

# 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Withdrawn Rules - sections withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the Texas Register six months after the proposal publication date.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 20 (1995) is cited as follows: 20 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 "20 TexReg 2 issue date," while on the opposite page, page 3, in the lower right-hand corner, would be written "issue date 20 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 TRD 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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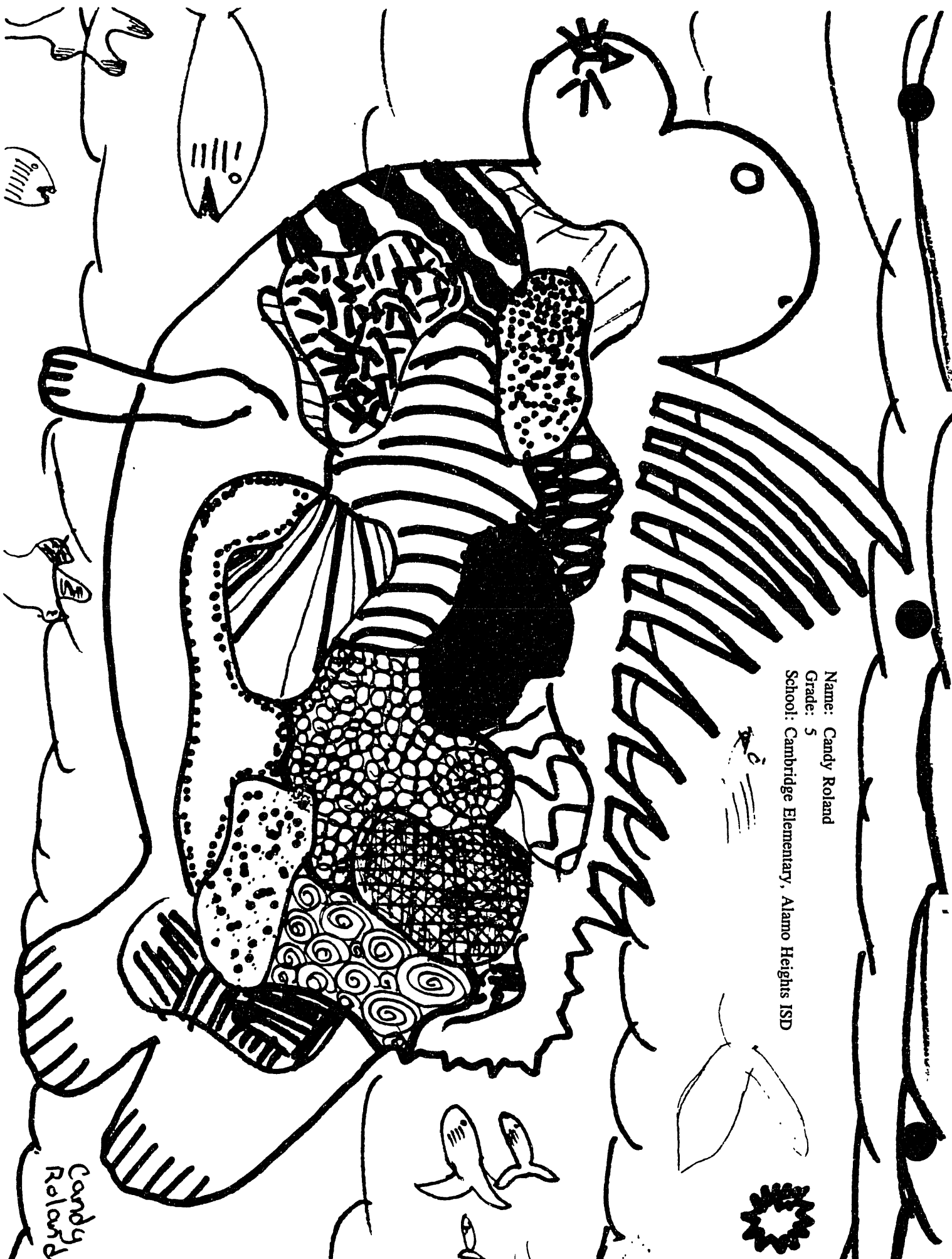
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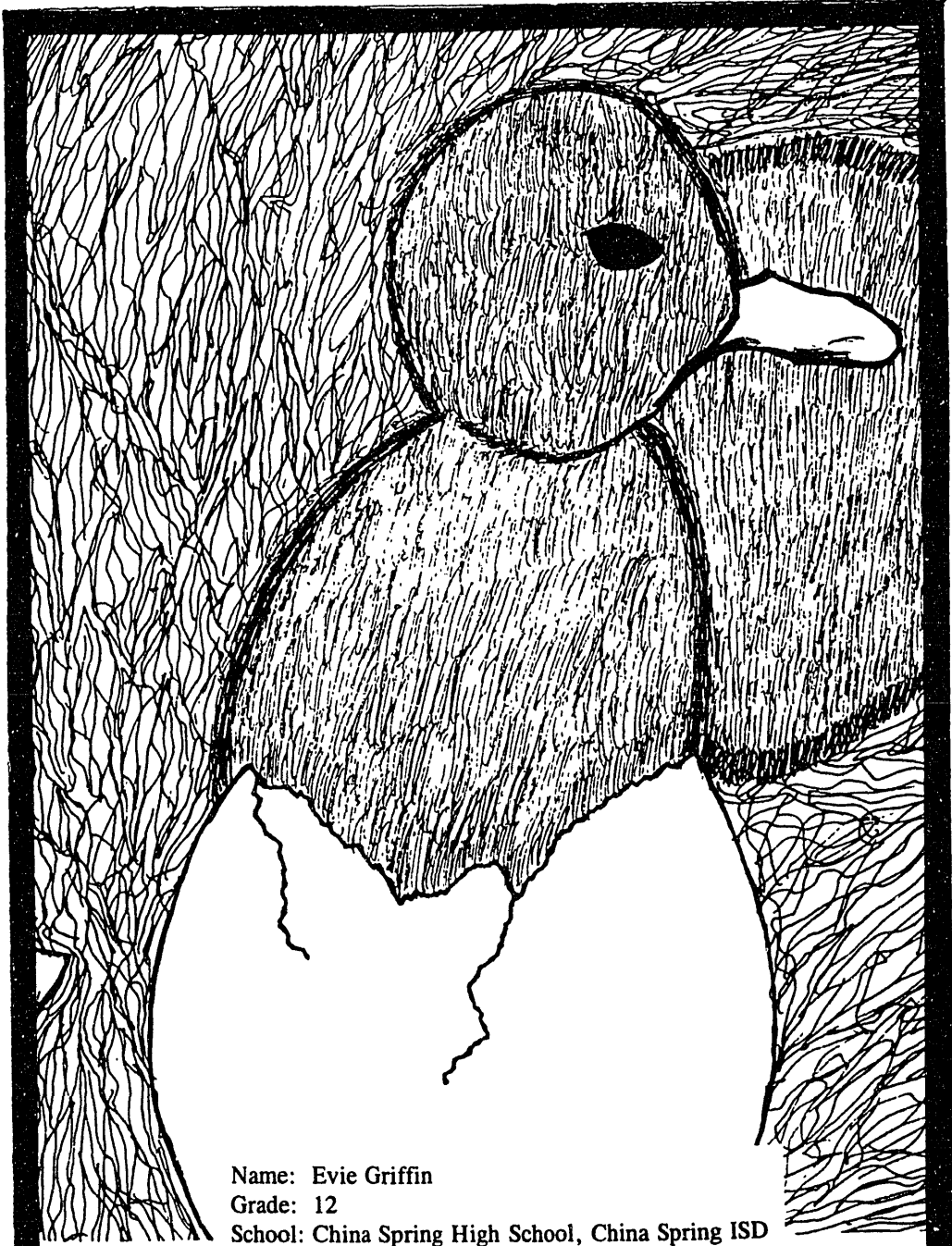
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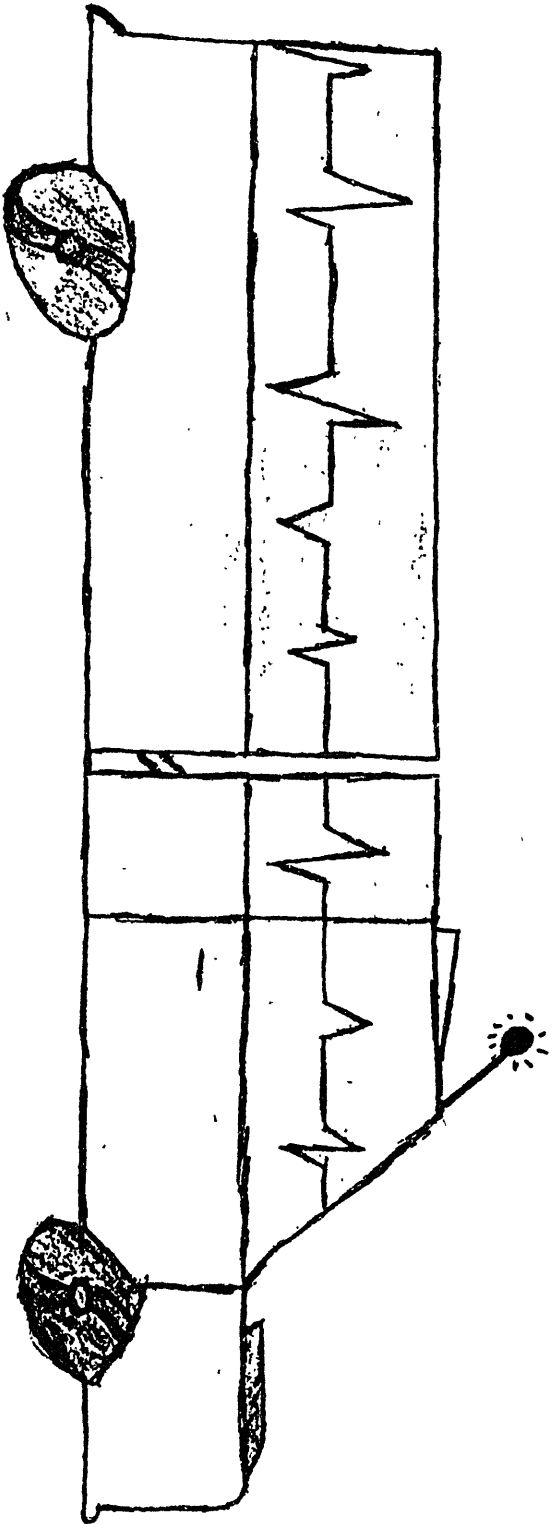


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Grade: 5  
School: Cambridge Elementary, Alamo Heights ISD

Candy  
Roland



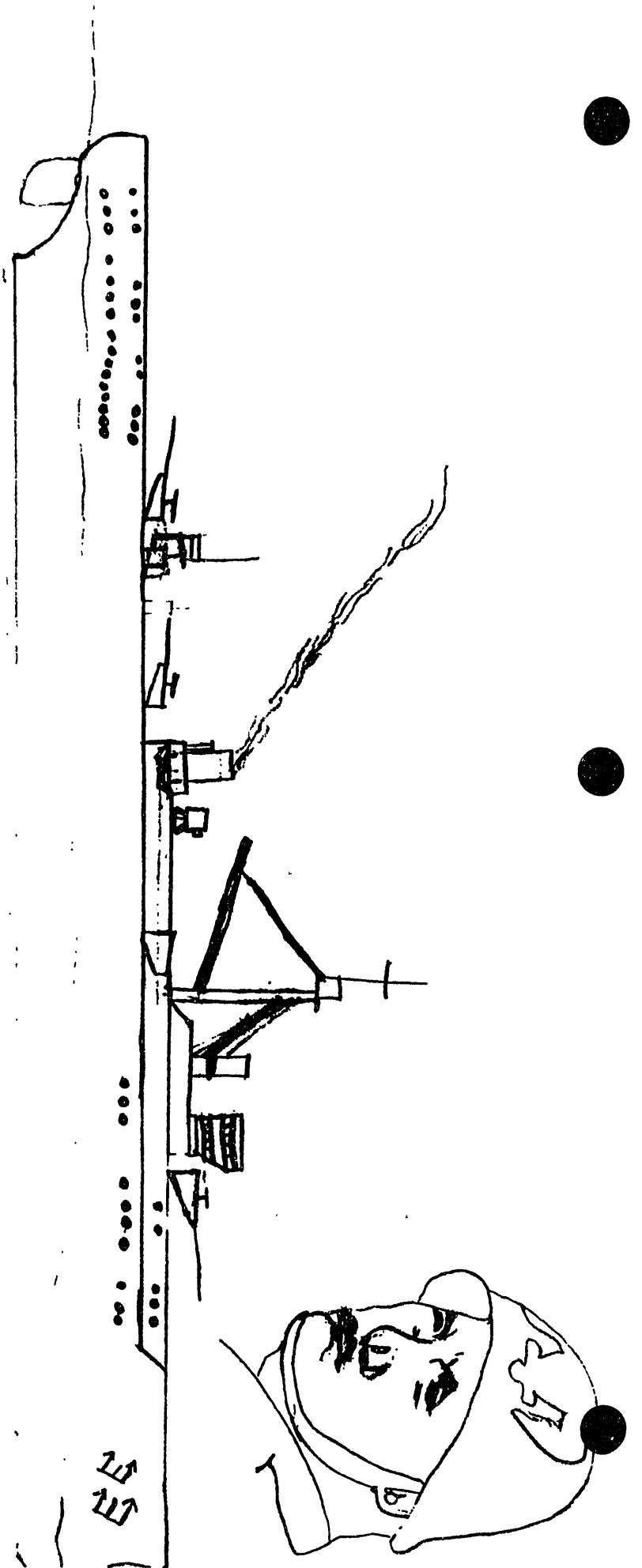
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School: China Spring High School, China Spring ISD



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Grade: 8  
School: Rising Star Jr.-Sr. High School, Rising Star ISD



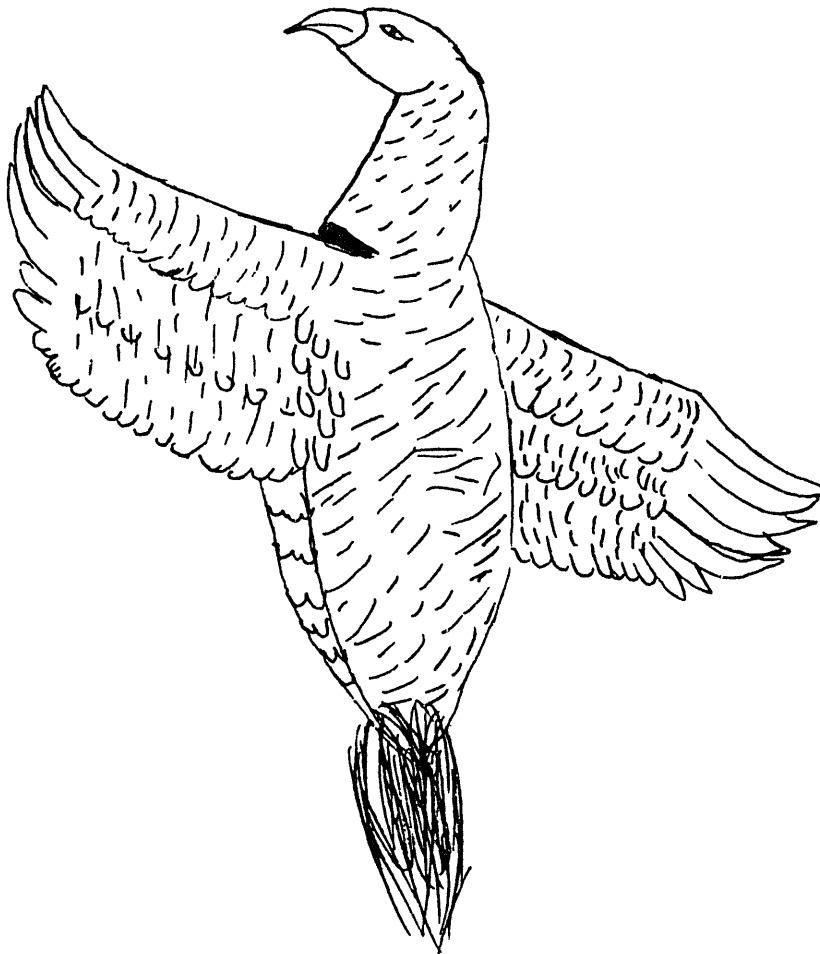
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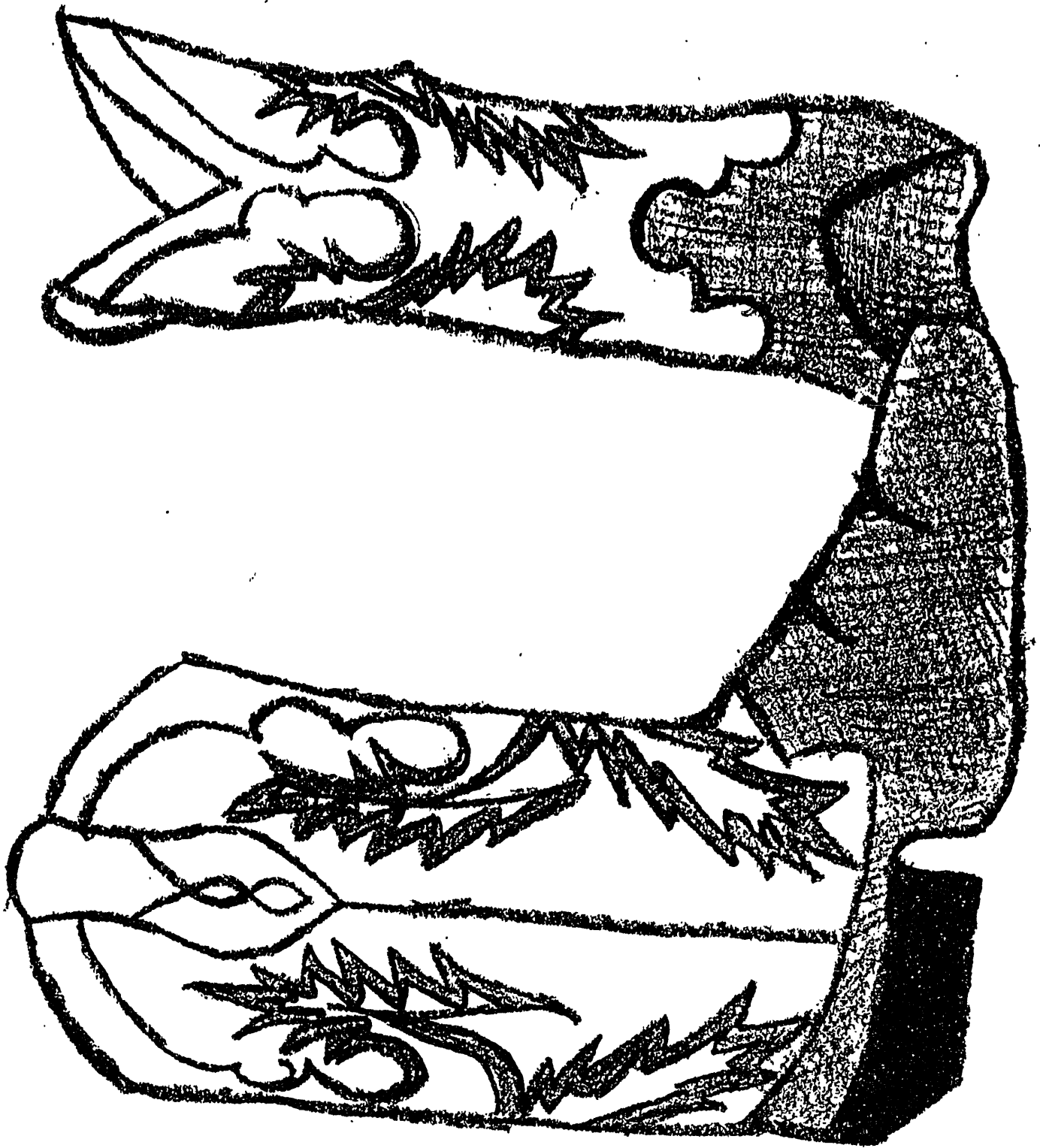


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Name: Sophia Baloch  
Grade: 5  
School: Barrington Place Elementary, Ft. Bend ISD

# 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 1. ADMINISTRATION

### Part V. General Services Commission

#### Chapter 111. Executive Administration Division

The General Services Commission proposes the repeal of §§111.11-111.19, concerning Historically Underutilized Business Certification Program, in order to propose new §§111.11-111.23, which state the commission's policy; necessary definitions; establishes percentage goals for different types of contracts and business owner based on the findings in the Disparity Study; specific requirements for prime contractors to demonstrate a good faith effort to contract with historically underutilized businesses; incorporate certification procedures; and provide guidelines for agency and contractor reporting requirements.

