from each foreign insurance company examined during the 1995 calendar year based on a percentage of the gross salary paid to an examiner for each month or part of a month during which the examination is made. The expenses and charges to be assessed are in addition to, and not in lieu of, any other charge which may be made under law, including the Insurance Code, Article 1.16.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Insurance Code, Articles 1.16 and 1.03A. Article 1.16 authorizes the Texas Department of Insurance to make assessments and charges in such amounts as the Commissioner shall certify to be just and to comply with the provisions of the laws of this state relating to the examination of insurance companies and to comply with the provisions of the Insurance Code, Articles 1.16, 1.17, and 1.18. Article 1.03A authorizes the Commissioner of Insurance to adopt rules and regulations for the conduct and execution of the duties and functions of the Department as authorized by statute.

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 January 11, 1995.

TRD-9500423
D. J. Powers
Chief Clerk and General
Counsel
Texas Department of
Insurance

Effective date: February 1, 1995

Proposal publication date: December 6, 1994

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

Chapter 25. Insurance Premium Finance

Subchapter H. Annual Reports, Examinations, and Assessments

• 28 TAC §25.718

(Editor's Note: Due to a typographical error in the December 6, 1994, issue of the Texas Register, the following adopted amendment is being published for clarification.)

The Texas Department of Insurance adopts an amendment to §25.718, concerning the general administrative expense assessment of insurance premium finance companies, without changes to the proposed text as published in the December 6, 1994, issue of the *Texas Register* (19 TexReg 9590).

The amendment is necessary to provide a rate of assessment sufficient to meet the expenses of performing the Department's statutory responsibilities for examining, investigating, and regulating insurance premium finance companies.

Section 25.718 provides the method and the rates of assessment to be levied against each insurance premium finance company. This assessment covers the general administrative expense of the past fiscal year and is collected from each insurance premium finance company on the basis of a percentage of total loan dollar volume for the 1994 calendar year.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Insurance Code, Articles 24.06(c), 24.09, and 1.03A. Article 24.06(c) provides that each insurance premium finance company licensed by the Department shall pay an amount assessed by the Department to cover the direct and indirect cost of examinations and investigations and a proportionate share of general administrative expense attributable to regulation of insurance premium finance companies. Article 24.09 authorizes the Department to adopt and enforce rules necessary to carry out provisions of the Insurance Code concerning the regulation of insurance premium finance companies. Article 1.03A provides the Commissioner with authority to adopt rules and regulations for the conduct and execution of the duties and functions of the Department. The amended section affects regulation relating to premium finance insurance company examination expenses and assessments for 1995, under the Insurance Code, Article 24.06.

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 January 11, 1995.

TRD-9500424
D. J. Powers
Chief Clerk and General
Counsel
Texas Department of
Insurance

Effective date: February 1, 1995

Proposal publication date: December 6, 1994

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

TITLE 30. ENVIRONMENTAL QUALITY

Part I. Texas Natural Resource Conservation Commission

Chapter 334. Underground and Aboveground Storage Tanks

Subchapter H. Interim Reimbursement Program

• 30 TAC §334.301

The Texas Natural Resource Conservation Commission ("commission") adopts an amendment to §334.301, concerning interim reimbursement provisions of the commission's petroleum storage tank program. Section 334.301 is adopted without changes to the proposed text as published in the September 23, 1994, issue of the *Texas Register* (19 TexReg 7502).

The amendment is adopted in order to implement legislative changes to the petroleum storage tank remediation (PSTR) fund which is administered by the commission pursuant to the Texas Water Code (Code), §26.3573. The 73rd Legislature of the State of Texas enacted Senate Bill 1243, which authorizes the commission to establish a priority system for payments and provisions for suspension of payments from the fund.

Public comment was received in writing during the 30-day comment period from The University of Texas System.

The commenter recommended that "or educational institutions" be included into the proposed §334.301(i)(C), thereby including all non-profit and educational institutions. The commission responds that educational institutions that are non-profit entities would be reprioritized under the rule, however it would exclude those entities which have been prioritized as payment priority 4 claims under §334.301(i)(4)(A)(ii), with regard to state and federal entities.

The amendment is adopted under the Texas Water Code (Code), Chapter 26, §5.103, and §5.105, which provides the Texas Natural Resource Conservation Commission with the authority to adopt any sections necessary to carry out its powers and duties under the Texas Water Code and other laws of the State of Texas, and to establish and approve all general policy of the commission.

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

Issued in Austin, Texas, on January 11, 1995.

TRD-9500413
Kevin McCalla
Acting Director, Legal
Division
Texas Natural Resource
Conservation
Commission

Effective date: February 1, 1995

Proposal publication date: September 23, 1994

For further information, please call: (512) 239-6087

◆ ◆ ◆
TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Services

Chapter 48. Community Care for Aged and Disabled

1915(c) Medicaid Home and Community-Based Waiver Services for Aged and Disabled Adults Who Meet Criteria for Alternatives to Nursing Facility Care

• 40 TAC §48.6040

The Texas Department of Human Services (DHS) adopts new §48.6040, without changes to the proposed text as published in

the November 18, 1994, issue of the *Texas Register* (19 TexReg 9167).

The justification for the new section is to establish policy for home and community support services agencies, independent registered nurses on contract, and registered nurse providers of Level I and II Adult Foster Care homes to provide for delegation of nursing tasks in the Nursing Facility Waiver Program.

The new section will function by allowing delivery of nursing tasks through delegation which is cost effective and provides services for optimal well-being of clients.

No comments were received regarding adoption of the new section.

The new section is adopted under the Human Resources Code, Title 2, Chapters 22 and 32, which authorizes the department to administer public and medical assistance programs; and under Texas Civil Statutes, Article 4413(502), §16, which provide the Health and Human Services Commission with the authority to administer federal medical assistance funds.

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 January 11, 1995.

TRD-8500419

Nancy Murphy
Section Manager, Media
and Policy Services
Texas Department of
Human Services

Effective date: February 1, 1995

Proposal publication date: November 18, 1994

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

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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 before 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 listed 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. All emergency meeting notices filed by governmental agencies will be published.

Posting of open meeting notices. All notices are posted on the bulletin board at the main office of the Secretary of State in lobby of the James Earl Rudder Building, 1019 Brazos, Austin. These notices may contain a more detailed agenda than what is published in the **Texas Register**.

Meeting Accessibility. Under the Americans with Disabilities Act, an individual with a disability must have an equal opportunity for effective communication and participation in public meetings. Upon request, agencies must provide auxiliary aids and services, such as interpreters for the deaf and hearing impaired, readers, large print or braille documents. In determining type of auxiliary aid or service, agencies must give primary consideration to the individual's request. Those requesting auxiliary aids or services should notify the contact person listed on the meeting summary several days prior to the meeting by mail, telephone, or RELAY Texas (1-800-735-2989).

Texas Department of Agriculture

Wednesday, January 18, 1995, 1:00 p.m.

Howard Johnson Plaza Hotel, 7800 North IH-35

Austin

Texas Peanut Producers Board

AGENDA:

Call to order

Discussion and action: Minutes

Holding statewide grower meetings to discuss Board's activities and future of peanut industry

Proposal of a private corporation sponsoring the hotline

Discussion: Other business

Adjourn

Contact: Mary Webb, P.O. Box 398, Gorman, Texas 76454, (817) 734-2853.

Filed: January 10, 1995, 10:54 a.m.

TRD-9500332

Tuesday, January 24, 1995, 10:00 a.m.

Reeves County Extension Office, 700 Doggett Street

Pecos

Zone 5 Pest Management Committee

AGENDA:

TDA enforcement policy; producer awareness; and February 1 destruction deadline.

Contact: Rick Smathers, P.O. Box 12847, Austin, Texas 78711, (512) 305-8946.

Filed: January 12, 1995, 9:46 a.m.

TRD-9500470

Tuesday, January 24, 1995, 4:00 p.m.

Texas A&M University Research and Extension Center, 1380 A&M Circle

El Paso

Zone 6 Pest Management Committee

AGENDA:

TDA enforcement policy; producer awareness; and February 1 destruction deadline.

Contact: Rick Smathers, P.O. Box 12847, Austin, Texas 78711, (512) 305-8946.

Filed: January 12, 1995, 9:46 a.m.

TRD-9500469

Wednesday, January 25, 1995, 2:00 p.m.

Holiday Inn-Convention Center, 442 Ri Concho Drive

San Angelo

Texas Mohair Producers Board

AGENDA:

Call to order

Roll call of directors

Discussion and action: reactivating Texas Mohair Producers Board

Adjourn

Contact: Duery Menzles, P.O. Box 5337, San Angelo, Texas 76902, (915) 655-3161.

Filed: January 12, 1995, 9:47 a.m.

TRD-9500471

Texas Board of Architectural Examiners

Thursday, January 19, 1995, 10:00 a.m.

Doubletree Hotel-Austin, Sixth Floor Conference Room, 6505 IH-35 North

Austin

Legislative/Communication Committee

AGENDA:

Call to order; recognition of guests; roll call; chairman's opening remarks; consider/act on Legislative/Communication Committee matters; public comment; and adjournment.

Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services such as interpreters for persons who are deaf or hearing impaired, readers, large print or braille, are requested to contact Carolyn Lewis at (512) 458-1363 two working days prior to the meeting so that appropriate arrangements can be made.

Contact: Cathy Hendricks, 8213 Shoal Creek Boulevard, #107, Austin, Texas 78757, (512) 458-1363.

Filed: January 10, 1995, 1:09 p.m.

TRD-9500342

Thursday, January 19, 1995, 11:00 a.m.
Doubletree Hotel-Austin, Sixth Floor Conference Room, 6505 IH-35 North
Austin

Newsletter Committee

AGENDA:

Call to order; recognition of guests; roll call; chairman's opening remarks; consider/act on approval of minutes; consider/act on Newsletter Committee matters; public comment; adjournment.

Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services such as interpreters for persons who are deaf or hearing impaired, readers, large print or braille, are requested to contact Carolyn Lewis at (512) 458-1363 two working days prior to the meeting so that appropriate arrangements can be made.

Contact: Cathy Hendricks, 8213 Shoal Creek Boulevard, #107, Austin, Texas 78757, (512) 458-1363.

Filed: January 10, 1995, 1:09 p.m.

TRD-9500341

Thursday, January 19, 1995, 1:00 p.m.
Doubletree Hotel-Austin, Sixth Floor Conference Room, 6505 IH-35 North
Austin

Education/Qualification and Examination Committee

AGENDA:

Call to order; recognition of guests; roll call; chairman's opening remarks; consider/act on approval of minutes; consider/act on Education/Qualification and Examination Committee matters; public comment; and adjournment.

Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services such as interpreters for persons who are deaf or hearing impaired, readers, large print or braille, are requested to contact Carolyn Lewis at (512) 458-1363 two working days prior to the meeting so that appropriate arrangements can be made.

Contact: Cathy Hendricks, 8213 Shoal Creek Boulevard, #107, Austin, Texas 78757, (512) 458-1363.

Filed: January 10, 1995, 1:08 p.m.

TRD-9500340

Thursday, January 19, 1995, 2:00 p.m.
Doubletree Hotel-Austin, Sixth Floor Conference Room, 6505 IH-35 North
Austin

Personnel/Resource Committee

AGENDA:

Call to order; recognition of guests; roll call; chairman's opening remarks; consider/act on approval of minutes; consider/act

on Personnel/Resource Committee matters; public comment; and adjournment.

Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services such as interpreters for persons who are deaf or hearing impaired, readers, large print or braille, are requested to contact Carolyn Lewis at (512) 458-1363 two working days prior to the meeting so that appropriate arrangements can be made.

