

TEXAS REGISTER

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Texas Register



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How to Use the Texas Register

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

Governor - Appointments, executive orders, and proclamations.

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

Secretary of State - opinions based on the election laws.

Texas Ethics Commission - summaries of requests for opinions and opinions.

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

Proposed Rules - sections proposed for adoption.

Withdrawn Rules - sections withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after the proposal publication date.

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

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

Open Meetings - notices of open meetings.

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

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

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

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

How to Research: The public is invited to research rules and information of interest between 8 a.m. and 5 p.m. weekdays at the *Texas Register* office, Room 245, James Earl Rudder Building, 1019 Brazos, Austin. Material can be found using *Texas Register* indexes, the *Texas Administrative Code*, section numbers, or TRID 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
40 TAC §3.704 950, 1820

The *Table of TAC Titles Affected* is cumulative for each volume of the *Texas Register* (calendar year).

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

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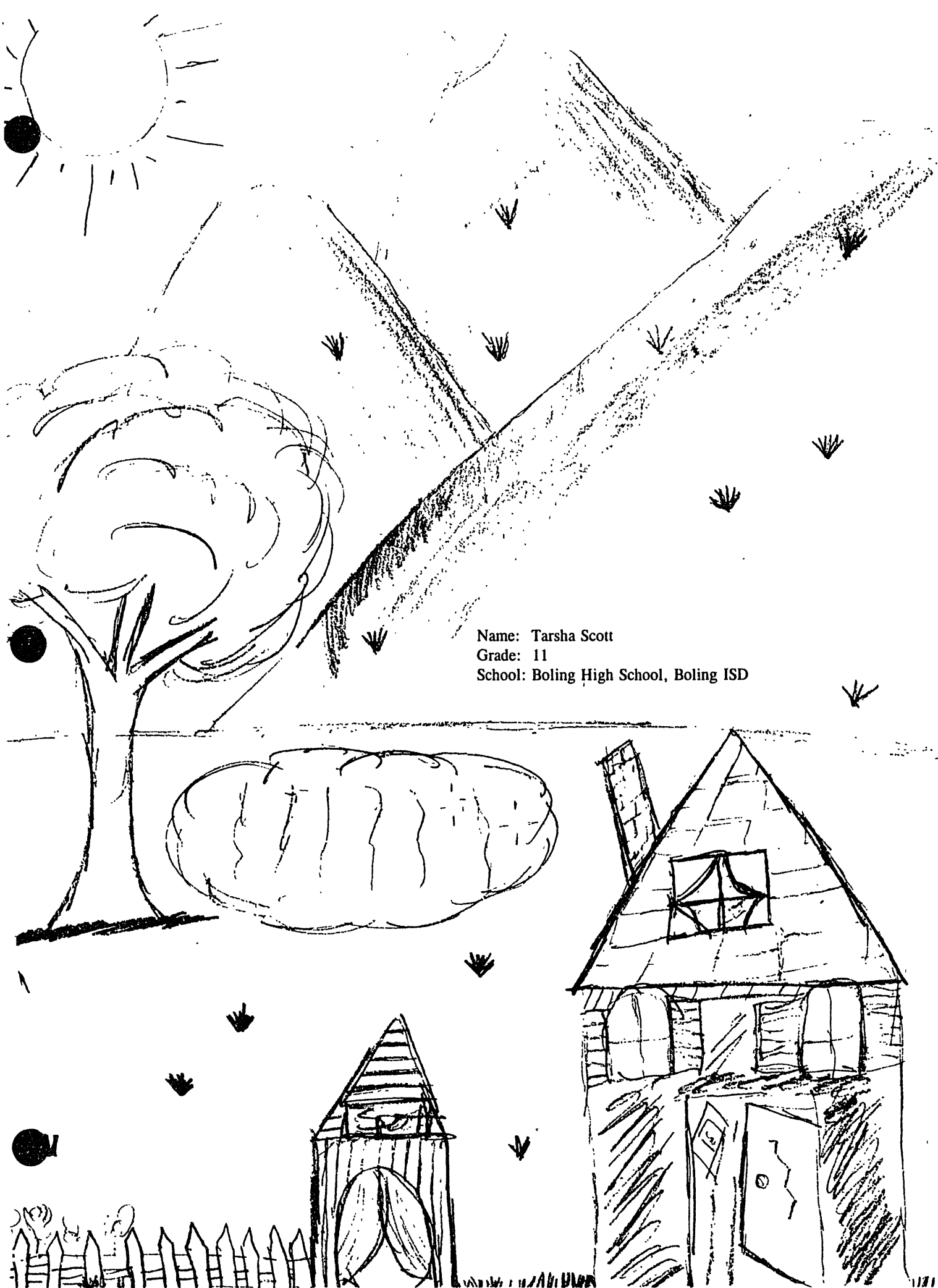
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Name: Tarsha Scott
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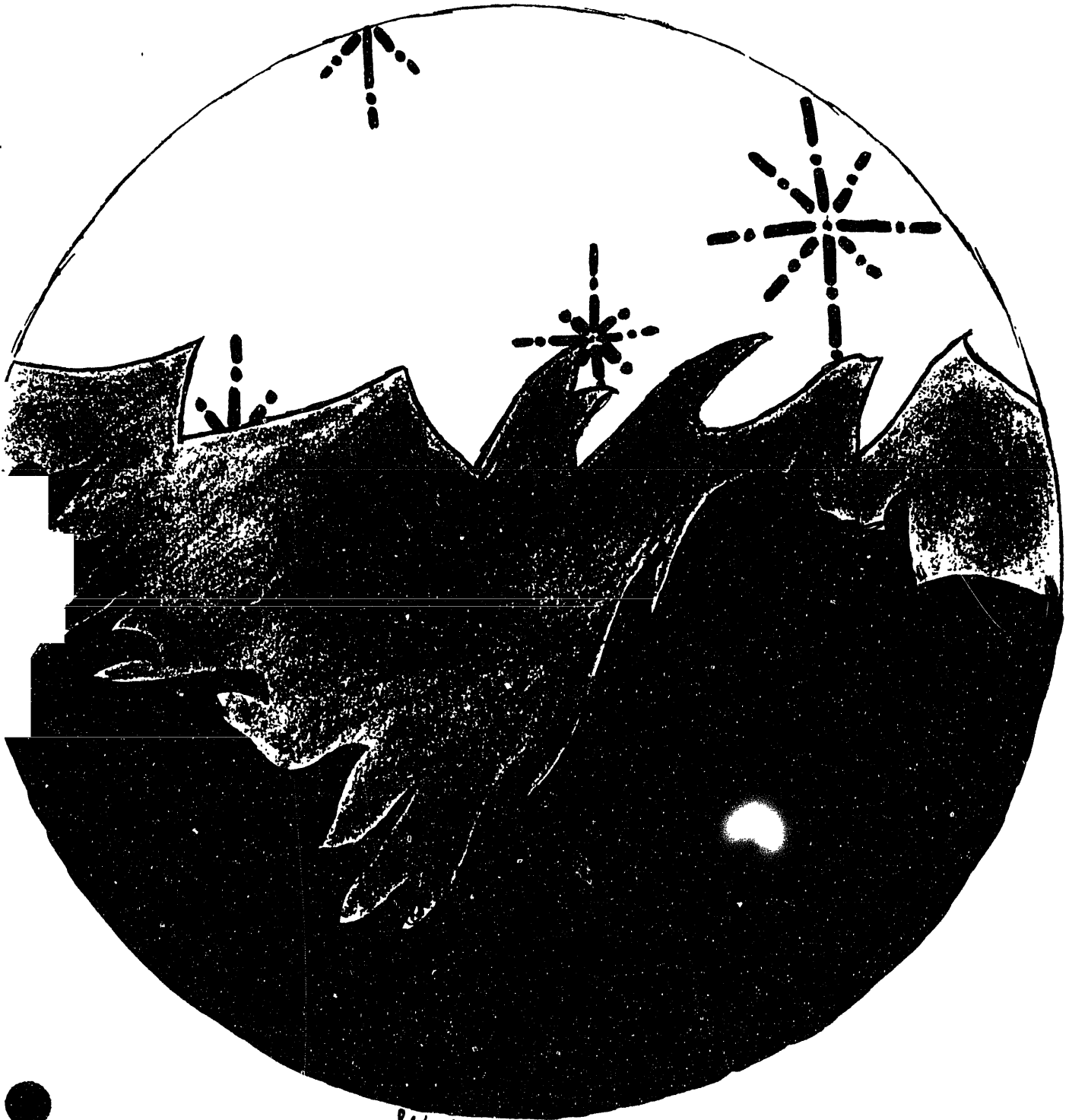
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Robert Guill

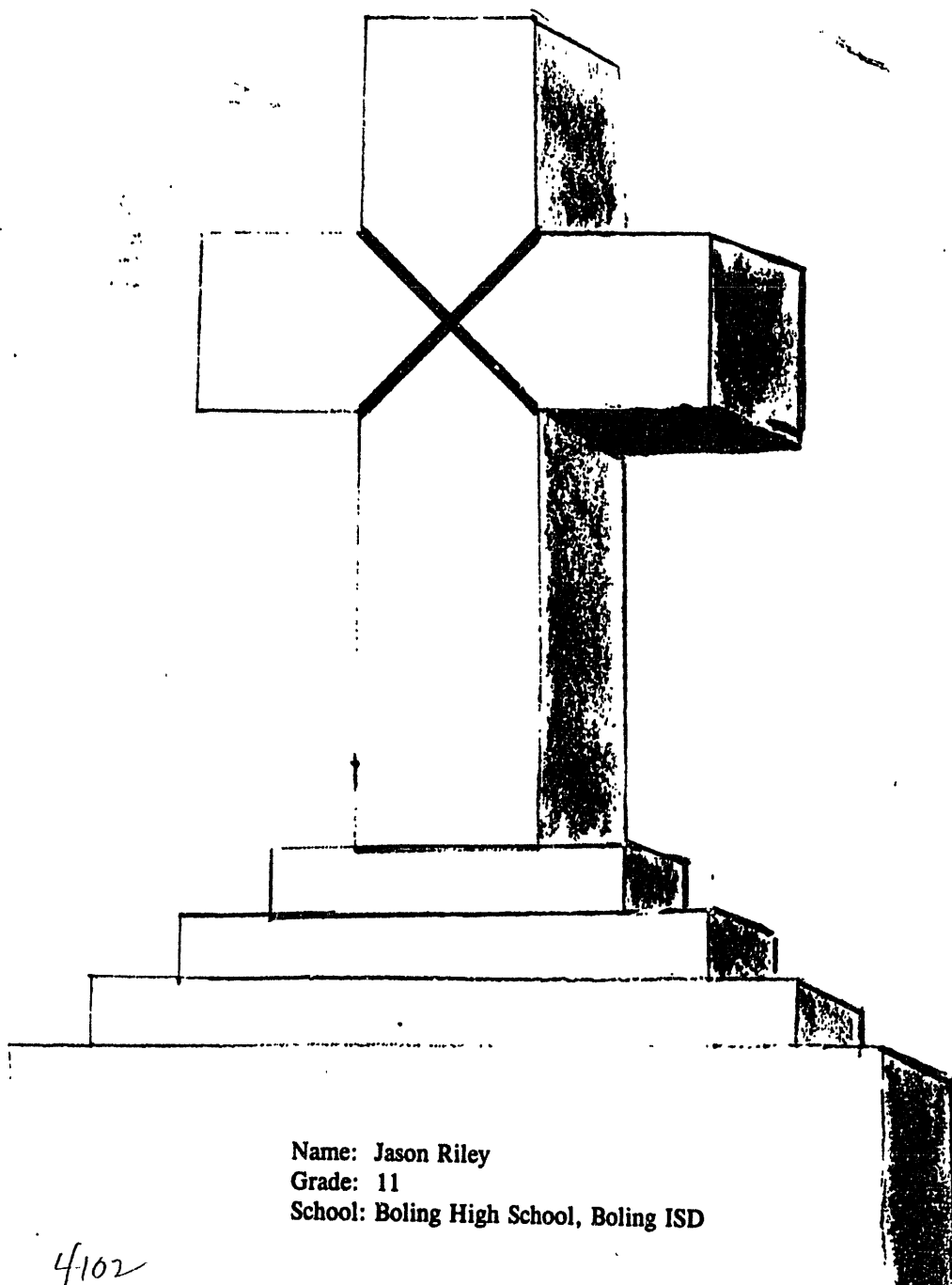
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Jason Riley #20

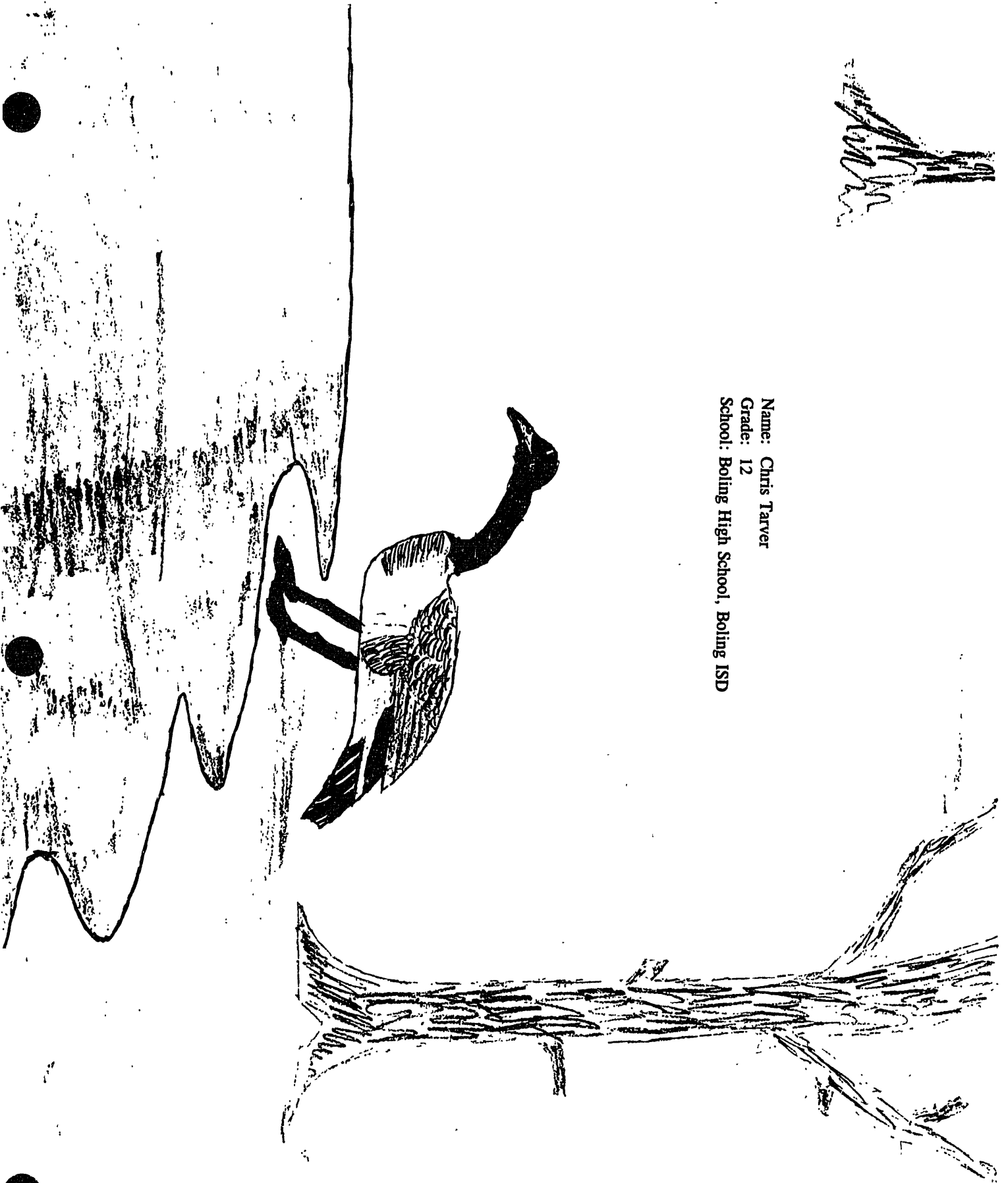


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4102



Name: Chris Tarver
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THE GOVERNOR

As required by Texas Civil Statutes, Article 6252-13a, §6, the **Texas Register** publishes executive orders issued by the Governor of Texas. Appointments and proclamations are also published. Appointments are published in chronological order. Additional information on documents submitted for publication by the Governor's Office can be obtained by calling (512) 463-1828.

Executive Order

GWB 95-4

Designating the Municipal Advisory Council of Texas as the State Information Depository

WHEREAS, effective July 3, 1995, in an effort to avert fraud in the primary and secondary municipal bond markets, the Securities and Exchange Commission ("SEC") will require issuers of municipal bonds to file detailed annual reports on the fiscal status of their bonds,

WHEREAS, the "SEC" has stated that a state may designate a depository by executive action through which all municipal issuers would file their annual disclosure reports; and

WHEREAS, pursuant to Article 4, Section 10 of the Texas Constitution, the Governor is charged with the responsibility of conducting all intercourse and business of the State with the United States.

NOW, THEREFORE, I, George W. Bush, Governor of Texas, by authority of the Constitution and laws of the State of Texas, do hereby PROCLAIM and designate the Municipal Advisory Council of Texas as the State Information Depository.

This executive order shall be effective immediately and shall remain in full force and effect until modified, amended, or rescinded by me.

GWB 95-5

Creating the Governor's Planning Council for Stop Violence Against Women

WHEREAS, the State of Texas recognizes the responsibility of the state to pursue a coordinated and integrated approach to improve the criminal justice system's response to violence against women, and

WHEREAS, the approach shall be a partnership between law enforcement, prosecution, the courts, victim advocates, and service providers; and

WHEREAS, the STOP Violence Against Women Formula Grant Program is authorized by Sections 2001 through 2006 of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by Title IV, Section 40121 of the Violent Crime Control and Law Enforcement Act of 1994 (P.L. 103-322);

NOW, THEREFORE, I, George W. Bush, Governor of the State of Texas, by virtue of the power vested in me, do hereby create the Governor's Planning Council for STOP Violence Against Women, hereafter referred to as the Planning Council. The Planning Council is charged with the responsibility of developing a multi-year statewide strategy that will achieve a more proactive response, in the criminal justice system, regarding violence against women.

The Planning Council will consist of not more than 20 members designated by the executive director of the Governor's Criminal Justice Division and shall be composed of representatives from law enforcement, prosecution, the courts, statewide domestic violence and sexual assault associations, nongovernmental victim service providers, victim advocacy, coordinating councils of governments, and other interested citizens.

The executive director shall designate a chair and vice-chair from the membership.

The Planning Council shall meet at the call of the chair.

The members of the Planning Council will be performing functions in the aid of the state and will serve without compensation but may be reimbursed for their travel and per diem expenses when such expenses are incurred while in direct performance of official duties of the Planning Council.

All agencies of the state and local governments and all nongovernmental victim service providers are hereby directed to cooperate with and assist the Planning Council in the performance of its duties.

This Executive Order shall be effective immediately and shall remain in full force for a period of one year unless modified, amended, or rescinded by me.

GWB 95-6

Establishing the Governor's Juvenile Justice Advisory Board

WHEREAS, the State of Texas recognizes the responsibility of the State and its political subdivisions in the field of juvenile justice and delinquency prevention; and

WHEREAS, there is need for effective statewide planning and coordination of juvenile justice and delinquency prevention activities and for implementation of the provisions of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, in the State of Texas;

NOW, THEREFORE, I, George W. Bush, Governor of the State of Texas, by virtue of the power vested in me, do hereby designate the Governor's Criminal Justice Division as the sole agency for supervising the preparation and administration of the state plan for implementing the Juvenile Justice and Delinquency Prevention Act in Texas, and hereby establish the Governor's Juvenile Justice Advisory Board.