Darrell Pierce, Director of Business Services, has determined that for the first five-year period there will be no fiscal impact on state government as a result of repealing these sections.

Mr. Pierce also has determined that for each of the first five years the repeal is in effect there will be a reduction in the underutilization of minority and women owned businesses in state contracting and equal opportunity for all businesses will be insured in the state.

Comments may be submitted to Judith M. Porras, General Counsel, General Services Commission, P.O. Box 13047, Austin, Texas 78711-3047. Comments must be received no later than 30 days from the date of publication of the proposal in the *Texas Register*.

#### Historically Underutilized Business Certification Program

##### • 1 TAC §§111.11-111.19

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

The repeals are proposed under the authority of Texas Civil Statutes, Article 601b, which

provide the General Services Commission with the authority to promulgate rules.

No other code or article is affected by these repeals.

§111.11. *General.*

§111.12. *Definitions.*

§111.13. *Certification Process.*

§111.14. *Protests.*

§111.15. *Recertification.*

§111.16. *Revocation.*

§111.17. *Certification Reviews.*

§111.18. *Texas Historically Underutilized Business Certification Directory.*

§111.19. *State Agency Reporting Requirements.*

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 March 7, 1995.

TRD-9502925

Judith Monaco Porras  
General Counsel  
General Services  
Commission

Earliest possible date of adoption: April 14, 1995

For further information, please call: (512) 463-3960

The General Services Commission proposes new §§111.11-111.23, concerning utilization of historically underutilized businesses (HUBs), based upon the results of the Texas Disparity Study. The Commission also proposes repeal of current §§111.11-111.19.

The 73rd Legislature directed the Comptroller of Public Accounts to prepare a study of state

contracting and purchasing with respect to HUBs (See Chapter 1051, Article V, §101, and Chapter 684, §65(c), Acts, 73rd Legislature, Regular Session, 1993). The Comptroller commissioned National Economic Research Associates, Inc. (NERA) to conduct an independent, objective, and accurate study of any disparities that exist between the availability of HUBs relative to their utilization in public and private markets within the Texas economy. NERA was commissioned to examine and document other evidence of race-based, ethnicity-based, or gender-based discrimination against such business enterprises within Texas economic markets as well. NERA presented results of its study in its report titled, *State of Texas Disparity Study (Disparity Study)*.

The 73rd Legislature also directed the commission to adopt rules based on the Disparity Study, as soon as practicable, to take effect September 1, 1994. The Disparity Study was not completed by June, as the Legislature had directed. It was published and presented to the commission in December 1994. In November 1994, the commission contracted with the Lyndon Baines Johnson School of Public Affairs (consultants) to provide assistance and expert advice in drafting proposed rules to comply with the Legislature's directive. The Commission and its consultants concluded that the Disparity Study documented a significant and substantial pattern of racial, ethnic, and gender discrimination against certain minority-owned businesses and women-owned businesses in the Texas economy in the procurement categories of construction, professional services, other services, and commodities. The State of Texas practices were statistically similar to those of the private sector.

Specifically, the Disparity Study determined the overall rates of underutilization by the state, based on actual and potential availability of HUBs in the particular industry to be: construction, 16%-25%; professional services, 20%-26%; other services, 33%-46%; and 12.5%-18%, in commodities purchases. The study determined that the underutilization rates in each of these contract categories varied among groups of historically underutilized businesses: that is, in construction, Black American firms are underutilized by 2.0%-4.0%, Hispanic Americans, by 8.5%-15%, Asian and Native Americans, by 0.5%-1.0%, and women-owned firms, 6.0%. In professional services, Black American

firms were underutilized by 1.5%-4.5%, Hispanic firms, 10%-16.5%, Asian and Native American firms, 1.5%-2.0%, and women, 11.5%. The rates of underutilization in each group for other services are reported to be 3.5%-10.5% for Black Americans, 10%-16.5%, for Hispanic Americans, 2.0%-2.5% for Asian and Native Americans, and 17.5% for women. In commodities purchases, Black Americans were underutilized 1.0%-4.0%, Hispanic Americans were underutilized 3.0%-6.0%, Asian and Native Americans, 2.0%-2.5%, and women, 7.5%.

The Disparity Study found substantial progress in HUB utilization since the initiation of the state's HUB assistance program during fiscal year 1992. Specifically, HUB participation in state contracting increased from 2.0% to 12%. The commission has, therefore, chosen to continue goal-based programs in lieu of racial preferences or set asides. The Disparity Study provides valuable data to refine the state's 30% HUB utilization goal into legally defensible targets.

Based upon the Disparity Study and the consultants' recommendations: proposed §111.11 states the commission's adopted policy; §111.12 defines terms; §111.13 establishes statewide remedial HUB utilization goals based upon the disparities identified in the study for potential availability of HUBs overall in each contract category and for separate HUB groups in each contract category; §111.14 prescribes requirements for the application of the utilization goals to subcontracts; §111.15 states agencies' strategic planning responsibilities; §§111.17-111.23 restate the commission's current HUB certification program requirements, including audits, revocations, and protest procedures, and race, ethnic, and gender neutral assistance efforts for HUBs.

Darrell Pierce, Director, Business Services, has determined that for the first five years the sections are in effect there will not be a fiscal implication as a result of enforcing or administering the sections over the commission's current budget for administering the existing HUB certification program; the budget for this program is \$500,000 for each of 1996 and 1997 fiscal years. A reduction in costs to the state for goods and services is anticipated as a result of increased competition from additional businesses participating in state contracting, but it is not possible to estimate the amount of such a reduction at this time.

Mr. Pierce also has determined that the public benefit anticipated as a result of the new sections will be a reduction in the underutilization of minority and women owned businesses in state contracting and promotion of equal business opportunity for all businesses in the State. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the sections as proposed.

Comments may be submitted to Judith M. Porras, General Counsel, General Services Commission, P.O. Box 13047, Austin, Texas, 78711-3047. Comments must be received no later than 30 days from the date of publication of the proposal in the *Texas Register*.

## • 1 TAC §§111.11-111.23

The new sections are proposed under Chapter 684, Acts, 73rd Legislature, Regular Session, §65(c), 1993, which provides the General Services Commission with the authority to promulgate rules necessary to implement the findings, conclusions, and recommendations of the Disparity Study mandated by that Act.

Article 601b, Texas Civil Statutes; Chapter 2254, Title 10, Texas Government Code is affected by the new sections.

**§111.11. Policy and Purpose.** It is the policy of the commission to encourage the use of historically underutilized businesses by state agencies and to assist agencies to increase the volume of business awarded to historically underutilized businesses through race, ethnic, and gender neutral means and race, ethnic, and gender conscious means which are reasonable and necessary to mitigate the effects of past and current discrimination. The goal of this program is to promote full and equal business opportunity for all businesses in state contracting.

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

**Applicant**—A corporation, sole proprietorship, partnership, joint venture, or supplier that applies to the commission as an historically underutilized business.

**Application**—A written request for certification as an historically underutilized business in the required format submitted to the commission.

**Commodities**—Materials, supplies, or equipment.

**Comptroller**—Comptroller of Public Accounts.

**Contractor**—A supplier of commodities or services to a state agency under a purchase order contract or other contract.

**Directory**—The Texas Certified Historically Underutilized Business Directory.

**Disparity Study**—The State of Texas Disparity Study, performed by the National Economic Research Associates, Inc. (NERA).

**Historically Underutilized Business**—

(A) a corporation formed for the purpose of making a profit in which at least 51% of all classes of the shares of stock or other equitable securities are owned by one or more persons who are a U.S. citizen have been historically underutilized (socially disadvantaged) because of their identification as members of certain groups, including but not limited to:

(i) Black Americans—which includes persons having origins in any of the Black racial groups of Africa;

(ii) Hispanic Americans—which includes persons of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish or Portuguese culture or origin, regardless of race;

(iii) Women—which includes all women of any ethnicity;

(iv) Asian Pacific Americans—which includes persons whose origins are from Japan, China, Taiwan, Korea, Vietnam, Laos, Cambodia, the Philippines, Samoa, Guam, the U.S. Trust Territories of the Pacific, the Northern Marianas, and Subcontinent Asian Americans which includes persons whose origins are from India, Pakistan, Bangladesh, Sri Lanka, Bhutan or Nepal; and

(v) Native Americans—which includes persons who are American Indians, Eskimos, Aleuts, or Native Hawaiians; and

(vi) who have a proportionate interest and demonstrate active participation in the control, operation, and management of the corporation's affairs.

(B) a sole proprietorship created for the purpose of making a profit that is 100% owned, operated, and controlled by a person described by subparagraph (A) of this section;

(C) a partnership formed for the purpose of making a profit in which 51% of the assets and interest in the partnership is owned by one or more persons who are described by subparagraph (A) of this section; and have a proportionate interest and demonstrate active participation in the control, operation, and management of the partnership's affairs;

(D) a joint venture in which each entity in the joint venture is an historically underutilized business under this subdivision; or

(E) a supplier contract between an historically underutilized business under this subdivision and a prime contractor under which the historically underutilized business is directly involved in the manufacture or distribution of the supplies or materials or otherwise warehouses and ships the supplies.

**NERA**—National Economic Research Associates, Inc.

**Non-Treasury Funds**—Funds paid by a state agency that are not treasury funds.

**Other services**—All services other than construction and professional services, including consulting services subject to Texas Government Code, Chapter 2254, Subchapter B.

**Person**—U.S. citizen, born or naturalized.

Professional services—Services of accountants, architects, engineers, land surveyors, and physicians that must be purchased by state agencies under Texas Government Code, Chapter 2254, Subchapter A.

Subcontractor—A supplier of commodities or services to a contractor.

Subcontractor Funds—Payments made to certified historically underutilized businesses by a contractor or supplier under contract with the state.

Term Contract—A contract establishing a source or sources of supply for a specified period of time.

Treasury Funds—Funds maintained in the state treasury and paid through the comptroller's office for each state agency.

USAS—Uniform Statewide Accounting System for the State of Texas.

### §111.13. Annual Procurement Utilization Goals.

(a) In accordance with the commission's policy of increasing the level of HUB participation in state procurement, and based upon the findings of the Disparity Study, each state agency shall make a good faith effort to utilize HUBs in all contracts for construction, services, including professional and consulting services, and commodities purchases.

(b) Each state agency shall use its best efforts to award contracts to HUBs in the overall amounts of:

(1) not less than 25% of the total value of all construction contracts;

(2) not less than 26% of the total value of all professional services contracts,

(3) not less than 46% of the total value of all other services contracts, and

(4) not less than 18% of the total value of commodities.

(c) The overall spending goal for each category of contracts set forth in subsection (b) of this section shall be subdivided as follows:

(1) construction contracts: not less than 15% shall be allocated to Hispanic American HUBs; not less than 4.0% shall be allocated Black American HUBs; not less than 1.0% shall be allocated to Asian American and Native American HUBs; and not less than 6.0%, to women-owned HUBs.

(2) professional services: not less than 9.0% of contracts for professional services shall be allocated to Hispanic American HUBs; not less than 4.5%, to Black American HUBs; not less than 2.0%, to Asian and Native American HUBs; and not less than 11.5% to women-owned HUBs.

(3) other services contracts: not less than 16.5% shall be allocated to Hispanic American HUBs; not less than 10.5% to Black American HUBs; not less than 2.5%, to Asian American and Native American HUBs; and not less than 17.5%, to women-owned HUBs.

(4) commodities contracts: not less than 6.0% shall be allocated to Hispanic American HUBs; not less than 4.0%, to Black American HUBs; not less than 2.5%, to Asian American and Native American HUBs; and not less than 7.5%, to women-owned HUBs.

(d) The percentage goals established in subsections (b) and (c) are overall program goals for each state agency applicable to the total annual dollar amount of an agency's contracts for each of the specific types of contracts. The goals are not applicable to each contract that may be awarded.

(e) A state agency's good faith effort to achieve the stated HUB utilization goals will be assisted by observing the following guidelines:

(1) prepare and distribute information on procurement procedures in a manner that encourages participation in state contracts by all businesses;

(2) divide proposed requisitions into reasonable, smaller lots in keeping with industry standards and competitive bid requirements;

(3) carefully assess bond and insurance requirements and design such requirements to reasonably permit more than one business to perform the work;

(4) specify reasonable, realistic delivery schedules consistent with an agency's actual requirements;

(5) ensure that specifications, terms, and conditions reflect an agency's actual requirements, do not impose unreasonable and unnecessary contract requirements, and are stated in clear, plain language; and

(6) provide contractors with referenced list of certified HUBs for subcontracting.

(f) A state agency may also demonstrate good faith under this section by producing evidence of contracting with women and/or minority-owned businesses that are not certified as HUBs.

### §111.14. Subcontracts.

(a) The goals established in §111.13 are applicable to subcontracts. Therefore, a contractor shall be required to make a good faith effort to award necessary subcontracts to HUBs in accordance with the goals set forth in §111.13(b) and (c) of

this title (relating to Annual Procurement Utilization Goals). When the contractor is a HUB, it may satisfy the good faith effort requirement by performing at least 25% of the contract work in-house. Any contractor that seeks to satisfy the good faith effort requirement in this manner shall report quarterly to the contracting agency, in the form required by the agency, the volume of work performed under the contract and the portion of the work that was performed in-house. If a HUB contractor performs less than 25% of the cumulative total contract in-house, then for the next quarter, the contractor shall report its subcontractors as required by a non-HUB contractor.

(b) A state agency shall require a potential contractor to state whether it is a Texas certified HUB and whether one or more subcontractors will be used to perform the contract. The statement shall include the extent of work to be performed by subcontract, expressed as a percent of the required work, if any, and shall be included in the bid, proposal, or other documents presented to the contracting agency before the contractor is selected.

(c) To insure that a contractor makes a good faith effort to achieve the required goals, the contractor shall be required to take the following action.

(1) To the extent consistent with prudent industry practice, divide the contract work into the smallest feasible parts.

(2) Notify HUBs of the work that the contractor intends to subcontract. The notice shall be in writing, shall include a copy of the specifications, adequate information about the plans, scope of work, and requirements of the work to be subcontracted, and the notice shall be provided within sufficient time to allow all interested persons the opportunity to participate.

(3) The contractor shall send the notice described in paragraph (2) of this subsection to at least five businesses in the current commission directory of certified HUBs that perform the type of work required. If the commission's directory does not include at least five businesses, the contractor shall send the notice to HUBs on lists of minority and women-owned businesses maintained by other government agencies or organizations. If a contractor uses a source other than the commission's directory, the selected HUB subcontractor must become certified by the commission in accordance with the procedures set forth in §111.17 of this title (relating to Certification Process).

(4) If a non-HUB subcontractor is selected through means other than competitive bidding, or a HUB bid is the lowest price responsive bidder to a competitive bid, the contractor will be required to explain not hiring a HUB subcontractor.

(5) The contractor shall maintain business records documenting its compliance with this section and shall make a compliance report to the contracting agency at the times and reporting in the format required by the agency's contract documents, provided that reporting shall be required at least for each calendar quarter during the term of the contract.

(6) If the contract is a state lease contract, the contractor or lessor shall comply with the requirements of this section from and after the occupancy date provided in the lease, or such other time as may be specified in the invitation for bid for the lease contract.

(d) An agency shall make a contractor's compliance with this section, a mandatory term of any contract, which shall state that a failure to comply with the provision shall constitute a default under the contract.

(e) In making a determination that a good faith effort has been made, a state agency shall require the contractor to complete a checklist, and submit supporting documentation explaining in what ways the contractor has made a good faith effort according to each minimum requirement, within 14 days after the award date of the contract. This list is not exclusive and in an appropriate case state agencies shall consider other relevant factors or types of efforts. State agencies shall consider not only the different kinds of efforts the contractor has made, but also the quantity and intensity of those efforts. The checklist shall include at least the following:

(1) whether the contractor provided notices to at least five HUBs with the skills and ability to perform the type of work required;

(2) whether the contractor advertised in general circulation, trade association, and/or minority/women focus media concerning subcontracting opportunities;

(3) whether the contractor provided written notice to a reasonable number of HUB allowing sufficient time for HUBs to participate effectively;

(4) whether the contractor divided the contract work into the smallest feasible portions in order to increase HUB participation;

(5) whether the contractor documented reasons for rejection. Whether written rejection notice including the reason for rejection was sent to the rejected HUB. Whether a meeting was held between the contractor and the price-rejected HUB to discuss there rejection;

(6) whether the contractor followed up initial solicitations of interest by contacting certified HUBs to determine with certainty whether the HUBs were interested;

(7) whether the contractor provided interested HUBs with adequate information about, bonding, insurance, the plans, the specifications, scope of work and requirements of the contract;

(8) whether the contractor negotiated in good faith with interested HUBs, not rejecting HUBs who qualify as lowest and responsive bidder;

(9) whether the contractor effectively used the services of available minority and women; community organizations contractor groups; local, state, and federal business assistance offices, and other organizations that provided assistance in the identification of HUBs.