Contact: Cathy Hendricks, 8213 Shoal Creek Boulevard, #107, Austin, Texas 78757, (512) 458-1363.

Filed: January 10, 1995, 1:08 p.m.

TRD-9500339

Thursday, January 19, 1995, 3:00 p.m.
Doubletree Hotel-Austin, Sixth Floor Conference Room, 6505 IH-35 North
Austin

Rules/Enforcement Committee

AGENDA:

Call to order; recognition of guests; roll call; chairman's opening remarks; consider/act on approval of minutes; consider/act on Rules/Enforcement matters; public comment; and adjournment.

Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services such as interpreters for persons who are deaf or hearing impaired, readers, large print or braille, are requested to contact Carolyn Lewis at (512) 458-1363 two working days prior to the meeting so that appropriate arrangements can be made.

Contact: Cathy Hendricks, 8213 Shoal Creek Boulevard, #107, Austin, Texas 78757, (512) 458-1363.

Filed: January 10, 1995, 1:07 p.m.

TRD-9500338

Friday, January 20, 1995, 9:00 a.m.
Doubletree Hotel-Austin, Sixth Floor Conference Room, 6505 IH-35 North
Austin

Board Meeting

AGENDA:

Call to order; recognition of guests; roll call; opening remarks; consider/act on approval of minutes; consider/act on committee appointments; executive session to discuss/consider legal advice from the Office of the Attorney General concerning litigation by G. Richard Grayum and Robert Norris; reconvene in open session to consider/act on litigation matters; director's report; consider/act on hearings, 9:30 a.m.: consider/act on: renewals, examinations, EEO policy, committee reports and recommendations, rules and regulations, conferences/meetings; lunch with Texas Chapter American Society of Landscape Architects, 12:30 p.m., Courtyard Lounge; State Audi-

tor's report; consider/act on legislative matters; consider/act on public comment; chairman's closing remarks; and adjournment.

Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services such as interpreters for persons who are deaf or hearing impaired, readers, large print or braille, are requested to contact Carolyn Lewis at (512) 458-1363 two working days prior to the meeting so that appropriate arrangements can be made.

Contact: Cathy Hendricks, 8213 Shoal Creek Boulevard, #107, Austin, Texas 78757, (512) 458-1363.

Filed: January 10, 1995, 1:06 p.m.

TRD-9500337

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**Texas School for the Blind
and Visually Impaired**

Friday, January 20, 1995, 9:00 a.m.
1100 West 45th Street, Room 116
Austin

Austin

Board of Trustees Subcommittee on Finance and Audit

AGENDA:

Approval of minutes from November 18, 1994 meeting

Budget status report

Legacy Fund reports

Report on investments

Status report on the telephone system acquisition

Status report on the revenue bond financed projects

Report from internal auditor

Contact: Marjorie L. Heaton, 1100 West 45th Street, Austin, Texas (512) 454-8631, Ext. 133.

Filed: January 11, 1995, 9:39 a.m.

TRD-9500410

Friday, January 20, 1995, 9:00 a.m.
1100 West 45th Street, Room 151
Austin

Austin

Board of Trustees, Subcommittee on Personnel

AGENDA:

Consideration of TCHR response to Affirmative Action Plan

Consideration of student/teacher ratios

Contact: Marjorie L. Heaton, 1100 West 45th Street, Austin, Texas 78756, (512) 454-8631, Ext. 133.

Filed: January 11, 1995, 9:39 a.m.

TRD-9500411

Friday, January 20, 1995, 9:00 a.m.

1100 West 45th Street, Room 110

Austin

Board of Trustees, Subcommittee on Policies

AGENDA:

Review and discussion of policies: BBFA, BBFA(E), BU, EAA, EAB, EAC

Development of Board procedures manual

Orientation to policy development and review

Contact: Marjorie L. Heaton, 1100 West 45th Street, Austin, Texas 78756, (512) 454-8631, Ext. 133.

Filed: January 11, 1995, 9:39 a.m.

TRD-9500412

Friday, January 20, 1995, 10:00 a.m.

1100 West 45th Street, Room 116

Austin

Board of Trustees

AGENDA:

Approval of minutes of November 18, 1994 meeting; consideration of policy changes; consideration of approval of recommended summer calendar, discussion of superintendent's evaluation, development and management of Board procedures manual; report by internal auditor, report on use of contingency funds, report on status of Recreation and Leisure Program.

Contact: Marjorie L. Heaton, 1100 West 45th Street, Austin, Texas 78756, (512) 454-8631, Ext. 133.

Filed: January 11, 1995, 9:38 a.m.

TRD-9500409

Texas Bond Review Board

Thursday, January 19, 1995, 10:00 a.m.

1400 North Congress Avenue, Capitol Extension, Room E1.012

Austin

Board Meeting

AGENDA:

I. Call to order

II. Approval of minutes

III. Consideration of proposed issues

A. Texas Public Finance Authority-General Obligation Refunding Bonds-Series 1995A for the Texas Department of Criminal Justice

B. Texas Alcoholic Beverage Commission-lease purchase of vehicles

IV. Other business

V. Adjourn

Contact: Albert L. Bacarisse, 300 West 15th Street, Suite 409, Austin, Texas 78701, (512) 463-1741.

Filed: January 11, 1995, 3:21 p.m.

TRD-9500450

Texas Planning Council for Developmental Disabilities

Thursday, January 19, 1995, 9:00 a.m.

Hyatt Hotel, 208 Barton Springs Road, Texas Ballroom V

Austin

Committee Meeting of the Whole

AGENDA:

Thursday, January 19, 1995

9:00 a.m.-Call to order

1. Introductions

2. Discussion about systems change strategies

Noon-Adjourn

Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services such as interpreters for persons who are deaf or hearing impaired, readers, large print or Braille, are requested to contact Rosalinda Lopez at (512) 483-4094.

Contact: Roger Webb, 4900 North Lamar Boulevard, Austin, Texas 78751, (512) 483-4080.

Filed: January 10, 1995, 1:06 p.m.

TRD-9500336

Thursday, January 19, 1995, 1:30 p.m.

Hyatt Regency Hotel, 208 Barton Springs Road, Big Bend C and D

Austin

Advocacy and Public Information Committee Meeting

AGENDA:

Thursday, January 19, 1995

1:30 p.m.-I. Call to order

II. Public comment

III. Approval of minutes

IV. Federal policy/legislation

V. Briefing and discussion of Long-Term Care Task Force report

VI. Presentation by the Office of Client Transportation

VII. Public information report

VIII. State policy legislation

5:00 p.m.-Adjourn

Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services such as interpreters for persons who are deaf or hearing impaired, readers, large print or Braille, are requested to contact Michelle Kuempel at (512) 483-4087.

Contact: Roger Webb, 4900 North Lamar Boulevard, Austin, Texas 78751, (512) 483-4080.

Filed: January 10, 1995, 10:54 a.m.

TRD-9500331

Thursday-Friday, January 19-20, 1995, 1:30 p.m. and 8:30 a.m., respectively.

208 Barton Springs Road

Austin

Grants Monitoring Committee

AGENDA:

Thursday, January 19, 1995

1:30 p.m.-Call to order

1. Introductions

2. Public comments

3. Approval of minutes from September 22-23, 1994

4. Mansfield ISD request for reauthorization of funding

5. Reauthorization process discussion

4:00 p.m.-Recess

Friday, January 20, 1995

8:30 a.m.-Reconvene

6. Summaries and reviews of grants ending by August 1995

7. Report of grantee activities in the Rio Grande Valley and West Texas

8. Review of consumer stipend request for proposal

9. Children's Habilitation Center request for reauthorization of funding

10. Presentation on permanency planning

Noon-Adjourn

Contact: Lester Sanders, 4900 North Lamar Boulevard, Austin, Texas 78751, (512) 483-4084.

Filed: January 10, 1995, 2:50 p.m.

TRD-9500376

Thursday-Friday, January 19-20, 1995, 1:30 p.m. and 8:30 a.m., respectively.

208 Barton Springs Road, Big Bend A-B Room

Austin

Planning and Evaluation Committee

AGENDA:

Thursday, January 19, 1995

1:30 p.m.-Call to order

1. Introduction of council members, staff and guests
2. Approval of minutes of September 22-23, 1994
3. Public comments
4. Review of planning process flow chart
5. Review of revised planning calendar
6. Review of new funding activity screening criteria
7. Report on areas of strategic activities identified by the Committee

Break

8. Combined TPCDD Committees meeting—overview of findings and recommendations of the OCTS

5:00 p.m.—Recess

Friday, January 20, 1995

8:30 a.m.—Reconvene

9. Introduction of council members, staff and guests

10. Continuation of unfinished business from January 19, 1995

Noon—Adjourn

Contact: Roger Webb, 4900 North Lamar Boulevard, Austin, Texas 78751, (512) 483-4081.

Filed: January 10, 1995, 10:54 a.m.

TRD-9500330

General Services Commission

Monday, January 23, 1995, 9:30 a.m.

Central Services Building, 1711 San Jacinto, Room 402

Austin

AGENDA:

- 1) Presentation of report on Texas Disparity Study and recommendations; 2) consideration of proposed amendments to §§125.3, 125.11, 125.19, and 125.21 concerning the State Travel Management Program; 3) consideration of final adoption of amendments to §§113.2, 113.4, 113.11 and 113.12 relating to central purchasing; 4) consideration on the use of competitive sealed proposals for property management services at the Houston and Waco office buildings; 5) presentation and discussion of proposed legislation; 6) consideration of proposed change orders—various projects; 7) division issues; executive session to consider personnel matters.

Contact: Judith Porras, 1711 San Jacinto, Austin, Texas 78701, (512) 463-3583.

Filed: January 10, 1995, 10:53 a.m.

TRD-9500329

Office of the Governor

Wednesday-Thursday, January 25-26, 1995, 1:00 p.m. and 8:30 a.m., respectively.

Wyndham Warwick Hotel, 5701 Main Street

Houston

Automobile Theft Prevention Authority

AGENDA:

- I. Call to order, introductions, and approval of minutes of last meeting. II. Report on Statewide HEAT Program, presented by Brenda Ivy, Department of Public Safety, and by Susan Sampson, APTA. III. Committee reports. IV. Election of ATPA Board officers. V. Director/staff reports. VI. Discussion/approval of grantee match requirements. VII. Executive session to discuss ATPA personnel matters. VIII. Discussion/decisions on grant awards for 1995 special funding. IX. Adjournment.

Contact: Linda Young, 4000 Jackson Avenue, Austin, Texas 78731, (512) 467-3999.

Filed: January 10, 1995, 4:55 p.m.

TRD-9500384

Health Professions Council

Monday, January 23, 1995, 8:30 a.m.

Texas Optometry Board, 9101 Burnet Road, Suite 214

Austin

Board Member Training Committee

AGENDA:

- Discuss Board member training

Contact: Edward M. Boggess, 9101 Burnet Road, Suite 109, Austin, Texas 78758-5260, (512) 873-6565.

Filed: January 10, 1995, 1:11 p.m.

TRD-9500348

Statewide Health Coordinating Council

Wednesday, January 25, 1995, 10:00 a.m.

Dr. May Owen Conference Room, Tenth Floor, Texas Medical Association, 401 West 15th Street

Austin

Legislative Committee

AGENDA:

The committee will discuss and possibly act on: legislative priorities; selection of filed legislation to support; and next meeting date and agenda planning.

Contact: Trish O'Day, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7261. For ADA assistance, call Richard Butler (512) 458-7695 or T.D. D. (512) 458-7708 at least two days prior to the meeting.

Filed: January 12, 1995, 9:46 a.m.

TRD-9500467

Wednesday, January 25, 1995, 5:00 p.m.