The Governor shall appoint the Juvenile Justice Advisory Board, which shall:

1. consist of not fewer than 15 or not more than 33 persons who have training, experience, or special knowledge concerning the prevention and treatment of juvenile delinquency or the administration of juvenile justice;
2. include locally elected officials, representatives of local units of government and of law enforcement and juvenile justice agencies such as peace officers, corrections or probation personnel, juvenile or family court judges, and public agencies concerned with delinquency prevention or treatment such as welfare, social services, mental health education, special education, or youth services departments;
3. include (a) representatives of private organizations, including those with a special focus on maintaining and strengthening the family unit, those representing parents or parent groups, those concerned with delinquency prevention and treatment and with neglected or dependent children, and those concerned with the quality of juvenile justice, education, or social services for children; (b) representatives of organizations that use volunteers to work with delinquents or potential delinquents; (c) representatives of community-based prevention or treatment programs; (d) representatives of business groups or businesses employing youth; (e) youth workers involved with alternative youth programs; and (f) persons with special experience and competence in addressing the problems of the family, school violence and vandalism, and learning disabilities;
4. have a membership a majority of which (including the chairman) shall not be full-time employees of the federal, state, or local governments; and
5. have a membership at least one-fifth of which shall be under the age of 24 at the time of appointment, and at least three of which shall have been or shall currently be under the jurisdiction of the juvenile justice system.

The Governor shall designate a chairman.

Pursuant to federal regulations governing implementation of the Juvenile Justice and Delinquency Prevention Act, the Governor's Juvenile Justice Advisory Board is designated as the Supervisory Board. Duties of the Supervisory Board shall be as follows:

1. advise the Governor's Criminal Justice Division on matters pertaining to juvenile justice and delinquency prevention, including Title II of the Juvenile Justice and Delinquency Prevention Act;
2. participate in the development and review of the State's juvenile justice plan;
3. annually submit to the Governor and the Legislature recommendations regarding state compliance with the requirements of Sections 233(a)(12), (13), and (14) of the Juvenile Justice and Delinquency Prevention Act; and
4. consult and seek advice and suggestions frequently from juveniles currently under the jurisdiction of the juvenile justice system.

The Governor's Criminal Justice Division shall afford the Juvenile Justice Advisory Board the opportunity to review and comment on all juvenile justice and delinquency prevention grant applications submitted to the Governor's Criminal Justice Division.

The Juvenile Justice Advisory Board shall meet at least annually and at such other times as may be necessary and appropriate.

All state officials' and employees' services shall be an additional duty of their respective offices.

All members of the Juvenile Justice Advisory Board shall serve without compensation. Necessary travel and per diem expenses may be reimbursed when such expenses are incurred in direct performance of official duties of the Board.

The executive director of the Governor's Criminal Justice Division shall serve as an ex-officio, non-voting member of the Governor's Juvenile Justice Advisory Board.

The Governor shall fill any vacancy on the Juvenile Justice Advisory Board caused by death, resignation, or inability to serve. Inability to serve shall include failure to attend two consecutive meetings, either in person or by designee.

All members of the Juvenile Justice Advisory Board shall serve at the pleasure of the Governor.

The chairman or the executive director of the Governor's Criminal Justice Division may appoint qualified persons to advise the Juvenile Justice Advisory Board concerning specific juvenile justice matters. Such persons shall serve without compensation but may be reimbursed for reasonable and necessary expenses upon approval of the executive director of the Governor's Criminal Justice Division.

This Executive Order supersedes AWR 91-7 dated the 30th day of April, 1991, and is effective on the 26th day of May, 1995, and shall remain in effect until amended, modified, or rescinded by me.

GWB 95-7

Establishing the Governor's Drug Policy Advisory Board, Repealing Executive Order AWR 91-15

WHEREAS, the abuse of drugs has created a major law enforcement crisis in Texas; and

WHEREAS, there is a need for a comprehensive and coordinated effort among parents, schools, law enforcement agencies, private industry, and the state; and

WHEREAS, Congress passed and the President signed the Omnibus Anti-Drug Abuse Act of 1986 (P.L. 99-570) and 1988 (P.L. 100-690), which provide Texas with funding assistance to fight this menace in our state; and

WHEREAS, the intent of the federal legislation and the recommendation of the U.S. Justice Department is to coordinate the expenditure of these moneys and to enhance their effective use in combating substance abuse;

NOW, THEREFORE, I, George W. Bush, Governor of the State of Texas, under the authority vested in me, do hereby revoke, rescind, and repeal Executive Order AWR 91-15 and do hereby establish the Governor's Drug Policy Advisory Board, hereinafter referred to as the Advisory Board. The Advisory Board is charged with the responsibility of developing a statewide drug strategy taking into consideration suggestions from all parties interested in combating this problem. The Advisory Board will make recommendations for the expenditure of funds under the Acts, will report on the expenditure of funds by all agencies receiving federal drug-abuse funds, and will perform other duties as requested by the Governor.

The Advisory Board will consist of not more than 13 members appointed by the Governor who shall serve at the pleasure of the Governor. The Advisory Board shall be composed of representatives from education, law enforcement, and other interested organizations and of other concerned citizens.

The Governor shall designate a chair and vice-chair from the membership who shall serve in those positions at the pleasure of the Governor.

The Advisory Board shall meet at the call of the Chair. A majority of the membership shall constitute a quorum for the purpose of conducting the business of the Advisory Board.

The Governor shall fill any vacancy on the Advisory Board caused by death, resignation, or inability to serve. Inability to serve shall include failure to attend two consecutive meetings, either in person or by designee.

The members of the Advisory Board will be performing functions in aid of the state and will serve without compensation but may be reimbursed for their reasonable and necessary travel expenses incurred while attending officially called meetings of the Advisory Board.

All agencies of state and local governments are hereby directed to cooperate with and assist the Advisory Board in the performance of its duties.

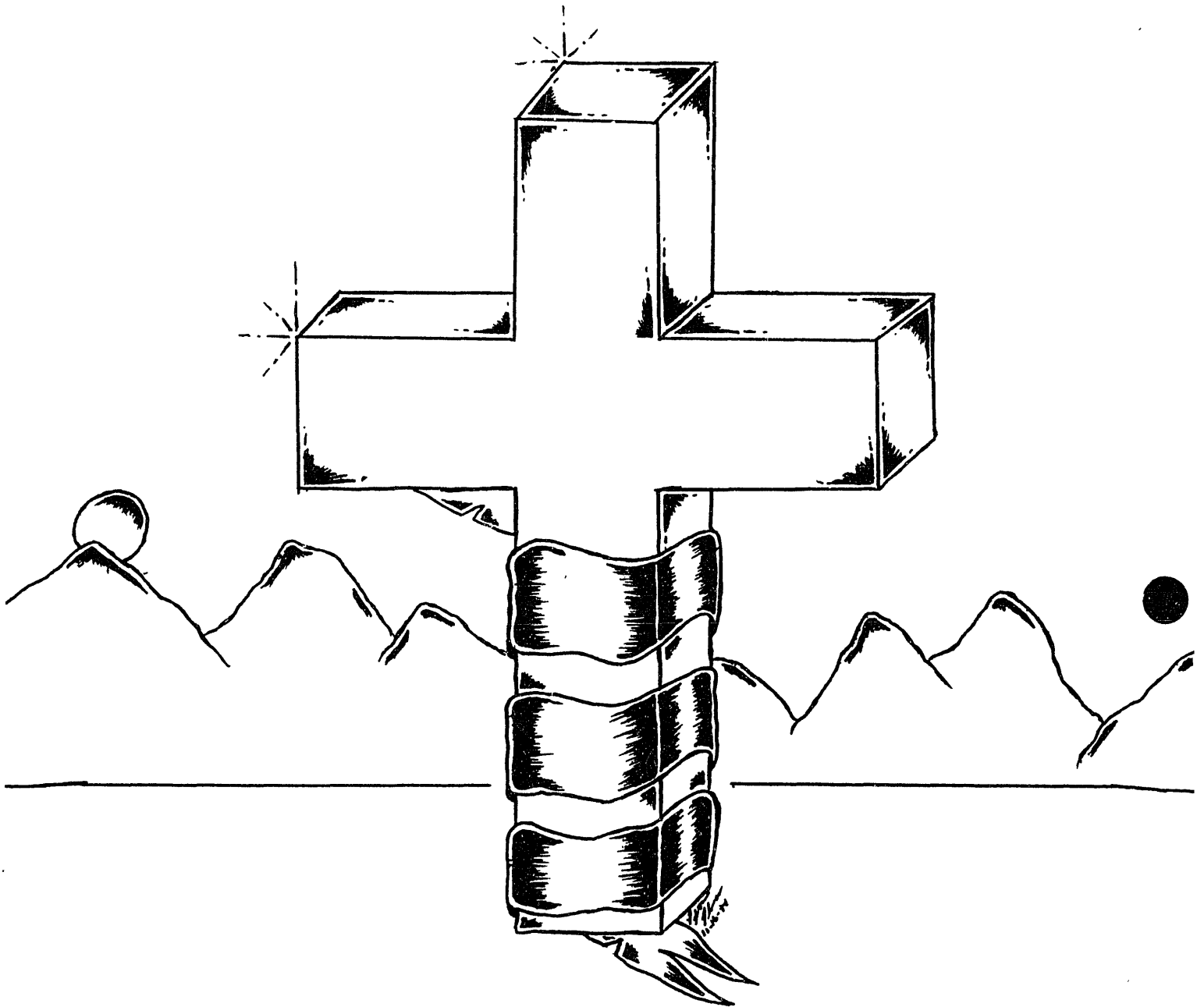
This Executive Order shall be effective immediately and shall remain in full force and effect until modified, amended, or rescinded by me.

Issued in Austin, Texas, on May 30, 1995.

TRD-9506524

George W. Bush
Governor of Texas

◆ ◆ ◆



Name: Tyrone Thomas
Grade:
School: Boling High School, Boling 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 X. Department of Information Resource

Chapter 201. Planning and Management of Information Resources Technologies

• 1 TAC §201.7

The Department of Information Resources proposes new §201.7, concerning interagency contracts for information resources technologies. The section defines circumstances exempting contracts under a certain threshold from the public solicitation requirement and providing a mechanism for agencies to obtain waivers in other circumstances. The section is proposed in compliance with the provisions of §1.26 of Acts 1993, 73rd Legislature, Chapter 906, which provides the department may define circumstances in which certain interagency contracts that will cost less than a minimum amount established by the Department are excepted from the solicitation requirement, if the Department determines that it would be more cost effective for the state

Mr. Edward Serna, director of oversight operations, has determined that for the first five-year period the proposed section will be in effect, there will be no foreseeable fiscal implications for state or local government as a result of enforcing or administering the section.

Mr. Serna also has determined that for each year of the first five years the proposed section will be in effect, there will be a benefit to the public in that a mechanism will be provided for interagency contracts for information resources technologies to be exempted from bidding requirement in circumstances where it is cost effective to do so. 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 John Hawkins, Department of Information Resources, P.O. Box 13564, Austin, Texas 78711, no later than 5:00 p.m., July 7, 1995. Envelopes must be clearly marked "Formal Comment to Proposed Action Enclosed."

The new section is proposed under Government Code, §2054.052(a), which authorizes the Department to adopt rules as necessary to carry out its responsibility under the Information Resources Management Act; and §1.26 of Acts 1993, 73rd Legislature, Chapter 906, which provides the department may define circumstances in which certain interagency contracts that will cost less than a minimum amount established by the Department are excepted from the solicitation requirement.

Section 1.26 of Acts 1993, 73rd Legislature, Chapter 906 is affected by this proposed section.

§201.7. Interagency Contracts for Information Resources Technologies.

(a) Public solicitation required.

(1) Except as otherwise provided in subsection (b) of this section, each state agency that proposes to receive information resources technologies under a contract from another state agency must first solicit bids or proposals for the procurement of such technologies by giving public notice of a request for proposals or a request for bids

(2) Each state agency that solicits its bids or proposals from the public for the procurement of information resources technologies must do so in accordance with applicable rules adopted by the General Services Commission pertaining to competitive bidding or competitive sealed proposals.

(3) If a state agency receives a bid or a proposal from a private vendor in response to a solicitation issued in accordance with this subsection, it must review the bid or proposal and compare it with the best proposed interagency contract that is currently available to the state agency for the receipt of such information resources technologies. Specifically, the state agency must determine whether the bid or proposal:

(A) is for the same or substantially the same technologies as those available under the proposed interagency contract;

(B) would allow the state agency to accomplish the application or project at an acceptable level of quality;

(C) would allow the state agency to accomplish the application or project in an acceptable period of time; and

(D) would have a total cost to the state that is less than the total cost to the state of the best proposed interagency contract that is currently available to the state agency.

(4) If a state agency receives a bid or proposal from a private vendor that satisfies all of the criteria listed under paragraph (3) of this subsection, it may not enter into an interagency contract for the receipt of such information resources technologies.

(b) Exceptions to public solicitation requirement. A state agency may procure information resources technologies from another state agency without first giving public notice of a request for proposals or an invitation for bids in the following cases:

(1) the total dollar amount of the proposed interagency contract does not exceed \$50,000;

(2) the state agency has requested and received a waiver from the department in accordance with subsection (c) of this section, and the total dollar amount of the proposed interagency contract does not exceed the amount specified by the department in the waiver; or

(3) the total dollar amount of the proposed interagency contract does not exceed \$1 million and one or more of the following circumstances are present:

(A) the primary purpose of the proposed interagency contract is the direct accomplishment of a specific legislative mandate;

(B) the same or substantially the same information resources technologies

are available from two or more private vendors under the catalogue purchasing procedure of the General Services Commission at a cost that exceeds the cost of the proposed interagency contract;

(C) the procurement constitutes an emergency purchase under applicable rules of the General Services Commission;

(D) the procurement constitutes a proprietary purchase under applicable rules of the General Services Commission;

(E) both parties to the proposed interagency contract are institutions of higher education with a common governing board, as those terms are defined in the Education Code, Section 61.003; or

(F) both parties to the proposed interagency contract are health and human service agencies, as that term is defined in Texas Civil Statutes, Article 4413(502).

(c) Waivers.

(1) A state agency may submit a written request to the department for a waiver of the public solicitation requirement described in subsection (a) of this section. The written request must include the following.

(A) a description of the proposed interagency contract, including the total dollar amount of the contract;

(B) a description of the circumstances that would, in the opinion of the requesting state agency, justify an exception to the public solicitation requirement;

(C) a certification that a procurement under the proposed interagency contract would, in the opinion of the requesting state agency, be more cost effective than a procurement based on a public solicitation of bids or proposals;

(D) detailed cost information to support the certification of cost effectiveness; and

(E) any other information requested by the department.

(2) Upon receipt of a request for a waiver, the department shall promptly review the request to determine whether it contains the required information and the required certification of cost effectiveness.

If the request does contain such information and certification, the department will then review the request to determine whether the proposed interagency contract is consistent with the requesting state agency's current biennial operating plan and all amendments, if any, that have been approved by the department. Unless the proposed interagency contract is clearly inconsistent with the agency's current approved plan and amendments, the department shall issue a written determination that a procurement under the proposed contract is presumed by the department to be more cost effective than a procurement based on a public solicitation of bids or proposals, and shall issue a written waiver of the public solicitation requirement for the proposed contract. The written waiver shall specify the maximum dollar amount that may be expended in connection with the proposed contract without having to comply with the public solicitation requirement.

(3) If the department has not issued a written denial of the waiver request within thirty calendar days following the date of its receipt of the request, the request for a waiver shall be deemed to have been approved for an amount equal to the total dollar amount of the proposed interagency contract

(4) A decision by the department regarding the issuance of a waiver or a determination of cost effectiveness is final and may not be appealed.

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 May 26, 1995.

TRD-9506458

C. J. Brandt
General Counsel
Department of Information
Resources

Earliest possible date of adoption: July 7, 1995

For further information, please call: (512) 475-4714

◆ ◆ ◆
• 1 TAC §201.13

The Department of Information Resources proposes an amendment to §201.13(d), concerning information resource standards and policies. The subsection defines standards for data transport networks for computers. The amendment is proposed to make TCP/IP the long-term statewide standard protocol for data transport, removing its interim status

Mr. Serna, director of oversight operations, has determined that for the first five-year period the proposed amendment will be in effect, there will be no foreseeable fiscal implications for state or local government as a result of enforcing or administering the section.

Mr. Serna also has determined that for each year of the first five years the proposed section will be in effect, there will be a benefit to the public in that the revised standard will reflect the evolution of TCP/IP as an established part of the international infrastructure for data exchange and the diminished focus on the OSI protocol. 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 John Hawkins, Department of Information Resources, P.O. Box 13564, Austin, Texas 78711, no later than 5:00 p.m., July 7, 1995. Envelopes must be clearly marked "Formal Comment to Proposed Action Enclosed."

The amendment is proposed under Government Code, §2054.052(a), which authorizes the Department to adopt rules as necessary to carry out its responsibility under the Information Resources Management Act; and Government Code, and §2054.051(b), which authorizes the Department to publish standards relating to information resources management.

Section 2054.051(b), Government Code is affected by this proposed amendment.

§201.13. Information Resource Standards and Policies.

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

(d) Standard for Data Transport Networks for Computers.

(1) (No change.)

(2) Standard. All networks that span more than one non-adjacent building, or interconnect more than one agency must adhere to the following:

(A) (No change.)

(B) All new networks, all extensions to existing networks and all networks undergoing substantial change must adhere to the TCP/IP standards as listed in the most recent Request for Comments (RFC) as international standards promulgated by the Internet Society.

[(i) must adhere to the TCP/IP standards as listed in RFC 1410 or its most recent successor document, or

[(ii) when products registered by the National Institutes of Standards and Technology as adhering to the Federal GOSIP standards, version 2, as specified in FIPS Publication 146-1, are more cost effective, such products may be specified.]

(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 May 26, 1995.

Earliest possible date of adoption. July 7, 1995

For further information, please call: (512) 475-4714

TITLE 4. AGRICULTURE

Part I. Texas Department of Agriculture

Chapter 3. Boll Weevil Eradication Program

Subchapter C. Prohibition of Planting of Cotton and Requirements for Participation in the Eradication Program

• 4 TAC §3.56

The Department of Agriculture (the department) proposes an amendment to §3.56, concerning assessment of penalties; destruction of cotton. The proposed amendment to §3.56 will allow the department to adjust penalties for non-reporting and/or non-payment of assessments according to the length of time past due and based on the assessment rate.

Rick Smathers, deputy director for agri-systems, has determined that for the first five-year period the rule is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the rule.

Mr. Smathers also has determined that for each year of the first five years the rule is in effect the public benefit anticipated as a result of enforcing the rule will be a more fair and equitable assessment of penalties for cotton producers that pay boll weevil eradication assessments after the appropriate due date. Currently, a \$25 per acre penalty is assessed regardless of the length of time past due and the amount of the original assessment. There will be no effect on small businesses. There is an anticipated economic cost to persons who are required to comply with the rule as proposed. The cost to those required to pay an assessed penalty will be dependent on the number of acres in question and the amount assessed per acre.

Comments on the proposal may be submitted to Rick Smathers, Deputy Director for Agri-Systems, Texas Department of Agriculture, P.O. Box 12847, Austin, Texas 78711. Comments must be received no later than 30 days from the date of publication of the proposal in the *Texas Register*.