(f) State agencies shall review the checklist and attached documentation submitted by the contractor and issue a written notice of acceptance or deficiency of a good faith effort within 14 days of the agency's receipt. The notice of deficiency shall include but not be limited to the following:

(1) the name of any HUB which is not acceptable for purposes of complying with the goal requirements for certified HUBs and the reason why it is not acceptable; and

(2) the contract scope of work which the state agency has determined can be reasonably structured by the contractor to increase the likelihood of participation by certified HUBs for purposes of complying with goal requirements.

#### *§111.15. Agency Planning Responsibilities.*

(a) In accordance with Texas Civil Statutes, Article 601b, §1.03, agencies are required to include in their strategic plans, which are required by Texas Government Code, Chapter 2056, a written plan for increasing the agency's use of historically underutilized businesses in purchasing and in public works contracts.

(b) An agency may adopt the requirements of §§111.11-111.14 of this title (relating to Historically Underutilized Business Certification Program) as part of its required strategic plan.

#### *§111.16. State Agency Reporting Requirements.*

(a) The comptroller will report to the commission not later than March 15 of each year regarding the previous six-month period, and on September 15 of each year regarding the preceding fiscal year, the payments made for the purchase of goods, services and public works awarded and actually paid from treasury funds by each state agency. Subject to the capabilities of the comptroller's USAS system, the comptroller shall identify state agencies' pur-

chases from state term contracts which are paid from treasury funds so that those purchases awarded and actually paid under term contracts may be included in the commission's report of its own purchases.

(b) State agencies will report to the commission, not later than March 15 of each year regarding the previous six-month period and on September 15 of each year regarding the preceding fiscal year, the payments made for the purchase of goods and services awarded and actually paid from non-treasury funds by the state agency. The report shall include information requested by the commission and shall be in a form prescribed by the commission. State agencies' purchases from state term contracts which are paid from non-treasury funds must be identified on the report as such so that they may be reflected on the commission's report of its own purchases.

(c) State agencies will continuously maintain, and compile monthly, information relating to the agency's use, and the use by each operating division of the agency, of historically underutilized businesses, including information regarding subcontractors and suppliers. This information shall include, but is not limited to the information required in subsections (a) and (b) of this section. State agencies shall require a contractor or supplier to whom a state agency has awarded a contract to report to the agency the identity and the amount paid to each historically underutilized business to whom the contractor or supplier has awarded a subcontract for the purchase of supplies, materials, services or equipment. Contractors or suppliers should document progress payments made to subcontractors, professionals consultants or suppliers certified as historically underutilized businesses by submitting invoices to the paying state agency.

(d) State agencies will report to the commission, not later than March 15 of each year regarding the previous six-month period and on September 15 of each year regarding the preceding fiscal year, the total dollar amount of historically underutilized business subcontracting participation in all of the agencies' contracts for the purchase of goods, services and public works payments. State agencies must include subcontracting participation paid from Treasury and Non-Treasury funds.

(e) State agencies that participate in a group purchasing program under the Act, §3.01(a)(5) shall include a separate report to the commission, not later than March 15 of each year regarding the previous six-month period and September 15 of each year regarding the preceding fiscal year, of purchases that are made through the group purchasing program and shall report the dollar amount of each purchase that is allocated to the reporting agency.

(f) The commission shall prepare a consolidated report based on a compilation and analysis of the reports submitted by each state agency and information provided by the comptroller in the format specified by the commission. These reports of historically underutilized business purchasing and contracts shall form a record of each agency's purchases in which the agency selected the vendor. If the vendor was selected by the commission as part of its state term contract program, the purchase will be reflected on the commission's report of its own purchases. The commission report will contain the following information:

(1) the total dollar amount of payments made by each state agency;

(2) the total number of HUBs receiving payments from each state agency and actually paid by each state agency to the following groups certified by the commission;

(3) the total number of HUBs receiving payments from the state:

(A) Black Americans;

(B) Hispanic Americans;

(C) American Women;

(D) Asian Pacific Americans; and

(E) Native Americans.

(g) On April 15 of each year, the commission shall submit the consolidated report regarding the previous six-month period to the joint committee, referenced in House Bill 2626, §3, charged with monitoring the implementation of the historically underutilized business goals. The commission shall submit a consolidated report on October 15 of each year regarding the preceding fiscal year to the presiding officer of each house of the legislature, the members of the legislature and the joint committee.

#### §111.17. Certification Process.

(a) A business seeking certification as an historically underutilized business must submit an application to the commission on a form prescribed by the commission, affirming under penalty of perjury that the business qualifies as an historically underutilized business.

(b) If requested by the commission, the applicant must provide any and all materials and information necessary to demonstrate active participation in the control, operation, and management of the historically underutilized business.

(c) Texas Civil Statutes, Article 601b, §1.04 provide that a person commits a felony of the third degree if the person intentionally applies as an historically underutilized business for an award of a purchasing contract or public works contract and the person knowingly does not meet the definition of an historically underutilized business.

(d) The commission shall certify the applicant as an historically underutilized business or provide the applicant with written justification of its denial of certification within 60 days after the date the commission receives a satisfactorily completed application from the applicant.

(e) The commission reviews and evaluates applications, and may reject an application based on one or more of the following:

(1) the application is not satisfactorily completed;

(2) the applicant does not meet the requirements of the definition of historically underutilized business;

(3) the application contains false information;

(4) the applicant does not provide required information in connection with the certification review conducted by the commission; or

(5) the applicant's record of performance of any prior contracts with the state.

(f) The commission may develop partnerships with state agencies and other organizations, such as local Chambers of Commerce, Minority/Small Business Development Centers, to identify historically underutilized businesses and assist these businesses in obtaining State certification through the commission.

§111.18. Protests. An applicant may protest the commission's denial of its application by filing a written protest with the commission within 30 days after the date the commission sent notice of the disposition to the applicant. Commission staff will then prepare a recommendation for review by the executive director of the commission. The decision of the executive director is final.

#### §111.19. Recertification.

(a) The certification is valid for a two year period beginning on the date the commission certified the applicant as an historically underutilized business.

(b) Upon expiration of the two year period, an historically underutilized business that desires recertification must:

(1) return a completed recertification form as provided by the commission; and

(2) comply with the requirements specified in §111.17 which apply to the recertification process.

§111.20. Revocation. The commission shall revoke the certification of an historically underutilized business if the commission determines that a business does not meet the definition of historically underutilized business or that the business fails to provide requested information in connection with a certification review conducted by the commission. Prior to taking final action, the commission staff shall provide the business with written notice of the proposed revocation. The commission staff shall then prepare a recommendation regarding the proposed revocation for review by the executive director of the commission. The decision of the executive director of the commission is final.

#### §111.21. Certification Reviews.

(a) The commission will conduct random certification reviews of applicants and certified businesses by auditing them to verify that the information submitted by a business is accurate, and that the business remains eligible after certification has been granted. Certification is subject to revocation if it is determined that a business does not qualify as an historically underutilized business. Certification reviews may be conducted for any business for which the commission determines a certification review is warranted.

(b) Businesses subject to certification reviews must provide the commission with any information requested to verify the certification eligibility of the business.

#### §111.22. Texas Historically Underutilized Business Certification Directory.

(a) The commission shall compile in the most cost-efficient format a directory of businesses certified as historically underutilized businesses. The commission shall update the directory semiannually and provide a copy to each state agency on a cost recovery basis. The commission shall provide access to the directory either electronically or in another format, depending on the needs of the each state agency. The commission and state agencies shall use the directory to solicit bids from certified HUBs for state purchasing and public works contracts.

(b) On request, the commission shall make the directory available to local governments and the public.

§111.23. Graduation Procedures.

(a) A certified HUB shall be deemed to be graduated from being used to fulfill HUB procurement utilization goals when it has maintained gross receipts or total employment levels for two consecutive years which exceed the U.S. Small Business Administration's size standard for firms within the same primary four-digit Standard Industrial Classification code as the certified HUB, as given in 13 Code of Federal Regulation 121.601.

(b) Firms which have achieved the size standards identified in subsection (a) of this section will be assumed to have reached a competitive status in overcoming the effects of discrimination.

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 March 8, 1995.

TRD-9502924 Judith Monaco Porras  
General Counsel  
General Services  
Commission

Earliest possible date of adoption: April 14, 1995

For further information, please call: (512) 463-3960

◆ ◆ ◆  
**TITLE 4. AGRICULTURE**  
**Part II. Texas Animal**  
**Health Commission**  
**Chapter 35. Brucellosis**  
**Subchapter A. Eradication of**  
**Brucellosis in Cattle**

◆ ◆ ◆  
• 4 TAC §35.1

The Texas Animal Health Commission proposes an amendment to §35.1, concerning definitions.

The proposed amendment is necessary to more clearly define and add requirements for commuter herds.

Victor Gonzalez, Assistant Executive Director for Support Services, 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.

Robert L. Daniel, Director of Program Records, has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be to authorize the interstate movement of commuter herds when authorized by the affected states. 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 the proposal may be submitted to Melissa Nitsche, Assistant to the Executive

Director, Texas Animal Health Commission, P.O. Box 12966, Austin, Texas 78711-2966.

The amendment is proposed under the Texas Agriculture Code, §161.081, which provides the Texas Animal Health Commission with the authority to promulgate rules regulating the movement of animals into the state, and §163.061, which provides the Commission with the authority to adopt rules that relate to the testing or vaccination of cattle or to the movement of cattle into and within an area.

No other code or article is affected by this amendment.

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

Commuter Herd—A herd of cattle located [a permanent nature routinely pastured] in two or more states that is documented as a valid ranching operation by those states in which the herd is located [or areas on land owned or leased on a long term basis by the herd owner] and which requires movement of cattle interstate from a farm of origin or returned interstate to a farm of origin in the course of normal ranching operations, without change of ownership, directly to or from another premise owned, leased, or rented by the same individual. [from one state or area to another as part of a normal grazing management program. In order to receive this designation, the entire herd located in all states or areas involved must have received a complete negative herd test of all cattle required to be tested (test-eligible cattle to be determined by states involved) within 30 days prior to the initial movement. Documentation of this negative test must accompany the] An application for "commuter herd" status must be signed by the owner and approved by the states in which the herd is located. This status will continue until canceled by the owner or one of the signatory states. [in each state or area. Approval of this status shall be contingent on advice from the Area Director. In order to maintain this status, the herd must be kept separate from all other herds; retested negative every 10-14 months from first negative test using identification shown on first herd test; and test all herd additions within 30 days prior to entry into the herd, isolate and retest 45-120 days before becoming a part of the herd.]

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 March 7, 1995.

TRD-9502882 Terry Beals, DVM  
Executive Director  
Texas Animal Health  
Commission

Earliest possible date of adoption: April 14, 1995

For further information, please call: (512) 719-0714

◆ ◆ ◆  
• 4 TAC §35.4

The Texas Animal Health Commission proposes an amendment to §35.4, concerning entry of cattle into Texas.

The proposed amendment is necessary to allow non-vaccinated female cattle between four and 12 months of age to enter a feedlot for feeding for slaughter. If from other than Class Free states, these cattle must be "F"-branded prior to entry into the feedlot. The amendment is also necessary to require livestock from Montana, Idaho and Wyoming originating within 20 miles of the perimeter of Yellowstone Park to be quarantined on arrival and retested for brucellosis 60 to 120 days after arrival.

Victor Gonzalez, Assistant Executive Director for Support Services, 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.

Robert L. Daniel, Director of Program Records, has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be to allow the entry of four to 12 months old female cattle that have not been calfhood vaccinated for feeding for slaughter. Cattle from other than Class Free states can be monitored by the required "F"-branded. In addition, cattle and bison from the specified areas of Montana, Idaho and Wyoming would be quarantined and retested after entry to ensure that these livestock originating from area where brucellosis persists among bison and elk do not carry the disease into Texas. 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 the proposal may be submitted to Melissa Nitsche, Assistant to the Executive Director, Texas Animal Health Commission, P.O. Box 12966, Austin, Texas 78711-2966.

The amendment is proposed under the Texas Agriculture Code, §161.081, which provides the Texas Animal Health Commission with the authority to promulgate rules regulating the movement of animals into the state, and §163.061, which provides the Commission with the authority to adopt rules relating to testing, vaccination, and movement of cattle into an area.

No other code or article is affected by this amendment.

◆ ◆ ◆  
§35.4. Entry and Change of Ownership.

(a) (No change.)

(b) Requirements for cattle entering Texas from other states.

(1) Vaccination. All female cattle between four and 12 months of age shall be officially vaccinated prior to entry. Exceptions to these vaccination requirements:



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

(D) Non-vaccinated female cattle between four and 12 months of age consigned from an out-of-state farm of origin will be accompanied by a waybill to a Texas market, [quarantined] feedlot for feeding for slaughter or direct to slaughter. These cattle may be vaccinated at the market at no expense to the state prior to leaving the market and be moved freely. If these cattle are not vaccinated at the market then they shall be consigned from the market only to a [quarantined] feedlot for feeding for slaughter or direct to slaughter accompanied by an "S" permit. Cattle from other than Class Free states entering for feeding for slaughter shall also be "F"-branded high on the tail-head prior to entry into the feedlot.

(E) Non-vaccinated female cattle between four and 12 months of age consigned from an out-of-state livestock market to a Texas livestock market, [quarantined] feedlot for feeding for slaughter or direct to slaughter will be accompanied by an "S" permit or certificate of veterinary inspection. Individual identification is not required. These cattle may be vaccinated at no expense to the state prior to leaving the market and be moved freely. If these cattle are not vaccinated at the market then they shall be consigned from the market only to a [quarantined] feedlot for feeding for slaughter or direct to slaughter, accompanied by an "S" permit. Cattle from other than Class Free states entering for feeding for slaughter shall also be "F"-branded high on the tail-head prior to entry into the feedlot.

(F) (No change.)

(2) Testing. All test-eligible cattle entering Texas:

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

(F) shall meet the following additional requirements when originating from Montana, Idaho and Wyoming:

(i) if moving from a zone within 20 miles of the perimeter of Yellowstone Park, cattle and bison shall be tested negative for brucellosis within 30 days prior to entry, be accompanied by a Certificate of Veterinary Inspection and an "E" Permit, and held under quarantine for a negative retest 60 to 120

days after arrival at a farm, ranch or feedlot at no expense to the state;

(ii) in addition to the above, bison moving from a zone within 20 miles of the perimeter of Yellowstone Park, shall receive special permission from the Executive Director prior to entry;

(iii) the Certificate of Veterinary Inspection accompanying cattle and bison originating in Montana, Idaho or Wyoming, but from outside the 20-mile zone, shall have a statement that these stock originated outside the 20-mile zone;

(iv) free-roaming bison captured from the Greater Yellowstone area may enter with express permission from the Commission and USDA-APHIS-VS only after being certified as brucellosis free when moved directly from a research or quarantine facility established for such purposes.

(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 March 7, 1995.

TRD-9502881

Terry Beals, DVM  
Executive Director  
Texas Animal Health  
Commission

Earliest possible date of adoption: April 14, 1995

For further information, please call: (512) 719-0714

## Chapter 51. Interstate Shows and Fairs

### • 4 TAC §51.4

The Texas Animal Health Commission proposes new §51.4, concerning special requirements for entry of elk from Montana, Idaho and Wyoming.

The new rule is necessary to establish brucellosis testing requirements for elk entering from Montana, Idaho and Wyoming that originate within twenty miles of the perimeter of Yellowstone Park.

Victor Gonzalez, Assistant Executive Director for Support Services, 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.

Robert L. Daniel, Director of Program Records, has determined that for each year of

the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be to require elk originating from the specified area to be held under quarantine in Texas for a negative brucellosis test 60 to 120 days after arrival. This regulation would place the additional requirement on elk from the areas near Yellowstone Park where brucellosis persists in free-roaming bison and elk. 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 the proposal may be submitted to Melissa Nitsche, Assistant to the Executive Director, Texas Animal Health Commission, P.O. Box 12966, Austin, Texas 78711-2966.

The new rule is proposed under the Texas Agriculture Code, §161.081, which provides the Texas Animal Health Commission with the authority to promulgate rules regulating the movement of animals into the state, and §163.061, which provides the Commission with the authority to adopt rules that relate to the testing or movement of cattle into an area.

No other code or article is affected by this new rule.

### §51.4. Special Requirements for Entry of Elk from Montana, Idaho, and Wyoming.

(a) Elk entering Texas from a zone within 20 miles of the perimeter of Yellowstone Park shall be tested negative for brucellosis within 30 days prior to entry, be accompanied by a Certificate of Veterinary Inspection and an "E" permit, and be held under quarantine for a negative retest 60 to 120 days after arrival at no expense to the state. Special permission must be granted by the Executive Director of the Commission prior to entry from this 20 mile zone.

(b) The Certificate of Veterinary Inspection accompanying elk originating from Montana, Idaho or Wyoming, but from outside the 20-mile zone, shall have a statement that these stock originated outside the 20 mile zone.

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 March 7, 1995.