Thompson Auditorium, First Floor, Texas Medical Association, 401 West 15th Street
Austin

Legislative Briefing

AGENDA:

The committee will discuss and possibly act on the presentation of 1995-1996 Texas State Health Plan.

Contact: Trish O'Day, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7261. For ADA assistance, call Richard Butler (512) 458-7695 or T.D. D. (512) 458-7708 at least two days prior to the meeting.

Filed: January 12, 1995, 9:46 a.m.

TRD-9500468

Thursday, January 26, 1995, 9:00 a.m.

Dr. May Owen Conference Room, Tenth Floor, Texas Medical Association, 401 West 15th Street

Austin

AGENDA:

The council will discuss and possibly act on: approval of minutes from the November 22, 1994 meeting and the December 13, 1994 council workshop; legislative committee report; Medicaid White Paper; next meeting date and agenda planning; and announcements not requiring council action.

Contact: Trish O'Day, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7261. For ADA assistance, call Richard Butler (512) 458-7695 or T.D. D. (512) 458-7708 at least two days prior to the meeting.

Filed: January 12, 1995, 9:46 a.m.

TRD-9500466

Texas Department of Human Services

Friday, January 20, 1995, 11:00 a.m.

701 West 51st, Public Hearing Room
Austin

Texas Board of Human Services

AGENDA:

According to the complete agenda, the Texas Board of Human Services will consider approval of minutes of December 16, 1994, meeting; chair's comments and announcements; adoption of amendments to the licensure rules for nurse aides in the Licensing Standards for Long-Term Care Facilities; adoption of revisions to the Nursing Facility Licensure and Certification rules in the Nursing Facility Requirements; discuss options for new reimbursement methodology in the nursing facility program; hear amendments to policies and procedures; hear commissioner's report on historically underutilized business program status, announcements and comments and tracking of board action items.

Contact: Sherron Heinemann, P.O. Box 149030, Austin, Texas 78714-9030, (512) 450-3048.

Filed: January 11, 1995, 9:15 a.m.

TRD-9500402

Tuesday, January 31, 1995, 1:00 p.m.

701 West 51st Street, Fifth Floor, West Tower, Conference Room 5W

Austin

Family Violence Advisory Committee

AGENDA:

According to the complete agenda, the Family Violence Advisory Committee will be called to order; make introductions; review and approve the minutes from the November 18, 1994, meeting; make announcements on explanations of absences and scheduling of agenda items; discuss participation of shelters in EBT system; discuss proposed shelter survey; hear reports from DHS, Family Violence Contract Unity and Texas Council on Family Violence; and adjourn.

Contact: Connie Berry, P.O. Box 149030, Austin, Texas 78714-9030, (512) 450-4151.

Filed: January 10, 1995, 2:41 p.m.

TRD-9500375

Tuesday, January 31, 1995, 1:00 p.m.

701 West 51st, Room 121E

Austin

Advisory Committee for Personal Care Facilities

AGENDA:

According to the complete agenda, the Advisory Committee for Personal Care Facili-

ties will: call the meeting to order; call the roll; hear a subcommittee report on the committee reviewing licensing rules regarding the characteristics of residents; review staffing ratio in licensing rules; hear report from policy development coordinator of Long Term Care Regulatory; hear coordinator's report; address other business; and adjourn.

Contact: Barbara Crenwelge, P.O. Box 149030, Mail Code Y-976, Austin, Texas 78714-9030, (512) 834-6697.

Filed: January 11, 1995, 1:05 p.m.

TRD-9500432

Tuesday, January 31, 1995, 1:00 p.m.

701 West 51st Street, Second Floor, West Tower, Classroom Two

Austin

Aged and Disabled Advisory Committee

AGENDA:

According to the agenda, the Aged and Disabled Advisory Committee will hear opening comments; deputy commissioner's comments; approval of the minutes; revision to ICF-MR water activities rule; in-home and family support program rule changes; federal legislative update; proceedings of the subcommittee on services to persons with disabilities; proceedings of the Nursing Facility Subcommittee; open discussion by members; next meeting; and adjournment.

Contact: Anthony Venza, P.O. Box 149030, Austin, Texas 78714-9030, (512) 450-4943.

Filed: January 12, 1995, 9:03 a.m.

TRD-9500464

State Independent Living Council

Friday-Saturday, January 20-21, 1995, 1:00 p.m. and 9:00 a.m., respectively.

Beaumont Hilton, 2355 I-10 South

Beaumont

AGENDA:

Call to order, review agenda, review minutes, public comment, TRC/TCB reports, council reports, 501-3c status for SILC, Committee work on three year plan, by laws.

Contact: Carl Wright, P.O. Box 5368, Austin, Texas 78763, (512) 454-6694.

Filed: January 10, 1995, 3:34 p.m.

TRD-9500379

Texas Department of Insurance

Friday, January 20, 1995, 1:30 p.m.

State Office of Administrative Hearings, 300 West 15th Street, Suite 502

Austin

AGENDA:

454-94-2016.D

Pre-hearing conference to consider whether disciplinary action should be taken against Banner Life Insurance Company.

Contact: Bernice Ross, 333 Guadalupe Street, Mail Code #113-2A, Austin, Texas 78701, (512) 463-6328.

Filed: January 11, 1995, 2:34 p.m.

TRD-9500442

Monday, January 23, 1995, 9:00 a.m.

State Office of Administrative Hearings, 300 West 15th Street, Suite 502

Austin

AGENDA:

454-94-2098.E

Request for appeal hearing by Bay House Condo from a decision of the Texas Catastrophe Property Insurance Association (Cat Pool).

Contact: Bernice Ross, 333 Guadalupe Street, Mail Code #113-2A, Austin, Texas 78701, (512) 463-6328.

Filed: January 11, 1995, 2:40 p.m.

TRD-9500444

Monday, January 23, 1995, 9:00 a.m.

State Office of Administrative Hearings, 300 West 15th Street, Suite 502

Austin

AGENDA:

454-94-0089

To consider the request of Travis Martin for release of a \$25,000 Certificate of Deposit.

Contact: Bernice Ross, 333 Guadalupe Street, Mail Code #113-2A, Austin, Texas 78701, (512) 463-6328.

Filed: January 11, 1995, 2:40 p.m.

TRD-9500443

Tuesday, January 24, 1995, 1:00 p.m. (Rescheduled from January 17, 1995.)

State Office of Administrative Hearings, 300 West 15th Street, Suite 502

Austin

AGENDA:

454-94-1964.C

To consider the application of Debra Lee Moses-Dziga also known as Debra Lee Lopez, also known as Debbie Moses, San

Antonio, Texas, for a Solicitor's License to be issued by the Texas Department of Insurance.

Contact: Bernice Ross, 333 Guadalupe Street, Mail Code #113-2A, Austin, Texas 78701, (512) 463-6328.

Filed: January 11, 1995, 2:41 p.m.

TRD-9500445

Wednesday, January 25, 1995, 9:00 a.m.
(Rescheduled from November 1 and December 13, 1994.)

State Office of Administrative Hearings,
300 West 15th Street, Suite 502

Austin

AGENDA:

454-94-1439.C

To consider whether disciplinary action should be taken against Miranda Jane Campbell, Baytown, Texas, who holds a local Recording Agent's License issued by the Texas Department of Insurance.

Contact: Bernice Ross, 333 Guadalupe Street, Mail Code #113-2A, Austin, Texas 78701, (512) 463-6328.

Filed: January 11, 1995, 2:41 p.m.

TRD-9500446

Friday, January 27, 1995, 9:00 a.m.

State Office of Administrative Hearings,
300 West 15th Street, Suite 502

Austin

AGENDA:

454-95-0087.C

To consider whether disciplinary action should be taken against Porter Lunsford, Nacogdoches, Texas, who holds a Group I, Legal Reserve Life Insurance Agent's License, Group II, Insurance Agent's License, issued by the Texas Department of Insurance, and application for a Group V, Local Recording Agent's License.

Contact: Bernice Ross, 333 Guadalupe Street, Mail Code #113-2A, Austin, Texas 78701, (512) 463-6328.

Filed: January 11, 1995, 2:41 p.m.

TRD-9500447

Commission on Jail Standards

Friday, January 27, 1995, 9:00 a.m.

William B. Clements Building, Room 509,
300 West 15th Street

Austin

AGENDA:

Call to order. Roll call of members. Reading and approval of minutes of last meeting of November 18, 1994. Executive session.

Old business: Angelina County, Harris County, Wharton County, status of felony backlog/payment to counties/jail population report/state jails, complete jail projects, active remedial orders, internal audit report, new business: presentation on travel requirements, Jail Commission's annual report for 1994, change to standards, proposed standards, standards of conduct/financial disclosure, open meeting requirements, open records requirements, Calhoun County, Hidalgo County, Liberty County, Potter County, Winkler County, Development of privately operated/funded facilities, certification of Dallas County Jail System, San Patricio County. Applications for variances: Victoria County, cancellation of variances: Tarrant County, director's report. Other business. Adjourn.

Contact: Jack E. Crump, P.O. Box 12985, Austin, Texas 78711, (512) 463-5505.

Filed: January 11, 1995, 9:16 a.m.

TRD-9500405

Texas State Library

Wednesday, January 25, 1995, 10:00 a.m.

Texas State Library, Lorenzo de Zavala Archives and Library Building, Room 202,
1201 Brazos Street

Austin

Texas Historical Records Advisory Board

AGENDA:

1. Call to order
2. Approval of minutes of meeting—November 7, 1994
3. Review and discussion of consultant proposal requests
4. Discussion of proposed strategic planning session
5. Report—status of information brochure
6. Report—status of board appointments
7. Determination of site and date for next meeting
8. Adjournment

Contact: Raymond Hitt, P.O. Box 12927, Austin, Texas 78711, (512) 463-5440

Filed: January 10, 1995, 2:40 p.m.

TRD-9500374

Texas Department of Licensing and Regulation

Monday, January 23, 1995, 1:00 p.m.

E.O. Thompson Building, 920 Colorado,
Fourth Floor Conference Room

Austin

Architectural Barriers Advisory Committee

AGENDA:

- I. Call to order
- II. Record of attendance
- III. Approval of minutes of September 26, 1994 meeting
- IV. Staff report
- V. Subcommittee reports
- VI. Public comment
- VII. Other business
 - A. Election of chairperson
 - B. Emergency lease specifications for state leases
 - C. Tolerances/deviations
 - D. Long term care facilities
- VIII. Schedule next meeting
- IX. Adjournment

All facilities are accessible to persons with disabilities. Under the Americans with Disabilities Act, persons who plan to attend this meeting and require ADA assistance are requested to contact Caroline Jackson at (512) 463-7348 two working days prior to the meeting so that appropriate arrangements can be made.

Contact: Rick Baudoin, 920 Colorado, Austin, Texas 78711, (512) 463-3519.

Filed: January 11, 1995, 1:08 p.m.

TRD-9500437

Wednesday, January 25, 1995, 9:30 a.m.

E.O. Thompson Building, 920 Colorado,
Fourth Floor

Austin

Texas Commission of Licensing and Regulation

AGENDA:

The Commission will hold a regular meeting according to the following outline: I. Call to order; II. Roll call and certification of quorum; III. Contested cases; IV. Agreed orders; V. Appointments of members to (A) Property Tax Consultants Advisory Council, and (B) Architectural Barriers Advisory Committees; VI. Rules submissions; VII. Legislative information; VIII. Staff reports; IX. Operating budget; X. Executive session; XI. Open session/public comments, XII. Discussion of date, time and location of next Commission meeting; and, XIII. Adjournment.

Contact: Phyllis Wilson, 920 Colorado, Austin, Texas 78701, (512) 463-3173.