The amendment is proposed under the Texas Agriculture Code, §74.118, which provides the Texas Department of Agriculture with the authority to adopt rules setting a reasonable schedule of penalty fees to be assessed against growers who do not meet reporting of acreage and/or participation in cost sharing requirements.

The code sections that will be affected by the proposal is Texas Agriculture Code, Chapter 74, Subchapter C

§3.56. Assessment of Penalties, Destruction of Cotton.

(a) Each cotton grower in an eradication zone shall comply with the requirements of §3.54 of this title (relating to Requirement for Program Participation). Upon notification to the department by the foundation that a violation has occurred, a grower who violates those requirements may [shall] be assessed a penalty.

(b) For a violation of §3.54(b)(1) which requires reporting of acreage, a grower may [shall] be assessed a penalty not to exceed [in the amount of] \$25 per acre

(c) For a violation of §3.54(b)(2) which requires payment of the assessment established by the foundation, a grower may [shall] be assessed a penalty not to exceed [in the amount of] \$25 per acre.

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

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

Issued in Austin, Texas, on May 31, 1995.

TRD-9506547

Dolores Alvarado Hibbs
Chief Administrative Law
Judge
Texas Department of
Agriculture

Earliest possible date of adoption: July 7, 1995

For further information, please call: (512) 463-758C

TITLE 7. BANKING AND SECURITIES

Part II. Banking Department of Texas

Chapter 25. Prepaid Funeral Contracts

Subchapter B. Regulation of Licenses

• 7 TAC §25.25

The Banking Department of Texas (the Department) re-proposes new 7 TAC §25.25, concerning the conversion of prepaid funeral contracts from trust funded benefits to insurance funded benefits, as provided for under Texas Civil Statutes, Article 548b (the Act), §1A. A prior proposal was published in the September 2, 1994, issue of the *Texas Register* (19 TexReg 6881), and was administratively withdrawn in the March 10, 1995, issue of the *Texas Register* (20 TexReg 1747).

The conversion of prepaid funeral contracts to insurance funded benefits from trust

funded benefits is permissible under the Act, §1A, if the insurance funded arrangement will safeguard the rights and interests of the individual prepaid funeral contract purchasers to substantially the same degree as or greater degree than the trust funded arrangement. In the past, the Department has reviewed insurance conversion applications and based its determination on the quality and extent of benefits under the insurance policy, as well as the status and condition of the applicant funeral home and the insurer, as a way of determining whether the proposed insurance funded arrangement would safeguard the rights and interests of the individual prepaid funeral contract purchasers to the same degree as or a greater degree than provided under the existing trust funded arrangement, see Texas Attorney General's Opinion Number MW-336 (1981). While relatively few insurance companies have been involved in these conversions in the past, interest in insurance conversions has grown among insurers in Texas.

The Department proposes new §25.25 in order to more clearly outline the basic requirements for an application for conversion under the Act, §1A. As proposed, §25.25 would also set forth the standards for approval of the conversion application and the required documentation that must accompany an application for conversion, as well as information relevant to requesting a hearing on an application prior to final denial by the Department.

Brian R. Herrick, assistant general counsel, Texas Department of Banking, has determined that for the first five-year period the section is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the section.

Mr. Herrick also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be the clarification and streamlining of the conversion application process under the Act, §1A. This should enhance the orderly administration of the Act and ensure that the purposes of the Act, as they relate to the conversion of prepaid funeral contracts from trust funded benefits to insurance funded benefits, are substantially fulfilled.

There will be no greater economic cost to persons who choose to apply for conversion under the Act, §1A. Proposed §25.25 should shorten the time period required to process and approve or reject an application by setting forth the requirements for applications and the standards against which those applications will be measured.

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

The new section is proposed under Texas Civil Statutes, Article 548b, §2, which authorize the Department to prescribe reasonable rules and regulations concerning all matters incidental to the enforcement and orderly administration of Article 548b.

Texas Civil Statutes, Article 548b is affected by the proposed new section

§25.25. Conversion From Trust to Insurance Funded Benefits.

(a) Purpose. Existing prepaid funeral contracts that utilize trust funded prepaid funeral benefits may be converted to an insurance funded prepaid funeral benefits arrangement pursuant to the Act, §1A(d). Application for conversion must be made on forms acceptable to the Department that meet the requirements of the Act and this section.

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

(1) Applicant-A permit holder under the Act who files an application with the Department to convert its trust funded prepaid funeral benefits under existing contracts to insurance funded prepaid funeral benefits.

(2) Cash surrender value-The net amount due the policy owner from the insurer upon surrender of an insurance policy.

(3) Commission, allowance, or load-Any commission or other compensation, expense load, premium expense, administrative charge or expense, policy fees, or other fee or expense paid to a Texas Department of Insurance licensed agent associated with or occurring by reason of the sale, issuance, lapse, surrender, or redemption of an insurance policy in connection with the conversion of any trust funded prepaid funeral contract to insurance funded benefits.

(4) Insurance policy-A life insurance policy or annuity contract.

(5) Post-conversion permit holder-The permit holder who will hold, administer, and assume responsibility for the delivery of the funeral service or merchandise or payment of the funeral provider, as the case may be, under the prepaid funeral contracts after conversion to insurance funding.

(6) Required reserves-The reserve liabilities for all outstanding life insurance policies and annuity contracts valued or calculated pursuant to actuarial standards and statutory accounting standards not inconsistent with the Texas Insurance Code.

(7) TDI-The Texas Department of Insurance.

(c) Applications.

(1) When applying for permission to convert trust funded benefits under existing prepaid funeral contracts to insurance funded benefits, an applicant must, at a minimum:

(A) hold a valid permit issued by the Department under the Act;

(B) be in good standing with the Department;

(C) submit a completed conversion application to the Special Audits Division of the Department; and

(D) as of its most recent examination by the Department, not have been found to be in violation of any applicable laws or regulations, or to have any other deficiencies of any significance, which have not been remedied or corrected to the satisfaction of the Department.

(2) The Department may, if it deems it necessary to protect the interests of the prepaid funeral contract purchasers, conduct an examination of the applicant within 45 days of the date the application is accepted by the Department for filing.

(3) Each application for conversion must include:

(A) a copy of a letter from an insurance company authorized to do business in Texas to the applicant that sets forth the insurance company's agreement to issue insurance policies to convert the prepaid funeral contracts from trust funded benefits to insurance funded benefits;

(B) a copy of the written commitment to the Commissioner containing the agreement between or among the insurance company, the applicant, and the post-conversion permit holder regarding the transfer, receipt, and application of the trust funds upon conversion, which commitment must:

(i) include the full name of the agent or agents who will be receiving any commission, allowance, or load and their respective TDI license numbers, if applicable; and

(ii) require that a copy of each insurance policy issued be furnished to the owner of the insurance policy and that a copy be made available to the respective prepaid funeral contract purchasers upon request, in the event they are not the owners of the policies;

(C) a pre-conversion summary of the individual prepaid funeral contracts, which must include, at a minimum, the following information (as of a date within 30 days of the date of the application), as well as aggregated totals for each category of information, if appropriate:

(i) purchaser's name and, if available, date of birth;

(ii) date of execution of the prepaid funeral contract;

(iii) face amount;

(iv) amount paid in and amount left owing;

(v) accumulated earnings;

(vi) amount due the prepaid funeral contract purchaser upon cancellation and the amount due the applicant upon death of the prepaid funeral contract purchaser, assuming death were to occur on or about the date of the application; and

(vii) amount retained by the applicant under the Act, §5(a)(1);

(D) a post-conversion summary of the individual prepaid funeral contracts, which must include, at a minimum, the following information (as of the same date as the pre-conversion summary), as well as aggregated totals for each category of information, if appropriate:

(i) insured's or annuitant's name;

(ii) original prepaid funeral contract amount;

(iii) amount paid in;

(iv) amount applied to the purchase of the insurance policy;

(v) initial cash surrender value, amount due the prepaid funeral contract purchaser upon cancellation under the Act, amount of the difference between the cash surrender value and the amount due the prepaid funeral contract holder under the Act, and initial death benefit under the insurance policy; and

(vi) amount retained by the applicant under the Act, §5(a)(1);

(E) a copy of the insurance policy approved by TDI showing the approval stamp of TDI, or evidence that the policy is deemed to have been approved or exempt from approval;

(F) a copy of the proposed negative response notification letter to the prepaid funeral contract purchasers from the applicant containing a statement explaining the purchaser has 60 days to file a written request with the Department to have the contract converted back to trust funded benefits;

(G) unless otherwise waived by the Commissioner upon a showing of good cause, current year-to-date financial statements for the post-conversion permit

holder and insurance company (dated no more than six months prior to the date of the application) and an actuarial certification certifying that the reserves to be held by the insurance company with respect to the conversion will be adequate to pay claims as they become due;

(H) a copy of the insurance company's most recent actuarial certification, dated no more than one year prior to the date of application;

(I) a copy of the proposed notification letter from the insurance company to the prepaid funeral contract purchasers regarding the conversion;

(J) a statement defining the insurance policy commission, allowance, or load, including the percentage and dollar amount of be the commission, allowance, or load, the time at which it is to imposed, and how the commission, allowance, or load will be distributed;

(K) a copy of the form of assignment, if any, to be used in assigning insurance policy rights or proceeds to the post-conversion permit holder;

(L) the conversion application fee prescribed in §25.23 of this chapter; and

(M) a letter from an actuary, certified public accountant, or an attorney rendering an opinion as to whether, in the case of life insurance, the policies issued will qualify as life insurance for purposes of Section 7702, Internal Revenue Code if the owner of the insurance policy will be the prepaid funeral contract purchaser.

(d) Standards for Approval of Application.

(1) An application for conversion will be approved by the Commissioner if, in the Commissioner's opinion, the rights and interests of the prepaid funeral contract purchasers under the insurance funded benefits arrangement will be safeguarded to the same degree as or to a greater degree than provided under the trust funded benefits arrangement. An application may be approved without the necessity of a hearing.

(2) In order for insurance funded benefits under an application for conversion to be considered to safeguard the rights and interests of the prepaid funeral contract purchasers to the same degree as or a greater degree than the trust funded benefits, the insurance benefits must comply with this subsection.

(A) Unless otherwise permitted by the Commissioner upon a showing of good cause, the insurance funded benefits arrangement must apply to all of the applicant's trust funded prepaid funeral contract purchasers, as of the date of the application, and the insurance benefits arrangement must provide each prepaid funeral contract purchaser with an initial cash surrender value or cancellation benefit that is greater than or equal to the cancellation benefit provided for under the trust funded benefits arrangement. In addition, the insurance company is responsible for maintaining adequate reserves for cancellations.

(B) The cancellation benefit must be the obligation of the post-conversion permit holder and not a third party.

(C) The transfer of the trust funds to the insurance company must include the full sum required to be deposited as trust principal by the applicant pursuant to the Act under the trust funded prepaid funeral contracts proposed for conversion, plus all net earnings accumulated with respect thereto, as of the transfer date. No commission, allowance, or load may be deducted from the trust funds transferred pursuant to the conversion application.

(D) No provision in the insurance policy may provide or allow for contesting coverage, limited death benefits in the case of suicide, or make reference to a physical examination, or any other provision that would operate as an exclusion, limitation, or condition, other than submittal of proof of death or surrender of the policy, upon the funding, at maturity, or cancellation, as the case may be, of the original trust funded prepaid funeral contract or the benefits thereof.

(E) The death benefit under the insurance policy at all times must be no less than the death benefit prior to conversion.

(F) The insurance company must demonstrate that, in the previous seven years, the average death benefit growth under the same or substantially similar insurance policies issued by the insurance company to fund prepaid funeral contracts has been at least 3.0% per annum. If the insurance company cannot so demonstrate, then the insurance policy must provide for guaranteed growth of the death benefit of no less than 2.0% per annum compounded annually beginning in the first year of the policy.

(G) The post-conversion permit holder is responsible for payment of all death and cancellation claims in accordance with the provisions of the Act.

(H) The post-conversion permit holder must have a current valid permit issued by the Department under the Act, and must be in good standing with the Department.

(I) The post-conversion permit holder must have been examined by the Department within the 24-month period immediately preceding the date of the application and not have been found to be in violation of any applicable laws or regulations, or to have any other deficiencies of any significance, which have not been remedied or corrected to the satisfaction of the Department. If the post-conversion permit holder has not been examined by the Department within such time period, the Department may, if it deems necessary, conduct an examination of the post-conversion permit holder within 45 days of the date the application is accepted for filing or waive this requirement.

(J) The insurance company must be a member of the Texas Life, Accident, Health, and Hospital Service Insurance Guaranty Association.

(K) Any life insurance policy issued on any individual must be for an amount not less than the amount of principal and interest transferred for that individual to the insurance company, and any supplemental life insurance policy issued to cover the unfunded portion of the contract must have a face amount equal to or greater than the unfunded principal balance. No credit or reduction may be made for interest earned or accrued on the paid in principal balance.

(3) The applicant must demonstrate compliance with the Act, §5B for the previous year, and may not convert prepaid funeral contracts that are presumed abandoned under §5B. Any prepaid funeral contracts presumed to have been abandoned and the funds attributable to such contracts must be reported and delivered to the Texas State Treasurer in accordance with Chapter 74, Texas Property Code.

(e) Post-Conversion Summary. The post-conversion permit holder must submit to the Department, within 90 days of the date of transfer of the trust funds as authorized by the Commissioner's order, a post-conversion summary of the individual prepaid funeral contracts as of the conversion date, which must include, at a minimum, the following information, as well as aggregate

gated totals for each category of information, if appropriate

(1) insured's or annuitant's name,

(2) the original prepaid funeral contract amount,

(3) amount paid in,

(4) amount applied to the purchase of the insurance policy;

(5) initial cash surrender value, amount due the prepaid funeral contract purchaser upon cancellation under the Act, amount of the difference between the cash surrender value and the amount due the prepaid funeral contract holder under the Act, and initial death benefit under the insurance policy, and

(6) amount retained by the applicant under the Act, §5(a)(1).

(f) Records The applicant shall relinquish to the post-conversion permit holder the individual prepaid funeral contract ledgers reflecting the amount paid and the amount left owing on the prepaid funeral contract, if any. The post conversion permit holder shall be responsible for maintaining such ledgers to reflect the principal balance of the converted contracts as well as any outstanding balances

(g) Hearings The Commissioner may order a hearing on an application. A hearing, if ordered, shall be conducted pursuant to the Department's rules governing hearings. The applicant shall have the burden to demonstrate the existence of all factors necessary to entitle the applicant to convert to insurance funded benefits from trust funded benefits by a preponderance of the evidence

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 May 30, 1995

TRD-9506533

Everette D. Jobe
General Counsel
Banking Department of
Texas

Earliest possible date of adoption July 7, 1995

For further information, please call (512) 475-1300

TITLE 22. EXAMINING BOARDS

Part XVII. Texas State Board of Plumbing Examiners

Chapter 361. Administration

General Provisions

• 22 TAC §361.6

The Texas State Board of Plumbing Examiners proposes an amendment to §361.6, con-

cerning fee structures. The amendment is a direct result of the Board's anticipated legislative appropriations to be enacted by the 74th Texas Legislature. The intent of the 74th Texas Legislature is that fees, fines, and other miscellaneous revenues cover, at a minimum, the cost of the appropriations including employee matching costs and any other direct operating costs. The estimated income that would be generated based upon the proposed amendment to the Board's fee structure will satisfy approximately the legislature's intent.

Douglas A. Beran, Ph.D., Chief Fiscal Officer/Office Manager, has determined that for the first five-year period the section is in effect there will be fiscal implications for state or local government as a result of enforcing or administering the section. The estimated increase in revenue for each fiscal year in the upcoming biennium is approximately \$900,000 which would satisfy Called Session House Bill Number 1, Article VIII-61, Contingent Revenue (Montford) and House Committee Report House Bill Number 1, Article VIII-57, Appropriations Limited to Revenue Collections (Junell). This estimated increase in revenue is anticipated to occur for the three years subsequent to the upcoming biennium.

Dr. Beran also has determined that for each year of the first five years the section is in effect, the public benefits anticipated as a result of enforcing the section will be enhanced public health, safety, and welfare because the Board will have a sufficient income to enforce aggressively the Plumbing License Law.

The anticipated economic cost to local governments who are required to comply with the amendment will be contingent upon the number of prospective inspectors who undergo inspector examinations paid by the local governments and the number of inspectors who will be licensed and/or have their licenses renewed and paid by the local governments. Similarly, small businesses and individuals who are required to comply with the amendment will be contingent upon the fees applicable to the respective examinations and renewals for plumbers and prospective plumbers employed by the small businesses and for the individuals who pay for their own examinations, licenses, and renewals.

Comments on the proposal may be submitted in writing to Dr. Beran at the Texas State Board of Plumbing Examiners, P.O. Box 4200, Austin, Texas 78765

The amendment is proposed under Texas Civil Statutes, Article 6243-101, which provide the Texas State Board of Plumbing Examiners with the authority to prescribe, amend, and enforce all rules necessary to carry out the Plumbing License Law.

The proposed amendment does not affect other statutes, articles, codes.

§361.6 Fees

(a) The board has established the following fees:

(1) Licenses:

(A) Master license \$150
[\$75];

(B) Journeyman license \$18
[\$12];

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

(E) Plumbing inspector license \$80 [\$50];

(F)-(G) (No change.)

(2) Examinations:

(A) Master examination
\$150 [\$75];

(B) Journeyman examination
31 [\$25];

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

(E) Plumbing inspector examination \$80 [\$50];

(F)-(G) (No change.)

(3) Renewals:

(A) Master license \$150
[\$75];

(B) Journeyman license \$18
[\$12];

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

(E) Plumbing inspector license \$80 [\$50];

(F)-(G) (No change.)

(4) Other fees:

(A) Late renewal:

(i) Master: less than 90
days—one-half;

(I) examination
fee—\$75 [\$37.50];

(II) more than 90
days—examination—fee \$150 [\$75];

(ii)-(iii) (No change.)

(iv) Journeyman: less
than 90 days—one-half;

(I) examination
fee—\$15.50 [\$12.50];

(II) more than 90 days-examination-fee \$31 [\$25],

(v)-(vi) (No change.)

(B)-(D) (No change.)

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

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

Issued in Austin, Texas, on May 26, 1995.

TRD-9506455 Gilbert Kissling
Administrator
Texas State Board of
Plumbing Examiners

Proposed date of adoption July 10, 1995

For further information, please call (512) 458-2145

Chapter 363. Examinations

• 22 TAC §363.11

The Texas State Board of Plumbing Examiners proposes an amendment to §363.11(a)(1), concerning the course outline, content, and required minimum hours for an approved medical gas training program and an expanded pool of applicants eligible to apply to be approved providers of medical gas training programs

Douglas A. Beran, Ph.D., Chief Fiscal Officer/Office Manager, has determined that for the first five-year period the rule is in effect there may be fiscal implications as a result of enforcing or administering the rule. This is contingent upon whether or not any of the eligible applicants in the expanded pool of applicants elects to apply to become an approved provider of medical gas instruction. Should this occur, the Board may incur additional costs to review the additional applications from the expanded pool of eligible applicants. Further, if one of the newly eligible applicants is selected as an approved provider, the Board may incur additional costs to ensure their classes have been provided equitably across the State of Texas, to review the quality of content and instruction, and to respond to complaints regarding approved providers of medical gas instruction.