TRD-9502883

Terry Beals, DVM  
Executive Director  
Texas Animal Health  
Commission

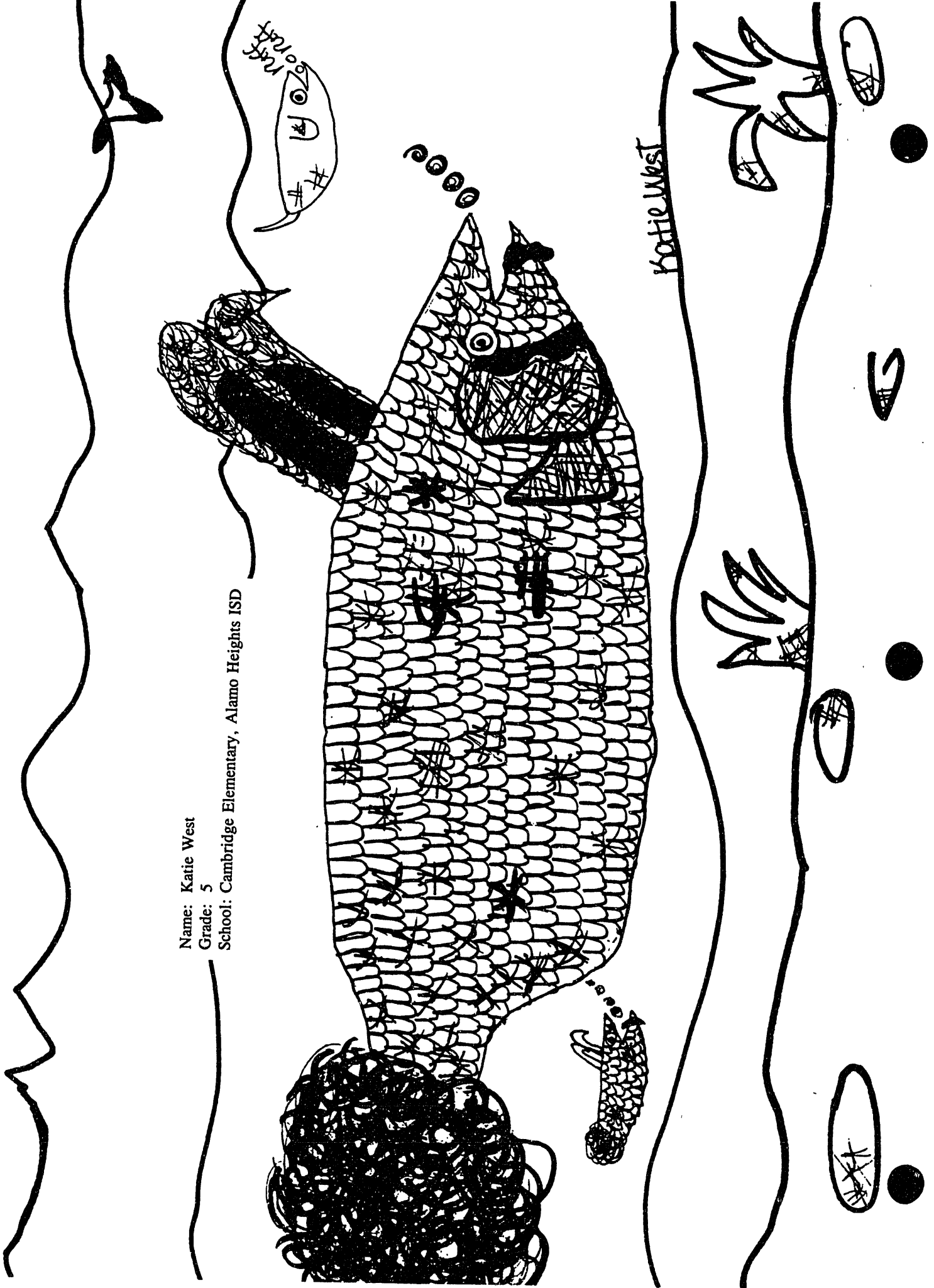
Earliest possible date of adoption: April 14, 1995

For further information, please call: (512) 719-0714

Name: Katie West

Grade: 5

School: Cambridge Elementary, Alamo Heights ISD



# WITHDRAWN RULES

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An agency may withdraw a proposed action or the remaining effectiveness of an emergency action by filing a notice of withdrawal with the **Texas Register**. The notice is effective immediately upon filing or 20 days after filing as specified by the agency withdrawing the action. If a proposal is not adopted or withdrawn within six months of the date of publication in the **Texas Register**, it will automatically be withdrawn by the office of the Texas Register and a notice of the withdrawal will appear in the **Texas Register**.

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## TITLE 22. EXAMINING BOARDS

### Part III. Texas Board of Chiropractic Examiners

#### Chapter 79. Provisional Licensure

- 22 TAC §79.2

The Texas Board of Chiropractic Examiners has withdrawn from consideration for permanent adoption a proposed new §79.2, which appeared in the November 18, 1994, issue of the *Texas Register* (19 TexReg 9093). The effective date of this withdrawal is March 8, 1995.

Issued in Austin, Texas, on March 8, 1995.

TRD-9502907

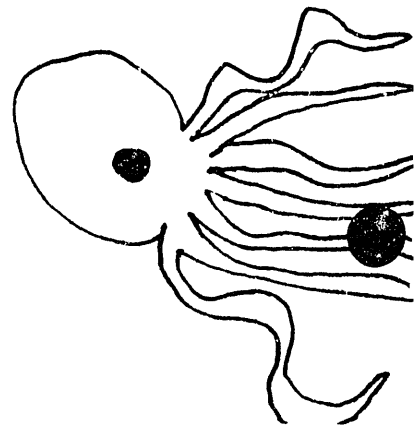
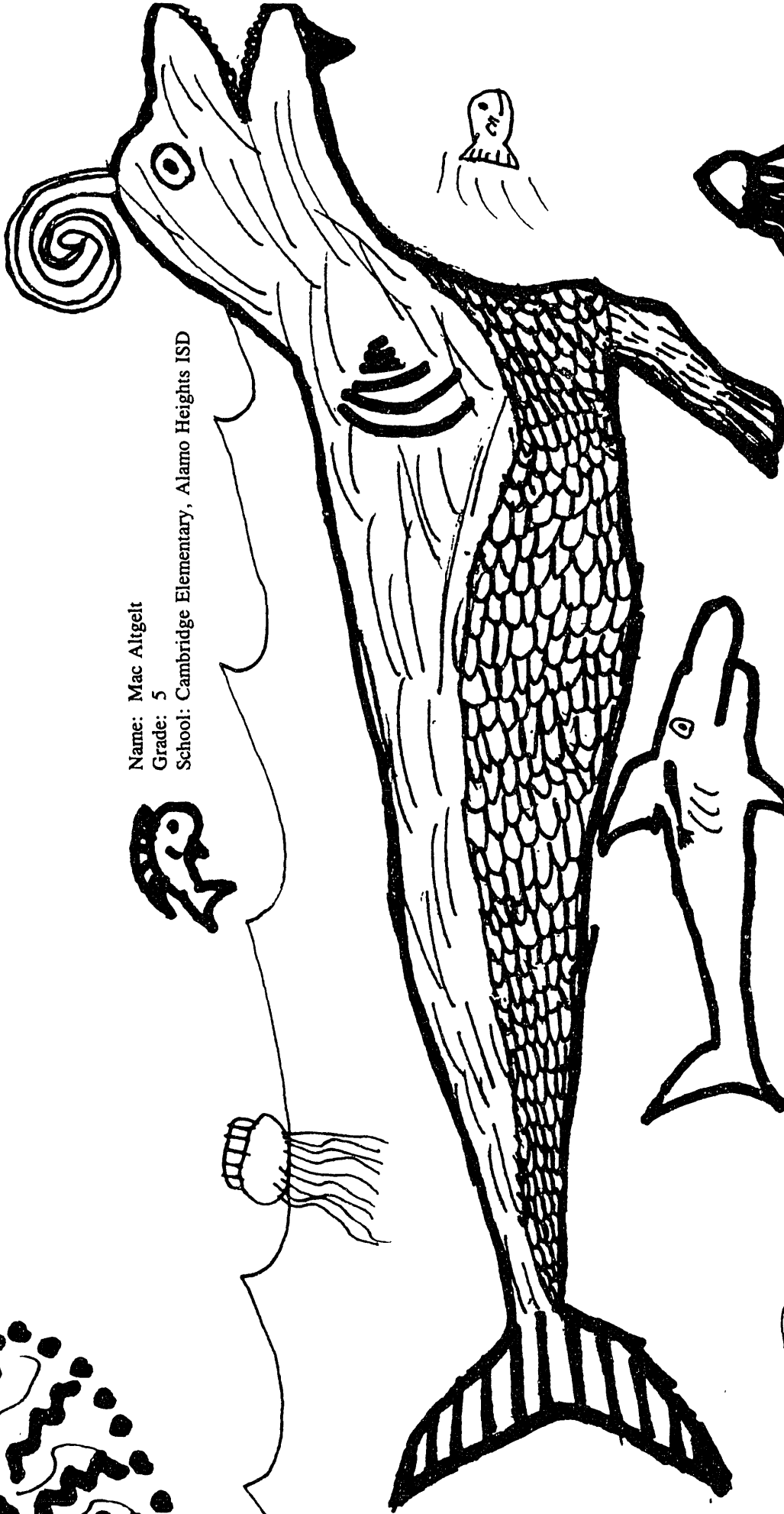
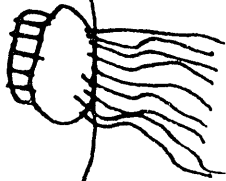
Patte B. Kent  
Executive Director  
Texas Board of  
Chiropractic Examiners

Effective date: March 8, 1995

For further information, please call: (512)  
305-6700



Name: Mac Altgelt  
Grade: 5  
School: Cambridge Elementary, Alamo Heights ISD



# 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 16. ECONOMIC REGULATION

### Part VI. Texas Motor Vehicle Commission

#### Chapter 103. General Rules

##### • 16 TAC §103.13

The Texas Motor Vehicle Board adopts new §103.13, concerning a restriction on the number and location of new motor home shows and exhibitions in which a licensee may participate in Texas, with changes to the proposed text as published in the October 21, 1994, issue of the *Texas Register* (19 TexReg 8333).

The new section is being adopted to protect consumers from exposure to sales practices by licensees who are not geographically convenient by imposing reasonable show and exhibition restrictions on new motor home dealers and to protect the dealer distribution system and trade area concepts embodied in §4.06(c) of the Texas Motor Vehicle Commission Code.

The new rule provides that new motor home shows must not occur, in a given county, within 90 days of one another and must not exceed six days in length. The proposed rule also restricts participation in a show for a given motor home line to dealers of that line that are located within 70 miles of the show site unless said dealers waive that right of exclusivity. Requests for show approval must, 1) be submitted between 30 and 90 days of the show date, 2) must have at least three participating new motor home dealers and 3) be accompanied by a \$25,000 surety bond if the promoter is not a licensee or an association or organization of licensees. Additionally, where a new motor home show extends over a Saturday and Sunday, all show participants must elect the same day of the weekend on which they will refrain from offering new motor homes for sale, in accordance with the Blue Law.

Written comments on the proposed section were received from the Texas Recreational Vehicle Dealers Association, individual members of the Good Sam Recreational Vehicle Clubs, and the Bordertown Sams Club of El Paso. A public hearing for the purpose of receiving comments was held December 13, 1994. Testimony in favor of the proposed rule was received from individual motor home

dealers and the Texas Recreational Vehicle Dealers Association. Testimony opposing the proposed rule was received from Texas Good Sam's Clubs and Texas Good Sam Chapters. Concerns were expressed about whether the \$25,000 surety bond to be required of promoters is excessive and whether it is reasonable for smaller markets and about whether the rule should apply to private or rally shows.

The Board considered a suggestion to reduce the \$25,000 surety bond to \$4,000-\$5,000, but felt that the larger amount would more strongly encourage the promoter to ensure that participants in a show complied with the provisions of the Code. Subsection (c) was amended to require a \$25,000 surety bond with the promoter's application only if the coordinator/promoter is not a licensee or an association or organization of licensees.

Concerns about whether the rule should apply to private or rally shows were considered and the Board felt that the rule should apply to all such events with only a limited exception available where good cause has been shown. It was further found that good cause is limited to situations where a particular proposed show is perennial in nature, requiring a lengthy period of advance planning, and the show would otherwise be prohibited by virtue of prior approval of a competing event.

The new section is adopted under §3.06 of the Texas Motor Vehicle Commission Code, Article 4413(36) and (36a), Texas Civil Statutes, which provides the Board with the authority to adopt rules necessary and convenient to effectuate the provisions of the Code and to govern practice and procedure before the agency.

#### §103.13. Motor Home Show Limitations and Restrictions.

(a) A dealer licensed by the division who is authorized to sell new motor homes may attend and sell at any motor home show that has been approved by the Motor Vehicle Division.

(b) The scope of this rule is expressly limited to new motor home shows and exhibitions. It does not apply to other types of motor vehicle distribution activities, static displays or any other provision of the Texas Motor Vehicle Commission Code, other than §4.02(c)(2) and (3). Other motor vehicle shows, exhibitions, or static

displays will be reviewed by division staff on a case by case basis.

(c) Approval must be sought by the show coordinator/promoter no less than 30 days and no more than 90 days prior to the proposed show date. All applications for motor home shows must be submitted on the forms and in the manner prescribed by the division, and must be accompanied by all other required attachments. If the coordinator/promoter is not a licensee or an association or organization of licensees, the application must be accompanied by a \$25,000 surety bond to assure compliance with the Motor Vehicle Commission code and rules, as well as other regulations pertaining to the sale of new motor vehicles.

(d) There must be at least three dealers participating in the show for the show to qualify for approval. Each participating new motor vehicle dealer must have a current, valid, Texas new motor vehicle dealer's license to sell the particular line of motor home to be shown.

(e) The duration of any motor home show shall not exceed six days. If a show extends over a Saturday and a Sunday, sales will be suspended by all motor vehicle dealers on the same day to achieve uniform compliance with the Blue Law.

(f) No motor home show shall occur in a county within 90 days of a previous motor home show within that county. Upon a showing of good cause, the division may authorize additional motor home shows in any county. Any motor home dealer may attend a motor home show so long as no like line dealership is located within 70 miles of the show site, unless a written waiver is obtained from the like line dealer or dealers located within 70 miles of the show site. Any like line dealer within 70 miles of the show site has a superior and exclusive right to represent that line at the proposed show. If there are two or more like line dealers located within 70 miles of the show site, each has equal right to participate in the proposed show.

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 March 7, 1995.

TRD-9502900

Diane L. Northam  
Legal Executive Assistant  
Texas Motor Vehicle  
Commission

Effective date: April 1, 1995

Proposal publication date: October 21, 1994

For further information, please call: (512) 463-8630

## Chapter 105. Advertising

### • 16 TAC §105.12, §105.26

The Texas Motor Vehicle Board adopts amendments to §105.12, concerning Advertising at Cost or Invoice, and §105.26 to track the amendments to the Consumer Leasing Act, without changes to the proposed text as published in the November 15, 1994, issue of the *Texas Register* (19 TexReg 8905).

The amendment to §105.12(b) is necessary to make Texas Motor Vehicle Board rules uniform with federal judicial decrees that invoice advertising is inherently deceptive. The amendment to §105.26 is required to bring the rule into conformity with the Federal Community Development and Regulatory Improvement Act of 1994, which already authorizes the alternate methods of lease term disclosure contemplated by the amendment.

The amendment to §105.12(b) removes restrictions to the use of the terms "invoice" and "invoice price" in new motor vehicle dealer advertisements and prohibits publication of them altogether.

The amendment to §105.26 authorizes new motor vehicle dealers, who advertise payment amount, number of payments or refer to down payments in a consumer lease, to disclose required information by means of a toll-free telephone number or reference to a written advertisement that is in general circulation in the community served by the radio station. The required information includes: a declaration that the transaction is a lease; the total initial payment, if any; payment amounts and schedule along with a total of all payments; a declaration of whether the lease includes an option to purchase; and whether the consumer has any liability at the end of the lease and the amount, or the formula for determining the amount, of such liability.

Written comments on proposed §105.12(b) were received from the Texas Automobile Dealers Association, who supported the adoption of the amendment. Oral comments were received at the Board meeting at the time of adoption in favor of the proposed rule. The Board agrees with the comments submitted.

Written comments on proposed §105.26 were received from individual radio stations, the Texas Association of Broadcasters and the Texas Automobile Dealers Association, all of whom supported adoption of the amendment to bring the state rule into conformity with new federal regulations. Oral comments were

received at the Board meeting at the time of adoption in favor of the proposed rule from the Texas Association of Broadcasters. The Board agrees with the comments submitted.

The amendments are adopted under §3.06 of the Texas Motor Vehicle Commission Code, and Texas Civil Statutes, Article 4413(36) and (36a), which provides the Board with the authority to adopt rules necessary and convenient to effectuate the provisions of the Code and to govern practice and procedure before the agency.

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 March 7, 1995.

TRD-9502901

Diane L. Northam  
Legal Executive Assistant  
Texas Motor Vehicle  
Commission

Effective date: April 1, 1995

Proposal publication date: November 15, 1994

For further information, please call: (512) 463-8630

## TITLE 22. EXAMINING BOARDS

### Part III. Texas Board of Chiropractic Examiners

#### Chapter 71. Application and Applicants

##### • 22 TAC §§71.1, 71.3, 71.12

The Texas Board of Chiropractic Examiners adopts new §§71.1, 71.3, and 71.12, relating to definitions, qualifications of applicants for licensure, and the Examination given by the National Board of Chiropractic Examiners, respectively. Each new section is adopted with changes to the proposed text as published in the November 15, 1994, issue of the *Texas Register* (19 TexReg 8924).

New §71.1 is adopted to define terms used in the practice of chiropractic, used in the Chiropractic Act, Texas Civil Statutes, Article 4512b (the Act), or used elsewhere in these rules. As adopted §71.1 differs from the proposed text in that the definitions of the terms "Biomechanical condition of the musculoskeletal system" and "subluxation" are excluded from the adopted section. The first term is omitted in response to a comment. The term "subluxation" is omitted because on December 13, 1994 the Honorable John K. Dietz, Judge of the 200th Judicial Court of Travis County, Texas, entered a final judgment permanently enjoining the proposed definition of "subluxation" on the basis that the Board has no authority to define the term. In deference to the court and pending a decision to appeal from the final judgment, the agency omits the definition of "subluxation" in §71.1 as adopted.

New §71.3 is adopted to provide applicants with the information required to establish their

qualifications to sit for the Texas licensure examination. As adopted §71.3 varies considerably, but not substantively from the proposed text. The proposed §71.3 and §71.12 discussed as follows contained duplicative language. As adopted the duplication is omitted resulting in more concise rules. New §71.3 will notify applicants for licensure that to be eligible to sit for the Texas examination, they must have satisfied the requirements of the Act, §10.

New §71.12 implements the requirement found in the Act, §10 that candidates for licensure must have successfully passed all required and optional parts of the National Board Examination. It is adopted for two reasons: First, to publicize the fact that the board has determined that applicants holding National Board of Chiropractic Examiners' certificates have been adequately examined as required by the Act, §10; and second, to notify applicants that they must submit proof that they have successfully completed all required and optional parts of the National Board Examination. As adopted §71.12 omits language duplicating the requirements in §71.3, as adopted. New §71.12 will provide certainty to applicants that they must have completed all required and optional parts of the National Board Examination to be eligible for licensure in Texas.

Comments on §71.1 were received from the Texas Chiropractic Association (TCA), the Texas Medical Association (TMA), the Chiropractic Society of Texas (CSA), and the Texas Physical Therapy Association (TPTA). Fourteen individuals also commented on this section.

The TMA, pursuant to the authority of the Government Code §2001.030, requested that the agency provide a concise statement of the principal reasons for and against the adoption of these sections. This Association also requested the agency's statement for overruling the consideration urged against adoption. The board addresses TMA's request in this adoption preamble.