Filed: January 10, 1995, 3:36 p.m.

TRD-9500380

Texas State Board of Medical Examiners

Thursday, January 19, 1995, 9:30 a.m.

1812 Centre Creek Drive, Suite 300

Austin

Hearings Division

AGENDA:

Probation appearance, 9:30 a.m.—Carol Tillotson Ewing, M.D., Port Arthur, Texas.

Probation appearance, 9:30 a.m.—James Francis Garner, M.D., Houston, Texas.

Probation appearance, 10:00 a.m.—Martin E. Baurer, M.D., Gatesville, Texas.

Probation appearance, 10:00 a.m.—Richard Joseph Kondejewski, League City, Texas.

Probation appearance, 10:00 a.m.—Charles Reginald Lett, M.D., Palestine, Texas.

Probation appearance, 10:00 a.m.—Marion Condy Pugh, Jr., M.D., Austin, Texas.

Termination request, 11:00 a.m.—Bert Mills Avery, M.D., Lawton, Oklahoma.

Modification request, 11:30 a.m.—James Dewain Burleson, M.D., El Paso, Texas.

Executive session under authority of the Open Meetings Act, §551.071 of the Government Code, and Article 4495b, §2.07(b) and §2.09(o), Texas Civil Statutes, regarding pending or contemplated litigation.

Contact: Pat Wood, P.O. Box 149134, Austin, Texas 78714-9134, (512) 834-7728, Ext. 402.

Filed: January 11, 1995, 4:09 p.m.

TRD-9500455

Texas Council on Offenders with Mental Impairments

Thursday, January 26, 1995, 9:00 a.m.

8610 Shoal Creek Boulevard, Board Room, TDCJ-Pardons and Paroles Building

Austin

Planning/Legislative Committee

AGENDA:

I. Introductions

II. Approval of minutes (attachment)

III. M.O.U. discussion (attachment)

TDMHMR, MHMR Centers

TDOA, TDHS

TRC, TDHS, TDH, TCB, TCD&HI

IV. Legislative issues (attachment)

V. Planning/Legislative Committee strategies for 1995 (attachment)

Adjournment

Each item above includes discussion and action as necessary.

Contact: Dee Kifowit, 8610 Shoal Creek Boulevard, Austin, Texas 78757, (512) 406-5406.

Filed: January 11, 1995, 1:42 p.m.

TRD-9500438

Texas Natural Resource Conservation Commission

Wednesday, February 8, 1995, 5:00 p.m.

Rocksprings City Hall, 100 West Austin Street

Rocksprings

AGENDA:

On an application by the City of Rocksprings, Proposed Registration Number MSW40027, to construct and operate a municipal solid waste Type V transfer station. The proposed site contains approximately 1.17 acres of land and is located at the end of Cedar Street at the northwest corner of the city of Rocksprings in Edwards County, Texas.

Contact: Charles Stavley or Ann Scudday, P.O. Box 13087, Austin, Texas 78711, (512) 239-6987 or (512) 239-6688.

Filed: January 10, 1995, 2:30 p.m.

TRD-9500372

Thursday, February 9, 1995, 3:00 p.m.

Aransas County Courthouse, Commissioner's Courtroom, 301 North Liveoak

Rockport

AGENDA:

On an application by Aransas County for a municipal solid waste transfer station registration, Proposed Registration Number MSW40027, to operate a Type V municipal solid waste facility which amends/renews their original permit, MSW140. The facility contains approximately 9.182 acres of land and is located at 1301 Prairie Road in Aransas County, Texas.

Contact: Charles Stavley or Ann Scudday, P.O. 13087, Austin, Texas 78711, (512) 239-6687 or (512) 239-6688.

Filed: January 10, 1995, 2:31 p.m.

TRD-9500373

Texas Optometry Board

Friday, January 20, 1995, 9:00 a.m. (Committees) with meeting to begin at 2:30 p.m.; Saturday, January 21, 1995, Board Examination

Hilton Plaza Hotel, 6633 Travis Street

Houston

AGENDA:

On January 20, 1995, informal conferences will be held with licensees beginning at 9:00 a.m., and continuing throughout the morning; at 1:00 p.m., Rules Committee to meet, at 1:30 p.m., Continuing and Therapeutic Education Committee, and at 2:00 p.m. all committees to meet. The regular meeting of the Board will begin at 2:30 p.m. to consider reports of secretary-treasurer, legal counsel, executive director, committee chairpersons; adopt proposed rule amendments as published in *Texas Register* on Rule 271.6 regarding National Board Examination, Rule 273.5 regarding limited faculty license, and Rule 277.1 regarding hearings; consider matters regarding Health Professions Council, budget and legislative, International Association of Boards in Optometry, Sunset Advisory Commission implementation report, Federation of Regulatory Boards annual meeting, general correspondence, and adopt proposed rule on practice with contagious disease to implement House Bill 1479, 73rd Legislature, public comment at time certain of 3:30 p.m.; and executive session in compliance with §551.071, Government Code, to discuss contemplated and pending litigation with Board attorney. On January 21, 1995, Board Examination will be administered at University of Houston College of Optometry, followed by a grading session.

Contact: Lois Ewald, 9101 Burnet Road, Suite 214, Austin, Texas 78758, (512) 835-1938.

Filed: January 11, 1995, 1:07 p.m.

TRD-9500436

Texas Parks and Wildlife Department

Wednesday, January 18, 1995, 10:00 a.m.

Parks and Wildlife Headquarters, Commission Hearing Room, 4200 Smith School Road

Austin

Finance Committee

AGENDA:

Approval of the Committee minutes from the November 2, 1994 meeting; briefing-update on license point of sale and License Deputy Advisory Committee; action-license for proposal; briefing-review of Legislative Budget Board appropriation bill; other business.

Contact: Andrew Sansom, 4200 Smith School Road, Austin, Texas 78744, (512) 389-4642.

Filed: January 10, 1995, 1:52 p.m.

TRD-9500354

Wednesday, January 18, 1995, 11:30 a.m.

Parks and Wildlife Headquarters, Commission Hearing Room, 4200 Smith School Road

Austin

Capital Projects Committee

AGENDA:

Approval of the Committee minutes from the November 2, 1994 meeting; action-land donation-Travis County; action-land donation-Anderson County; briefing-Connor donation.

Contact: Andrew Sansom, 4200 Smith School Road, Austin, Texas 78744, (512) 389-4642.

Filed: January 10, 1995, 1:54 p.m.

TRD-9500355

Wednesday, January 18, 1995, 1:00 p.m.

Parks and Wildlife Headquarters, Commission Hearing Room, 4200 Smith School Road

Austin

Policy and Planning Committee

AGENDA:

Approval of the Committee minutes from the November 2, 1994 meeting; action-policy on future golf courses on agency lands; action-natural resources damage assessment rules; action-sand, gravel, marl, shell, and mudshell delegation and program applications; action-naming of Parks and Wildlife management areas; briefing-update on efforts to establish agreements with various Mexican states; briefing-preview of legislative session; other business

Contact: Andrew Sansom, 4200 Smith School Road, Austin, Texas 78744, (512) 389-4642.

Filed: January 10, 1995, 1:55 p.m.

TRD-9500356

Wednesday, January 18, 1995, 2:30 p.m.

Parks and Wildlife Headquarters, Commission Hearing Room, 4200 Smith School Road

Austin

Policy and Planning Committee and Regulations Committee (Joint Meeting)

AGENDA:

Briefing-clarification of public land units.

Contact: Andrew Sansom, 4200 Smith School Road, Austin, Texas 78744, (512) 389-4642.

Filed: January 10, 1995, 1:56 p.m.

TRD-9500357

Wednesday, January 18, 1995, 3:00 p.m.

Parks and Wildlife Headquarters, Commission Hearing Room, 4200 Smith School Road

Austin

Regulations Committee

AGENDA:

Approval of the Committee minutes from the November 2, 1994 meeting; action-proposed 1995-1996 hunting and fishing regulation changes.

Contact: Andrew Sansom, 4200 Smith School Road, Austin, Texas 78744, (512) 389-4642.

Filed: January 10, 1995, 1:58 p.m.

TRD-9500358

Wednesday, January 18, 1995, 7:00 p.m.

Bright Leaf, 4400 Crestway Drive

Austin

Parks and Wildlife Commission

AGENDA:

Members of the Texas Parks and Wildlife Commission plan to have dinner at 7:00 p.m., January 18, 1995. Although this function is primarily a social event and no formal action is planned, the Commission may discuss items on the public hearing scheduled for 9:00 a.m., Thursday, January 19, 1995.

Contact: Andrew Sansom, 4200 Smith School Road, Austin, Texas 78744, (512) 389-4642.

Filed: January 10, 1995, 1:59 p.m.

TRD-9500359

Thursday, January 19, 1995, 9:00 a.m.

Parks and Wildlife Headquarters, Commission Hearing Room, 4200 Smith School Road

Austin

Parks and Wildlife Commission

AGENDA:

Approval of the Commission minutes from the November 3, 1994 meeting; presentation of retirement certificates and service awards; presentation-Texas Black Bass Unlimited to the Parks and Wildlife Foundation-Freshwater Fisheries Center; presentation-Parks and Wildlife Foundation and Texas Game Warden Association-Game Warden Mike Alexander; action-local park funding; action-boat ramp funding; action-artwork approval; action-sand, gravel, marl, shell, and mudshell delegation and program applications; action-proposed policy on construction of golf courses on agency lands; action-nomination for oil and gas lease-Las Palomas Wildlife Manage-

ment Area-Starr County; action-pipeline easement-Richland Creek Wildlife Management Area-Freestone County; action-surface lease-Richland Creek Wildlife Management Area-Freestone County; action-Caprock Canyons State Park Aoudad sheep management hunt proclamation; action-natural resource damage assessment rules; action-land donation-Travis County; action-land donation-Anderson County.

Contact: Andrew Sansom, 4200 Smith School Road, Austin, Texas 78744, (512) 389-4642.

Filed: January 10, 1995, 2:00 p.m.

TRD-9500360

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Executive Council of Physical Therapy and Occupational Therapy Examiners

Monday, January 23, 1995, 9:30 a.m.

3001 South Lamar Boulevard, Suite 101

Austin

AGENDA:

- I. Call to order
- II. Public comment
- III. Approval of minutes of previous meetings
- IV. Presiding officer's report
- V. Discussion and possible action on a rule setting fees for the Physical Therapy Board
- VI. Review and possible action on rules proposed by the Physical Therapy Board
- VII. Discussion and possible action on council/board member reimbursement
- VIII. Discussion of remuneration issues
- IX. Discussion of issues arising from registration of facilities programs
- X. Executive director's report
 - A. Budget hearing/LBB recommendations
 - B. Health Professions Council
 - C. Mandated report update
 - D. Status of personnel policy manual
 - E. List of problems submitted by OT Coordinator
- XI. Adjournment

Contact: Nina Hurter, 3001 South Lamar Boulevard, Suite 101, Austin, Texas 78704, (512) 443-8202.

Filed: January 12, 1995, 9:02 a.m.

TRD-9500463
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Public Utility Commission of Texas

Wednesday, January 18, 1995, 10:00 a.m.

7800 Shoal Creek Boulevard

Austin

AGENDA:

There will be an open meeting at which the commissioners will consider the following: P-12756—hear comments and consider for adoption §23.69 concerning Integrated Services Digital Network (ISDN) rule, P-13763—consider for publication an amendment to §23.11 and §23.12 concerning earnings reports, P-13319—hear comments and consider for adoption §23.95 concerning telemedicine and Integrated Services Digital Network, D-11823—complaint of Raye E. Stiles against GTE Southwest, Inc., D-13409—application of Gulf States Utilities Company to surcharge a cumulative undercollection of fuel and purchased power costs, and D-12855—application of Southwestern Electric Power Company to reconcile fuel costs.