Dr. Beran also has determined that for each year of the first five years the rule as proposed is in effect, the public benefit anticipated as a result of enforcing the rule as proposed will be enhanced public health, safety, and welfare by ensuring medical gas systems have been installed in such a manner as to prevent infection and/or to prevent an unintended cross-connection of breathable and lethal gases because the installers of medical gas piping have undergone quality medical gas training programs

The anticipated economic cost to local governments and small businesses required to comply with the rule as proposed will be contingent upon their costs, as applicable, to

comply with the application procedures required by the Texas State Board of Plumbing Examiners, to incorporate such changes into their medical gas training programs, and to employ medical gas instructors who have successfully completed a Board-approved medical gas program and instructional methodology program. The costs for individuals will be contingent upon fees imposed by the approved providers of medical gas training programs to recover the costs for complying with the rule

Comments on the proposal may be submitted in writing to Dr. Beran at the Texas State Board of Plumbing Examiners, P.O. Box 4200, Austin, Texas 78765

The amendment is proposed under Texas Civil Statutes, Article 6243-101, which provide the Texas State Board of Plumbing Examiners with the authority to prescribe, amend, and enforce all rules necessary to carry out the Plumbing License Law.

The proposed amendment affects the Texas Education Code, Proprietary Schools and Veterans Education, Chapter 32.

§363.11. Endorsement Training Programs.

(a) Medical gas piping installation training programs.

(1) Any person wishing to offer a training program in medical gas piping installation to the public must meet criteria as prescribed by the board and included in the National Fire Protection Association (NFPA) 99C Gas and Vacuum Systems Latest Edition. Instructors shall be employed by a program that meets certification requirements of the Central Education Agency or is exempted from the Central Education Agency certification requirements under Chapter 32, Texas Education Code, §32.12(a)(5), (Proprietary Schools and Veterans Education). Such persons shall provide to the administrator lesson plans and instructor credentials. Approved providers of medical gas training shall furnish a program consisting of a classroom presentation of course material, a test of the enrollee's comprehension of the matter, a shop demonstration of the proper brazing procedures by the instructor, and the enrollee's final brazing evidence to the instructor of an accepted vertical and horizontal practice coupon. A minimum of 24 hours shall be assigned to the classroom presentation and testing; a minimum of four hours shall be assigned to the brazing demonstrations. The student enrolled in medical gas training will have completed a minimum of eight hours of practice brazing coupons in an equipped shop. These coupons will be presented to the instructor for grading. The aforementioned hours represent the minimum requirements only; additional time may be included in each segment of the program. [The board shall provide a course outline and the required minimum hours.]

(2)-(6) (No change)

(b) (No change)

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

Issued in Austin, Texas, on May 26, 1995

TRD-9506456 Gilbert Kissling
Administrator
Texas State Board of
Plumbing Examiners

Proposed date of adoption. July 10, 1995

For further information, please call (512) 458-2145

Chapter 365. Licensing

• 22 TAC §365.3

The Texas State Board of Plumbing Examiners proposes an amendment to §365.3 concerning the employer's certification form. The proposed amendment to §365.3(b)(3)(G) is a "clean-up" to the rule so that it corresponds with rule §361.8(2)

Douglas A. Beran, Ph.D., Chief Fiscal Officer/Office Manager has determined that for the first five-year period the section is in effect there will be no fiscal implication as a result of enforcing or administering the section.

Dr. Beran also has determined that for each year of the first five years the section as proposed is in effect, the public benefits anticipated as a result of enforcing the section will be enhanced public health, safety, and welfare by ensuring compliance by the Board and by its clientele with the Plumbing License Law through the use of the appropriate forms

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 in writing to Dr. Beran at the Texas State Board of Plumbing Examiners, P.O. Box 4200, Austin, Texas 78765

The amendment is proposed under Texas Civil Statutes, Article 6243-101, which provide the Texas State Board of Plumbing Examiners with the authority to prescribe, amend, and enforce all rules necessary to carry out the Plumbing License Law.

The proposed amendment does not affect other statutes, articles, or codes

§365.3. License Qualifications

(a) (No change)

(b) To be eligible to take the Journeyman examination, the applicant must

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

(3) meet the minimum trade experience requirements set forth below

(A)-(F) (No change.)

(G) When the registered apprentice applies to take the Journeyman examination, he/she must submit the Employer's Certification [(Form E-6b; Rev. 7/89)]. This form certifies the applicant's work experience complies with the eligibility criteria for the Journeyman examination. If the applicant has met the criteria through employment with one employer, the Employer's Certification must be completed by that employer. However, if the applicant has met the criteria through employment with various employers, then the Employer's Certification must be submitted from each of those employers. Therefore, the board recommends the applicant request an employer to complete the Employer's Certification each time the applicant discontinues employment with a particular employer.

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 May 26, 1995.

TRD-9506503

Gilbert Kissling
Administrator
Texas State Board of
Plumbing Examiners

Proposed date of adoption: July 10, 1995

For further information, please call: (512) 458-2145

◆ ◆ ◆ • 22 TAC §365.14

The Texas State Board of Plumbing Examiners proposes an amendment to §365.14(a), concerning approval criteria for providers of continuing education.

Douglas A. Beran, Ph.D., Chief Fiscal Officer/Office Manager, has determined that for the first five years the rule is in effect there may be fiscal implications as a result of enforcing or administering the rule. This is contingent upon whether or not any of the eligible applicants in the expanded pool of applicants elects to apply to become an approved provider of continuing education. Should this occur, the Board may incur additional costs to review the additional applications from the expanded pool of eligible applicants. Further, if one of the newly eligible applicants is selected as an approved provider, the Board may incur additional costs to review annually the approved providers to ensure the classes have been provided equitably across the State of Texas and to respond to complaints regarding approved providers of continuing education. The fiscal impact on local governments and small businesses will be contingent upon the following costs, as applicable: to comply with the application procedures required by the Texas State Board of Plumbing Examiners, to attend instructor certification workshops conducted by the Board, and to employ approved instructors.

Dr. Beran also has determined that for each year of the first five years the rule as proposed is in effect, the public benefit anticipated as a result of enforcing the rule as

proposed will be enhanced public health, safety, and welfare by ensuring each person has access to clean water because of plumbing installed and maintained by well-trained and competent plumbers who have undergone quality continuing education programs. The plumbers who take the continuing education courses also will benefit from having sound education provided by stable groups the legislature already has recognized.

Comments on the proposal may be submitted in writing to Dr. Beran at the Texas State Board of Plumbing Examiners, P.O. Box 4200, Austin, Texas 78765.

The amendment is proposed under Texas Civil Statutes, Article 6243-101, which provide the Texas State Board of Plumbing Examiners with the authority to prescribe, amend, and enforce all rules necessary to carry out the Plumbing License Law.

The proposed amendment affects the Texas Education Code, Proprietary Schools and Veterans Education, Chapter 32.

§365.14. Continuing Education Programs.

(a) Any provider wishing to offer continuing education in plumbing must make application at least 60 days prior to the March board meeting each year. The 60-day deadline will become effective September 1, 1995. The board shall approve no more than four providers annually. All providers will submit to the board a list of instructors and instructors' credentials for board approval. The board will approve a course and textbook each year as well as a course outline and establish the required minimum hours. The providers shall meet the certification requirements of the Central Education Agency or be exempted from the Central Education Agency certification requirements under Chapter 32, §32.12(a)[(5)], Texas Education Code (Texas Proprietary School Act) or be approved by the United States Department of Labor-Bureau of Apprenticeship Training Schools and/or Programs.

(b)-(g) (No change.)

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

Issued in Austin, Texas, on May 26, 1995.

TRD-9506457

Gilbert Kissling
Administrator
Texas State Board of
Plumbing Examiners

Proposed date of adoption: July 10, 1995

For further information, please call: (512) 458-2145.

Part XXIII. Texas Real Estate Commission

Chapter 535. Provisions of The Real Estate License Act

Definitions

• 22 TAC §535.13

The Texas Real Estate Commission proposes an amendment to §535.13, concerning dispositions of real estate. The amendment addresses whether a real estate license is required for a person to arrange for other persons to occupy vacant residential property. The amendment also would clarify that the collection of rents for an owner is not an act requiring a real estate license unless the person collecting the rent is engaged in the renting or leasing of the property for the owner.

When a real estate broker lists residential property for sale, the owner of the property may no longer occupy the property at the time it is offered for sale. To protect against vandalism of the property and to maintain the property for showing to prospective buyers, it is often desirable to have the property occupied during the listing period. Businesses have been created which find occupants for the owner's property and arrange for the property to be occupied during the listing period. Typically, the businesses receive a valuable consideration from the occupant for the right to live in the property. The amendment would clarify that the act of arranging for the occupation of the property for a valuable consideration is an act within the definition of the term "real estate broker" as used in Texas Civil Statutes, Article 6573a, (the Act), §2(2)(A).

Persons who own the property, lease it from the owner, or are otherwise exempted from the requirement of a license by the Act would not have to be licensed as a real estate broker or salesman under the proposed amendment. The amendment also would provide guidelines to determine whether an agreement between the owner of the property and the person arranging for the property to be occupied is a lease. To be considered a lease for the purpose of the section, the agreement would have to be for a specific term, it would have to obligate payment of a valuable consideration to the owner, and it must specifically grant the right to sublease the property.

The amendment also clarifies that a real estate license is not required to collect rentals unless the person collecting the rentals is also engaged in the renting or leasing of the property for its owner. The amendment would conform the section with the Act, which since 1975 has not required a person to be licensed if the person only collects rentals.

Mark A. Moseley, general counsel, 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. Adoption of the amendment may slightly increase applications for real estate licenses or complaints against unlicensed persons.

There is no anticipated impact on local or state employment as a result of implementing the section.

Mr. Moseley also has determined that for each year of the first five years the section as proposed is in effect the public benefit anticipated as a result of enforcing the section will be the clarification of real estate license requirements for persons who perform the services addressed in the section. There will be no effect on small businesses. There is an anticipated economic cost to unlicensed persons who are required to comply with the proposed section, consisting of an estimated expense of \$300 for the 90 classroom hours of required prelicensing education most applicants complete before being eligible to apply and \$100 for real estate salesman application filing fees. Once licensed, a salesman would thereafter be obligated to pay annual license renewal fees currently set at \$36 and to complete an additional 90 hours of courses over a three-year period. After three years, the licensee would be obligated to complete 15 hours of mandatory continuing education courses for biennial renewal of the license, estimated to cost \$75 every two years. Comments on the proposal may be submitted to Mark A. Moseley, General Counsel, Texas Real Estate Commission, P.O. Box 12188, Austin, Texas 78711-2188

The amendment is proposed under Texas Civil Statutes, Article 6573a, §5(h), which authorize the Texas Real Estate Commission to make and enforce all rules and regulations necessary for the performance of its duties.

§55.13. Dispositions of Real Estate.

(a) (No change.)

(b) Unless otherwise exempted by Texas Civil Statutes, Article 6573a (the Act), a person who collects rentals for an owner of real property and for a valuable consideration must be licensed if the person also rents or leases the property for the owner

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

(h) Arranging for a person to occupy a vacant residential property is an act requiring a real estate license if the actor:

(1) does not own the property or lease the property from its owner;

(2) receives a valuable consideration from the person who occupies the property; and

(3) is not exempted from the requirement of a license by Section 3 of the Act.

(i) For the purposes of subsection (h) an agreement between the owner of real property and the actor is not considered a lease unless the agreement includes the following provisions:

(1) a definite term during which the actor may occupy the property if the property is not subleased to another person;

(2) an obligation for the actor to pay a valuable consideration to the owner of the property for the rights granted by the owner; and

(3) a specific grant of authority for the actor to lease the property to a sublessee.

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 May 30, 1995.

TRD-9506504

Mark A. Moseley
General Counsel
Texas Real Estate
Commission

Earliest possible date of adoption: July 7, 1995

For further information, please call: (512) 465-3900

TITLE 37. PUBLIC SAFETY AND CORRECTIONS

Part I. Texas Department of Public Safety

Chapter 15. Drivers License Rules

Licensing Requirements

• 37 TAC §15.6

The Texas Department of Public Safety proposes an amendment to §15.6, concerning drivers license rules. Proposed amendment adds and deletes language establishing the requirements for issuance of a Class M license. The amendment establishes the licensing requirements for a Class M license applicable to operating a motorcycle, motor-driven cycle, and a moped.

Tom Haas, Chief of Finance, 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. There will be no effect on local employment or the local economy.

Mr. Haas also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be to ensure the public is aware of the requirements for issuance of the license promulgated by this section. There will be no effect on small businesses. The anticipated economic cost to persons who are required to comply with the section as proposed will be the \$55 cost of the Department-Approved Basic Motorcycle Operator Training Course.

Comments on the proposal may be submitted to John C. West, Jr., Chief of Legal Services, Texas Department of Public Safety, Box 4087, Austin, Texas 78773-0001, (512) 465-2890.

The amendment is proposed under Texas Civil Statutes, Article 6687b, §1A, which provide the Texas Department of Public Safety with the authority to adopt rules that it determines are necessary to effectively administer this Act.

Texas Civil Statutes, Article 6687b, §1A is affected by this proposal.

§15.6. Motorcycle License. A motorcycle license authorizes the driving of a motorcycle or motor-assisted bicycle. Three types of motorcycle licenses are issued. One is for all motorcycles of any size engine; one is for motor-driven cycles of 125 cubic centimeter piston displacement or less; and one is for motor-assisted bicycles of less than 50 cubic centimeter piston displacement. A driver qualifying to operate both motorcycle and Class A, B, or C type vehicles will be issued one license showing both classes with restrictions when applicable.

(1) Motorcycle. Requires a Class M license.

(A) (No change.)

(B) The minimum age is 16 years with completion of the classroom [or concurrent] phase of driver education and the Department-Approved Basic Motorcycle Operator Training Course [motorcycle driver education] or Minor's Restricted Driver's License (MRDL) approval.

(2) Motor-Driven Cycle. Requires restricted Class M license.

(A) The minimum age is 15 years with completion of the classroom [or concurrent] phase of driver education and the Department-Approved Basic Motorcycle Operator Training Course [motorcycle driver education] or Minor's Restricted Driver's License (MRDL) approval.

(B) (No change.)

(3) (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 May 18, 1995.

TRD-9506554

James R. Wilson
Director
Texas Department of
Public Safety

Earliest possible date of adoption: July 7, 1995

For further information, please call: (512) 465-2890

Application Requirements—Original, Renewal, Duplicate, Identification Certificates

• 37 TAC §15.29

The Texas Department of Public Safety proposes an amendment to §15.29, concerning Application Requirements—Original, Renewal, Duplicate, Identification Certificates. Proposed amendment to §15.29 adds paragraph (3) which clearly defines what the requirements are for enrolling in a motorcycle course and clarifies who must present a driver education certificate.

Tom Haas, Chief of Finance, 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. There will be no effect on local employment or the local economy.

Mr. Haas also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be to ensure the public is aware of the requirements for issuance of the license promulgated by this section. There will be no effect on small businesses. The anticipated economic cost to persons who are required to comply with the section as proposed will be the \$55 cost of the Department-Approved Basic Motorcycle Operator Training course.

Comments on the proposal may be submitted to John C. West, Jr., Chief of Legal Services, Texas Department of Public Safety, Box 4087, Austin, Texas 78773-0001, (512) 465-2890.

The amendment is proposed under Texas Civil Statutes, Article 6687b, §1A, which provide the Texas Department of Public Safety with the authority to adopt rules that it determines are necessary to effectively administer this Act.

Texas Civil Statutes, Article 6687b, §1A is affected by this proposal.

§15.29 Driver Education Forms. Driver education students, ages 15-17, must present the proper driver education form verifying that an approved driver education course has been satisfactorily completed.

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

(3) Applicants under age 18 applying for Class M license.

(A) Persons under age 18 enrolling in a Department-Approved Basic Motorcycle Operator Training Course must have successfully completed the classroom phase of driver education. The form DL-41A must be presented as evidence of completion as a prerequisite to enrolling in a Department-Approved Basic Motorcycle Operator Training Course.

(B) Persons 15 to 17 years of age applying for a Class M license or adding a Class M to an existing license must have completed the classroom phase of driver education and have completed a Department-Approved Basic Motorcycle Operator Training Course.

(C) Persons 15 to 17 years of age applying for a Class M instruction permit must have completed the classroom phase of driver education and have completed a Department-Approved Basic Motorcycle Operator Training course.

(D) Any driver education instructor desiring to teach the Department-Approved Basic Motorcycle Operator Training Course must successfully complete the Motorcycle Safety Foundation's Motorcycle Instructor's Course and be certified by that organization. Persons desiring information on this program should be referred to the DPS Motorcycle Operator Training Section in Austin.

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 May 18, 1995

TRD-9506552

James R. Wilson
Director
Texas Department of
Public Safety

Earliest possible date of adoption: July 7, 1995

For further information, please call: (512) 465-2890

Examination Requirements

• 37 TAC §15.55

The Texas Department of Public Safety proposes an amendment to §15.55, concerning examination requirements. The title of the section is changed for uniformity with text. Proposed amendment adds new paragraph (2) and rennumbers current paragraphs (2)-(4) to (3), (4), and (5). The proposed amendment allows persons to take a Department-Approved Basic Motorcycle Operator Training Course in lieu of the motorcycle skills test.

Tom Haas, Chief of Finance, 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. There will be no effect on local employment or the local economy.

Mr. Haas also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be a convenience to the public in obtaining a motorcycle license by not having to take the skills test. There will be no effect on small businesses. The anti-

pated economic cost to persons who are required to comply with the section as proposed will be the \$55 cost of the Department-Approved Basic Motorcycle Operator Training Course.

Comments on the proposal may be submitted to John C. West, Jr., Chief of Legal Services, Texas Department of Public Safety, Box 4087, Austin, Texas 78773-0001, (512) 465-2890.

The amendment is proposed under Texas Civil Statutes, Article 6687b, §1A, which provide the Texas Department of Public Safety with the authority to adopt rules that it determines are necessary to effectively administer this Act.

Texas Civil Statutes, Article 6687b, §1A, is affected by this proposal.

§15.55. Waiver of Knowledge and/or [and] Skills Tests. Knowledge and skills tests are waived for persons holding a valid out-of-state license when applying for a Texas license of the same or lower type.

(1) (No change.)

(2) The skills test for a motorcycle license is waived for individuals that have a valid, unrestricted Class A, B, or C Texas Driver License and have successfully completed the Department-Approved Basic Motorcycle Operator Training Course. A Texas Driver Education Certificate (Form DL-41A) will be used as proof of successful completion of the Department-Approved Basic Motorcycle Operator Training Course. This waiver provision applies only to a person age 16 or over who has completed the classroom phase of Driver Education and completed the Department-Approved Basic Motorcycle Operator Training Course or a person age 18 or over who has completed the Department-Approved Basic Motorcycle Operator Training Course and has a valid unrestricted Class A, B, or C Texas Driver's License. All other applicants must take and pass a skills test for a motorcycle license. Unrestricted Class A, B, and C license means a license that allows a person to operate a motor vehicle without having a restriction of a "Licensed Operator Age 18 or Over in the Front Seat." All motorcycle applicants are required to complete and pass the Class M rules tests.

(3)[(2)] For applicants with expired or no license, the complete examination will be given, including the skills test.

(4)[(3)] If the same or lower class of license is applied for, the applicant must pass only the vision tests. The knowledge and skills tests will be waived for all applicants who present a valid out-of-state license. If an advance in grade is applied for, the applicant must pass the vision tests and appropriate knowledge tests and skills test.

(5)[(4)] The term "knowledge test" means written, computerized, or automated tests. The term "skills test" means driving or road tests.