The TPTA, the CST and the TMA objected to the definition of "subluxation" contending that the definition violated Article 4512(b) §4(c). The TPTA also commented that the definition of "subluxation" is unnecessary because the word is used nowhere else in the rules. The TPTA also commented that the agency does not have authority to define terms used in the Texas Chiropractic Act.

The following is a summary of the principal reasons advanced by individuals against the definition of "subluxation":

1. The definition should delineate that a vertebral subluxation is not a dislocation.
2. The definition should include the factor of nerve energy transmission impairment.
3. The agency must use the definition developed by B.J. Palmer, D.C.
4. The definition is an attempt to broaden the scope of practice.
5. The definition should be limited to spinal subluxations.

The board disagrees with most of the foregoing comments, although it does agree with the

TPTA that word "subluxation" is used nowhere else in the rules. As previously stated, however, the term "subluxation" is not included in the rule as adopted because of the existing final judgment.

The TPTA commented against the proposed definition of "Biomechanical condition of the musculoskeletal system" in §71.1 for two reasons: First, the definition is unnecessary because the definition is used nowhere else in the rules. Second, the board has no authority to define terms used in the Texas Chiropractic Act.

The Board agrees that the term is used nowhere else in its rules. Accordingly §71.1, as adopted, omits the proposed definition of the term "Biomechanical condition of the musculoskeletal system."

The TCA and eight individuals commented in favor of this section.

Comments on §71.3 and §71.12 were received from the TPTA, the TMA, the TCA and nine individuals.

The TPTA commented against the use of the term "Physiotherapy" on the basis that the term's use by this board conflicts with the Physical Therapy Act. The TMA commented that this definition, if adopted, will allow chiropractors to represent to others that they are physiotherapists in violation of the Physical Therapy Act.

The board disagrees with these comments. The Physical Therapy Act, Texas Civil Statutes, Article 4512e prohibits a person from practicing physical therapy without holding a license issued under that Act. Additionally that Act declares unlawful the use by a person or business in connection with a name or business activity the words "physical therapy", "physical therapist", "physiotherapy" or "physiotherapist" or the use of other means to indicate or imply that physical therapy is provided, unless provided by a physical therapist licensed under that Act. The board's use of the word "Physiotherapy" does not authorize licensees of this board to practice or to hold themselves out to the public as practicing physical therapy or physiotherapy. The board's use of the word "Physiotherapy" does not authorize chiropractors to use the words "physical therapy" or "physiotherapy" in their professional names or titles. The board's use of the word "Physiotherapy" does not authorize licensees of this board to indicate or imply in any way whatsoever that chiropractors furnish physical therapy or physical therapy services. The board's use of the word "Physiotherapy" is a reference to the title of the optional part of the National Board of Chiropractic Examiners Examination; a title given by the National Board, not this board. The Act §10(a) requires applicants for licensure to have successfully passed all required and optional parts of the examination given by the National Board of Chiropractic Examiners. If this board fails to require its applicants for licensure to have successfully completed the optional part of the National Board of Chiropractic Examiners Examination, the board will be violating a legislative directive.

The TCA and the nine individuals expressed support for the new sections. The TCA commented that the rules will allow the general

public to have access to safe and effective chiropractic care, and the rules reflect subjects currently being taught in chiropractic colleges. The individuals commented that the proposed sections are good for chiropractic and good for the state. One individual commented that the new sections will insure that all applicants are examined in all areas of the scope of practice of chiropractic.

New §71.1 is adopted under the authority of the Act, §4(a), §4(c) §4a, and §1 and under the Government Code, Chapter 2001, §2001.004. The board interprets §4(a) as a grant to it by the legislature of authority to promulgate rules in harmony with the Act for the conduct of examinations of applicants for licensure to practice chiropractic. The board interprets §4(c) as a limitation on its rulemaking authority in defining acts and procedures that chiropractors may perform. The board, however, does not understand that §4(c) restricts its authority to establish definitions relating to the licensure process, or the organization of the board or agency staff, so long as the definitions are consistent with other provisions of the Act. The board interprets §4a as authorizing the board to exercise discretion in determining the rules necessary for the performance of its duties, the regulation of the practice of chiropractic and the enforcement of the Act, so long as the rules are consistent with the Act. The Act, §1 establishes the scope of practice of chiropractic, and while this section does not authorize or require specific rules, it does describe acts that constitute the practice of chiropractic. The Board interprets §§1, 13a and 4(c) as establishing parameters on the scope of practice of chiropractic and on the board's rulemaking authority. The Government Code, Chapter 2001, §2001.004 requires agencies to adopt rules of practice setting forth all available procedures, formal and informal. Several definitions in this section relate to procedures that are available under other sections of the agency's rules.

New §71.3 and §71.12 are adopted under the authority of the Act, §§4(a), 4a, and 10. The Act, §4a authorizes the Board to make rules as may be necessary for the performance of its duties, the regulation of the practice of chiropractic, and the enforcement of the Act. The Act, §4(a) authorizes the Board to prescribe rules for the examination of applicants for licensure to practice chiropractic. The Act, §10 establishes the statutory requirement that applicants for licensure must have passed all required and optional parts of the National Board Examination. The board interprets these sections as collectively authorizing the board to enact rules describing by title the various required and optional parts of the National Board of Chiropractic Examiners Examination.

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

**Applicant**—An individual who applies to take the examination for licensure given by the board.

**Board**—The Texas Board of Chiropractic Examiners.

**Board member**—One of the appointed members of the decision-making body defined in this section as the board.

**Examinee**—An individual who has been approved and admitted to take the examination given by the board.

**Executive director**—The Executive director of the board.

**Licensee**—An individual who has been granted a license to practice chiropractic by the Texas Board of Chiropractic Examiners and whose license is active and not under suspension.

**Practitioner**—A doctor of chiropractic, a doctor of medicine, a doctor of osteopathy, a doctor of podiatry, or a doctor of dentistry who is licensed and authorized to practice under the laws of this state.

*§71.3. Qualifications of Applicants.* All applicants must comply with the application process and qualification criteria of the Texas Chiropractic Act, Article 4512b, §10.

#### *§71.12. National Board Examination.*

(a) The board determines that the written Examination by the National Board of Chiropractic Examiners complies in all material respects with the requirements of the Texas Chiropractic Act, Article 4512b. The passing score on each part of the National Board Examination is determined by a criterion-referenced standard setting approach, in which the passing score is set at a scaled score of 375.

(b) All applicants shall take and pass Parts I, II, III and Physiotherapy of the National Board Examination.

(c) Each applicant shall furnish a true and correct copy of the score report establishing that the applicant made a passing grade on each part of the National Board Examination.

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 March 8, 1995.

TRD-9502904

Patte B. Kent  
Executive Director  
Texas Board of  
Chiropractic Examiners

Effective date: March 29, 1995

Proposal publication date: November 15, 1994

For further information, please call: (512) 305-6700

## Chapter 75. Rules of Practice

### • 22 TAC §75.1

The Texas Board of Chiropractic Examiners adopts new §75.1, relating to grossly unprofessional or dishonorable conduct. The new

section is adopted with changes to the proposed text as published in the November 15, 1994, issue of the *Texas Register* (19 TexReg 8925).

New §75.1 is adopted to define actions which will be considered unprofessional or dishonorable conduct of a character likely to deceive or defraud the public. The new section also describes other actions that exploit the chiropractor-patient relationship and provides penalties. As adopted §75.1 differs from the published text in that subsection (a)(7) is omitted. This subsection was omitted in response to a public comment.

Comments were received from the Texas Physical Therapy Association (TPTA), the Texas Medical Association (TMA), and the Texas Chiropractic Association (TCA). Comments were also received from seven individuals. The TCA commented that this will allow the general public to have access to safe and effective chiropractic care. The individuals commented that the proposal is good for chiropractic and good for the state.

The TMA, pursuant to the authority of the Government Code §2001.030, requested that the agency provide a concise statement of the principal reasons for and against the adoption of this section. This Association also requested the agency's statement for overruling the consideration urged against adoption. The board addresses TMA's request in this adoption preamble.

The TPTA commented that under subsection (a)(7) it is unclear what techniques, adjunctive therapies and instruments come within the scope of practice of chiropractic. The TPTA also commented that the rule is unenforceable due to vagueness. The board agrees with this comment and subsection (a)(7) is omitted from the rule, as adopted.

The TMA commented that subsection (a)(7) violates the Act, §4(c) and does not actually define unacceptable practices of chiropractic. The board agrees with this comment to the extent that the subsection (a)(7) may lack the specificity required to be enforceable. As stated above subsection (a)(7) is omitted from the adopted rule.

The TMA also commented that this subsection is an attempt to expand the meaning of the practice of chiropractic. The Board disagrees with the latter comment. If this Board desired to expand the meaning of the practice of chiropractic, it would not attempt to do so by proposing a subsection describing grossly unprofessional conduct and prescribing penalties.

New §75.1 is adopted under the authority of the Texas Chiropractic Act, Article 4512b, §§4a, 4(c) and 14a. The Board interprets §4a as authorizing rules regulating the practice of chiropractic. The Board interprets §4(c) as authorizing rules defining unacceptable practices of chiropractic and providing penalties. The Board interprets §14 as authorizing license revocation or suspension by the board of individuals who engage in unprofessional or dishonorable conduct of a character likely to deceive or defraud the public

#### §75.1. *Grossly Unprofessional Conduct.*

(a) It shall be considered grossly unprofessional conduct for a licensee:

(1) to maintain unsanitary or unsafe equipment;

(2) to fail to use the word "chiropractor," "Doctor, D.C.," or "Doctor of Chiropractic, D.C." in all advertising signs, letterheads, etc.;

(3) to engage in sexual misconduct with a patient within the chiropractic/patient relationship;

(4) to exploit patients through the fraudulent use of chiropractic services which result in financial gain for a licensee or a third party. The rendering of chiropractic services becomes fraudulent when the services rendered or goods or appliances sold by a chiropractor to a patient are clearly excessive to the justified needs of the patient as determined by accepted standards of the chiropractic profession;

(5) to submit a claim for chiropractic services, goods or appliances to a patient or a third-party payer which contains charges for services not actually rendered or goods or appliances not actually sold;

(6) to fail to disclose, upon request by a patient or his or her duly authorized representative, the full amount charged for any service rendered or goods supplied.

(b) Penalties for engaging in gross unprofessional conduct shall be determined in accordance with §75.10 of this title (relating to Administrative Fines and Penalties).

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 March 8, 1995.

TRD-9502905 Patte B. Kent  
Executive Director  
Texas Board of  
Chiropractic Examiners

Effective date: March 29, 1995

Proposal publication date: November 15, 1994

For further information, please call: (512) 305-6700

## Chapter 79. Provisional Licensure

### • 22 TAC §79.1

The Texas Board of Chiropractic Examiners adopts new §79.1, relating to provisional licensure, with changes to the proposed text as published in the November 18, 1994, issue of the *Texas Register* (19 TexReg 9092).

New §79.1 is adopted to provide out-of-state applicants with information regarding the

qualifications they must establish and the procedures they must follow to qualify for a provisional license. This section is also adopted to establish the criteria the board will apply to determine whether or not another state's professional standards and licensing requirements are "equivalent" and "substantially equivalent" to the Texas standards and requirements. As adopted §79.1 differs from the published text in that the reference to §79.2 in subsection (a)(2) is omitted. The reference is omitted because the board has determined that §79.2 is unnecessary.

Comments on §79.1 were received from the Texas Chiropractic Association (TCA), the Texas Medical Association (TMA), and the Texas Physical Therapy Association (TPTA). One individual also commented on this section

The TMA, pursuant to the authority of the Government Code, §2001.030, requested that the agency provide a concise statement of the principal reasons for and against the adoption of these sections. This Association also requested the agency's statement for overruling the consideration urged against adoption. The board addresses TMA's request in this adoption preamble.

The TPTA commented against the use of the term "Physiotherapy" on the basis that the term's use by this board conflicts with the Physical Therapy Act. The TMA commented that this definition, if adopted, will allow chiropractors to represent to others that they are physiotherapists, in violation of the Physical Therapy Act.

The board disagrees with these comments. The Physical Therapy Act, Texas Civil Statutes, Article 4512e prohibits a person from practicing physical therapy without holding a license issued under that Act. Additionally that Act declares unlawful the use by a person or business in connection with a name or business activity the words "physical therapy", "physical therapist", "physiotherapy" or "physiotherapist" or the use of other means to indicate or imply that physical therapy is provided, unless provided by a physical therapist licensed under that Act. The board's use of the word "Physiotherapy" does not authorize licensees of this board to practice or to hold themselves out to the public as practicing physical therapy or physiotherapy. The board's use of the word "Physiotherapy" does not authorize chiropractors to use the words "physical therapy" or "physiotherapy" in their professional names. The board's use of the word "Physiotherapy" does not authorize licensees of this board to indicate or imply in any way whatsoever that chiropractors furnish physical therapy or physical therapy services. The board's use of the word "Physiotherapy" is a reference to the title of the optional part of the National Board of Chiropractic Examiners Examination, a title given by the National Board, not this board. The Act §10(a) requires applicants for licensure to have successfully passed all required and optional parts of the examination given by the National Board of Chiropractic Examiners. The board interprets this provision to apply to applicants for provisional licensure under the Act, §9a.

The TPTA also commented that §79.1 and §79.2 have different requirements with re-



spect to the National Board Examination; yet each section refers to the requirements of the other, resulting in two sections which, when read together, do not make sense. The board agrees with this comment and additionally has concluded that all applicants for provisional licensure must have passed all required and optional parts of the National Board Examination regardless of when they matriculated. Accordingly proposed §79.2 is withdrawn.

The TCA and the seven individuals expressed support for the new sections. The TCA commented that the rules will allow the general public to have access to safe and effective chiropractic care, and the rules reflect subjects currently being taught in chiropractic colleges. Six individuals commented that the proposed sections are good for chiropractic and good for the state. One individual commented that the new section will insure that all applicants are fairly treated.

New §79.1 is adopted under the authority of the Act, §§4(a), 4a, 9, and 10. The board interprets §4(a) as authorizing the Board to prescribe rules for the examination of applicants for licensure to practice chiropractic. The board interprets §4a as authorizing the board to exercise discretion in determining the rules necessary for the performance of its duties, the regulation of the practice of chiropractic and the enforcement of the Act, so long as the rules are consistent with the Act. The board interprets the Act, §9 as authorizing it to establish criteria for the purposes of determining whether or not another jurisdiction's professional standards and licensing requirements are "equivalent" or "substantially equivalent" to the same standards and requirements in this state. The board also interprets the §9 as authorizing it to establish specific requirements for provisional licensure with respect to the Examination sponsored by the National Board of Chiropractic Examiners, sponsorship, applications, and fees. The Act, §10 establishes the statutory requirement that applicants for licensure must have passed all required and optional parts of the National Board Examination. The board interprets these sections collectively as authorizing it to require applicants for provisional licensure to meet the same qualification requirements as residents of this state.

#### §79.1. General Requirements for Provisional Licensure.

(a) Requirements for Provisional License. A candidate may apply for a provisional license under the following circumstances.

(1) The applicant must be licensed in good standing as a doctor of chiropractic in another state, the District of Columbia, or a territory of the United States, that has licensing requirements that are substantially equivalent to the requirements of the Texas Chiropractic Act, and must furnish proof of such licensure on board forms provided. For the purposes of this chapter, the term "substantially equivalent" means that the jurisdiction from which the doctor is requesting provisional licensure has equivalent practices and requirements in the following areas:

- (A) scope of practice;
- (B) continuing education;
- (C) license renewal;
- (D) enforcement practices;
- (E) examination requirements;
- (F) undergraduate education requirements;
- (G) Chiropractic education requirements.

(2) The applicant must have passed the National Board of Chiropractic Examiners Examination Part I, II, III and Physiotherapy and must submit a true and correct copy of the applicant's score report.

(3) The applicant must not have failed a licensure exam conducted by the board.

(4) The application must be accompanied by the affidavit required by the Texas Chiropractic Act, §9(a).

(b) Sponsorship. A candidate for provisional licensure must be sponsored by a doctor of chiropractic who is currently licensed by the board with the following conditions applicable.

(1) Prior to practice in Texas, on forms provided by the board, the sponsor licensee will certify to the board the following:

(A) that such candidate will be working within the same office as the licensee, under direct supervision of the sponsor licensee;

(B) that such sponsor licensee is aware of the Texas Chiropractic Act and rules governing provisional licensure and that the sponsorship will cease upon the invalidity of the provisional license.

(2) Sponsor licensee will be held responsible for the unauthorized practice of chiropractic should such provisional license expire.

(c) The applicant must have practiced chiropractic for two years prior to applying for Texas license.

(d) The application must be completed within one year of initial application date.

(e) The applicant must have been licensed by examination in the jurisdiction

from which the applicant desires a provisional license.

(f) Hardship. An applicant for a provisional license may be excused from the requirements of sponsorship if the Board determines that compliance constitutes a hardship to the applicant.

(g) Application and Fee.

(1) The candidate for provisional licensure will be subject to all application requirements required by §71.2 of this title (relating to Application for Licensure) and subject to the applicable fees established under §75.7 of this title (relating to Chiropractic Fees).

(2) No provisional license can be issued until all application forms and fees are received in the Board Office and the application is approved.

(3) A provisional license expires upon the earlier to occur of the passage of 180 days or notice by the board of the candidate's successful passage or failure of all examinations required. It shall be the responsibility of the candidate and sponsor to return the provisional license to the Board Office upon expiration.

(4) The candidate's failure to sit for the first scheduled board examination following application for examination invalidates the provisional license, unless in the discretion of the board, sufficient and reasonable evidence regarding nonappearance exists.

(5) Each candidate for provisional license shall receive only one nonrenewable license prior to the issuance of a chiropractic license.

(6) The holder of a provisional license must sit for and pass the jurisprudence part of the Texas Examination with a grade of 75% or better during the term of the provisional license.

(h) If at any time during the provisional licensure period it is determined that the holder of such provisional license has violated the Texas Chiropractic Act or board rules, such provisional license will be subject to termination.

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 March 8, 1995.

TRD-9502906

Patte B. Kent  
Executive Director  
Texas Board of  
Chiropractic Examiners

Effective date: March 29, 1995

Proposal publication date: November 18, 1994

For further information, please call: (512) 305-6700

## Chapter 80. Practice of Chiropractic

### • 22 TAC §80.1

The Texas Board of Chiropractic Examiners adopts new §80.1, relating to the delegation of authority, without changes to the proposed text as published in the November 15, 1994, issue of the *Texas Register* (19 TexReg 8926).

New §80.1 is adopted to notify the chiropractic profession that, under limited circumstances as set out in the rule, students in chiropractic colleges may perform adjustments or manipulations. This new section is also adopted to notify the chiropractic profession that chiropractic tasks and procedures may be delegated only to properly qualified and trained assistants acting under the supervision of the delegating chiropractor. This rule will provide greater certainty to the profession regarding delegation of authority.