Contact: John M. Renfrow, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: January 10, 1995, 1:50 p.m.

TRD-9500352

Wednesday, January 18, 1995, 10:05 a.m.

7800 Shoal Creek Boulevard

Austin

Administrative

AGENDA:

There will be an administrative meeting for discussion, consideration, and possible action on report on system to monitor and verify state agency rates; proposed revision to earnings reports for the twelve months ending December 31, 1994; response to comments filed with FERC in NoPR on stranded investment; discussion concerning holding a workshop on requiring small wind generators to obtain liability insurance; report on third-year earnings sharing results by SWBT; report on legislative activity; budget and fiscal matters; adjournment for executive session to consider litigation and personnel matters; reconvene for discussion and decisions on matters considered in executive session; set time and place for next meeting; and final adjournment.

Contact: John M. Renfrow, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: January 10, 1995, 2:50 p.m.

TRD-9500378

Wednesday, January 18, 1995, 10:05 a.m.

7800 Shoal Creek Boulevard

Austin

Administrative

AGENDA:

There will be an administrative meeting for discussion, consideration, and possible action on report to system to monitor and verify state agency rates; proposed revision to earnings report for the twelve months ending December 31, 1994, response to comments filed with FERC in NoPR on stranded investment; discussion concerning holding a workshop on requiring small wind generators to obtain liability insurance; report on third-year earnings sharing results by SWBT; report on legislative activity; budget and fiscal matters; adjournment for executive session to consider litigation and personnel matters; reconvene for discussion and decisions on matters considered in executive session; set time and place for next meeting; and final adjournment.

Contact: John M. Renfrow, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: January 10, 1995, 2:50 p.m.

TRD-9500377

Wednesday, February 8, 1995, 10:00 a.m. (Rescheduled from January 11, 1995.)

7800 Shoal Creek Boulevard

Austin

Hearings Division

AGENDA:

A prehearing conference is scheduled for the above date and time in Docket Number 13673: application of Central Telephone Company of Texas to revise its billing and collection tariff.

Contact: John M. Renfrow, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: January 10, 1995, 1:11 a.m.

TRD-9500349

Wednesday, February 8, 1995, 10:00 a.m. (Rescheduled from January 11, 1995.)

7800 Shoal Creek Boulevard

Austin

Hearings Division

AGENDA:

A prehearing conference is scheduled for the above date and time in Docket Number 13674: application of United Telephone

Company of Texas to revise its billing and collection tariff.

Filed: January 10, 1995, 1:11 p.m.

TRD-9500350

Monday, April 3, 1995, 10:00 a.m.

7800 Shoal Creek Boulevard

Austin

Hearings Division

AGENDA:

A hearing on the merits has been scheduled in Docket Number 13775—application of Southwestern Electric Service Company to change tariff relating to power cost recovery factor.

Contact: John M. Renfrow, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: January 11, 1995, 1:04 p.m.

TRD-9500431

Wednesday, April 26, 1995, 1:00 p.m.

7800 Shoal Creek Boulevard

Austin

Hearings Division

AGENDA:

A hearing on the merits will be held on the above date and time in Docket Number 13727—complaint of Opal Swaim against Texas Utilities Electric Company.

Contact: John M. Renfrow, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: January 11, 1995, 8:57 a.m.

TRD-9500401

Tuesday, June 27, 1995, 10:00 a.m.

7800 Shoal Creek Boulevard

Austin

Hearings Division

AGENDA:

A hearing on the merits is scheduled for the above date and time in Docket Number 13569: application of Southwestern Bell Telephone Company to offer optional public access line and answer supervision for customer owned pay telephone service.

Contact: John M. Renfrow, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: January 10, 1995, 2:28 p.m.

TRD-9500369

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Texas Rehabilitation Commission

Thursday, January 26, 1995, 9:00 a.m.
Brown-Heatly Building, 4900 North Lamar Boulevard

Austin

Texas Rehabilitation Advisory Council

AGENDA:

Call to order/roll call/agenda review/announcements/feedback on annual report/TRAC nominations update/reports on local contacts with consumer organizations, TRC regional staff members, etc./HHSC legislative update/commissioner's report (TRC legislative update; comments/feedback on annual report; rehabilitation services updates)/break/approval of minutes of October 1994 meeting/chairperson's report/IHO training/TRC consumer affairs report/TRAC staff report/lunch/public comment/discussion: TRAC input to client satisfaction survey/discussion: TRC incorporating TRAC recommendations in their policies and procedures/subcommittee meetings/adjourn.

Contact: Barbara Ritter, 4900 North Lamar Boulevard, Austin, Texas 78751, (512) 483-4160.

Filed: January 10, 1995, 1:10 p.m.

TRD-9500344

Friday, January 27, 1995, 9:00 a.m.

Brown-Heatly Building, 4900 North Lamar Boulevard

Austin

Texas Rehabilitation Advisory Council

AGENDA:

Subcommittee reports/questions from council re: Quality Task Force initiatives/lunch/TRAC action regarding consumer satisfaction/recommendations/action items/agenda items for next meeting/adjourn.

Contact: Barbara Ritter, 4900 North Lamar Boulevard, Austin, Texas 78751, (512) 483-4160.

Filed: January 10, 1995, 1:09 p.m.

TRD-9500343

Teacher Retirement System of Texas

Thursday, January 19, 1995, 10:30 a.m.
1000 Red River, Room 514E

Austin

Board of Trustees Nominations Committee

AGENDA:

Interview candidates for Investment Advisor; interview candidates for Real Estate

consultant; approval of minutes of December 7, 1994, and January 16, 1995, meetings; consider recommendation for Investment Advisor; consider recommendation for Real Estate consultants; discussion of nomination for Retirees Advisory Committee.

Contact: Mary Godzik, 1000 Red River, Austin, Texas 78701-2698, (512) 397-6400.

Filed: January 11, 1995, 3:21 p.m.

TRD-9500451

University of Texas M.D. Anderson Cancer Center

Tuesday, January 17, 1995, 9:00 a.m.

1515 Holcombe Boulevard, Room AW7.707

Houston

Institutional Animal Care and Use Committee

AGENDA:

Review of protocols for animal care and use and modifications thereof

Contact: Anthony Mastromarino, Ph.D., 1515 Holcombe Boulevard, Box 101, Houston, Texas 77030, (713) 792-3220.

Filed: January 12, 1995, 9:01 a.m.

TRD-9500462

Texas Water Development Board

Wednesday, January 18, 1995, 3:00 p.m.

Stephen F. Austin Building, Room 513-F, 1700 North Congress Avenue

Austin

Policy and Finance Committee

AGENDA:

1. Consider approval of the minutes of the meeting of November 16, 1994.
2. Briefing and discussion on the results of the \$65,000,000 State of Texas Water Development Bonds, Series 1994-A, 1994-B, 1994-C, and 1994-D senior managed by Masterson Moreland Sauer Whisman, Inc.
3. Briefing and discussion on the status of unsolicited proposals received during the months of May through November 1994 for financial products and transactions.
4. Consider the transfer of bearer bonds registered in the name of the Texas Water Resources Finance Authority to the Depositor Trust Company (DTC) in New York.
5. Briefing on present and future EDAP projects.

6. May consider items on the agenda of the January 19, 1995 Board meeting.

Contact: Craig D. Pedersen, P.O. Box 13231, Austin, Texas 78711, (512) 463-7847.

Filed: January 10, 1995, 2:29 p.m.

TRD-9500371

Wednesday, January 18, 1995, 4:00 p.m.

Stephen F. Austin Building, Room 513-F, 1700 North Congress Avenue

Austin

Audit Committee

AGENDA:

1. The committee will consider approval of the minutes of the meeting of November 16, 1994.
2. The committee will be briefed on activities related to agency cost-savings initiatives.
3. The committee will be briefed on external audit activities of the Development Fund Audit Section.
4. The committee will be briefed on fiscal year 1994 annual financial report.
5. The committee will be briefed on current audit activities of the internal auditor.
6. The committee will conduct 12 month performance review of the internal auditor.
7. The committee may discuss items on the agenda of the January 19, 1995 Board meeting.

Contact: Craig D. Pedersen, P.O. Box 13231, Austin, Texas 78711, (512) 463-7847.

Filed: January 10, 1995, 2:29 p.m.

TRD-9500370

Thursday, January 19, 1995, 9:00 a.m.

Stephen F. Austin Building, Room 118, 1700 North Congress Avenue

Austin

AGENDA:

The Board will consider: minutes; executive, financial and committee reports; extension of time for Sandy Land Underground Water Conservation District to make loans to borrowers and for Shelby County and Nueces River Authority to negotiate and execute planning grants; financial assistance for cities of Whitehouse, Hemphill, Fort Worth, Mission, and El Paso County Water Authority Municipal Utility District, South Plains Underground Water Conservation District, Homestead Municipal Utility District, Greater Texoma Utility Authority (Gainesville), and Sabine River Authority change in scope for commitment to Woodville; contracts with Corps of Engi-

neers, Fort Worth Water Department, Pequod and Associates, and transfer of funds; rule revisions to Chapter 363 and Chapter 375; upcoming projects in El Paso County; sale of El Paso Series 1990B revenue bonds; lending rate for board funds; update to statewide population and water demand forecasts; amendment of MOU with International Boundary and Water Commission; submission of Colonias Report to the Legislature.

Contact: Craig D. Pedersen, P.O. Box 13231, Austin, Texas 78711, (512) 463-7847.

Filed: January 11, 1995, 1:06 p.m.

TRD-9500433

Texas Water Resources Finance Authority

Thursday, January 19, 1995, 9:00 a.m.

Stephen F. Austin Building, Room 118, 1700 North Congress Avenue

Austin

AGENDA:

1. Consider approval of the minutes of the meeting of July 21, 1994.
2. Consider establishing a lending rate methodology for TWRFA funds and cashflows.

Contact: Craig D. Pedersen, P.O. Box 13231, Austin, Texas 78711, (512) 463-7847.

Filed: January 11, 1995, 1:07 p.m.

TRD-9500435

Regional Meetings

Meetings Filed January 10, 1995

The Bell County Tax Appraisal District Board of Directors will meet at 411 East Central Avenue, Belton, January 18, 1995, at 7:00 p.m. Information may be obtained from Mike Watson, P.O. Box 390, Belton, Texas 76513, (817) 939-5841. TRD-9500368.

The Gillespie Central Appraisal District Board of Directors will meet at the Gillespie County Courthouse, County Courtroom, 101 West Main, Fredericksburg, January 19, 1995, at 9:00 a.m. Information may be obtained from Mary Lou Smith, P.O. Box 429, Fredericksburg, Texas, 78624, (210) 997-9807. TRD-9500363.

The Gillespie Central Appraisal District Alternate Board of Review will meet at the Gillespie County Courthouse, County

Courtroom, 101 West Main, Fredericksburg, January 19, 1995, at 2:00 p.m. Information may be obtained from Mary Lou Smith, P.O. Box 429, Fredericksburg, Texas 78624, (210) 997-9807. TRD-9500362.

The Gillespie Central Appraisal District Board of Review will meet at the Gillespie County Courthouse, County Courtroom, 101 West Main, Fredericksburg, January 19, 1995, at 3:30 p.m. Information may be obtained from Mary Lou Smith, P.O. Box 429, Fredericksburg, Texas, 78624 (210) 997-9807. TRD-9500361.

The Harris County Appraisal District Board of Directors will meet at 2800 North Loop West, Eighth Floor, Houston, January 18, 1995, at 9:30 a.m. Information may be obtained from Margie Hilliard, P.O. Box 920975, Houston, Texas 77292, (713) 957-5291. TRD-9500353.