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 May 18, 1995.

TRD-9506553

James R. Wilson
Director
Texas Department of
Public Safety

Earliest possible date of adoption: July 7, 1995

For further information, please call: (512) 465-2890

Chapter 17. Administrative License Revocation

• 37 TAC §§17.1, 17.11, 17.16

The Texas Department of Public Safety proposes amendments to §§17.1, 17.11, and new 17.16, concerning administrative license revocation ("ALR"). Amendment to §17.1 adds language broadening the scope of ALR to include all discovery requests. Amendment to §17.11 adds new subsection (d) designating the department's agent for service and address in order that sensitive legal documents may be handled expediently. The department is proposing new §17.16 dealing with defendant's written requests for production and reports for maintenance and/or repair records of instruments used on breath tests as well as all other discovery requests.

Tom Haas, Chief of Finance, has determined that for each year of the first five years the sections are in effect there will be no fiscal implications for state government as a result of enforcing or administering the sections. The department has no historical data on which to determine the fiscal impact of the sections to units of local government.

Mr. Haas also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be clarification of statutory requirements and elimination of confusion regarding procedures required to effect and/or perfect service on the department of certain items allowed or required to be served upon, mailed to, or filed with the department. Anticipated economic costs to persons who are required to comply with the sections as proposed will be the costs of obtaining certified copies, where so required, and the cost of any necessary postage to serve the item(s) in the manner required.

Comments on the proposal may be submitted to John C. West, Jr., Chief of Legal Services, Texas Department of Public Safety, Box 4087, Austin, Texas 78773-0001, (512) 465-2890.

The amendments and new section are proposed under Texas Civil Statutes, Article 6687b-1, §9, and Texas Civil Statutes, Article

67011-5, §4A, which provide for administrative license suspensions upon certain alcohol-related violations involving use of a motor vehicle. Such violations are the refusal or failure of breath or blood tests.

Texas Civil Statutes, Article 6687b-1, §9 and Texas Civil Statutes, Article 67011-5, §4A are affected by this proposal.

§17.1. Scope. The procedures for notice, hearing, and appeal, as well as the procedures for service of the requests, notifications, copies, certified copies, or tangible/documentary evidence, as the case may be, which are contained in this title apply to suspensions and denials arising under the provisions of Administrative License Revocation (ALR), including Texas Civil Statutes, Article 6687b-1 and Texas Civil Statutes, Article 67011-5.

§17.11. Appeals.

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

(d) To perfect service on the department of a judicial appeal of a final order in a contested ALR case pursuant to 1 TAC §159.37 (relating to Appeal of Judge's Decision) and this section, a defendant must send by certified mail a copy of the defendant's appeal petition, certified by the clerk of the court in which the petition is filed, to the department at its headquarters in Austin. The certified copy must be addressed and mailed to Director of Hearings, ALR Program, Post Office Box 15327, Austin, Texas 78761-5327.

§17.16. Service on the Department of Certain Items Required to be Served on, Mailed to, or Filed with the Department. In addition to service of appeal petitions under §17.11(d) of this title (relating to Appeals), the following items, required by this title or 1 TAC §§159.1-159.41 (Relating to Rules of Procedure for Administrative License Suspension) to be served on, mailed to, or filed with, the department, shall be served on the department by first class mail, or by certified mail where so specified, addressed to Director of Hearings, ALR Program, Post Office Box 15327, Austin, Texas 78761-5327:

(1) service of a defendant's written request for production, pursuant to 1 TAC §159.13 (relating to Pre-Hearing Discovery);

(2) service of a defendant's written request for maintenance and/or repair records for the instrument used to test defendant's breath specimen, pursuant to 1 TAC §159.13 (relating to Pre-Hearing Discovery); and

(3) service of tangible/documentary evidence by defendant on the depart-

ment at least five days before a telephone hearing, pursuant to 1 TAC §159.25 (relating to Telephone Hearing).

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

Issued in Austin, Texas, on May 16, 1995.

TRD-9506556

James R. Wilson
Director
Texas Department of
Public Safety

Earliest possible date of adoption: July 7, 1995

For further information, please call: (512) 465-2890

Chapter 31. Standards For An Approved Motorcycle Operator Training Course

• 37 TAC §31.5

The Texas Department of Public Safety proposes an amendment to §31.5, concerning standards for an approved motorcycle operator training course. Amendment changes the title of the course for consistency and states all persons must provide a certificate documenting completion of the course in order to waive the motorcycle skills test.

Tom Haas, Chief of Finance, 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. There will be no effect on local employment or the local economy.

Mr. Haas also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be a convenience to the public in obtaining a motorcycle license by not having to take the skills test. There will be no effect on small businesses. The anticipated economic cost to persons who are required to comply with the section as proposed will be the \$55 cost of the Department-Approved Basic Motorcycle Operator Training Course.

Comments on the proposal may be submitted to John C. West, Jr., Chief of Legal Services, Texas Department of Public Safety, Box 4087, Austin, Texas, 78773-0001, (512) 465-2890.

The amendment is proposed under Texas Civil Statutes, Article 6687b, §1A, which provide the Texas Department of Public Safety with the authority to adopt rules that it determines are necessary to effectively administer this act.

Texas Civil Statutes, Article 6687b, §1A is affected by this proposal.

*§31.5. Verification of Course Completion
by a Minor.*

(a) The sponsor will issue a Texas Driver Education Certificate (form DL-41A) to all students who have [a student who is 15 years old but less than 18 years old and who has] successfully completed the Department-Approved Basic Motorcycle Operator Training Course [approved basic motorcycle operator training course]. The DL-41A is issued to verify that a [the] student age 15 or over, has met the educational and training requirements for a motorcycle driver's [operator's] license. The DL-41A is also issued to verify that a student has successfully completed the training requirements to qualify for a motorcycle driver's license skills test waiver, providing the student already has an unrestricted Class A, B, or C driver's license. A Department of Public Safety serialized completion card will be issued by the course sponsor to every student completing the approved advanced motorcycle operator training course.

(b) (No change.)

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

Issued in Austin, Texas, on May 18, 1995.

TRD-9506551 James R. Wilson
Director
Texas Department of
Public Safety

Earliest possible date of adoption: July 7, 1995

For further information, please call: (512) 465-2890

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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 1. ADMINISTRATION

Part X. Department of Information Resources

Chapter 201. Planning and Management of Information Resources Technologies

• 1 TAC §201.17

The Department of Information Resources adopts new §201.17, concerning the State Strategic Plan for Information Resources Management Advisory Committee, without changes to the proposed text as published in the March 10, 1995, issue of the *Texas Register* (20 TexReg 1733).

The section is adopted to comply with the provisions of Texas Civil Statutes, Article 6252-33, which requires agencies to adopt rules which state the purpose of advisory committees and to describe the tasks of the committee and the manner in which the committee will report to the agency.

The section defines and details the composition and purpose of the advisory committee which will assist the Department in the development of the State Strategic Plan for Information Resources Management.

The Department received no comments for or against the proposed section.

The new section is adopted under the Government Code, Chapter 2054, §2054.052, which authorizes the Department to adopt rules as necessary to carry out its responsibility under the Information Resources Management Act.

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

Issued in Austin, Texas, on May 26, 1995.

TRD-9506459

C. J. Brandt
General Counsel
Department of Information Resources

Effective date: June 16, 1995

Proposal publication date: March 10, 1995

For further information, please call: (512) 475-4714

TITLE 22. EXAMINING BOARDS

Part XV. Texas State Board of Pharmacy

Chapter 291. Pharmacies

All Classes of Pharmacies

• 22 TAC §291.5

The Texas State Board of Pharmacy adopts an amendment to §291.5 regarding closing a pharmacy, without changes to the proposed text as published in the March 17, 1995 issue of the *Texas Register* (20 TexReg 1848).

The amendment clearly outlines the requirements for closing a pharmacy and specifies that a pharmacy that dispenses prescription drug orders must notify the public of the closing at least 14 days prior to the closing.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Pharmacy Act (Article 4542a-1, Texas Civil Statutes): §4 which specifies that the purpose of the Act is to protect the public through the effective control and regulation of the practice of pharmacy; §16(a) which gives the Board the authority to adopt rules for the proper administration and enforcement of the Act; and §17(b)(2) and (3) which gives the Board the authority to specify minimum standards for drug storage, maintenance of prescription drug records and procedures for the delivery, dispensing in a suitable container appropriately labeled, providing of prescription drugs or devices, monitoring of drug therapy, and counseling of patients on proper use of prescription drugs and devices within the practice of pharmacy.

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 May 30, 1995.

TRD-9506517

Fred S. Brinkley, Jr., R.Ph.
M.B.A.
Executive Director
Texas State Board of Pharmacy

Effective date: June 20, 1995

Proposal publication date: March 17, 1995

For further information, please call: (512) 632-0661

• 22 TAC §291.34, §291.36

The Texas State Board of Pharmacy adopts amendments to §291.34 and §291.36 concerning Records in a Community Pharmacy (Class A) and Class A Pharmacies Compounding Sterile Pharmaceuticals without changes to the proposed text as published in the March 17, 1995, issue of the *Texas Register* (20 TexReg 1849).

The amendments specify the procedures for pharmacists to follow when dispensing an emergency refill of a prescription and specify that a pharmacist may not refuse to transfer a prescription to another pharmacy when requested to do so by the patient.

No comments were received regarding adoption of the amendments.

The amendments are adopted under the Texas Pharmacy Act (Article 4542a-1, Texas Civil Statutes): §4 which specifies that the purpose of the Act is to protect the public through the effective control and regulation of the practice of pharmacy; §16(a) which gives the Board the authority to adopt rules for the proper administration and enforcement of the Act; §17(b)(2) and (3) which gives the Board the authority to specify minimum standards for drug storage, maintenance of prescription drug records and procedures for the delivery, dispensing in a suitable container appropriately labeled, providing of prescription drugs or devices, monitoring of drug therapy, and counseling of patients on proper use of prescription drugs and devices within the practice of pharmacy; and §40B which establishes the emergency refill.

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 May 30, 1995.

TRD-9506516

Fred S. Brinkley, Jr., R.Ph.
M.B.A.
Executive Director/Secretary
Texas State Board of Pharmacy

Effective date: June 20, 1995

Proposal publication date: March 17, 1995
For further information, please call: (512)
632-0661

Part XVI. Texas Board of Physical Therapy Examiners

Chapter 329. Licensing Procedure

• 22 TAC §329.6

The Texas Board of Physical Therapy Examiners adopts an amendment to §329.6, concerning Licensure of Persons Currently Licensed in Other States, the District of Columbia, or Territories of the United States, without changes to the proposed text as published in the March 31, 1995, issue of the *Texas Register* (20 TexReg 2377).

This section is being amended to clarify what is required of an applicant licensed in another state, the District of Columbia or territories of the United States to obtain a license to practice physical therapy in Texas.

This section requires all applicants to provide evidence to the board that they have completed an accredited program or equivalent program in physical therapy education.

No comments were received regarding adoption of the amendment.

The rule is adopted under the Physical Therapy Practice Act, TCS, Article 4512e, which provides the Texas Board of Physical Therapy Examiners with the authority to adopt rules consistent with this Act to carry out its duties in administering this Act.

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

Issued in Austin, Texas, on May 30, 1995

TRD-9506518 John P. Malina
Executive Director
Texas Board of Physical
Therapy Examiners

Effective date: June 20, 1995

Proposal publication date: March 31, 1995

For further information, please call: (512)
443-8202

TITLE 43. TRANSPORTATION

Part I. Texas Department of Transportation

Chapter 7. Bridge Division

Drainage Facilities

• 43 TAC §7.31

The Texas Department of Transportation permanently adopts the repeal of §7.31, con-

cerning drainage channels, without changes to the text as published in the March 7, 1995, issue of the *Texas Register* (20 TexReg 1634).

The subject matter of the repealed section is reenacted in an amended form in Chapter 15, Transportation Planning and Programming, as new §§15.50-15.54 concerning federal, state, and local participation, which are being contemporaneously adopted.

On March 22, 1995, the department conducted a public hearing on the proposed repeal of §7.31 and no oral or written comments were received.

The repeal is adopted under Texas Civil Statutes, Article 6666, which provide the Texas Transportation Commission with the authority to establish rules for the conduct of the work of the Texas Department of Transportation and Texas Civil Statutes, Articles 6674a, et seq, which authorize the department to construct and maintain the state highway system.

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 May 26, 1995

TRD-9506473 Robert E. Shaddock
General Counsel
Texas Department of
Transportation

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

Chapter 11. Design

Local Governmental Units

• 43 TAC §11.41

The Texas Department of Transportation permanently adopts the repeal of §11.41, concerning responsibilities of local governmental units in construction, without changes to the text as published in the March 7, 1995, issue of the *Texas Register* (20 TexReg 1634).

The subject matter of the repealed section is reenacted in an amended form in Chapter 15, Transportation Planning and Programming, as new §§15.50-15.54 concerning federal, state, and local participation, which are being contemporaneously adopted.

On March 22, 1995, the department conducted a public hearing on the proposed repeal of §11.41 and no oral or written comments were received.

The repeal is adopted under Texas Civil Statutes, Article 6666, which provide the Texas Transportation Commission with the authority to establish rules for the conduct of the work of the Texas Department of Transportation and Texas Civil Statutes, Articles 6674a, et seq, which authorize the department to construct and maintain the state highway system.

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.

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463-8630

Freeway Mainlanes

• 43 TAC §11.71

The Texas Department of Transportation permanently adopts the repeal of §11.71, concerning control of Access on freeway mainlanes, without changes to the text as published in the March 7, 1995, issue of the *Texas Register* (20 TexReg 1635).

The subject matter of the repealed section is reenacted in an amended form in Chapter 15, Transportation Planning and Programming, as new §§15.50-15.54 concerning federal, state, and local participation, which are being contemporaneously adopted.

On March 22, 1995, the department conducted a public hearing on the proposed repeal of §11.71 and no oral or written comments were received.

The repeal is adopted under Texas Civil Statutes, Article 6666, which provide the Texas Transportation Commission with the authority to establish rules for the conduct of the work of the Texas Department of Transportation and Texas Civil Statutes, Articles 6674a, et seq, which authorize the department to construct and maintain the state highway system.

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.

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463-8630

Chapter 15. Transportation Planning and Programming

Transportation Planning

• 43 TAC §15.3

The Texas Department of Transportation permanently adopts the repeal of §15.3, concerning federal aid urban system, without changes to the text as published in the March 7, 1995, issue of the *Texas Register* (20 TexReg 1635).

The subject matter of the repealed section is reenacted in an amended form in Chapter 15, Transportation Planning and Programming, as new §§15.50-15.54 concerning federal, state, and local participation, which are being contemporaneously adopted.

On March 22, 1995, the department conducted a public hearing on the proposed repeal of §153 and no oral or written comments were received.

The repeal is adopted under Texas Civil Statutes, Article 6666, which provide the Texas Transportation Commission with the authority to establish rules for the conduct of the work of the Texas Department of Transportation and Texas Civil Statutes, Articles 6674a, et seq, which authorize the department to construct and maintain the state highway system.

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.

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

Federal, State, and Local Participation

• 43 TAC §§15.50-15.54

The Texas Department of Transportation adopts new §§15.50-15.54, concerning federal, state and local participation, with changes to the text as published in the March 7, 1995, issue of the *Texas Register* (20 TexReg 1636).

The new sections replace existing §7.31 concerning drainage channels, §11.41 concerning responsibilities of local governmental units in construction, §11.71 concerning control of access on freeway mainlanes, §15.3 concerning federal aid urban system, and §§19.1-19.31 concerning secondary roads which are simultaneously being repealed. These new sections are necessary to update the applicable rules to carry out the provisions of state and federal laws and regulations pertaining to funding of construction projects. The new sections define and establish participation ratios of governmental units in the development of construction projects to be used as the basis of agreement between the department and the local unit of government. The sections increase the department's assistance to the local unit of government in the development of certain projects by increasing state participation in procurement of right of way on existing farm to market roads to expedite the accomplishment of needed safety improvements and make consistent participation with that of other state road systems for right of way; reconstruction and restoration of urban streets; and engineering and

construction costs associated with upgrading bridge structures off the state highway system for needed safety improvements and to upgrade to current design standards.

Section 15.50 describes federal, state, and local financing arrangements to provide for the construction, maintenance, and operation of the transportation system.

Section 15.51 furnishes definitions.

Section 15.52 defines the responsibilities of local governments for preliminary engineering and construction engineering expenses associated with the development of construction projects; establishes the amount of the state, local, and federal participation in preliminary and construction engineering expenses; and specifies the requirement of an agreement between the department and the local unit of government when the local unit of government is responsible for providing funds for a proposed project.

Section 15.53 describes the conditions under which state, federal, and local financing of transportation project construction costs are to be shared in a construction project and establishes the amount of the state, local, and federal participation in construction expenses, specifies that the local unit of government shall be responsible for the total cost of non-federal-aid eligible construction in federal-aid contracts off the state highway system; specifies the requirement of an agreement with the local unit of government outlining construction responsibilities, establishes the criteria for the department to provide for sidewalk construction on the designated state highway system; establishes the criteria for construction of frontage roads and the construction costs responsibilities, and describes the responsibilities of the department and local unit of government in the construction of a drainage system within the state highway right-of-way and their respective costs responsibilities.

Section 15.54 specifies the federal, state, and local cost participation ratios for the various types of projects on the state highway system in the form of a chart which includes increased state participation with local units of government in right of way procurement for certain projects on the existing farm to market road system, project engineering and construction costs for certain reconstruction and restoration projects on urban streets, and engineering and construction costs for upgrading bridge structures off the state highway system.

On March 22, 1995, the department conducted a public hearing on the proposed adoption of §§15.50-15.54 and oral or written comments were received. The City of San Antonio, the City of Kirby, and the San Antonio Metropolitan Planning Organization commented against the proposed rules.

Many commenters (one representing the city of San Antonio, two representing the Bexar County Metropolitan Planning Organization, two representing the city of Kirby, one representing the Council of Mayors of Windcrest, Kirby, Schertz, and Live Oak, and one representative from each of the following cities: Windcrest, Live Oak, Universal City, Schertz,

Balcones Heights, Converse, Castle Hills and Hill Country Village) expressed concern about the modification of the department's previous policy for local participation in highway improvement projects. The commenters stated that the department should allow cities with populations less than 50,000 to be exempt from 20% matching construction funding for projects for local streets which materially aid traffic operation on the state system. Of the commenters, several commenters representing suburban municipalities with less than 50,000 in population stated that the local share for funding local arterial street improvements was beyond their economic resources. They noted that critical arterial projects in suburban municipalities would not be planned and implemented, resulting in more traffic congestion, delays, wasted fuel, and air pollution.

The commission recognizes a genuine need on the part of a local unit of government responding with a financial commitment to highway improvement projects. This commitment on the part of a local unit of government establishes a partnership between federal, state, and local governments that embraces the intent of the Intermodal Surface Transportation Efficiency Act of 1991. In this way, the partnership can identify and expedite the development of mutually beneficial and priority projects by maximizing the use of local, state, and federal funding. Conversely, the commission recognizes the unique challenges associated with meeting public road and bridge needs with scarce fiscal resources. This challenge faces governmental units at all levels with responsibility for construction of public roads and bridges. While the commission's previous policy encouraged the improvement of arterial streets under the jurisdiction of municipalities if the improvement would benefit the state system by improving traffic flow in the corridor, the commission has determined that to maintain the program without additional fiscal commitment from the local partnership would preclude the department from addressing future highway system needs across the state. The department will continue to honor all current project agreements under the prior commission policy concerning local participation. It should be noted that without the contribution of federal or state funds of 80% as provided in §15.54, the local entity would otherwise have to fund all of the cost of the improvement to its facility instead of the proposed 20%.