Comments on §80.1 were received from the Texas Chiropractic Association (TCA), the Texas Medical Association (TMA) and ten individuals. The TMA, pursuant to the authority of the Government Code, §2001.030, requested that the agency provide a concise statement of the principle reasons for and against the adoption of these selections. This Association also requested the agency's statement for overruling the consideration urged against adoption. The board addresses TMA's request in this adoption preamble.

The TCA expressed general support for this section as allowing the general public to have access to safe and effective chiropractic care. Seven individuals commented that this section is good for chiropractic and good for the state.

The TMA commented that this rule allows the board to define the practice of chiropractic in violation of the Act, §4(c). The TMA also commented that this section allows chiropractors to delegate certain high-risk procedures such as myograms to non-physicians.

The Board disagrees with these comments. This section is not an attempt by this board to define the scope of practice of chiropractic. Neither is this section an attempt by this board to authorize chiropractors to delegate high-risk procedures to unqualified, untrained or unlicensed individuals. The board recognizes that it sits in a position of public trust, and nothing in this new section is intended to lessen the quality of care that patients of doctors of chiropractic are entitled to receive.

The board has the affirmative duty to establish guidelines relating to tasks and procedures that chiropractors may delegate to assistants. Subsection (c), as adopted, authorizes the delegation of chiropractic tasks and procedures only to qualified and properly trained assistants.

Two individuals commented that allowing students to perform adjustments will reduce the quality of adjustments. The board disagrees with these comments because the circumstances under which students may perform manipulations or adjustments are so narrowly limited that the quality of care should not be

reduced. In the event that the quality of adjustments or manipulations is an issue, however, it should be addressed by the legislature because the Act, §5a specifically allows students to engage in all phases of clinical practice under the circumstances set forth in this rule.

Two individuals commented that consideration should be given to malpractice insurance concerns. The board disagrees with these comments. This rule neither requires chiropractors to allow students to perform adjustments nor mandates that chiropractors delegate any specific tasks to assistants. Delegation of tasks is discretionary with each practitioner.

New §80.1 is adopted under the authority of the Act, §§4a, 5a, and 6. The board interprets §4a as authorizing this rule because it is necessary for the regulation of chiropractic. The board interprets §5a as authorizing this rule insofar as it relates to the performance of adjustments and manipulations by chiropractic students. The board interprets §6(a) as requiring a rule establishing guidelines relating to tasks and procedures that doctors of chiropractic may delegate to assistants.

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 March 8, 1995.

TRD-9502908

Patte B. Kent  
Executive Director  
Texas Board of  
Chiropractic Examiners

Effective date: March 29, 1995

Proposal publication date: November 15, 1994

For further information, please call: (512) 305-6700

## Part XII. Board of Vocational Nurse Examiners

### Chapter 231. Administration

#### Definitions

##### • 22 TAC §231.1

The Board of Vocational Nurse Examiners adopts the amendment of §231.1, relating to definitions, without changes to the proposed text as published in the February 3, 1995, issue of the *Texas Register* (20 TexReg 615).

The amendment is adopted to define the term "licensee" and "active license". This will assist in understanding what the terms refer to when being used.

No comments were received relative to the adoption of the amendment.

The amendment is adopted 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.

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 authority.

Issued in Austin, Texas, on March 6, 1995.

TRD-9502851

Marjorie A. Bronk, R.N.,  
M.S.H.P.  
Executive Director  
Board of Vocational Nurse  
Examiners

Effective date: March 27, 1995

Proposal publication date: February 3, 1995

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

## TITLE 37. PUBLIC SAFETY AND CORRECTIONS

### Part III. Texas Youth Commission

#### Chapter 87. Treatment

##### Basic Care Services

##### • 37 TAC §87.73

The Texas Youth Commission (TYC) adopts an amendment to §87.73, concerning clothing, without changes to the proposed text as published in the February 3, 1995, issue of the *Texas Register* (20 TexReg 619).

The justification for amending the section is for TYC to have a more efficient system for providing clothing for TYC youth.

The amendment will allow for youth in certain TYC programs to wear uniforms.

No comments were received regarding adoption of the amendment.

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

The proposed rule implements the Human Resource Code, §61.034.

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 authority.

Issued in Austin, Texas, on March 6, 1995.

TRD-9502829

Steve Robinson  
Executive Director  
Texas Youth Commission

Effective date: March 27, 1995

Proposal publication date: February 3, 1995

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

## Chapter 91. Discipline and Control

### Disciplinary Practices

#### • 37 TAC §91.3

The Texas Youth Commission (TYC) adopts an amendment to §91.3, concerning rules of conduct, contraband and dress, without changes to the proposed text as published in the January 27, 1995, issue of the *Texas Register* (20 TexReg 421).

The justification for amending the section is for TYC to require hair styles for TYC youth

that are appropriate to the specific TYC program.

The amendment will allow for TYC programs to require youth to wear their hair in a uniform style.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Human Resources Code, §81.034, which provides the Texas Youth Commission with the authority to make rules appropriate to the proper accomplishment of its functions.

The proposed rule implements the Human Resource Code, §81.034.

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 authority.

Issued in Austin, Texas, on March 6, 1995.

TRD-9502830

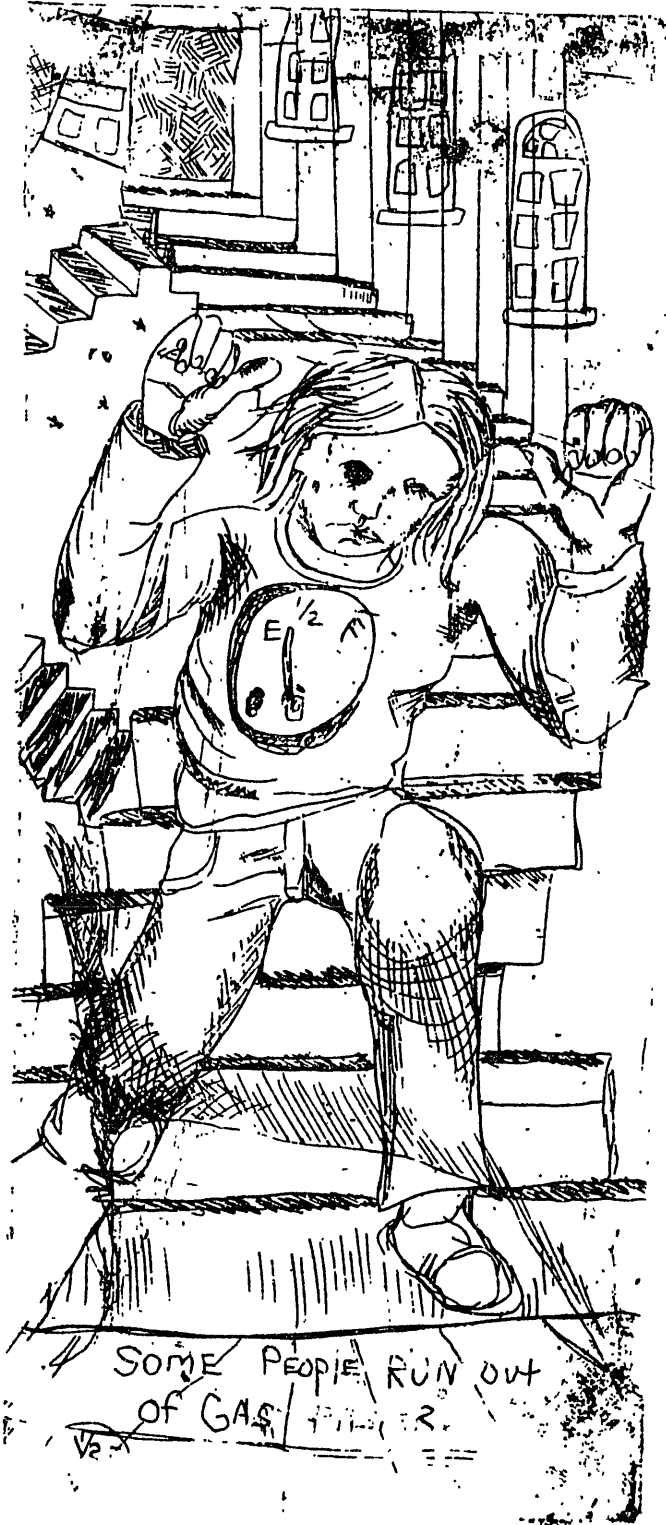
Steve Robinson  
Executive Director  
Texas Youth Commission

Effective date: March 27, 1995

Proposal publication date: January 27, 1995

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

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Name: Angela Faz  
Grade: 12  
School: Booker T. Washington High School, Dallas ISD

# 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 Catastrophe Property Insurance Association

Tuesday, March 21, 1995, 8:30 a.m.

Hyatt Regency Austin Hotel, 208 Barton Springs Road

Austin

Annual Meeting of the Members

### AGENDA:

- I. Call to order and reading of antitrust statement
- II. Approval of the minutes for annual meeting of March 15, 1994
- III. Report of the Tellers Committee
- IV. Report of the chairman of the board
- V. Report of the secretary/treasurer
- VI. Report of the general manager
- VII. Report of the counsel
- VIII. Report of Underwriting Committee
- IX. Report of Participation Committee
- X. Report of Reinsurance Committee
- XI. Report of Claims Committee
- XII. Report of Public Relations and Information Committee
- XIII. Report of the Nominating Committee
- XIV. Election of three members to the Board of Directors
- XV. Adjourn

Contact: Charles F. McCullough, 2828 East Ben White, Suite 200, Austin, Texas 78741, (512) 444-9612.

Filed: March 8, 1995, 1:47 p.m.

TRD-9502940

Tuesday, March 21, 1995, 10:00 a.m.

Hyatt Regency Austin Hotel, 208 Barton Springs Road

Austin

Board of Directors Meeting

### AGENDA:

- I. Call to order-reminder of antitrust statement
- II. Introduction of new Board of Directors
- III. Election of officers for 1995
- IV. Approval of minutes of February 7, 1995, and February 27, 1995 Board of Directors meeting
- V. Resolution to include reports presented at the Annual Meeting of the Members by officers, committee chairman and staff in the Minutes of Meeting of the Board of Directors
- VI. Any other business that may come before the Board
- VII. Adjourn

Contact: Charles F. McCullough, 2828 East Ben White, Suite 200, Austin, Texas 78741, (512) 444-9612.

Filed: March 8, 1995, 1:47 p.m.

TRD-9502941

## Texas Planning Council for Developmental Disabilities

Thursday, March 16, 1995, 1:30 p.m.

4900 North Lamar Boulevard, Room 3501 Austin

Advocacy and Public Information Committee Meeting

### AGENDA:

Thursday, March 16, 1995

1:30 p.m.

1. Call to order/introduction
2. Public comments
3. Approval of minutes
4. Review and discussion of state policy/legislation
5. Review and discussion of federal policy/legislation
6. Public information report

Friday, March 17, 1995

9:00 a.m.

Reconvene

1. Continuation of unfinished business from March 16, 1995

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: March 8, 1995, 10:14 a.m.

TRD-9502928

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**Texas Department of Licensing and Regulation**

Wednesday, March 22, 1995, 2:00 p.m.

T.E.C. Building, 101 East 15th Street, Room 501

Austin

Elevator Advisory Board

AGENDA:

- I. Call to order
- II. Record of attendance
- III. Review/approval of minutes of August 17, 1994 meeting
- IV. Department update
- V. New business
  - A. Fireman services phase I and II
  - B. Door restrictors
  - C. Proposed ceiling on inspection fees
- VI. Public comment
- VII. Next meeting
- VIII. Adjournment

All facilities are accessible to persons with disabilities. Under the Americans with Disabilities Act, persons who plan to attend this meeting and required 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: Jimmy Martin, 920 Colorado, Austin, Texas 78711, (512) 463-7348.

Filed: March 8, 1995, 5:01 p.m.

TRD-9502961

Thursday, March 23, 1995, 9:00 a.m.

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

Austin

Inspections and Investigations, Manufactured Housing

AGENDA:

According to the complete agenda, the Department will hold an administrative hearing to consider the possible assessment of an administrative penalty and denial, suspension or revocation of the license for Chaim Saadon doing business as Casablanca Mist Mobile Home Park, Inc. for violation of the Texas Civil Statutes, Annotated Article

5221f, §7(d), 16 Texas Administrative Code (TAC), §69.125(e)(1), Article 9100, and the Texas Government Code, Chapter 2001.

Contact: Paula Hamje, 920 Colorado, Austin, Texas 78701, (512) 463-3192.

Filed: March 8, 1995, 9:05 a.m.

TRD-9502911

Tuesday, March 28, 1995, 9:00 a.m.

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

Austin

Inspections and Investigations, Manufactured Housing

AGENDA:

According to the complete agenda, the Department will hold an administrative hearing to consider the possible assessment of an administrative penalty and denial, suspension or revocation of the license for Kenneth Falcon, also known as Kenneth Chandler, doing business as Ken's Mobile Home Service, for violation of the Texas Civil Statutes, Annotated Article 5221f, §86(f), 7(b) and 7(d), 16 Texas Administrative Code (TAC), §60.125(e)(1), Article 9100, and the Texas Government Code, Chapter 2001.

Contact: Paula Hamje, 920 Colorado, Austin, Texas 78701, (512) 463-3192.

Filed: March 8, 1995, 9:05 a.m.

TRD-9502910

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**Texas State Board of Medical Examiners**

Tuesday, March 14, 1995, 9:00 a.m.

1812 Centre Creek Drive, Suite 300

Austin

Emergency Agenda

Hearings Division

AGENDA:

Probation appearance, 9:00 a.m.—Kenneth Michael Piazza, M.D., Jasper, Texas.

Termination request, 9:00 a.m.—Robert E. Galloway, M.D., Houston, Texas.

Probation appearance, 10:00 a.m.—Albert Leon Pulliam, M.D., Houston, Texas.

Termination request, 10:15 a.m.—Royce D. Brough, Houston, Texas.

Termination request, 10:45 a.m.—Richard Perry Duncan, D.O., Houston, Texas.

Probation appearance, 11:15 a.m.—D. L. Reece, D.O., Pharr, Texas.

Executive session under authority of the Open Meetings Act, §551.071 or the Gov-

ernment Code, and Article 4495b, §2.07(b) and §2.09(o), Texas Revised Civil Statutes, regarding pending or contemplated litigation.

Reason for emergency: Information has come to the attention of the agency that requires prompt consideration.

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

Filed: March 7, 1995, 4:31 p.m.

TRD-9502899

Tuesday, March 16, 1995, 9:00 a.m.

1812 Centre Creek Drive, Suite 300

Austin

Hearings Division

AGENDA:

Probation appearance, 9:00 a.m.—Debra Kenamer Epps, M.D., Center Point, Texas.

Probation appearance, 9:00 a.m.—Milton Paul Rosenkrantz, M.D., El Paso, Texas.

Probation appearance, 9:00 a.m.—Dennis M. Shaughnessy, M.D., Midland, Texas.

Probation appearance, 9:45 a.m.—Robert Ernest Clark III, M.D., Memphis, Texas.

Modification request, 10:00 a.m.—William David Todd, M.D., Big Spring, Texas.

Termination request, 10:30 a.m.—Robert Lewis Mims, M.D., Arlington, 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: March 8, 1995, 11:25 a.m.

TRD-9502933

◆ ◆ ◆  
**Texas Council on Offenders with Mental Impairments**

Friday, March 31, 1995, 9:00 a.m.

8100 Cameron Road, Building B, Suite 110

Austin

Full Council

AGENDA:

I. Introductions

II. Public comments

III. Approval of minutes

IV. M.O.U. presentation by agencies

\* TDCJ

- \* TDMH/MR
- \* TCCMH/MR Centers, Inc.
- V. Special Needs Parole Program
- VI. Committee reports
  - \* Executive
  - \* Planning/legislative
  - \* Program/research
  - \* Finance

VII. Executive director's report

Each item above includes discussion and action as necessary.

Contact: Dee Kifowit, 8610 Shoal Creek Boulevard, Austin, Texas 78757, (512) 406-5406, Fax: (512) 406-5416.

Filed: March 8, 1995, 9:36 a.m.  
TRD-9502916

**Texas Natural Resource Conservation Commission**

Tuesday, April 11, 1995, 10:00 a.m.  
TNRCC, 12124 Park 35 Circle, North IH-35 at Yager Lane, Building C, Room 107W  
Austin

AGENDA:

On an application by StanTrans, Inc., Air Quality Renewal Permit Number 1677, to authorize continued operation of a tank terminal. The existing facility is located at 1111 Main Dock Road, Texas City, Galveston County, Texas.

Contact: Paul Mix, Mail Code 163, P.O. Box 13087, Austin, Texas 78711, (512) 239-1564.

Filed: March 7, 1995, 2:11 p.m.  
TRD-9502891

**Texas County and District Retirement System**

Wednesday, March 22, 1995, 7:30 p.m.  
303 West 15th Street  
Austin

Investment Committee Meeting

AGENDA:

Chairperson will open meeting. Approve minutes of preceding meeting. Receive report from investment officer. Consider and act upon staff recommendations for custodian and securities lender. Set date and location of June 1995 meeting. Adjourn meeting.

Contact: Alan Adams, 400 West 14th Street, Austin, Texas 78701, (512) 469-9668.

Filed: March 7, 1995, 1:43 p.m.  
TRD-9502890

**Texas Sustainable Energy Development Council**

Friday, March 27, 1995, 9:00 a.m.  
3701 Lake Austin Boulevard, Lower Colorado River Authority, Hancock Building, Board of Director's Room

Austin

AGENDA:

- I. Call to order
- II. Review agenda
- III. Welcoming remarks
- IV. Administrative matters
  - a) Roundtable details
  - b) Budget update
  - c) Texas Register notices/requests for proposals (RFPs)
  - d) Unsolicited proposal
- IV. Define strategic planning process and schedule
- V. Adjourn

Contact: Charlotte Banks, 1700 North Congress Avenue, Room 850, Austin, Texas 78701, (512) 463-1745.

Filed: March 8, 1995, 1:50 p.m.  
TRD-9502950

**University of Houston System**

Wednesday, March 15, 1995, Noon  
1600 Smith, Suite 3400, Conference Room One  
Houston

Asset Management Committee

AGENDA:

To discuss and/or act upon the following: Endowment Performance Report; Non-Endowed Investment Report; and selection of a historically underutilized business as an investment manager for the Endowment Fund.

Contact: Peggy Cervenka, 1600 Smith, Suite 3400, Houston, Texas 77002, (713) 754-7440.