The Houston-Galveston Area Council Projects Review Committee will meet at 3555 Timmons Lane, Conference Room A, Second Floor, Houston, January 17, 1995, at 9:40 a.m. Information may be obtained from Rowena Ballas, P.O. Box 22777, Houston, Texas 77227, (713) 627-3200. TRD-9500334.

The Houston-Galveston Area Council Board of Directors will meet at 3555 Timmons Lane, Conference Room A, Second Floor, Houston, January 17, 1995, at 10:00 a.m. Information may be obtained from Cynthia Marquez, P.O. Box 22777, Houston, Texas 77227, (713) 627-3200.

The Mason County Appraisal District Appraisal Review Board will meet at 202 Westmoreland, Mason, January 17, 1995, at 9:00 a.m. Information may be obtained from Deborah Geistweidt, P.O. Box 1119, Mason, Texas 76856, (915) 347-5989. TRD-9500383.

The Mills County Appraisal District Board of Directors will meet at the Mills County Courthouse, Jury Room, Fisher Street, Goldthwaite, January 19, 1995, at 6:30 p.m. Information may be obtained from Cynthia Partin, P.O. Box 565, Goldthwaite, Texas 76844, (915) 648-2253. TRD-9500351.

The Red River Authority of Texas Board of Directors will meet at the Wichita Falls Activity Center, 607 Tenth Street, Wichita Falls, January 18, 1995, at 10:00 a.m. Information may be obtained from Ronald J. Glenn, 520 Hamilton Building, 900 Eighth Street, Wichita Falls, Texas 76301-6894, (817) 723-8697. TRD-9500333.

The Upshur County Appraisal District (Revised Agenda.) Board of Directors will meet at Warren and Trinity Street, Gilmer, January 23, 1995, at 1:00 p.m. Information may be obtained from Louise Stracener, P.O. Box 280, Gilmer, Texas 75644-0280, (903) 843-3041. TRD-9500345.

The West Central Texas Council of Governments Big Country Quality Work Force Planning Cooperative will meet at 1025 East North Tenth, Abilene, January 31, 1995, at 1:00 p.m. Information may be obtained from Roxann Hamilton, 1025 East North Tenth, Abilene, Texas 79601, (915) 672-8544. TRD-9500381.

Meetings Filed January 11, 1995

The Cash Water Supply Corporation Board of Directors met at the Corporation Office, FM 1564 at Highway 34, Greenville, January 16, 1995, at 7:00 p.m. Information may be obtained from Eddy W. Daniel, P.O. Box 8129, Greenville, Texas 75404-8129, (903) 883-2695. TRD-9500430.

The Dallas Central Appraisal District Appraisal Review Board will meet at 2949 North Stemmons Freeway, Second Floor Community Room, Dallas, January 25, 1995, at 8:30 a.m. Information may be obtained from Rick Kuehler, 2949 North Stemmons Freeway, Dallas, Texas 75247, (214) 631-0520. TRD-9500400.

The Deep East Texas Council of Governments Board will meet at 611 West Columbia Street, San Augustine Civic and Tourism Center, San Augustine, January 26, 1995, at 10:00 a.m. Information may be obtained from Walter G. Diggles, 274 East Lamar Street, Jasper, Texas 75951, (409) 384-5704. TRD-9500460.

The Deep East Texas Council of Governments Board of Directors will meet at 611 West Columbia Street, San Augustine Civic and Tourism Center, San Augustine, January 26, 1995, at 11:00 a.m. Information may be obtained from Walter G. Diggles, 274 East Lamar Street, Jasper, Texas 75951, (409) 384-5704. TRD-9500459.

The Falls County Appraisal District Appraisal Review Board will meet at the intersection of Highways 6 and 7, Falls County Courthouse, First Floor, Marlin, January 19, 1995, at 9:00 a.m. Information may be obtained from Joyce Collier, P.O. Box 430, Marlin, Texas 76661, (817) 883-2543. TRD-9500440.

The Guadalupe-Blanco River Authority Retirement and Benefit Committee will meet at 933 East Court Street, Seguin, January 17, 1995, at 3:00 p.m. Information may be obtained from W. E. West, Jr., P.O. Box 271, Seguin, Texas 78156-0271, (210) 379-5822. TRD-9500407.

The Guadalupe-Blanco River Authority Board of Directors will meet at 933 East Court Street, Seguin, January 18, 1995, at 10:00 a.m. Information may be obtained from W. E. West, Jr., P.O. Box 271, Seguin, Texas 78156-0271, (210) 379-5822. TRD-9500408.

The Harris County Appraisal District (Revised Agenda.) Board of Directors will meet at 2800 North Loop West, Eighth Floor, Houston, January 18, 1995, at 9:30 a.m. Information may be obtained from Margie Hilliard, P.O. Box 920975, Houston, Texas 77292, (713) 957-5291. TRD-9500449.

The Hood County Appraisal District Board of Directors will meet at 1902 West Pearl Street, District Office, Granbury, January 17, 1995, at 7:30 p.m. Information may be obtained from Harold Chesnut, P.O. Box 819, Granbury, Texas 76048, (817) 573-2471. TRD-9500403.

The Lamar County Appraisal District Board of Directors will meet at 521 Bonham, Paris, January 17, 1995, at 4:00 p.m. Information may be obtained from Joe A. Welch, P.O. Box 400, Paris, Texas 75460, (903) 785-7822. TRD-9500458.

The North Texas Private Industry Council Nortex Regional Planning Commission will meet at 4309 Jacksboro Highway, Suite 200, Wichita Falls, January 25, 1995, at Noon. Information may be obtained from Kelly Couch, 3917 Texas, Vernon, Texas 76384, (817) 322-5281. TRD-9500454.

The Rio Grande Council of Governments Board of Directors will meet at 1100 North Stanton, Main Conference Center, Fourth Floor, El Paso, January 20, 1995, at 9:30 a.m. Information may be obtained from Lidia Flynn, 1100 North Stanton, Suite 610, El Paso, Texas 79902, (915) 533-0098. TRD-9500429.

The Wheeler County Appraisal Board of Directors met at 1103 East Texas, Courthouse Square, Wheeler, January 16, 1995, at 5:00 p.m. Information may be obtained from Larry Schoenhals, P.O. Box 1200, Wheeler, Texas 79096, (806) 826-5900. TRD-9500406.

The Wood County Appraisal District Board of Directors will meet at 217 North Main, Quitman, January 19, 1995, at 1:30 p.m. Information may be obtained from W. Carson Wages or Lou Brooke, P.O. Box 518, Quitman, Texas 75783-0518, (903) 763-4891. TRD-9500426.

◆ ◆ ◆
**Meetings Filed January 12,
1995**

The Harris County Appraisal District (Revised Agenda.) Board of Directors will meet at 2800 North Loop West, Eighth Floor, Houston, January 18, 1995, at 9:30 a.m. Information may be obtained from Margie Hilliard, P.O. Box 920975, Houston, Texas 77292, (713) 957-5291. TRD-9500461.

IN ADDITION

The **Texas Register** is required by statute to publish certain documents, including applications to purchase control of state banks, notices of rate ceilings, changes in interest rate and applications to install remote service units, and consultant proposal requests and awards. To aid agencies in communicating information quickly and effectively, other information of general interest to the public is published as space allows.

Texas State Board of Public Accountancy

Quality Review Oversight Board Members

The Texas State Board of Public Accountancy (TSBPA), in accordance with provisions of the Government Code, Chapter 2254, announces the awarding of a personal service contract to evaluate and identify specific technical issues as part of the oversight and monitoring of sponsoring organizations for compliance and implementation of the minimum standards for performing and reporting on the quality reviews established by the quality review rules of the board.

The solicitation for proposals was published in the August 5, 1994, issue of the *Texas Register* (19 TexReg 6164).

Only one proposal was received.

The board has awarded the contract solicited to Priscilla Slade, Ph.D., Texas Southern University, Jesse H. Jones School of Business, Department of Accounting, 3100 Cleburne, Allen Building, Room 210, Houston, Texas 77004. This consultant contract began September 1, 1994, and ends August 31, 1996. The fee estimate is not to exceed \$30,000, plus expenses which may not exceed \$5,000 at a contact price of \$100 per hour.

Issued in Austin, Texas, on January 9, 1995.

TRD-9500295 William Treacy
Executive Director
Texas State Board of Public Accountancy

Filed: January 9, 1995

Texas Commission on Alcohol and Drug Abuse

Notice of Intent to Contract

The Texas Commission on Alcohol and Drug Abuse (TCADA) under the authority of the Texas Health and Safety Code, Title 6, Subtitle B, Chapter 461, gives notice of an Intent to Contract for a Treatment Alternative to Incarceration Program (TAIP) in Travis County. The purpose of the available funds is to enhance the TAIP in Travis County. The TAIP program is designed as a linkage between community-based chemical dependency treatment systems and the criminal justice system in order to serve a common population more efficiently. It serves as a source of relief to the overburdened criminal justice system by providing an avenue of direct treatment referrals for chemically-dependent offenders who may benefit more from treatment than incarceration.

Qualified organizations with experience and capability interested in receiving an application to apply shall submit a letter of intent to: Steve Casillas, Director, Funding Processes Department, 710 Brazos, Austin, Texas 78701. The letter shall be received at TCADA no later than 5:00 p.m., January 24, 1995. The letter shall demonstrate how the organization meets the requirements listed previously, and also demonstrate experience and capability to provide the service. TCADA will screen applicants based on the information contained in the letter of intent. Only those applicants with documented capability and experience will be contacted. For further information, contact Nicol de Silva at (512) 867-8265.

The primary target population in need for the enhancement to the TAIP program in Travis County is African-American males. TCADA has been contacted by a non-profit organization, Living in Freedom Everyday (L.I.F.E, Inc.), who is interested in providing the services to this target population in Travis County. It is TCADA's intent to issue a contract to this organization if there are no other interested and eligible organizations. For organizations interested in applying and competing for these funds, organizations shall consider and respond to the following. Eligible providers are private non-profit, public, or for-profit entities; the organization shall ensure that the facility is currently licensed for Intensive Residential treatment services by TCADA; the amount of available funding will be \$100,000 annually.

Issued in Austin, Texas, on January 10, 1995

TRD-9500420 J Ben Bynum
Executive Director
Texas Commission on Alcohol and Drug
Abuse

Filed: January 11, 1995

Texas Commission for the Blind

Request for Proposal for Computer Access Technology Training FFY 1995

Pat D. Westbrook, Executive Director of the Texas Commission for the Blind, has announced the availability of funds to contract for individualized computer and software program training to consumers receiving services from the Commission and staff of the Commission who are blind or severely visually impaired.

OBJECTIVES. The Commission intends to enter into contracts with individuals and organizations to provide computer access technology interfacing services and training on a fee-for-service basis to staff and consumers (who are determined eligible by the Commission). The primary objective of the contract is to enable consumers and staff

who are blind or severely visually impaired to have access to work-place, task-specific, advanced training in the use of access hardware and software systems and to the integration of software programs and hardware systems for employment, education, and training applications. This is achieved by the provision of computer access technology training by individuals familiar with computer technology, applications of this technology for consumers and staff who are blind or severely visually impaired, and methods of instructing consumers and staff who are blind or severely visually impaired, as well as the ability to set software environments and create windows/macros (Form Fill) specific to an individual's needs on the job. Preference will be given to applicants with skills in computer interfacing and training. The following examples are provided as guides. They are not meant to be inclusive.

Computer interfacing: software customization to access mainframe or personal computer via adaptive software and devices, integration of adaptive software and hardware within a local area network.