A commenter representing Bexar County expressed concern over increased cost associated with the local purchase of additional right-of-way and utility adjustments on farm to market roads. The commenter noted that future land development significantly inflates costs such that the 10% requirement for local participation related to right-of-way and utility adjustments costs are not able to be borne by the county.

The commission understands this commenter's concern about increased costs in not only this area but all areas of road and bridge improvement. In addition, since the farm to market road system has a significant number of roadways and bridges that were constructed over the past thirty years, significant costs are encountered when traffic de-

mands and accident rates require the reconstruction of these facilities to current design standards. It should be noted that current policy requires the local unit of government to fund 100% of the cost of right-of-way and utility adjustments for farm to market road system improvement projects. Under §15.54, the state will be funding 90% of these costs, leaving a local responsibility to fund the remaining 10%. This increase in state funding responsibility will significantly assist local units of government in addressing state highway system needs in their locality. The commission has determined that to fund 100% of the future right-of-way and utility costs would preclude the department from addressing other future highway system needs across the state.

A commenter representing the City of Schertz expressed concern over the increased cost of local government participation in future continuous lighting systems on the state highway system.

This reference in §15.53(h) constitutes no change to the current policy or cost for continuous lighting systems. The purpose of this subsection is to place the percentage of required matching funds into Appendix A of §15.54 for ease of reference and to cross-reference §25.5 of this title (relating to Installation, Operation, and Maintenance of Traffic Signals) and §25.11 of this title (relating to Continuous and Safety Lighting Systems).

The local participation policy for traffic signals for highways in areas with populations less than 50,000, or freeways in nonurban areas, was inadvertently omitted in proposed Appendix A to §15.54. This participation requirement has not been changed from current policy, but the requirement has been added to the Appendix for clarification purposes. A local unit of government participating in a traffic signal project under the above noted criteria is required to fund in 10% of the cost of right of way and utility relocation costs. The remaining 90% is funded by the state.

The new sections are adopted under Texas Civil Statutes, Article 6666, which provide the Texas Transportation Commission with the authority to establish rules for the conduct of the work of the department and Texas Civil Statutes, Articles 6674a, et seq, which authorize the department to construct and maintain the state highway system.

§15.50. Purpose. This undesignated head describes federal, state, and local responsibilities for cost participation in the construction of the state highway system.

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

Added capacity—An increase in the carrying capacity of a segment of the state highway system, including the addition of new travel lanes (other than high occupancy vehicle lanes or auxiliary lanes).

Congestion Mitigation and Air Quality Improvement Program (CMAQ)—A federal program, established and administered in accordance with 23 United States Code §104 and federal regulations, which provides federal funds for a project in a non-attainment area that contributes to the attainment of a natural ambient air quality standard or will have certified benefits to air quality.

Construction engineering cost/expenses—Engineering or project administration costs and expenses identified with a construction project after contract letting.

Construction cost—Costs associated with the work required to construct a project in accordance with approved plans and specifications, including the furnishing of all labor, materials, equipment, and other incidentals necessary for the successful completion of the project, and the carrying out of all duties and obligations imposed by the plans and specifications.

Farm and Ranch to Market (FM/RM) System Route—A system of roads designated by the commission under Texas Civil Statutes, Articles 6665, 6670, and 6673c.

Federal funds—Monies provided from federal agencies as match financing for expenditure on state and local transportation projects developed and approved in accordance with federal law and regulations.

Interstate Maintenance Program (IM)—A federal program which provides federal funding to reconstruct, rehabilitate, or maintain a portion of the Interstate Highway System; criteria for eligible projects in this program are set forth in federal law and regulations.

Local funds—Monies provided by local units of government to participate in costs associated with project development.

Local unit of government—Any county, city, or other political subdivision of this state that has the authority to finance the construction, maintenance, or operation of a segment of the state highway system.

Matching funds/participation ratio—Those portions of funds required or chargeable for the contribution toward a project's cost by a government entity.

Metropolitan planning organization (MPO)—An organization designated in certain urbanized areas to carry out the transportation planning process as required by 23 United States Code §134.

National Highway System (NHS)—A part of the National Intermodal Transportation System consisting of the National System of Interstate and Defense Highways and those principal arterial roads which are essential for interstate and regional commerce and travel, national defense, intermodal transfer facilities, and international commerce and border crossings as designated by the United States Congress by criteria set forth in federal law.

National System of Interstate and Defense Highways (Interstate Highway System)—A system of roads and bridges that constitute a part of the National Highway System designated by the United States Congress as essential for interstate and regional commerce and travel, national defense, intermodal transfer facilities, and international commerce and border crossings.

New construction (I)—Activities authorized for the completion of the originally designated Interstate Highway System.

New route—Activities related to an existing roadway or new location not previously designated on the state highway system.

Off-State Highway System Bridge Program—A federally mandated program by which federal funds are made available on a discretionary basis to replace or rehabilitate bridges under the jurisdiction of a local government and not on the state highway system, administered in accordance with criteria set forth under federal law and regulations and state law, safety standards, design standards, and construction standards.

Off-state highway system routes—Those routes not designated on the state highway system which are the responsibility of local units of government.

Off-State Highway System Safety Program—A federally mandated program by which federal funds are made available to local units of government for safety improvements in accordance with criteria set forth under federal law and regulations.

On-State Highway System Bridge Program—A federally mandated program by which federal funds are made available on a discretionary basis to replace or rehabilitate the state's bridges in accordance with criteria set forth under federal law and regulations.

On-State Highway System Safety Program—A federally mandated program by which federal funds are made available to states for safety improvements in accordance with criteria set forth under federal law and regulations.

Principal Arterial Street System (PASS) Program—A commission approved program to improve urban arterial streets designated on this system to relieve major traffic corridors and enhance total system operations in urban areas over 200,000 in population.

Preliminary engineering cost/expenses—Those engineering or project administration costs or expenses identified prior to the construction of a project.

Reconstruction—The primary activities involving the rebuilding of a segment of the state highway system along existing routes as well as those associated with the acquisition of rights-of-way where necessary to upgrade to current standards.

Rehabilitation—The primary activities to restore, or re-establish in good condi-

tion, a segment of the state highway system (not including the construction of additional travel lanes, other than high occupancy vehicle lanes or auxiliary lanes).

Right of way costs—Costs attributable to the purchase of land or an interest in land (including access rights to abutting properties and usually including eligible utility relocation/adjustment costs).

Right of way procurement—That process identified with the acquisition of real property, access rights, mineral rights, and easements permitted in accordance with state law for the construction of approved projects.

State funds—Those monies received by the state, other than federal funds, to be expended for the improvement of the state highway system.

State highway system—The system of highways in the state included in a comprehensive plan prepared by the department's executive director under the direction and with the approval of the commission in accordance with Texas Civil Statutes, Article 6674b.

State highway system routes—Those state numbered routes designated as a part of the state highway system.

State Park Road Program—A state program by which state funds are utilized to construct roads to public parks administered by the Texas Parks and Wildlife Department or other qualified state agencies.

Surface Transportation Program (STP)—A federal-aid program where states may obligate federal match funds to projects related to certain public roads, in accordance with the criteria established in federal law and regulations.

Transportation Enhancement Program—A federally mandated program identified in §§11.200 et seq of this title (relating to Statewide Transportation Enhancement Program), providing federal funding for activities that enhance the intermodal transportation systems and facilities within the state for the enjoyment of the users of those systems.

Transportation Improvement Program (TIP)—A transportation program cooperatively developed with metropolitan planning organizations which includes improvement projects proposed for federal funding in accordance with the criteria set forth in federal law and federal regulations.

Urban Road System—A commission designated system of routes that consist of the continuation of Farm to Market Roads in urban areas over 50,000 in population.

United States (US) System Route—Those routes designated on the state highway system as U.S. highways subject to eligibility for federal aid funds as set forth in federal law and regulations.

Urban Streets Program—A state program of projects on certain urban streets developed and constructed in accordance with state law, and safety, design, and construction standards.

Urbanized area—As defined in 23 United States Code §101, an area with a population of 50,000 or more designated by the United States Bureau of Census, within boundaries to be fixed by responsible state and local officials in cooperation with each other, and subject to the approval of the United States Secretary of Transportation.

Utility relocation/adjustment costs—Costs of work related to the adjustment, relocation, and removal of utility facilities on a segment of the state highway system accomplished in accordance with §21.21 of this title (relating to State Participation in Relocation, Adjustment, and/or Removal) and §§21.31-21.55 of this title (relating to Utility Accommodation).

§15.52. Preliminary and Construction Engineering Expenses.

(a) Purpose. This section defines the responsibility of local governments for preliminary engineering and construction engineering expenses associated with the development of projects for the construction and reconstruction of a segment of the state highway system.

(b) Funding. Preliminary and construction engineering expenses may be funded by the commission at the entire expense of the state, with local participation, and/or with federal participation, as shown in Appendix A of §15.54 of this title (relating to Construction Cost Participation), and in accordance with criteria set forth by federal law and regulations.

(c) Agreement. If the local unit of government is responsible for providing funds for a proposed project, an agreement between the department and the local unit of government shall be executed with the following provisions.

(1) The local unit of government, if owners of the site, will permit the department or its contracted consultant and the department's contractor access to perform all engineering, surveying, and construction activities required to execute the work.

(2) The local unit of government will provide all necessary right of way and utility adjustments, whether publicly or privately owned, in accordance with Appendix A of §15.54 of this title (relating to Construction Cost Participation). Existing utilities will be adjusted with respect to location and type of installation in accordance with the requirements of the department as specified in §21.21 of this title (relating to State Participation in Relocation, Adjustment, and/or Removal) and §§21.31-21.55 of this title (relating to Utility Accommodation).

(3) The local unit of government will pay its part of the actual construction cost of the project, including preliminary

engineering and construction engineering as shown in Appendix A of §15.54 of this title (relating to Construction Cost Participation), plus that portion of the cost of the project not reimbursable by the Federal Highway Administration. This amount shall include compensation to the state for work performed under this agreement based upon direct labor, equipment, material and other direct expenditures; and indirect costs at the rates in effect for the fiscal years during which the work is accomplished. The indirect cost rate will be based on the department's Indirect Cost Recovery Plan.

(4) Following execution of the agreement, the local unit of government will pay its obligatory portion of the estimated cost of preliminary engineering for the construction project plus the estimated indirect costs to the department for performance of that service. Prior to the department's scheduled date for the contract letting, the local unit of government will remit to the department an amount equal to the remainder of the local unit of government's obligatory participation in the project including indirect costs on that remaining participation. If, at any time during plan development or construction of the project, it is found that the amount received is insufficient to pay the local unit of government's obligation, then the department shall immediately notify the local unit of government which shall promptly transmit the required amount to the department. After the project is completed, the actual cost will be determined by the department, based on its standard accounting procedures, and any excess funds paid by the local unit of government shall be returned.

(5) If, after execution of the agreement, the local unit of government elects to terminate the project, the local unit of government shall be responsible for those expenses, incurred by the state which are attributable to the project.

(6) As part of preliminary and construction engineering, the department will prepare or provide for the construction plans, advertise for bids, and let the construction contract, or otherwise provide for the construction, and will supervise the construction as required by the plans. It is mutually agreed that as the project is developed to the construction stage, both parties shall approve the plans by signature.

(7) In the event the terms of the agreement are in conflict with the provisions of any other existing agreements between the local unit of government and the department, the latest agreement shall take precedence over the other agreements.

(8) Upon completion of the project, maintenance of the facility shall be as outlined in an approved maintenance agreement.

(9) The local unit of government must acknowledge that while not an agent, servant, nor employee of the state, it is responsible for its own acts and deeds and for those of its agents or employees during the performance of the work authorized in the contract

§15.53. Construction.

(a) Purpose. This section describes the conditions under which state, federal, and local financing of transportation project construction costs are to be shared in implementing improvements to the state highway system. As described in Appendix A of §15.54 of this title (relating to Construction Cost Participation), construction costs may be funded by the commission at the entire expense of the state, with local participation, and/or with federal participation, and in accordance with criteria set forth by federal law and regulations

(b) Funding. The local unit of government shall be responsible for providing matching funds as identified in Appendix A of §15.54 of this title (relating to Construction Cost Participation), and for the total cost of all nonfederal-aid construction included in federal-aid contracts off the state highway system

(c) Agreement. The department will enter into an agreement with the local unit of government outlining construction responsibilities when the local unit of government is responsible for a portion of the funding.

(d) Local obligations. The local unit of government usually discharges its obligations through inclusion of such work in the state's contract with participation in costs established by the agreement.

(e) Sidewalks. The department will also provide for sidewalk construction on the designated state highway system routes under the following conditions:

(1) when replacing existing sidewalk;

(2) where highway construction severs an existing sidewalk system, the state will make connections within highway right of way to restore sidewalk system continuity;

(3) all sidewalk construction will be accomplished in accordance with the requirements of the Americans with Disabilities Act; and

(4) where pedestrian traffic is causing or is expected to cause a safety conflict, sidewalks may be provided by the state.

(f) Control of Access on Freeway Mainlanes.

(1) For facilities with full control of access, such as interstate highways or freeways developed by commission designation pursuant to Texas Civil Statutes, Articles 6674w et seq., access to the main travel lanes is fully controlled through designation, purchase of access rights, or provision of frontage roads.

(2) The department includes frontage roads in the planning stage of highways with full access control when:

(A) it is necessary to unlandlock the remainder of a parcel of land which has a value equal to or nearly equal to the cost of the frontage road;

(B) the appraised damages, resulting from the absence of frontage roads at the time of planning, would exceed the cost of the frontage roads; or

(C) it is necessary to restore circulation of local traffic due to local roads or streets being severed or seriously impaired by the construction of the controlled access highway, and an economic analysis shows the benefits derived more than offset the costs of constructing and maintaining the frontage roads

(3) In those instances where requests for additional frontage roads are received during or subsequent to the planning stage or after the freeway has been constructed, they may be considered and placed in order of priority of highway needs.

(A) When right of way and utility adjustment costs are shared with a local government on a standard participation basis applicable to the highway designation, the department may assume 100% responsibility for additional frontage road construction as follows:

(i) on relatively short sections of frontage roads where through lane traffic is experiencing high accident rates due to local access and where such construction can be expected to substantially improve safety; or

(ii) in heavily traveled urban corridors where gaps occur in the existing frontage systems and closing these frontage road gaps will restore system continuity and provide a cost-effective method of enhancing traffic operations in the corridor.

(B) The department may assist a requesting local government in the construction of additional frontage roads as follows:

(i) where a usable section of frontage road that will be of benefit to

the traveling public is to be developed (usable section being defined as an addition or extension from a cross road separation to cross road separation or connecting to a public roadway or major traffic generator);

(ii) where such frontage road construction is judged to not adversely impact existing traffic operations or safety;

(iii) where the department is responsible for design and construction of the added frontage roads; or

(iv) except as provided in subparagraph (E) of this paragraph, when the requesting local government furnishes 100% of needed right of way and utility adjustment costs and 50% of the cost of construction, including preliminary and construction engineering.

(C) The department may approve additional frontage road construction, which is 100% funded by the requesting local government, as follows:

(i) if the frontage road construction primarily provides new or improved access to abutting property and does not necessarily provide a usable section as defined in subparagraph (B)(i) of this paragraph (this type of additions would provide limited benefits to the general traveling public); and

(ii) except as provided in subparagraph (E) of this paragraph, where the department is responsible for design and construction and the requesting local government is responsible for 100% construction, right of way and utility adjustment costs including preliminary and construction engineering.

(D) Where right of way costs are 100% the responsibility of the requesting local unit of government, the costs of relocation assistance benefits will also be 100% the responsibility of the local unit of government; however, the department shall handle all relocation actions exclusive of monetary payments to insure compliance with departmental policies and procedures.

(E) The department may waive any one or more of the cost conditions stated in subparagraphs (B)(iv) and (C)(ii) of this paragraph, provided that the waiver is first approved by written order of the commission. In approving a waiver, the commission will base its decision on consideration of the population level, bonded indebtedness, tax base, and tax rate of the local government involved.

(4) For additional frontage roads requested subsequent to the planning stage or after the freeway has been constructed, control of access as originally conceived for

the facility may be modified to allow access to the proposed frontage road only to the extent as may be permitted by safety considerations and in keeping with departmental policies and procedures. The sale or disposal of access rights shall be accomplished in accordance with §§21.101-21.104 (relating to Disposal of Real Estate Interests).

(5) Access driveway facilities shall be for securing access to abutting property. Costs and provision thereof shall be in accordance with the criteria and responsibilities established in §§11.51-11.53 of this title (relating to Access Driveways to State Highways).

(g) Drainage Construction Costs.

(1) In general, it shall be the duty and responsibility of the department to construct, at its expense, a drainage system within state highway right of way, including outfalls, to accommodate the storm water which originates within and reaches state highway right of way from naturally contributing drainage areas.

(2) Where a drainage channel, man-made, natural, or a combination of both, is in existence prior to the acquisition of highway right of way, including right of way for widening the highway, it shall be the duty and responsibility of the department to provide for the construction of the necessary structures and/or channels to adjust or relocate the existing drainage channel in such a manner that the operation of the drainage channel will not be injured. The construction expense required shall be considered a construction item. The acquisition of any land required to accomplish this work shall be considered a right of way item.

(3) Where an existing highway crosses an existing drainage channel, and a political unit or subdivision with statutory responsibility for drainage develops a drainage channel to improve its operation, both upstream and downstream from the highway, and after the department establishes that the drainage plan is logical and beneficial to the state highway system, and there is no storm water being diverted to the highway location from an area which, prior to the drainage plan, did not contribute to the channel upstream of the highway, and after construction on the drainage channel has begun or there is sufficient evidence to insure that the drainage plan will be implemented, the department, at its expense, shall adjust the structure and/or channels within the existing highway right of way as necessary to accommodate the approved drainage plan.

(4) Where a state highway is in existence, and there is a desire of others to cross the existing highway at a place where there is not an existing crossing for drain-

age, then those desiring to cross the highway must provide for the entire cost of the construction and maintenance of the facility which will serve their purpose while at the same time adequately serving the highway traffic. The design, construction, operation, and maintenance procedures for the facility within state highway right of way must be acceptable to the department.

(5) In the event the local unit of government involved expresses a desire to join the department in the drainage system in order to divert drainage into the system, the local unit of government shall pay for the entire cost of collecting and carrying the diverted water to the state's system and shall contribute its proportional share of the cost of the system and outfall based on the cubic feet per second of additional water diverted to it when compared to the total cubic feet per second of water to be carried by the system. The local unit of government requesting the drainage diversion shall indemnify the state against damages or claims for damages resulting from such diversion.

(h) Continuous and safety lighting systems and traffic signals. For the installation, maintenance, and operation of continuous and safety lighting systems and traffic signals, the local unit of government shall be responsible for providing matching funds as identified in Appendix A of §15.54 of this title (relating to Construction Cost Participation). Such installation, maintenance, and operation shall be accomplished in accordance with §25.5 of this title (relating to Installation, Operation, and Maintenance of Traffic Signals) and §25.11 of this title (relating to Continuous and Safety Lighting Systems).

§15.54. Construction Cost Participation. From available funds to the department, federal, state, and local cost participation for the various designations and categories of highways will be as described in Appendix A.

Figure 1: 43 TAC §15.54

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.