Filed: March 8, 1995, 3:48 p.m.  
TRD-9502956

**Texan's War on Drugs**

Friday, March 17, 1995, 10:00 a.m.  
313 East Anderson Lane, Suite 101

Austin  
Board of Directors Meeting

AGENDA:

- 1) Call to order
- 2) Establish quorum
- 3) Approval of minutes
- 4) Corporate officers resolution
- 5) Executive session
- 6) Action on matters discussed in executive session
- 7) President's report:
  - a) Financial report
  - b) Service delivery report
  - c) Executive report
  - 8) Set next meetings dates
  - 9) Other business
  - 10) Adjourn

Contact: Janis Pittel, 313 East Anderson Lane, Suite 101, Austin, Texas 78752-1222, (512) 452-0141.

Filed: March 9, 1995, 9:08 a.m.  
TRD-9502967

**Texas Youth Commission**

Thursday, March 16, 1995, 9:00 a.m.  
1100 West 49th, Board Room  
Austin

Board

AGENDA:

- Report on the Managed Health Care proposal (information)
- Report on activities of the 74th Legislature (information)
- Report on the Resocialization Program (information)
- Report on conversion of Statewide Reception Center (information)
- Report on educational and vocational programs (information)
- Report of aftercare programs and development of independent living skills (information)
- Review of the role of boot camps within the agency (information)

Contact: Steven Robinson, 4900 North Lamar Boulevard, Austin, Texas 78765, (512) 483-5001.

Filed: March 8, 1995, 4:07 p.m.  
TRD-9502597

## Regional Meetings

### Meetings Filed March 7, 1995

The Bexar-Medina-Atascosa Counties Water Control and Improvement District Number 1 Board of Directors met at 226 Highway 132, Natalia, March 13, 1995, at 8:00 a.m. Information may be obtained from John W. Ward III, P.O. Box 170, Natalia, Texas 78059, (210) 663-2132. TRD-9502894.

The Dallas Area Rapid Transit Board Meeting (Special) met at 1401 Pacific-Conference Room C, Dallas, March 10, 1995, at 5:00 p.m. Information may be obtained from Vanessa A. Knight, DART, P.O. Box 660163, Dallas, Texas 75266-0163, (214) 749-3371. TRD-9502902.

The Education Service Center, Region VIII Board of Directors will meet at F.M. 1734, 2230 North Edwards Street, Mt. Pleasant, March 23, 1995, at 7:00 p.m. Information may be obtained from Scott Ferguson, P.O. Box 1894, Mt. Pleasant, Texas 75456, (903) 572-8551. TRD-9502897.

The South Plains Association of Governments Executive Committee will meet at 1323 58th Street, Lubbock, March 14, 1995, at 9:00 a.m. Information may be obtained from Jerry D. Casstevens, P.O. Box 3730, Freedom Station, Lubbock, Texas 79452-3730, (806) 762-8721. TRD-9502895.

The South Plains Association of Governments Board of Directors will meet at 1323 58th Street, Lubbock, March 14, 1995, at 10:00 a.m. Information may be obtained from Jerry D. Casstevens, P.O. Box 3730, Freedom Station, Lubbock, Texas 79452-3730, (806) 762-8721. TRD-9502896.

The South Franklin Water Supply Corporation Board of Directors will meet at the Office of South Franklin Water Supply Corporation, 4430 Highway 115, South of Mount Vernon, March 14, 1995, at 7:00 p.m. Information may be obtained from Richard Zachary, P.O. Box 591, Mount Vernon, Texas 75457, (903) 860-3400. TRD-9502884.

The Wise County Appraisal District Board of Directors met at 206 South State Street, Decatur, March 13, 1995, at 7:00 p.m. Information may be obtained from Freddie Triplett, 206 South State Street, Decatur, Texas 76234, (817) 627-3081. TRD-9502898.

### Meetings Filed March 8, 1995

The Andrews Center (Rescheduled from March 7, 1995, 3:00 p.m.) Board of Trustees will meet at 2323 West Front Street,

Board Room, Tyler, March 14, 1995, at 3:00 p.m. Information may be obtained from Richard J. DeSanto, P.O. Box 4730, Tyler, Texas 75212, (903) 535-7338. TRD-9502960.

The Austin Transportation Study Policy Advisory Committee met at the Joe C. Thompson Conference Center, 26th and Red River, Room 2.102, Austin, March 13, 1995, at 6:00 p.m. Information may be obtained from Michael R. Aulick, 301 West Second, Austin, Texas 78701, (512) 499-2275, Fax: (512) 499-2269. TRD-9502959.

The Concho Valley Council of Governments Private Industry Council will meet at 5014 Knickerbocker Road, San Angelo, March 15, 1995, at 3:00 p.m. Information may be obtained from Monette Molinar, 5002 Knickerbocker Road, San Angelo, Texas 76904, (915) 944-9666. TRD-9502938.

The Guadalupe-Blanco River Authority Ad Hoc Committee will meet at 933 East Court Street, Seguin, March 14, 1995, at 1:00 p.m. Information may be obtained from W. E. West, Jr., P.O. Box 271, Seguin, Texas 78156-0271, (210) 379-5822. TRD-9502934.

The Guadalupe-Blanco River Authority Retirement and Benefit Committee will meet at 933 East Court Street, Seguin, March 14, 1995, at 2:00 p.m. Information may be obtained from W. E. West, Jr., P.O. Box 271, Seguin, Texas 78156-0271, (210) 379-5822. TRD-9502935.

The Guadalupe-Blanco River Authority Audit Committee will meet at 933 East Court Street, Seguin, March 14, 1995, at 3:30 p.m. Information may be obtained from W. E. West, Jr., P.O. Box 271, Seguin, Texas 78156-0271, (210) 379-5822. TRD-9502936.

The Guadalupe-Blanco River Authority Board of Directors will meet at 933 East Court Street, Seguin, March 15, 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-9502937.

The Gulf Bend Center (Emergency Meeting) Board of Trustees met at 1502 East Airline, Victoria, March 10, 1995, at Noon. Information may be obtained from Agnes Moeller, 1502 East Airline, Victoria, Texas 77901, (512) 575-0611. TRD-9502958.

The Harris County Appraisal District Board of Directors will meet at 2800 North Loop West, Eighth Floor, Houston, March 15, 1995, at 9:30 a.m. Information may be obtained from Margie Hilliard, P.O. Box 920975, Houston, Texas 77292, (713) 957-5291. TRD-9502922.

The High Plains Underground Water Conservation District Number 1 Board will meet at 2930 Avenue Q, Board Room,

Lubbock, March 14, 1995, at 10:00 a.m. Information may be obtained from A. Wayne Wyatt, 2930 Avenue Q, Lubbock, Texas 79405, (806) 762-0181. TRD-9502912.

The Kendall Appraisal District Board of Directors will meet at 121 South Main Street, Boerne, March 16, 1995, at 5:30 p.m. Information may be obtained from Mick Mikulenska or Helen Tamayo, P.O. Box 788, Boerne, Texas 78006, (210) 249-8012, Fax: (210) 249-3975. TRD-9502921.

The Lavaca County Central Appraisal District Appraisal Review Board will meet at 113 North Main Street, Hallettsville, March 29, 1995, at 8:30 a.m. Information may be obtained from Diane Munson, P.O. Box 386, Hallettsville, Texas 77964, (512) 798-4386. TRD-9502930.

The Limestone County Appraisal District Appraisal Review Board will meet at 200 State Street, LCAD Office, Ground Floor, County Courthouse, Groesbeck, March 16, 1995, at 8:30 a.m. Information may be obtained from Karen Wietzikoski, P.O. Drawer 831, Groesbeck, Texas 76642, (817) 729-3009. TRD-9502951.

The Texas Municipal Asset Pool Board of Directors will meet at the Riverway Bank, Five Riverway, Board Room, Second Floor, Houston, March 15, 1995, at 8:00 a.m. Information may be obtained from Debra J. Hall, P.O. Box 56572, Houston, Texas 77256, (713) 552-2618. TRD-9502913.

The Nolan County Central Appraisal District Board of Directors will meet at Betty's Breakfast, Oak Street, Sweetwater, March 14, 1995, at 7:00 a.m. Information may be obtained from Patricia Davis, P.O. Box 1256, Sweetwater, Texas 79556, (915) 235-8421. TRD-9502915.

The North Plains Ground Water Conservation District Number 2 Board will meet at 603 East First, Dumas, March 14, 1995, at 10:00 a.m. Information may be obtained from Richard S. Bowers, P.O. Box 795, Dumas, Texas 79029-0795, (806) 935-6401. TRD-9502909.

The Rio Grande Council of Governments Board of Directors will meet at 1100 North Stanton, Main Conference Center, Fourth Floor, El Paso, March 17, 1995, at 1:00 p.m. Information may be obtained from Lidia Flynn, 1100 North Stanton, Suite 610, El Paso, Texas 79902, (915) 533-0098. TRD-9502914.

The San Antonio-Bexar County Metropolitan Planning Organization Transportation Steering Committee and Technical Advisory Committee met at the Municipal Plaza Building, "B" Room, 114 West Commerce, San Antonio, March 13, 1995, at 1:30 p.m. Information may be obtained from Janet A. Kennison, 434 South Main, Suite 205, San Antonio, Texas 78204, (210) 227-8651. TRD-9502939.



**The Wood County Appraisal District (Emergency Revised Agenda.)** Board of Directors met at 217 North Main, Quitman, March 8, 1995, at 1:30 p.m. (Reason for emergency: Correction of agenda item # 8.) Information may be obtained from W. Carson Wages or Lou Brooke, P.O. Box 518, Quitman, Texas 75783-0518, (903) 763-4891. TRD-9502929.



**Meetings Filed March 9, 1995**

**The Blanco County Appraisal District** 1995 Board of Directors will meet at Ave-

nue G and Seventh Street, Johnson City, March 14, 1995, at 5:00 p.m. Information may be obtained from Hollis Boatright, P.O. Box 338, Johnson City, Texas 78636, (210) 868-4013. TRD-9502970.

**The Education Service Center, Region XI** Board of Directors will meet at 3001 North Freeway, Fort Worth, March 21, 1995, at Noon. Information may be obtained from Dr. Ray L. Chancellor, 3001 North Freeway, Fort Worth, Texas 76106, (817) 625-5311. TRD-9502968.

**The Henderson County Appraisal District** Appraisal Review Board will meet at 1751 Enterprise Street, Athens, March 16,

1995, at 9:00 a.m. Information may be obtained from Lori Fetterman, 1751 Enterprise, Athens, Texas 75751, (903) 675-9296. TRD-9502964.

**The Johnson County Central Appraisal District** Board of Directors will meet at 109 North Main, Suite 201, Room 202, Cleburne, March 16, 1995, at 4:30 p.m. Information may be obtained from Priscilla A. Bunch, 109 North Main, Cleburne, Texas 76031, (817) 558-8100. TRD-9502969.





Name: Ben Lewis  
Grade: 12  
School: Booker T. Washington High School, Dallas ISD

# IN ADDITION

The *Texas Register* is required by statute to publish certain documents, including applications to purchase control of state banks, notices of rate ceilings, changes in interest rate and applications to install remote service units, and consultant proposal requests and awards.

To aid agencies in communicating information quickly and effectively, other information of general interest to the public is published as space allows.

## Texas Commission on Alcohol and Drug Abuse

### Notices 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 Bexar County. The purpose of the available funds is to enhance the TAIP in Bexar 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.

TCADA has been contacted by a for-profit organization, Alamo Recovery Center, that is interested in providing the services in Bexar County. It is TCADA's intent to issue a contract to this organization if there are no other interested and eligible organizations. For 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., March 28, 1995. The letter shall demonstrate how the organization meets the requirements previously listed, 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 Jesse Casas at (512) 867-8265.

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 outpatient treatment services by TCADA; the amount of available funding will be \$50,000.

Issued in Austin, Texas, on March 7, 1995.

TRD-9502888

Otis E. Williams  
Interim Executive Director  
Texas Commission on Alcohol and Drug  
Abuse

Filed: March 7, 1995

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 Dallas County. The purpose of the available funds is to enhance the TAIP in Dallas 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.

TCADA has been contacted by a non-profit organization, Interventions Company, that is interested in providing the services in Dallas County. It is TCADA's intent to issue a contract to this organization if there are no other interested and eligible organizations. For 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., March 28, 1995. The letter shall demonstrate how the organization meets the requirements previously listed, 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 Jesse Casas at (512) 867-8265.

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 \$50,000.

Issued in Austin, Texas, on March 7, 1995.

TRD-9502889

Otis E. Williams  
Interim Executive Director  
Texas Commission on Alcohol and Drug  
Abuse

Filed: March 7, 1995

## Texas Court Reporters Certification Board

### Certification of Court Reporters

Following the examination of applicants on January 27, 1995, the Court Reporters Certification Board certified to

the Supreme Court the following individuals who are qualified in the method indicated to practice shorthand reporting pursuant to the Texas Government Code, Chapter 52:

**ORAL STENOGRAPHY:** Carrie Lucina Gansle-El Paso; and Ellen Kathy Tinsley-Richland Hills.

**MACHINE SHORTHAND:** Michelle Theresa Bulkley-Duncanville; Robert Clark Clay-Duncanville; Donna Jean Crutcher-Houston; Janan Damron-Flower Mound; Lisa Yvonne Davis-Denton; Alisa Anne Detwiler-Rowlett; Annette E. Escobar-Edcouch; Beverly Gale Fincher-Houston; Annie Geerin-Dallas; Melissa Kaye Ginn-Santa Fe; Christi Lee Gray-Abbott; Valerie Fender Grimm-Alvin; Amy Claudette Hall-Austin; Carrie Inez Hendon-Irving; Cheryl Denise Hester-San Antonio; Beth Ann Holland-Fort Worth; Amy Lynn Jennings-Dallas; Lori Catherine Kohl-Tolar; Mary Karen Krupinski-Irving; Cari Ann Lindsey-Bedford; Carol Henderson Mixon-Keithville, LA; Jennifer Beth Moore-Dallas; Robert F. Morehouse-Corpus Christi; Michelle Lynn Munroe-Dallas; Jill Marie Phillips-Port Arthur; Judith Lynn Richardson-Houston; Marlee Ann Robbins-Duncanville; Dahlia Robledo-Austin; Julie A. Stackpole-League City; Julie G. Stambulic-Arlington; Diana Rosemarie Standridge-Dallas; Sandra Cutrer Stiegler-Houston; Karen B. Swope-Dallas; Cynthia A. Vandermolten-Ingleside; Dana Michele Vest-Spring; Edwin Winton Walker-Dallas; Donna Ann Watkins-Arlington; Wendy Petty Watson-Carrollton; Renee M. Webb-Alvin; Wendy Diane Wilkerson-Spring; and Holly Renee Wolfe-Lampasas.

issued in Austin, Texas, on March 6, 1995.

TRD-9502850      Peg Liedtke  
Executive Secretary  
Texas Court Reporters Certification Board

Filed: March 6, 1995

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## Texas Education Agency

### Notice of Extension of Deadline

The Texas Education Agency (TEA) published a request for information (RFI) concerning an integrated automated financial management system in the March 7, 1995, issue of the *Texas Register* (20 TexReg 1701). The TEA is extending the deadline for receiving responses to the RFI from March 21, 1995, to March 27, 1995.

To request a complete copy of, or respond to, the RFI, contact Clarence W. Coleman, Texas Education Agency, William B. Travis Building, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9680.

Issued in Austin, Texas, on March 8, 1995.

TRD-9502903      Criss Cloudt  
Executive Associate Commissioner for  
Policy Planning and Information  
Management  
Texas Education Agency

Filed: March 8, 1995

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## Texas Employment Commission

### Announcement of Available Funds and Request for Proposals

Summary: The Texas Employment Commission is pleased to announce the availability of One-Stop Career Center System funds from the U.S. Department of Labor (DOL). The purpose of the funds is to assist local areas in establishing a system that organizes DOL and other employment and training programs into settings that provide universal access, integrate program functions, offer choices to job seekers as well as employers and use outcome-based performance measures. The minimum services that must be available through the system include labor market information, common intake and eligibility determination, independent assessment, case management and counseling, referral for services, supportive services and extensive services for employers. At the end of the first year of operation, the following programs must be included within the one-stop system: Employment Service, Veterans Employment Service, Job Training Partnership Act (JTPA), Senior Community Service Employment Program, Unemployment Insurance Program, Food Stamp Employment and Training, JOBS, Adult Education, Literacy, Perkins Act post-secondary programs, Trade Adjustment Assistance and School-to-Work.

Funds will be awarded on a competitive basis to public or private agencies which can demonstrate the capability to administer federal funds and perform services and which meet the criteria established by the Texas Council on Workforce and Economic Competitiveness (TCWEC). Minimum criteria include developing a three-year plan for the workforce development area, demonstrating community support, separating the role of administrative entity and/or center operator from the role of education and training provider, securing partnership agreements between the Texas Employment Commission and the Service Delivery Area of the JTPA, demonstrating support of the chief elected officials, submitting plans that reflect integration of service and information that goes beyond collocation, being reviewed at the local level by local workforce advisory bodies, having a direct or in-kind funding base for multiple sources, include employer services and being submitted from a designated workforce development area or, if the area is undesignated, being submitted by a JTPA Service Delivery Area or a consortium of Service Delivery Areas.

**Application Deadline:** Proposals must be received by March 29, 1995 at 5:00 p.m. or postmarked not later than March 27, 1995. Request for Proposals may be mailed to One-Stop Systems, Room 458-T, Texas Employment Commission, 101 East 15th Street, Austin, Texas 78778-0001, (512) 463-7750.

**Proposal Funding Awards:** It is anticipated that awards will be in the range of \$150,000 to \$250,000 and that up to seven areas of the state will be funded. Complete applications from eligible entities will be evaluated by a team of inter-agency state staff members utilizing criteria established by TCWEC. Additional funding may be provided for two subsequent years contingent upon satisfactory performance and availability of funds from the federal level.

Issued in Austin, Texas, on March 6, 1995.

TRD-9502860

C. Ed Davis  
Deputy Administrator for Legal Affairs  
Texas Employment Commission

Filed: March 6, 1995

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**Notice of Change**

The Texas Employment Commission (TEC) published in the February 10, 1995, *Texas Register* (20 TexReg 981) an Announcement of Available Funds and Request for Proposals. Several potential respondents have requested that additional time be allowed for submission of proposal. The TEC has agreed to extend the deadline for submission of proposal applications and submits the following change.

**Application Deadline:** Proposals must be received by Thursday, April 13, 1995 at 5:00 p.m. or postmarked not later than Tuesday, April 11, 1995. Proposals may be mailed to: One-Stop Systems, Room 458-T, Texas Employment Commission, 101 East 15th Street, Austin, Texas 78778-0001 or may be hand delivered to: Kevin Faulkner, or One-Stop Systems Designee, 1117 Trinity Street, Room 458-T, Austin, Texas (512) 463-7750. All overnight mail will be considered to be hand-delivered and must be received at the designated place by the specified closing date.