Training: advanced skills with computer hardware/software, advanced skills with DOS, advanced skills with specific software, e.g., WordPerfect, Lotus 1-2-3, PC-File+, and other off-the-shelf software.

Adaptive technology: large print programs, e.g., Vista, ZoomText, LPDOS, speech screen review software, e.g., Vert, Vocal-Eyes, Artic, JAWS, braille systems, e.g., Power Braille, ALVA, Braillex.

TARGETED POPULATION. Consumers served under these contracts are persons who are legally or totally blind or severely visually impaired and who have met the basic requirements for receiving services and who have been referred by an authorized agency representative. Staff served under these contracts would be persons referred by a regional supervisor/program supervisor.

WHO IS ELIGIBLE TO APPLY. Organizations and individuals that provide computer technology training are eligible to apply for contracts.

APPLICATION PROCEDURES. Submit to Glenda Embree, Supervisor of Program Specialists, Texas Commission for the Blind, 4800 North Lamar Boulevard, Suite 220, Austin, Texas 78756, a narrative no longer than five typed pages which describe individual or organization applying, proposed geographic coverage, quality and extent of services to be provided (list specific software and adaptive devices for visual loss), experience in providing adaptive technology interface and training to persons with visual loss, cost per person per hour for proposed training and method used to calculate cost. Also include qualifications of key personnel, additional information about you or your organization and past achievements in serving the consumer who is visually impaired or blind.

DEADLINE. All applications must be postmarked no later than February 17, 1995.

INQUIRIES. Interested parties are urged to contact the Texas Commission for the Blind with related questions prior to drafting proposals to facilitate the request for proposal process. Inquiries should be directed to Cathy Duvall, (512) 459-2573.

METHOD OF PAYMENT. The service provider will be reimbursed monthly via monthly submission of a voucher with a detailed listing of services provided after agency review and approval of submitted material.

REVIEW CRITERIA. Reviewers will use the following criteria to evaluate proposals. The proposal addresses the explicit purpose of the Request for Proposal. The applicant addresses their expertise with the subject matter, the applicant provides evidence of their professional and organizational capacity to achieve the objectives in a timely manner and the applicant agrees to provide services to the consumer or staff at their work place. In addition to the written criteria, the applicant will be required by the Commission to demonstrate their proficiency in the use of adaptive technology and application software.

Issued in Austin, Texas, on January 10, 1995.

TRD-9500309 Pat D Westbrook
Executive Director
Texas Commission for the Blind

Filed: January 10, 1995

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Texas Department of Commerce
Notice of Request for Proposal for
Outside Legal Services

The Texas Department of Commerce (Commerce) invites law firms and legal counsel to submit proposals to comprehensively review existing loan and loan guarantee documents, guidelines, policies and procedures, and to make specific recommendations, if necessary, to mitigate potential legal and financial risk to the State.

A Request for Proposal for these legal services was previously issued last September, however, a contract was not consummated, and the Request for Proposals is being reissued. The Request for Proposal appeared in the September 30, 1994, issue of the *Texas Register* (19 TexReg 7839).

The loan and loan guarantee programs to be reviewed and for which recommendations for improvements to mitigate legal and financial exposure for the State are being sought, if such are necessary, include the Texas Exporters Loan Fund Program, which is authorized by Government Code, Subchapter D, §481.059; the Texas Leverage Fund Program, which is authorized by Government Code, Subchapter E, §481.073; and by Article 5190.6, the Development Corporation Act; and the Rural Economic Development Fund Program, which is authorized by Government Code, Subchapter F, §481.084.

The legal services for which proposals are requested include the comprehensive review of all existing boilerplate loan and loan guarantee documents, including loan and loan guarantee agreements, security agreements, promissory notes, financing statements, deeds of trust and similar documents used routinely in commercial lending transactions and the writing of recommendations for improvements, to the extent necessary, to mitigate the State's legal and financial exposure associated with the programs set forth in the preceding paragraph.

The legal services being sought also include the review, evaluation and suggested modification, if any is necessary to reduce the State's legal and financial risk from Commerce's underwriting practices, lending and guarantee criteria and other guidelines, policies and procedures utilized in administering the various financial programs set forth previously.

Contact: Parties interested in submitting proposals should contact Rene Mauzy, Acting General Counsel, Texas De-

partment of Commerce, 1700 Congress Avenue, Stephen F. Austin State Office Building, Room 136, Austin, Texas 78711, (512) 936-0178, to receive a copy of the relevant loan and loan guarantee documents, guidelines, policies and procedures to be reviewed and evaluated and to receive a copy of the engagement plan which must be completed and submitted as part of the proposal.

Close Date: Proposals must be received in the office of the Acting General Counsel, at the address provided in this proposal, no later than 5:00 p.m. (CZT), on February 16, 1995. Proposals received after this time and date will not be considered. Proposals should be clearly marked on the outside with the name of the proposer and with the legend "Proposal for Outside Legal Services."

Awards Procedure: Proposals will be evaluated by a committee of Commerce Capital Development Section staff and in-house attorneys. The committee will determine which proposal best meets the criteria set forth in the Request for Proposals and will make a recommendation to the Executive Director for consideration. The Executive Director will make the final decision concerning the requested outside legal services. Proposers may be asked to clarify their proposals. They also may be asked to make an oral presentation to the committee and/or the Executive Director prior to final selection.

Conditions: Commerce will consider other ideas brought forth by potential contractors if its evaluating committee believes that such ideas may contribute to the mitigation of legal and financial risk to the State associated with the commercial lending transactions administered by Commerce.

Commerce reserves the right to accept or reject any or all proposals submitted in response to this Request for Proposals. Commerce is under no legal or other obligation to execute a contract on the basis of this Request for Proposals. Costs incurred by potential contractors, and by the

selected contractor before the execution of a contract, are the sole responsibility of the potential contractor or the contractor. Execution of a contract with the selected law firm or attorney is subject to the approval of the Office of the Attorney General and to Commerce having sufficient funding available to pay the contractor.

Engagement Plan: The Office of the Attorney General requires that agencies entering into contracts for legal services do so under a written engagement plan. Accordingly, a completed engagement plan substantially in accordance with the form engagement plan which can be obtained from Commerce's General Counsel must be submitted with the proposal. Failure to submit the engagement plan will disqualify the potential contractor from consideration under this Request for Proposals.

Commerce is an equal opportunity agency. Historically underutilized businesses are encouraged to submit proposals for consideration.

Issued in Austin, Texas, on January 10, 1995.

TRD-9500275 Deborah C. Kastrin
Executive Director
Texas Department of Commerce

Filed: January 9, 1995

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**Office of Consumer Credit
Commissioner**

Notice of Rate Ceilings

The Consumer Credit Commissioner of Texas has ascertained the following rate ceilings by use of the formulas and methods described in Texas Civil Statutes, Title 79, Article 1.04, as amended (Texas Civil Statutes, Article 5069-1.04).

<u>Types of Rate Ceilings</u>	<u>Effective Period (Dates are Inclusive)</u>	<u>Consumer ⁽¹⁾/Agricultural/ Commercial ⁽²⁾ thru \$250,000</u>	<u>Commercial⁽²⁾ over \$250,000</u>
Indicated (Weekly) Rate - Art. 1.04(a)(1)	01/16/95-01/22/95	18.00%	18.00%

⁽¹⁾Credit for personal, family or household use. ⁽²⁾Credit for business, commercial, investment or other similar purpose.

Issued in Austin, Texas, on January 10, 1995.

TRD-9500425 Leslie L. Pettijohn
Acting Commissioner
Office of Consumer Credit Commissioner

Filed: January 11, 1995

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**Texas Education Agency
Request for Applications Concerning
Centers for Professional Development
and Technology-Phase 10, 1995-1996**

Request for Applications (RFA) #701-95-019 is filed to give notice of the availability of grants under the Texas

Education Code, §13.050, Centers for Professional Development and Technology.

Eligible Applicants. The Texas Education Agency (TEA) is requesting applications from public and private institutions of higher education (IHEs) with approved teacher education programs in collaboration with local school districts, education service centers (ESCs), and other entities or businesses. An applicant must have attended a grant writing institute to be eligible to apply for funding. Those IHEs funded under Phases 2, 4, 5, 6, 8, or 9 are not eligible to apply for Phase 10.

Description. The TEA is requesting applications from IHEs with approved teacher education programs for the establishment of centers for professional development and technology. The primary purpose of the centers will be to integrate technology and innovative teaching practices into the preservice and staff development training of teachers

and administrators to meet the needs of the youth of Texas in an experientially-based program.

Dates of Project. The professional development and technology project will be implemented during the 1995-1996 school year. Applicants should plan for a starting date of Friday, September 1, 1995, and an ending date of no later than Saturday, August 31, 1996.

Project Amount. Funding will be provided to IHEs with approved teacher education programs at a level not to exceed \$2 million for each grant awarded. The funding of Phase 10 applicants is contingent on 1995 legislative appropriation.

Selection Criteria. Applications will be approved based on the ability of each applicant to carry out all the requirements contained in the application. All applications must be collaboratively developed with local school districts, ESCs, IHEs, and other entities or businesses. The TEA reserves the right to select from the highest ranking applications that: emphasize systemic change that will have a substantial impact on teacher preparation and student learning; focus on the capacity of a center to incorporate various technologies and their applications for teachers and their students; have the potential to assess how the various technologies are intended to function in educational settings; and possess the capacity to produce leaders in the state who will strive to improve the quality and the product of experientially-based teacher preparation programs in Texas.

The TEA is not obligated to approve an application, provide funds, or endorse any application that is submitted in response to this RFA. This RFA does not commit TEA to pay any costs incurred before an application is approved. The issuance of this RFA does not obligate TEA to award a grant or pay any costs incurred in preparing a response.

Requesting the Application. A complete copy of RFA #701-95-019 may be obtained by writing the: Document Control Center, Room 6-108, Texas Education Agency, William B. Travis Building, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9304. Please refer to RFA #701-95-019 in your request.

Further Information. For clarifying information about this RFA, contact Lorie Ochoa, Division of Educator Preparation, Texas Education Agency, (512) 465-3124.

Deadline for Receipt of Applications. The deadline for receiving an application in the Document Control Center of the Texas Education Agency is 5: 00 p.m., Wednesday, March 8, 1995.

Issued in Austin, Texas, on January 11, 1995.

TRD-9500418 Criss Cloudt
Executive Associate Commissioner for
Policy Planning and Information
Management
Texas Education Agency

Filed: January 11, 1995

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Texas Department of Human Services
Correction of Error

The Texas Department of Human Service proposed new §46.7001. The rule appeared in the December 30, 1994, issue of the *Texas Register* (19 TexReg 10523).

Section 46.7001 contained an error as submitted.

In §46.7001(e) it should read: "Allowable and unallowable costs. In determining whether a cost is allowable or unallowable, providers must follow the guidelines as specified in §20.102 and §20.103 of this title (relating to General Principals of Allowable and Unallowable Costs, and Specifications for Allowable and Unallowable Costs). In addition to these sections, the following allowable and unallowable costs are applicable in the Residential Care Program:"

The Texas Department of Human Services (DHS) proposed new §§20.101-20. 111. The rules appeared in the December 30, 1994, issue of the *Texas Register* (19 TexReg 10496).

Section 20.105 contained an error as submitted.

In §20.105.(b)(2)(B), fourth line, should read: "must be clearly and adequately documented."

The Texas Department of Human Services (DHS) proposed an amendment to §47.5901, concerning reimbursement methodology for primary home care and family care services, in its Primary Home Care chapter. The rule appeared in the December 30, 1994, issue of the *Texas Register* (19 TexReg 10524).