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Transportation

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

State Park Roads

• 43 TAC §15.60

The Texas Department of Transportation adopts new §15.60, concerning state park roads, with changes to the text as published in the March 7, 1995, issue of the *Texas Register* (20 TexReg 1640)

The new sections replace existing §§19.1-19.31 concerning secondary roads which are simultaneously being adopted for repeal

Section 15.60 defines park roads on the state designated system and establishes criteria for development of new park roads on the state designated system, and describes the responsibilities of the department for design, construction, and maintenance of public roads within a state park

On March 22, 1995, the department conducted a public hearing on the proposed adoption of §15.60 and no oral or written comments were received

Section 15.60(b)(2) requires that all necessary right-of-way be furnished at no cost to the department. Prior to transfer of right-of-way, environmental reviews and associated environmental mitigation work must also be done. This paragraph has been changed for clarification purposes to provide that all environmental clearances and associated environmental mitigation work must be included at no cost to the department prior to transfer of right-of-way for construction of state park roads.

The new section is adopted under Texas Civil Statutes, Article 6666, which provide the Texas Transportation Commission with the authority to establish rules for the conduct of the work of the department and Texas Civil Statutes, Articles 6674a, et seq, which authorize the department to construct and maintain the state highway system

§15.60. State Park Roads

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

(1) Commission-Texas Transportation Commission

(2) Department-Texas Department of Transportation

(3) State park-A park administered by the Texas Parks and Wildlife Department or other qualified state agency, and with title in the name of the State of Texas.

(4) State park road-A public road within a state park, or a segment of the state highway system, designated by the commission as a state park road, which is located in or adjacent to a state park.

(b) Upon request by a state agency or county government, the department may construct and maintain a designated park road connecting a state park to a segment of the state highway system if.

(1) estimated traffic patterns justify the connection of such a facility;

(2) all necessary environmental clearance, environmental mitigation, and right of way are furnished at no cost to the department; and

(3) funds are available from a commission designated program.

(c) In accordance with §1.02, House Bill 9, 72nd Legislature, First Called Session, for public roads located within a state park, the department will:

(1) coordinate with appropriate state agencies having jurisdiction over state park properties for the design, construction, and maintenance of subject roads;

(2) provide through memoranda of agreement with appropriate state agencies for the respective responsibilities in developing and completing state park road projects in accordance with state law; and

(3) identify in such memoranda of agreement the costs/expenses associated with the respective activities of the parties involved and amend the agreement as appropriate on a five year basis unless the appropriate state agency with jurisdiction over the state park does not desire to extend the terms of the agreement.

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 May 26, 1995.

TRD-9506478 Robert E. Shaddock
General Counsel
Texas Department of
Transportation

Effective date: June 16, 1995

Proposal publication date: March 7, 1995

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

Chapter 19. Secondary Roads Division

Farm and Ranch to Market Roads

• 43 TAC §19.1

The Texas Department of Transportation permanently adopts the repeal of §19.1, concerning route approval, without changes to the text as published in the March 7, 1995, issue of the *Texas Register* (20 TexReg 1641).

The subject matter of the section adopted for repeal is reenacted in an amended form in Chapter 15, Transportation Planning and Programming, as new §§15.50-15.54 concerning federal, state, and local participation, and §15.60 concerning state park roads, which are being contemporaneously adopted.

On March 22, 1995, the department conducted a public hearing on the proposed repeal of §19.1 and no oral or written comments were received.

The repeal is adopted under Texas Civil Statutes, Article 6666, which provide the Texas Transportation Commission with the authority to establish rules for the conduct of the work of the Texas Department of Transportation and Texas Civil Statutes, Articles 6674a, et seq, which authorize the department to construct and maintain the state highway system.

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 May 26, 1995.

TRD-9506479 Robert E. Shaddock
General Counsel
Texas Department of
Transportation

Effective date: June 16, 1995

Proposal publication date: March 7, 1995

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

Park Roads

• 43 TAC §19.11

The Texas Department of Transportation permanently adopts the repeal of §19.11, concerning construction, without changes to the text as published in the March 7, 1995, issue of the *Texas Register* (20 TexReg 1641).

The subject matter of the repealed section is reenacted in an amended form in Chapter 15, Transportation Planning and Programming, as new §§15.50-15.54 concerning federal, state, and local participation, and §15.60 concerning state park roads, which are being contemporaneously adopted.

On March 22, 1995, the department conducted a public hearing on the proposed repeal of §19.11 and no oral or written comments were received.

The repeal is adopted under Texas Civil Statutes, Article 6666, which provide the Texas Transportation Commission with the authority to establish rules for the conduct of the work of the Texas Department of Transportation and Texas Civil Statutes, Articles 6674a, et seq, which authorize the department to construct and maintain the state highway system.

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 May 26, 1995.

TRD-9506480 Robert E. Shaddock
General Counsel
Texas Department of
Transportation

Effective date: June 16, 1995

Proposal publication date: March 7, 1995

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

Recreational Roads

• 43 TAC §19.21

The Texas Department of Transportation permanently adopts the repeal of §19.21, concerning route approval, without changes to the text as published in the March 7, 1995, issue of the *Texas Register* (20 TexReg 1641).

The subject matter of the repealed section is reenacted in an amended form in Chapter 15, Transportation Planning and Programming, as new §§15.50-15.54 concerning federal, state, and local participation, and §15.60 concerning state park roads, which are being contemporaneously adopted.

On March 22, 1995, the department conducted a public hearing on the proposed repeal of §19.21 and no oral or written comments were received.

The repeal is adopted under Texas Civil Statutes, Article 6666, which provide the Texas Transportation Commission with the authority to establish rules for the conduct of the work of the Texas Department of Transportation and Texas Civil Statutes, Articles 6674a, et seq, which authorize the department to construct and maintain the state highway system.

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 May 26, 1995.

TRD-9506481 Robert E. Shaddock
General Counsel
Texas Department of
Transportation

Effective date: June 16, 1995

Proposal publication date: March 7, 1995

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

Off System Road Program

• 43 TAC §19.31

The Texas Department of Transportation permanently adopts the repeal of §19.31, concerning off system projects, without changes to the text as published in the March 7, 1995, issue of the *Texas Register* (20 TexReg 1641).

The subject matter of the repealed section is reenacted in an amended form in Chapter 15, Transportation Planning and Programming, as new §§15.50-15.54 concerning federal, state, and local participation, and §15.60 concerning state park roads, which are being contemporaneously adopted.

On March 22, 1995, the department conducted a public hearing on the proposed repeal of §19.31 and no oral or written comments were received.

The repeal is adopted under Texas Civil Statutes, Article 6666, which provide the Texas Transportation Commission with the authority to establish rules for the conduct of the work of the Texas Department of Transportation

and Texas Civil Statutes, Articles 6674a, et seq, which authorize the department to construct and maintain the state highway system.

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 May 26, 1995.

TRD-9506482

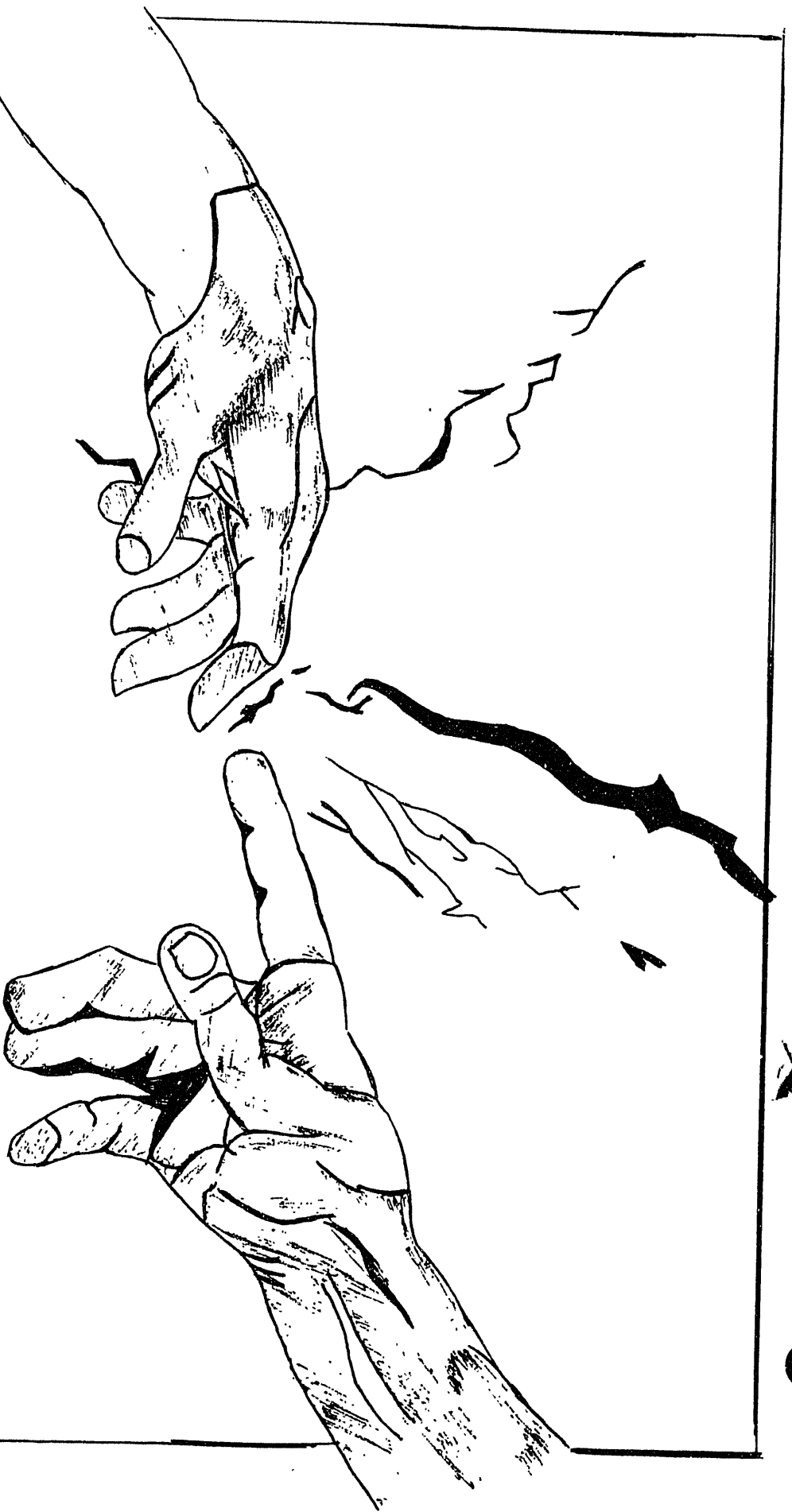
Robert E. Shaddock
General Counsel
Texas Department of
Transportation

Effective date: June 16, 1995

Proposal publication date: March 7, 1995

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

◆ ◆ ◆



Name: Sandra Estrada
Grade: 12
School: Boling High School, Boling ISD

● TABLES AND GRAPHICS

Graphic material from the emergency, proposed, and adopted sections is published separately in this tables and graphics section. Graphic material is arranged in this section in the following order: Title Number, Part Number, Chapter Number and Section Number.

Graphic material is indicated in the text of the emergency, proposed, and adopted rules by the following tag: the word "Figure" followed by the TAC citation, rule number, and the appropriate subsection, paragraph, subparagraph and so on. Multiple graphics in a rule are designated as "Figure 1" followed by the TAC citation, "Figure 2" followed by the TAC citation.

Condition	Preliminary Engineering	Construction Engineering and Construction Funds	Right of Way or Utilities
♦ Project is on the Interstate Highway System - New Construction (I) - Added Capacity/Rehabilitation (NHS or STP) - Rehabilitation (IM)	90% Federal 10% State	90% Federal 10% State	100% State
	100% State -or- 80% Federal 20% State	80% Federal 20% State	100% State (ROW) 80% Federal (Util) 20% State (Util)
	100% State -or- 90% Federal 10% State	90% Federal 10% State	100% State (ROW) 90% Federal (Util) 10% State (Util)
	100% State -or- 80% Federal 20% State #1	100% State -or- 80% Federal 20% State #1	90% State 10% Local -or- 80% Federal 10% State #1 10% Local
♦ Project is on the State Highway System (except Farm to Market System, Urban Road System, or PASS)	100% State -or- 80% Federal 20% State #1	100% State -or- 80% Federal 20% State #1	100% Local or 90% State 10% Local
♦ Project is on the Urban Road (UR) System	100% State -or- 80% Federal 20% State #1	100% State -or- 80% Federal 20% State #1	100% Local or 90% State 10% Local

Condition	Preliminary Engineering	Construction Engineering and Construction Funds	Right of Way or Utilities
◆ Project is on the Principal Arterial Street System (PASS)(except for existing US, SH & FM system routes)	100% State -or- 80% Federal 20% State #1	100% State -or- 80% Federal 20% State #1	50% State 50% Local -or- 80% Federal 10% State #1 10% Local
◆ Project is not on the State Highway System and is not in the Urban Street Program	100% Local -or- 80% Federal 20% Local #1	80% Federal 20% Local #3	100% Local -or- 80% Federal 20% Local #1
◆ Project is not on the State Highway System and is: ● within urbanized area > 50,000 and ● in Urban Street Program	100% Local	80% State 20% Local #4	100% Local
◆ Project is on the FM system: New Route Added Capacity/ Reconstruction	100% State 100% State -or- 80% Federal 20% State #2	100% State 100% State -or- 80% Federal 20% State #2	100% Local 90% State 10% Local -or- 80% Federal 10% State #2 10% Local
◆ State Park Road Program	100% State	100% State	100% State
◆ On-Designated State-System Bridge Program	100% State	80% Federal 20% State	90% State 10% Local

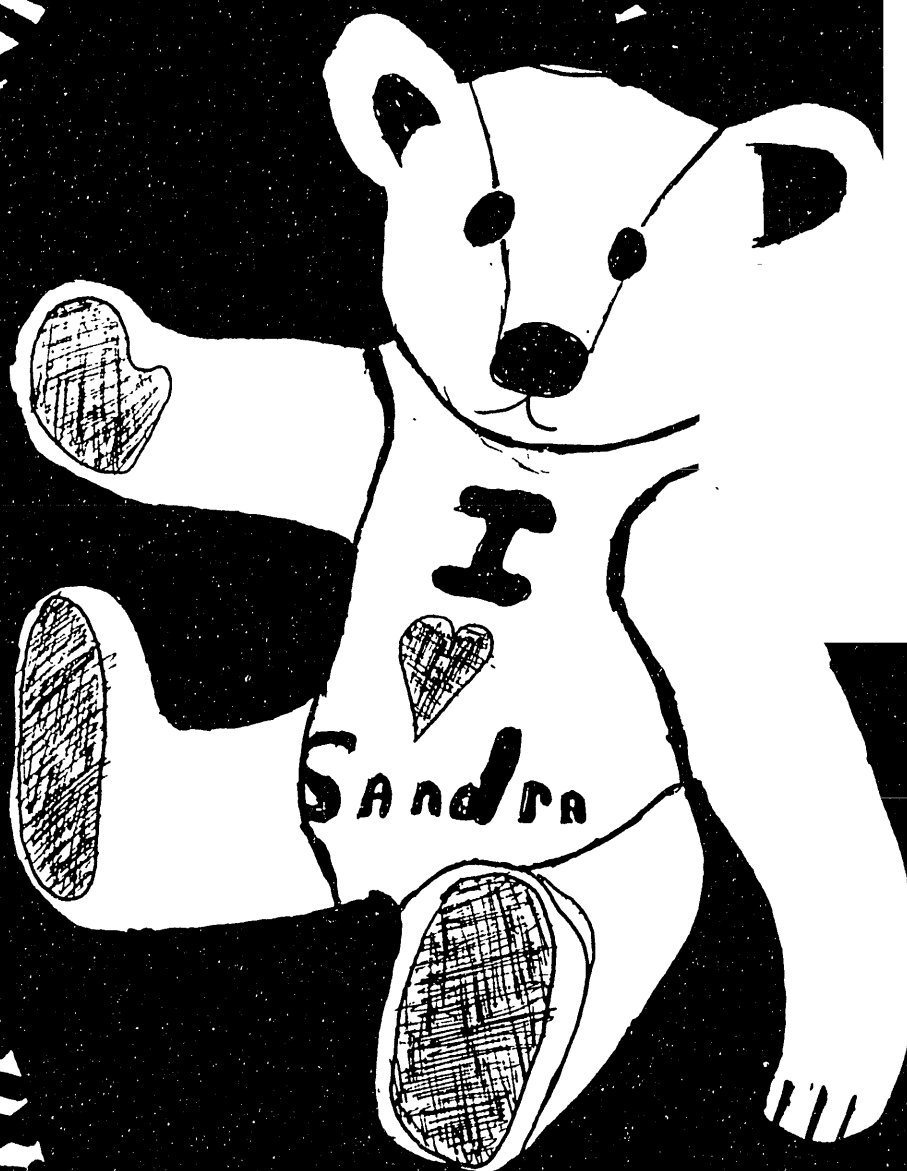
Condition	Preliminary Engineering	Construction Engineering and Construction Funds	Right of Way or Utilities
◆ Off-Designated State-System Bridge Program	80% Federal 10% State 10% Local	80% Federal 10% State 10% Local	100% Local
◆ On-Designated State-System Safety Program	100% State	90% Federal 10% State	Follow appropriate policy for route designation.
◆ Off-Designated State-System Safety Program	90% Federal 10% Local -or- 100% Local	90% Federal 10% Local	100% Local
◆ All Transportation Enhancement Projects	80% Federal 20% Nominating Entity	80% Federal 20% Nominating Entity	80% Federal 20% Nominating Entity
◆ Traffic signal is: • on the State Highway System, and • population < 50,000 or Traffic signal is: • on a freeway, on the State Highway System	100% State -or- 80% Federal 20% State -or- 90% Federal 10% State	100% State -or- 80% Federal 20% State -or- 90% Federal 10% State	100% State -or- 80% Federal 20% State -or- 90% Federal 10% State -or- 90% State 10% Local
◆ Traffic signal is: • on the State Highway System, and • population > 50,000 or Traffic signal is: • off the State Highway System	100% Local -or- 80% Federal 20% Local -or- 90% Federal 10% Local	100% Local -or- 80% Federal 20% Local -or- 90% Federal 10% Local	100% Local -or- 80% Federal 20% Local -or- 90% Federal 10% Local

Condition	Preliminary Engineering	Construction Engineering and Construction Funds	Right of Way or Utilities
◆ Continuous Lighting Systems on the State Highway System	100% State -or- 100% Local	50% State 50% Local -or- 100% State #5 -or- 100% Local	50% State 50% Local -or- 100% State #5 -or- 100% Local
◆ Safety Lighting on the State Highway System	100% State -or- 80% Federal 20% State	100% State -or- 80% Federal 20% State	100% State -or- 80% Federal 20% State

All participation ratios shown depict the maximum federal participation for eligible costs.

NOTES:

- #1 If the MPO (within an urbanized area > 200,000 population) elects to use Federal STP(MM) or CMAQ funds, or if the District, in cooperation with the MPO (not within urbanized area > 200,000 population), elects to use Federal STP(UM) Funds.
- #2 If the District elects to use STP(RM) Federal funds.
- #3 The cost for all new storm sewer, curb and gutter, driveways, and sidewalks is included as part of project.
- #4 The City will provide for storm sewers, curb and gutter, sidewalks, driveways, and environmental mitigation.
- #5 The local unit of government assumes the entire cost of the subsequent operation and maintenance.
- #6 100% Local if in an Urbanized Area of greater than 200,000 population. In urbanized areas of less than 200,000 but more than 50,000 population, the participation will be 100% Local for new routes and 90% State, 10% Local for projects that are on the existing State Highway System.