Issued in Austin, Texas, on March 6, 1995

TRD-9502859

C. Ed Davis  
Deputy Administrator for Legal Affairs  
Texas Employment Commission

Filed: March 6, 1995

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**Texas Department of Health  
Notices of Intent to Revoke a Certificate  
of Registration**

Pursuant to Texas Regulations for Control of Radiation (TRCR), Part 13 (25 TAC §289.112), the Bureau of Radiation Control (bureau), Texas Department of Health (department), filed a complaint against the following registrant: M. Stuart Altman, D.P.M., Inc., Denton, Certificate of Registration Number R20648.

The department intends to revoke the certificate of registration; order the registrant to cease and desist use of such radiation machine(s); order the registrant to divest himself of such equipment; and order the registrant to present evidence satisfactory to the bureau that he has complied with the orders and the provisions of the Health and Safety Code, Chapter 401. If the items in the complaint are corrected within 30 days of the date of the complaint, the department will not issue an order.

This notice affords the opportunity to the registrant for a hearing to show cause why the certificate of registration should not be revoked. A written request for a hearing must be received by the bureau within 30 days from the date of service of the complaint to be valid. Such written request must be filed with Richard A. Ratliff, P.E., Chief, Bureau of Radiation Control (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756-3189. Should no request for a public hearing be timely filed or if the items in the complaint are not corrected, the certificate of registration will be revoked at the end of the 30-day period of notice. A copy of all relevant material is available for public inspection at the

Bureau of Radiation Control, Exchange Building, 8407 Wall Street, Austin, Monday-Friday, 8:00 a.m. to 5:00 p.m. (except holidays).

Issued in Austin, Texas, on March 8, 1995.

TRD-9502917

Susan K. Steeg  
General Counsel  
Texas Department of Health

Filed: March 8, 1995

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The Texas Department of Health, having duly filed complaints pursuant to Texas Regulations for Control of Radiation, Part 13 (25 Texas Administrative Code §289.112), has revoked the following certificate of registration: Jeffrey A. Facey, D.D.S., Houston, R14332, February 24, 1995.

A copy of all relevant material is available for public inspection at the Bureau of Radiation Control, Exchange Building, 8407 Wall Street, Austin, Monday-Friday, 8:00 a.m. to 5:00 p.m. (except holidays).

Issued in Austin, Texas, on March 8, 1995.

TRD-9502918

Susan K. Steeg  
General Counsel  
Texas Department of Health

Filed: March 8, 1995

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Pursuant to Texas Regulations for Control of Radiation (TRCR), Part 13 (25 TAC §289.112), the Bureau of Radiation Control (bureau), Texas Department of Health (department), filed a complaint against the following registrant: Jack I. Lipton, D.M.D., San Antonio, Certificate of Registration Number R16305.

The department intends to revoke the certificate of registration; order the registrant to cease and desist use of such radiation machine(s); order the registrant to divest himself of such equipment; and order the registrant to present evidence satisfactory to the bureau that he has complied with the orders and the provisions of the Health and Safety Code, Chapter 401. If the items in the complaint are corrected within 30 days of the date of the complaint, the department will not issue an order.

This notice affords the opportunity to the registrant for a hearing to show cause why the certificate of registration should not be revoked. A written request for a hearing must be received by the bureau within 30 days from the date of service of the complaint to be valid. Such written request must be filed with Richard A. Ratliff, P.E., Chief, Bureau of Radiation Control (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756-3189. Should no request for a public hearing be timely filed or if the items in the complaint are not corrected, the certificate of registration will be revoked at the end of the 30-day period of notice. A copy of all relevant material is available for public inspection at the Bureau of Radiation Control, Exchange Building, 8407 Wall Street, Austin, Monday-Friday, 8:00 a.m. to 5:00 p.m. (except holidays).

Issued in Austin, Texas, on March 8, 1995.

TRD-9502919

Susan K. Steeg  
General Counsel  
Texas Department of Health

Filed: March 8, 1995

## Request for Funding Proposal

The Texas Department of Health (TDH) Bureau of Women and Children is requesting proposals for the provision of genetic services to facilitate achievement of its mission of providing access to excellent, comprehensive genetic services to Texans. Comprehensive genetic services may include medical genetics, genetic counseling, psychosocial support services, developmental screening, outreach education and epidemiological studies as defined in the request for funding proposal. Public and private agencies and organizations which are current or potential providers of comprehensive genetic services are eligible to apply for funds. Programs must be directed by a clinical geneticist (board certified or eligible M.D. or D.O.).

This request by TDH Bureau of Women and Children for comprehensive genetic services is filed under the provisions of Title V (Maternal and Child Health Block Grant) and Related State Funds Fiscal Year 1996 (September 1, 1995-August 31, 1996).

Contact. Parties interested in submitting a proposal and obtaining a complete copy of the RFP should contact Sherril Miller, Services Coordination, Bureau of Women and Children, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756-3101, (512) 458-7700.

Due Date and Submittal Location. Proposals must be received by 5:00 p.m., Wednesday, May 24, 1995, by Sherril Miller, Services Coordination, Bureau of Women and Children, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756-3101, (512) 458-7700.

Review Process. The application must first be submitted to the TDH Regional Director(s) in the applicant's target area(s) for review and comment by April 24, 1995. Following this review, applicants must submit applications with TDH Regional Director's comments to TDH Central Office by May 24, 1995 for evaluation.

Award Procedure. All proposals will be subject to evaluation using the criteria set forth in the RFP. Priority consideration will be given to applications that: document outreach to low income individuals and underserved populations; demonstrate community involvement in needs assessment and program planning; demonstrate plans to measure consumer satisfaction; demonstrate coordination with other service providers (genetic and others) in the community; demonstrate coordination with public health officials and local health departments in targeted service area; and demonstrate progress in plans to measure outcomes.

TDH reserves the right to accept or reject any of the proposals received. TDH is under no legal obligation to execute a resulting contract on the basis of this notice or distribution of the RFP. Neither this notice nor the RFP commits the TDH to pay for any costs incurred prior to the execution of a contract.

Anticipated Schedule of Events. The anticipated schedule of events is as follows: RFP available for request on March 15, 1995; deadline for written questions on March 30, 1995; proposals must be received by 5:00 p.m. Central Standard Time (CST) on April 24, 1995 to TDH Regional Director and by 5:00 p.m. CST on May 24, 1995 to TDH Central Office; review of proposals on May 25-June 7,

1995; and notice of award on June 14, 1995 or as soon as possible thereafter.

Issued in Austin, Texas, on March 8, 1995.

TRD-9502920 Susan K. Steeg  
General Counsel  
Texas Department of Health

Filed: March 8, 1995

## Heart of Texas Council of Governments Plan Announcement

The Heart of Texas Council of Governments (HOTCOG) announces the availability of its 1995 Title IIB Summer Youth Plan funded under the Job Training Partnership Act. Copies of the plan are available for review at HOTCOG, 300 Franklin Avenue, Waco, between the hours of 8:30 a.m. and 4:30 p.m., Monday-Friday.

HOTCOG is the administrative entity of the Heart of Texas Service Delivery Area which serves Bosque, Falls, Freestone, Hill, Limestone and McLennan Counties.

Approximately 400 economically disadvantaged youth, ages 14-21, will be served during the 1995 program. Activities include basic skills and pre-employment work maturity skills training, work experience, limited internship and academic enrichment.

Written comments on the plan may be addressed to Latricia Adams, Director of Workforce Development, Heart of Texas Council of Governments, 300 Franklin Avenue, Waco, Texas 76701-2244.

Issued in Waco, Texas, on February 24, 1995

TRD-9502723 Leon A. Willhite  
Executive Director  
Heart of Texas Council of Governments

Filed: March 3, 1995

## Texas Natural Resource Conservation Commission Notice of Availability and Request for Comments

The Texas Natural Resource Conservation Commission (TNRCC) announces Notice and availability of a regional solid waste management plan proposed by the Ark-Tex Council of Governments (ATCOG) and a 30-day period for public comment on the plan.

Notice is hereby given that the document entitled, *Ark-Tex Council of Governments Regional Solid Waste Management Plan*, is available for public review and comment. Regional solid waste management plans are required by the Texas Health and Safety Code, Chapter 363 (*Comprehensive Municipal Solid Waste Management, Recovery, and Conservation Act, 1990*) for each of the established regional planning agencies (COGs) in the state, which have been officially designated as solid waste management planning regions. The ATCOG region includes the counties of Lamar, Red River, Bowie, Hopkins, Franklin, Titus, Cass, Morris, and Delta. The plan describes current solid waste management efforts in the region, assesses problems and needs, and provides recommendations for future action. The plan was developed with the input of a solid

waste advisory committee composed of various public and private interests; meetings of this advisory committee were open to the general public. In addition, numerous public meetings and formal public hearings concerning the plan were held in accordance with guidelines of TNRCC. Immediately upon adoption by TNRCC, the plan will have rule status. Subchapter O of *Municipal Solid Waste Regulations* (§330.568) will be amended at a later date to include, by reference, all adopted regional solid waste management plans in the state.

The interested public is invited to submit written comments on the proposed regional plan to the Texas Natural Resources Conservation Commission. Written comments must be received by no later than 30 days from the publication date of this notice. Please address comments to: Daniel J. Eden, Director, Waste Planning and Assessment Division, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas, 78711-3087.

Copies of the regional plan document are available for public review at the following two locations: Ark-Tex Council of Governments, 911 North Bishop Road, Texarkana, Texas 75501, (903) 832-8636 and Texas Natural Resource Conservation Commission, Library, 12100 Park 35 Circle, Building A, First Floor, Austin, Texas 78753, (512) 239-0020.

The Texas Natural Resource Conservation Commission will consider formal adoption of this regional plan at a regular agenda meeting, after the close of the comment period.

Issued in Austin, Texas, on March 8, 1995.

TRD-9502923      Lydla Gonzalez-Gromatzky  
Acting Director, Legal Division  
Texas Natural Resource Conservation  
Commission

Filed: March 8, 1995

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## Public Utility Commission of Texas

### Notices of Intent to File Pursuant to Public Utility Commission Substantive Rule 23.27

Notice is given to the public of the intent to file with the Public Utility Commission of Texas an application pursuant to Public Utility Commission Substantive Rule 23.27 for approval of Customer-Specific Contract.

**Tariff Title and Number.** Application of Southwestern Bell Telephone Company for Approval of a Customer-specific Billing and Collection Services contract for Telco Development Group of Delaware, Inc. Pursuant to Public Utility Commission Substantive Rule 23.27. Tariff Number 13983.

**The Application.** Southwestern Bell Telephone Company is requesting approval of a customer-specific billing and collection services contract for Telco Development Group of Delaware, Inc. Billing and collection services are currently comprised of various services which enable customers to bill their respective end users their service charges. The geographic service market for this specific service is anywhere within the State of Texas where Telco Development Group of Delaware, Inc. provides services to Southwestern Bell end user customers.

Persons who wish to comment upon the action sought should contact the Public Utility Commission of Texas, at 7800 Shoal Creek Boulevard, Austin, Texas 78757, or call the Public Utility Commission Consumer Affairs Division at (512) 458-0256, or (512) 458-0221 for teletypewriter for the deaf.

Issued in Austin, Texas, on March 7, 1995.

TRD-9502885      John M. Renfrow  
Secretary of the Commission  
Public Utility Commission of Texas

Filed: March 7, 1995

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Notice is given to the public of the intent to file with the Public Utility Commission of Texas an application pursuant to Public Utility Commission Substantive Rule 23.27 for approval of Customer-Specific Contract.

**Tariff Title and Number.** Application of Southwestern Bell Telephone Company for Approval of a Customer-Specific Contract for Billing and Collection Services with Mountaineer Long Distance, doing business as Thrifty Call pursuant to Public Utility Commission Substantive Rule 23.27. Tariff Number 13984.

**The Application.** Southwestern Bell Telephone Company is requesting approval of a customer-specific billing and collection services with Mountaineer Long Distance, doing business as Thrifty Call. Billing and collection services are currently comprised of various services which enable customers to bill their respective end users their service charges. The geographic service market for this specific service is anywhere within the State of Texas where Mountaineer Long Distance, doing business as Thrifty Call provides services to Southwestern Bell end user customers.

Persons who wish to comment upon the action sought should contact the Public Utility Commission of Texas, at 7800 Shoal Creek Boulevard, Austin, Texas 78757, or call the Public Utility Commission Consumer Affairs Division at (512) 458-0256, or (512) 458-0221 for teletypewriter for the deaf.

Issued in Austin, Texas, on March 7, 1995.

TRD-9502886      John M. Renfrow  
Secretary of the Commission  
Public Utility Commission of Texas

Filed: March 7, 1995

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Notice is given to the public of the intent to file with the Public Utility Commission of Texas an application pursuant to Public Utility Commission Substantive Rule 23.27 for approval of a Customer-Specific Contract.

**Tariff Title and Number.** Application of Southwestern Bell Telephone Company for approval of a Customer-Specific Contract for Billing and Collection Services with Preferred Telecom, Inc. pursuant to Public Utility Commission Substantive Rule 23.27. Tariff Number 13989.

**The Application.** Southwestern Bell Telephone Company is requesting approval of a customer-specific billing and collection services with Preferred Telecom, Inc. Billing and collection services are currently comprised of various services which enable customers to bill their respective end users their service charges. The geographic service market for this specific service is anywhere within the

state of Texas where Preferred Telecom, Inc. provides services to Southwestern Bell end user customers.

Persons who wish to comment upon the action sought should contact the Public Utility Commission of Texas, at 7800 Shoal Creek Boulevard, Austin, Texas 78757, or call the Public Utility Commission Consumer Affairs Division at (512) 458-0256, or (512) 458-0221 for teletypewriter for the deaf.

Issued in Austin, Texas, on March 7, 1995.

TRD-9502887      John M. Renfrow  
Secretary of the Commission  
Public Utility Commission of Texas

Filed: March 7, 1995

Notice is given to the public of the intent to file with the Public Utility Commission of Texas an application pursuant to Public Utility Commission Substantive Rule 23.27 for approval of customer-specific PLEXAR-Custom Service for the State of Texas Juvenile Probation Commission, Austin, Texas.

Docket Title and Number. Application of Southwestern Bell Telephone Company for PLEXAR-Custom Service for the State of Texas Juvenile Probation Commission pursuant to Public Utility Commission Substantive Rule 23.27. Docket Number 13963.

The Application. Southwestern Bell Telephone Company is requesting approval of an optional feature addition to the existing PLEXAR-Custom service for the State of Texas Juvenile Probation Commission. The geographic service market for this specific service is the Austin, Texas area.

Persons who wish to comment upon the action sought should contact the Public Utility Commission of Texas, at 7800 Shoal Creek Boulevard, Austin, Texas 78757, or call the Public Utility Commission Consumer Affairs Division at (512) 458-0256, or (512) 458-0221 for teletypewriter for the deaf.

Issued in Austin, Texas, on March 6, 1995.

TRD-9502862      John M. Renfrow  
Secretary of the Commission  
Public Utility Commission of Texas

Filed: March 6, 1995

Notice is given to the public of the intent to file with the Public Utility Commission of Texas an application pursuant to Public Utility Commission Substantive Rule 23.27 for approval of customer-specific PLEXAR-Custom Service for Richardson ISD, Richardson, Texas.

Docket Title and Number. Application of Southwestern Bell Telephone Company for PLEXAR-Custom Service for Richardson ISD pursuant to Public Utility Commission Substantive Rule 23.27. Docket Number 13981.

The Application. Southwestern Bell Telephone Company is requesting approval of a 1719-station addition to the existing PLEXAR-Custom service for Richardson ISD. The geographic service market for this specific service is the Richardson, Texas area.

Persons who wish to comment upon the action sought should contact the Public Utility Commission of Texas, at 7800 Shoal Creek Boulevard, Austin, Texas 78757, or call

the Public Utility Commission Consumer Affairs Division at (512) 458-0256, or (512) 458-0221 for teletypewriter for the deaf.

Issued in Austin, Texas, on March 6, 1995.

TRD-9502863      John M. Renfrow  
Secretary of the Commission  
Public Utility Commission of Texas

Filed: March 6, 1995

## Veterans Land Board Summary Notice of Sale

NOTICE IS HEREBY GIVEN that sealed bids for the purchase of all, but not less than all of \$25 million aggregate principal amount of the State of Texas, Veterans' Land Bonds, Taxable Series 1995 (the Bonds) will be received by the Veterans' Land Board (the Board) and publicly opened by the Chairman of the Board at the place and up to the time specified in this notice: Time: 10 a.m. central standard time, Tuesday, March 21, 1995-Place: Veterans' Land Board, Room 833, Stephen F. Austin State Office Building, 1700 North Congress Avenue, Austin, Texas 78701-1495. Mailed: The Chairman or Hand, Veterans' Land Board. Delivered: Room 833, Stephen F. Austin State Office Building. Bids: 1700 North Congress Avenue, Austin, Texas 78701-1495, (512) 463-5198. Faxed Bids: Attention: Chairman, Veterans' Land Board, (512) 463-5081.

The Bonds will be dated March 15, 1995, will be issued in fully registered book-entry form through a system of registration maintained by The Depository Trust Company, New York, New York, as securities depository, and will be sold in beneficial interest of \$5,000 or any integral multiple thereof. Interest on the Bonds shall be payable semiannually on June 1 and December 1 of each year commencing on June 1, 1995.

At the time of delivery of the Bonds, the Board will also deliver to the successful bidder, at the expense of the Board, the approving opinion of Vinson & Elkins L.L.P., Austin and Houston, Texas, in substantially the form appearing as Appendix C to the Preliminary Official Statement.

The Complete Official Notice of Sale, Official Bid Form and form of Certificate with Respect to Issue Price along with a Preliminary Official Statement dated March 8, 1995 (the "Preliminary Official Statement"), may be obtained from Bruce R. Salzer, Director of Funds Management, Veterans' Land Board, Room 890, Stephen F. Austin State Office Building, 1700 North Congress Avenue, Austin, Texas 78701-1495, (512) 463-5198, or from the Board's Financial Advisor, Rauscher Pierce Refsnes, Inc., 700 North Pearl, Suite 2400, Dallas, Texas 75201, (214) 978-5603. The Preliminary Official Statement as of its date is "deemed final" by the Board for purposes of SEC Rule 15c2-12(b)(1), but is subject to revision, amendment and completion in a final Official Statement.

Issued in Austin, Texas, on March 6, 1995.

TRD-9502826      Garry Mauro  
Chairman  
Veterans Land Board

Filed: March 6, 1995