Section 47.5901 contained an error as submitted.

In §47.5901(d), fifth line, should read: "20.102 of this title..."

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Texas Natural Resource Conservation
Commission

Notice of Public Hearing (Advisory
Committee Rules)

Notice is hereby given that pursuant to the requirements of the Texas Health and Safety Code Annotated, §382.017 (Vernon's 1992); Texas Government Code Annotated, Subchapter B, Chapter 2001 (Vernon's 1993), the Texas Natural Resource Conservation Commission (TNRCC) will conduct a public hearing to receive testimony regarding new 30 TAC Chapter 345, concerning Advisory Committee Rules. The new sections are proposed under the Texas Water Code, §5.103 and §5.105, which authorizes the Commission to adopt any rules necessary to carry out its powers and duties under the Code and other laws of this state and to establish and approve all general policy of the Commission.

New §§345.1-345.14 are being proposed to implement the requirements of Texas Civil Statutes, Article 6252-33 relating to the existence, composition, and expenses of state agency advisory committees. These sections include provisions relating to the creation, duration, purposes, and duties of advisory committees.

A public hearing on the proposal will be held in Austin on February 16, 1995 at 11:00 a.m. at the TNRCC Central Office, 12118 North IH-35, Building E, Conference Room 365, Austin. Individuals may present oral statements when called upon in order of registration. Open discussion within the audience will not occur during the hearing; however, a TNRCC staff member will be available to discuss the proposal 30 minutes prior to the hearing and will answer questions before and after the hearing.

Written comments not presented at the hearing may be submitted to the TNRCC central office in Austin through February 17, 1995. Material received by the TNRCC Office of Policy and Regulatory Development by 4:00 p.m. on that date will be considered by the Commission prior to any final action on the proposal. Copies of the proposal are available at the central office of the TNRCC located at 12118 North IH-35, Building E, Austin. Please mail written comments to Heather Evans, Office of Policy and Regulatory Development, P.O. Box 13087, Austin, Texas 78711-3087. For further information contact Thomas Ortiz at (512) 239-1054.

Persons with disabilities who have special communication or other accommodation needs who are planning to attend the hearing should contact the agency at (512) 239-1459. Requests should be made as far in advance as possible.

Issued in Austin, Texas, on January 9, 1995.

TRD-9500414 Kevin McCalla
Director, Legal Division
Texas Natural Resource Conservation
Commission

Filed: January 11, 1995

Notice of Public Hearing (Oxygenated Fuels)

Notice is hereby given that pursuant to the requirements of the Texas Health and Safety Code, §382.017; Texas Government Code, Subchapter B, Chapter 2001; and 40 Code of Federal Regulations, §51.102 of the United States Environmental Protection Agency regulations concerning State Implementation Plans (SIP), the Texas Natural Resource Conservation Commission (TNRCC or Commission) will conduct a public hearing to receive testimony concerning revisions to Chapter 114 and the SIP.

The TNRCC proposes an amendment to §114.13, concerning labeling requirements for oxygenated fuels. The amendment is in response to a petition filed by Exxon Company, U.S.A., requesting that the TNRCC revise the section to allow companies to add specific program dates to the labels they are required to affix to gasoline pumps dispensing oxygenated gasoline in Texas. The addition of the relevant dates will eliminate the need for companies to remove the label during months in which oxygenated gasoline is not dispensed, which will reduce their administrative costs.

A public hearing on the proposal will be held February 16, 1995 at 10:00 a. m. in Room 365 of TNRCC Building E, located at 12118 North IH-35, Park 35 Technology Center, Austin. The hearing is structured for the receipt of oral or written comments by interested persons. Individuals may present oral statements when called upon in order of registration. Open discussion within the audience will not occur during the hearing; however, a TNRCC staff member will be available to discuss the proposal 30 minutes prior to the hearing and will answer questions before and after the hearing.

Written comments not presented at the hearing may be submitted to the TNRCC central office in Austin through February 17, 1995. Material received by the TNRCC Office of Policy and Regulatory Development by 4:00 p.m. on February 17, 1995 will be considered by the Commission prior to any final action on the proposal. Please mail written comments to Lisa Martin, Office of

Policy and Regulatory Development, P.O. Box 13087, Austin, Texas 78711-3087. Copies of the revision are available at the central office of the TNRCC located at 12118 North IH-35, Park 35 Technology Center, Building E, Austin, and at all TNRCC regional offices. For further information, contact Dr. Basil Ubanwa at (512) 239-1473.

Persons with disabilities who have special communication or other accommodation needs who are planning to attend the hearing should contact the agency at (512) 239-1459. Requests should be made as far in advance as possible.

Issued in Austin, Texas, on January 4, 1995.

TRD-9500417 Kevin McCalla
Acting Director, Legal Services Division
Texas Natural Resource Conservation
Commission

Filed: January 11, 1995

State Pension Review Board Consultant Contract Award

Under provisions of the Government Code, Chapter 2254, the State Pension Review Board has awarded a contract for actuarial services to the Milliman & Robertson, Inc., 1301 Fifth Avenue, Suite 3800, Seattle, Washington 98101 following a consultant proposal request published in the January 14, 1994, issue of the *Texas Register* (19 TexReg 298).

The purpose of this contract is to provide actuarial review of pension legislation when the Texas Legislature is in session. The contract is effective January 9, 1995 to August 31, 1995 with a maximum expenditure of \$60,000 for fiscal year 1995.

Issued in Austin, Texas, on January 9, 1995.

TRD-9500290 Lynda Baker
Administrative Technician II
State Pension Review Board

Filed: January 9, 1995

Public Utility Commission of Texas Notice of Proceeding for Approval of Extended Area Service

Notice is given to the public of the filing with the Public Utility Commission of Texas of a joint petition on December 21, 1994, seeking approval of optional, one-way extended area service (EAS) pursuant to §23.49(b)(8) of the Public Utility Commission of Texas Substantive Rules. The following is a summary of the joint petition.

Project Title and Number. JOINT PETITION FOR EXTENDED AREA SERVICE FROM THE ACTON, CRESSON, AND GODLEY EXCHANGES TO THE FORT WORTH METROPOLITAN EXCHANGES, Project Number 12817, before the Public Utility Commission of Texas.

The Application. In Project Number 12817, Texas ALLTEL, the City of Godley, and Hood County seek approval of a joint petition to offer optional, one-way EAS on a flat-rate basis from the Texas ALLTEL exchanges of Acton, Cresson, and Godley to the Fort Worth metropolitan exchanges served by Southwestern Bell Telephone Company (SWB). Customers choosing to subscribe to

EAS will pay monthly charges as follows: Class of Service Monthly Rate Acton Cresson Godley Residential 1-Party \$23.50 \$23.50 \$23.50 Residential Key 28.98 32.13 32.13 Business 1-Party 38.10 33.60 38.10 Business Key 46.80 41.25 46.80 Business PBX 46.80 41.25 46.80 Business Semi Public 38.10 33.60 38.10.

Persons who wish to intervene in the proceeding or comment upon action sought, should contact the Public Utility Commission of Texas, at 7800 Shoal Creek Boulevard, Suite 400N, Austin, Texas 78757, or call the Public Utility Commission Consumer Affairs Division at (512) 458-0256, or (512) 458-0221 teletypewriter for the deaf on or before March 18, 1995.

Issued in Austin, Texas, on January 10, 1995.

TRD-9500387

John M. Renfrow
Secretary of the Commission
Public Utility Commission of Texas

Filed: January 10, 1995

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**Texas Southern University
LoanStar Energy Conservation Retrofit
Measures Program**

Texas Southern University (TSU), a state supported institution of higher education, has recently been approved to participate in the LoanStar Energy Conservation Retrofit Measures Program, sponsored by the State Energy Conservation Office.

TSU requests proposals from qualified vendors to provide coordination, engineering, devices, tools, equipment and all other services necessary to construct, install and otherwise implement its established energy cost reduction measures under a guaranteed performance contractual arrangement.

Copies of the Request for Proposal may be picked up at Texas Southern University, General Services Building, 3443 Blodgett Street, Suite 217, Houston, Texas 77004.

All proposals must be received no later than 3:00 p.m., February 3, 1995 at Texas Southern University, 3100 Cleburne Avenue, Suite 103, Purchasing Office, Houston, Texas 77004, to the attention of J. T. Glover.

SERVICES TO BE PERFORMED

Services to be performed by the selected contractor will include the following as assigned:

Attend and require project managers and subcontractors to attend briefings on established energy projects at TSU; schedule and perform walk-through review of TSU utility facilities; schedule and perform walk-through review of designated buildings to identify potential improvements in current energy operation and maintenance practice and identify building systems where detailed energy analysis should be performed; review energy consumption and building data; prepare detailed plan for implementation of identified projects. Include the estimated range of savings of proposed projects and work with Facilities Planning and Operations to set the budget, scope and schedule for each project; prepare written energy project reports to cover program guidelines, analysis of condition and performance of existing equipment and systems, heating, ventilation, and air-conditioning (HVAC) and lighting energy use characteristics, staff training and development, and areas where improvement is needed, maintenance and operation

recommendations, recommendations on options for implementation of energy cost reductions, including calculations of potential savings, information on status required by the State Energy Conservation Office, disruptions/inconveniences to normal University activities occasioned by construction/installation of the Energy Conservation Retrofit Measures, other advisement as may be necessary to maintain accountability to the University and program sponsors within the scope of the LoanStar Energy Conservation Retrofit Measures Program.

PROPOSAL CONTENT

Specifically, the respondents will be expected to include in their responses the following particulars:

Information relative to qualifications and experience of prime and sub respondents declaration should be specific about experience on projects of this kind, respondent's understanding of key elements of performance contracting and ability to provide necessary financing and other project resources in a timely manner; description of approach for implementing this energy cost reduction program with minimum interruption to the educational process and comfort level of persons who will be occupying the facilities on an ongoing basis; identification of equipment and systems to be included in the technical energy analysis; description of approach to inspection and analysis of existing equipment and systems to determine current levels of operating efficiency; summary of plan for maintenance of plant improvements and retrofit; summary of plan for systems and equipment maintenance in existing buildings; explanation of options available for implementation of energy cost reduction measures, including cool storage; disclosure of position with regard to identification, reporting, etc. of any hazardous material which may reasonably be expected to be encountered during this project; proposed plan and schedule to provide classroom and video staff development and training for plant and general maintenance, custodial, environmental and technical personnel on (modified) existing and new equipment and systems; disclosure of company policy on drug-free work environment and related company policy information.

Issued in Houston, Texas, on December 20, 1994.

TRD-9500301

J. T. Glover
Director of Purchasing
Texas Southern University

Filed: January 9, 1995

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**The University of Texas System
Award of Consultant Contract
Notification**

The University of Texas Medical Branch at Galveston (UTMB) is pleased to announce the award of Request for Bid Number 5-3, Consulting Laboratory Director, to Microbiology Specialists, Inc. (MSI) pursuant to the provisions of the Government Code, Chapter 2254. This request was originally published in the November 1, 1994, issue of the *Texas Register* (19 TexReg 8723).

MSI's principle address is 8911 Interchange Drive, Houston, Texas 77054. The amount of the contract is \$36,000. The project is scheduled to begin on February 1, 1995, and be completed by January 31, 1998.

MSI will be responsible for providing guidance and information regarding new regulations, upcoming procedures

and continuing education seminars in order for UTMB's Infectious Disease Laboratory to continue to provide quality patient testing, research and remain certified with the CAP and HCFA.

Issued in Austin, Texas, on January 10, 1995.

TRD-9500323

Arthur H. Dilly
Executive Secretary to the Board of
Regents
The University of Texas System

Filed: January 10, 1995

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