Name: Robert Guill
Grade: 12
School: Boling High School, Boling 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 Department on Aging

Wednesday, June 7, 1995, 9:00 a.m.

1949 South IH-35, Third Floor, Large Conference Room

Austin

Area Agency on Aging (AAA) Operations Committee

AGENDA:

Consider and possibly act on:

Call to order. Public hearing to receive comments on new, revised, re-located, and repealed administrative rules. Minutes of April 5, 1995 meeting. Publish new, revised, re-located, and repealed rules in the *Texas Register* for final adoption; publish amended rules in the *Texas Register* for review and comment. Resolution relating to maintenance of current AAA boundaries. Funding methodology for fiscal year 1996 Title VII Outreach, Counseling and Assistance, and Health Care Financing Administration. Adjourn.

Contact: Mary Sapp, P.O. Box 12786, Austin, Texas 78701, (512) 444-2727.

Filed: May 30, 1995, 1:37 p.m.

TRD-9506509

Wednesday, June 7, 1995, 10:00 a.m.

1949 South IH-35, Third Floor, Small Conference Room

Austin

Minority Elderly Committee

AGENDA:

Consider and possibly act on: Call to order; minutes of April 12, 1995 meeting. Finalize plans for Minority Conference; review proposals and make recommendation on fiscal year 1996 Minority Conference location. Adjourn.

Contact: Mary Sapp, P.O. Box 12786, Austin, Texas 78701, (512) 444-2727.

Filed: May 30, 1995, 1:36 p.m.

TRD-9506508

Wednesday, June 7, 1995, 2:00 p.m.

1949 South IH-35, Third Floor, Large Conference Room

Austin

Legislation/Advocacy/Networking Committee and Planning Committee

AGENDA:

Consider and possibly act on:

Call to order; minutes of January 25, 1995 Planning Committee meeting. Minutes of April 12, 1995 LAN Committee meeting. "Signs of the Times" presentation to include: state legislative implications for the aging network; federal legislative update; area agency on aging environmental assessment; discussion of board presentation. Planning update to include: status and discussion of planning process. Review of reports. Adjourn.

Contact: Mary Sapp, P.O. Box 12786, Austin, Texas 78701, (512) 444-2727.

Filed: May 30, 1995, 1:33 p.m.

TRD-9506507

Thursday, June 8, 1995, 8:00 a.m.

1949 South IH-35, Third Floor, Small Conference Room

Austin

Audit and Finance Committee

AGENDA:

Consider and possibly act on: Call to order; minutes of February 9, 1995 meeting. Budget amendments; internal audit of achievement review process. Renewal of internal audit contract for one year. Revision of Internal Audit Plan. Conflict of interest policy. Audit updates-internal and State Auditor. Budget Report. Adjourn.

Contact: Mary Sapp, P.O. Box 12786, Austin, Texas 78701, (512) 444-2727.

Filed: May 30, 1995, 1:28 p.m.

TRD-9506506

Thursday, June 8, 1995, 9:30 a.m.

Texas Department on Aging, 1949 South IH-35, Large Conference Room

Austin

Texas Board on Aging

AGENDA:

Consider and possibly act on: Call to order; minutes of April 13 and 25, 1995 meetings. Public testimony. Chair's report. Executive director's report. Executive session to discuss personnel issues, per request of executive director. Citizens Advisory Council (CAC) report to include: Chair's report; select representative to fill position on

CAC. Board committee reports including: Audit and Finance-Budget amendments; internal audit of achievement review process; renewal of internal audit contract for one year; revision of Internal Audit Plan; conflict of interest policy. Planning and Legislative/Advocacy/Networking-"Signs of the Times" presentation to include state legislative implications for the aging network, federal legislative update, and Area Agency on Aging (AAA) environmental assessment. AAA Operations-Publish new, revised, relocated and repealed administrative rules for final adoption; public amended administrative rules for comment; resolution relating to maintenance of current AAA boundaries; funding methodology for fiscal year Title VII Outreach, Counseling, and Assistance and Health Care Financing Administration. Board member travel. General announcements. Adjourn.

Contact: Mary Sapp, P.O. Box 12786, Austin, Texas 78701, (512) 444-2727.

Filed: May 31, 1995, 1:12 p.m.

TRD-9506563

Texas Appraiser Licensing and Certification Board

Wednesday, June 7, 1995, 8:30 a.m.

Executive Conference Room 235-A, 1101 Camino La Costa

Austin

Education Committee

AGENDA:

Wednesday, June 7, 1995

Call to order; consideration of the minutes of the April 20, 1995, Education Committee meeting; discussion and possible recommendations to the Texas Appraiser Licensing and Certification Board concerning approval of courses for meeting qualifying (pre-licensure) education and appraiser continuing education (ACE) requirements; discussion and possible recommendations to the Texas Appraiser Licensing and Certification Board on other educational matters; and adjourn.

Contact: Renil C. Liner, P.O. Box 12188, Austin, Texas 78711-2188, (512) 465-3950.

Filed: May 30, 1995, 3:57 p.m.

TRD-9506522

Wednesday-Thursday, June 7-8, 1995, 10:00 a.m. and 9:00 a.m., respectively.

Conference Room 235, 1101 Camino La Costa

Austin

AGENDA:

Wednesday, June 7, 1995

Workshop concerning the Peer Review Committee and applicants to serve on the committee; workshop concerning possible amendments to the Rules of the Texas Appraiser Licensing and Certification Board, 22 TAC §§151, 153, 155, 157, to conform with Senate Bill 634, 74th Legislature, 1995, and other necessary changes.

Thursday, June 8, 1995

Call to order; consideration of the April 20, 1995, TALCB meeting; comments and presentations from visitors; discussion and possible action concerning the application certification/licensing or other board procedures, policies and interpretations; discussion concerning 1995 Texas legislative session, pending legislation, federal guidelines, and responses; report from the Education Committee; discussion and possible action concerning recommendations from the Education Committee regarding approval of courses and other educational matters; report from the Public Relations Committee; discussion and possible action concerning recommendations from the Public Relations Committee; discussion and possible action concerning the fiscal year 1996 and fiscal year 1997 appropriations, fiscal year 1995 operating budget and other fiscal matters; report from the Enforcement Committee, discussion and possible action concerning any or all complaints numbered 94-001 through 95-050; discussion and possible action concerning the Peer Review Committee and its membership; discussion and possible action to publish proposed amendments to the Rules of the Texas Appraiser Licensing and Certification Board, 22 TAC §§151, 153, 155, 157, to conform with Senate Bill 634, 74th Legislature, 1995, and other necessary changes; staff reports; selection of dates of subsequent meetings; and adjourn.

Contact: Renil C. Liner, P.O. Box 12188, Austin, Texas 78711-2188, (512) 465-3950.

Filed: May 30, 1995, 3:57 p.m.

TRD-9506523

Texas Commission for the Blind

Wednesday, June 14, 1995, 1:00 p.m.

4800 North Lamar Boulevard, Suite 320, Executive Conference Room

Austin

Special Committee as appointed by Board Chairman

AGENDA:

Work session on developing draft performance evaluation instruments for personnel.

Contact: Diane Vivian, P.O. Box 12866, Austin, Texas 78711, (512) 459-2601.

Filed: May 30, 1995, 10:36 a.m.

TRD-9506501

State Board of Dental Examiners

Friday-Saturday, June 9-10, 1995, 8:00 a.m.

SBOE Offices, 333 Guadalupe, Tower Three, Suite 800

Austin

Settlement Conference Hearings

AGENDA:

I. Call to order

II. Discuss and consider the following complaints

A. #94-013-0910K

B. #94-074-1028K

C. #94-258-0203K

D. #93-398-0426Y

E. #94-569-0831Y

F. #95-141-1229K

G. #94-136-1202B

H. #94-298-0323S

I. #94-334-0404K

J. #94-193-0110B

K. #94-010-0909K

L. #94-197-0112K

M. #94-450-0526K

N. #94-414-0606B

O. #94-160-1217K

III. Executive session to discuss pending contemplated litigation pursuant to Article 551.071, Texas Government Code, Texas Civil Statutes, 1994

A. #94-013-0910K

B. #94-074-1028K

C. #94-258-0203K

D. #93-398-0426Y

E. #94-569-0831Y

F. #95-141-1229K

G. #94-136-1202B

H. #94-298-0323S

I. #94-334-0404K

J. #94-193-0110B

K. #94-010-0909K

L. #94-197-0112K

M. #94-450-0526K

N. #94-414-0606B

O. #94-160-1217K

IV. Adjourn

Contact: Doug Beran, 333 Guadalupe, Tower Three, Suite 800, Austin, Texas 78701. (512) 463-6400.

Filed: May 30, 1995, 3:08 p.m.

TRD-9506520

Texas Office for Prevention of Developmental Disabilities

Wednesday, June 14, 1995, 1:00 p.m.

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

Austin

Executive Committee (Quarterly Meeting)

AGENDA:

Call to order

Roll call-quorum

Welcome and introductions

Minutes of January 11, 1995 quarterly meeting

Status of appointments

Status of legislation

Task Force reports

Other reports

Other business

Contact: Jerry Ann Robinson, 4900 North Lamar Boulevard, Austin, Texas 78756, (512) 483-5042.

Filed: May 31, 1995, 2:12 p.m.

TRD-9506567

Texas Education Agency

Wednesday-Thursday, June 7-8, 1995, 4:00 p.m. and 8:30 a.m., respectively.

Room 1-109, William B. Travis Building, 1701 North Congress Avenue

Austin

State Board of Education (SBOE) Committee on the Permanent School Fund (PSF)

AGENDA:

Finalists' interviews for active balance global-core manager(s): The committee will interview and hear presentations from five firms: (1) Capital Guardian Trust Company, June 7, at 4:00 p.m.; (2) Fiduciary Trust International, June 7 at 5:15 p.m.; (3) Harbor Capital Management, June 8, at 8:30 a.m.; (4) Investment Advisers, Inc., June 8 at 9:45 a.m.; and (5) Wellington Management Company, June 8, at 11:00 a.m.

Contact: Criss Cloudt, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9701.

Filed: May 30, 1995, 4:17 p.m.

TRD-9506525

Thursday, June 8, 1995, 1:00 a.m.

Room 1-104, William B. Travis Building, 1701 North Congress Avenue

Austin

State Board of Education (SBOE) Committee of the Whole

AGENDA:

Public testimony; commissioner's overview of the June 1995 State Board of Education (SBOE) meeting; school-to-work state implementation grant proposal. Briefing by the Texas Council on Workforce and Economic Competitiveness; discussion of personnel matters, this discussion will be held in executive session in accordance with Texas Government Code, §551.074, and will concern personnel matters of the Texas Education Agency, and Texas Government Code, §551.074, and will concern personnel matters of the Texas Education Agency, and Texas Government Code, §551.075, to conference with employees (Note: The Committee of the Whole will meet in Room 1-103 to discuss this item); and discussion of pending litigation, this discussion will be held in executive session in accordance with Texas Government Code, §551.071(1)(A), and will include a discussion of Edgewood ISD et al v. Meno and related school finance litigation, Angel G. et al v. Meno, et al, T.E.A. et al v. Gary W. Leeper et ux, et al, relating to home schooling, Maxwell, et al v. Pasadena ISD relating to Texas Assessment of Academic Skills (TAAS) testing, and Caslas, et al v. Moses, et al relating to accountability intervention. Note: The Committee of the Whole will meet in Room 1-103 to discuss pending litigation.

Contact: Criss Cloudt, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9701.

Filed: May 30, 1995, 4:18 p.m.

TRD-9506526

Thursday, June 8, 1995, 2:00 p.m.

Room 1-104, William B. Travis Building, 1701 North Congress Avenue

Austin

State Board of Education (SBOE) Committee on School Finance

AGENDA:

Public testimony; school finance update; recommendation of the Apprenticeship and Training Advisory Committee funding formula for apprenticeship training programs for fiscal year 1996; request for authorization to request funding items for fiscal years

1995-1996; petition for adoption of a rule change regarding textbooks; review of adult education special projects and teacher training for fiscal year 1995-1996; and update on legislative issues.

Contact: Criss Cloudt, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9701.

Filed: May 30, 1995, 4:21 p.m.

TRD-9506529

Thursday, June 8, 1995, 2:00 p.m.

Room 1-100, William B. Travis Building, 1701 North Congress Avenue

Austin

State Board of Education (SBOE) Committee on Students

AGENDA:

Public testimony; proposed new 19 TAC §75.175, Texas Academy of Leadership in the Humanities; discussion of issues regarding credits for physical education; discussion of proposed new 19 TAC §101.7, Reporting of Group-Administered Achievement Tests; discussion of the proposed procedure for substitutions in the State Board of Education Recommended High School Program; and update on legislative issues.

Contact: Criss Cloudt, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9701.

Filed: May 30, 1995, 4:20 p.m.

TRD-9506528

Thursday, June 8, 1995, 2:00 p.m.

Room 1-111, William B. Travis Building, 1701 North Congress Avenue

Austin

State Board of Education (SBOE) Committee on Personnel

AGENDA:

Public testimony; recommendation for appointment to the Randolph Field Independent School District Board of Trustees; recommendation for appointment to the Boys Ranch Independent School District Board of Trustees; report of the visiting team and request for reapproval of Alternative Certification Program at Houston Independent School District; request for approval of an experimental post-baccalaureate program for teachers of Japanese from The University of Texas at Austin; adoption of revised standards exempting students from the Texas Academic Skills Program (TASP) Test; request for examinee fee increases for the examination for the certification of educators in Texas and the Oral Proficiency Test; raising the esteem of the teaching profession in communities throughout Texas; discussion of ongoing communica-

tions activities; status report on the accreditation, interventions, and sanctions of school districts; and update on legislative issues.

Contact: Criss Cloudt, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9701.

Filed: May 30, 1995, 4:19 p.m.

TRD-9506527

Friday, June 9, 1995, 8:30 a.m.

Room 1-109, William B. Travis Building,
1701 North Congress Avenue

Austin

State Board of Education (SBOE) Committee on the Permanent School Fund (PSF)

AGENDA:

Public testimony; approval of the selection of active balanced global-core manager(s); recommended approval of the purchases and sales to the investment portfolio of the Permanent School Fund for the month of May; review of Permanent School Fund securities transactions and the investment portfolio; report of the Permanent School Fund (PSF) executive administrator; discussion of investment counsel services contract between the Texas Education Agency and Crestwood Asset Management; and update on legislative issues.

Contact: Criss Cloudt, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9701.

Filed: May 30, 1995, 4:25 p.m.

TRD-9506531

Friday, June 9, 1995, 8:30 a.m.

Room 1-104, William B. Travis Building,
1701 North Congress Avenue

Austin

State Board of Education (SBOE) Committee on Long-Range Planning

AGENDA:

Public testimony; adoption of the State Board of Education Long-Range Plan for Public Education, 1995-1999; biennial report of progress under and compliance with the Master Plan for Career and Technical Education, 1992-1994; discussion of federal governmental relations activities; and update on legislative issues.

Contact: Criss Cloudt, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9701.

Filed: May 30, 1995, 4:23 p.m.

TRD-9506530

Friday, June 9, 1995, 1:00 p.m.

Room 1-104, William B. Travis Building,
1701 North Congress Avenue

Austin

State Board of Education (SBOE)

AGENDA:

Approval of May 12, 1995 SBOE minutes; public testimony; SBOE resolutions; SBOE action to request confirmation of membership to the Investment Advisory Committee on the Permanent School Fund (PSF); SBOE discussion of update on the Academics 2000 initiative; SBOE discussion of update on the essential elements clarification process; SBOE discussion on update on legislative issues; appointment to Randolph Field ISD board of trustees; appointment to Boys Ranch ISD board of trustees; request for reapproval of alternative certification program at Houston ISD; approval of experimental post-baccalaureate program for teachers of Japanese from The University of Texas at Austin; adoption of revised standards exempting students from the Texas Academic Skills Program test; request for examinee fee increases for the Examination for the Certification of Educators in Texas and the Texas Oral Proficiency Test; 19 TAC §75.175, Texas Academy of Leadership in the Humanities (final adoption); recommendation of Apprenticeship and Training Advisory Committee funding formula for apprenticeship training programs for fiscal year 1996; authorization to request funding items for fiscal years 1995-1996; petition for adoption of a rule change regarding textbooks; adoption of the SBOE Long-Range Plan for Public Education, 1995-1999; biennial report of progress under and compliance with the Master Plan for Career and Technical Education, 1992-1994; approval of the selection of active balanced global-core manager(s); recommended approval of the purchases and sales to the investment portfolio of the PSF for the month of May; information on agency administration.

Contact: Criss Cloudt, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9701.

Filed: May 30, 1995, 4:25 p.m.

TRD-9506532

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Advisory Commission on State Emergency Commu- nications

Tuesday, June 7, 1995, 9:00 a.m.

Hobby Building, Room 100, 333 Guadalupe
Street

Austin

Commission Meeting

AGENDA:

Call to order and recognize guests; hear public comment; hear reports, discuss and take committee/commission action, as necessary on Executive Committee report-GTE audit-equipment billing and database issues-proposed commission policy by Texas Association of Regional Councils-options for ACSEC legal representation; Audit Committee report-progress report on conduct of internal audit; joint committee meeting report-consideration of fiscal year administrative budgets-addressing amendments-strategic plan approval for Councils of Governments; consideration of proposed requests for equalization surcharge by districts; extension of the Strategic Plan Process to Year 2000; service fee uses and future 9-1-1 activities; Administration Committee report-ACSEC financial report-agency public education activities, including 9-1-1 for Kids project and 9-1-1 Day-regulatory and legislative issues-consideration of comments and adoption of Rule 252.3, Administration Budget Document for Councils of Governments-service fee rates and balances-committee membership-November 29, 1994, and February 28, 1995, meeting minutes; Addressing Committee report-regulatory and legislative issues-PS 9-1-1 for Universities-service fee uses-proposed Rule 251.7, Guidelines for Implementing Integrated Services-committee membership; Planning and Implementation Committee report-February 28, 1995 committee meeting minutes; Addressing Committee report-Proposed Rule 251.3, Guidelines for Addressing Funds-committee membership-February 28, 1995 committee meeting minutes; Poison Control Committee report-Poison Control Program financial report-production of public education video-poison centers grant contracts-Poison Control Coordinating Committee report-telecommunications system implementation-Poison Control Coordinating Committee Review per Senate Bill 383-committee membership-February 28, 1995, committee meeting minutes; Call Box Task Force report-Emergency Call Box Test Project; minutes-March 1995 meeting minutes; and adjourn.

Persons requesting interpreter services for the hearing- and speech-impaired should contact Velia Williams at (512) 305-6911 at least two working days prior to the meeting.

Contact: Jim Goerke, 333 Guadalupe, Suite 2-212, Austin, Texas 78701-3942, (512) 305-6911.

Filed: May 30, 1995, 4:30 p.m.

TRD-9506535

State Employee Charitable Campaign

Thursday, June 8, 1995, 3:00 p.m.

4000 Southpark Drive

Tyler

Local Employee Committee-Tyler

AGENDA:

- I. Call to order
- II. Discuss 1995 local area budget
- III. Discuss training agenda
- IV. Discuss agenda and schedule next meeting

Contact: Bill Martin, 4000 Southpark Drive, Tyler, Texas 75703, (903) 581-6376, Fax: (903) 581-6376.

Filed: May 30, 1995, 2:13 p.m.

TRD-9506513

Friday, June 9, 1995, Noon.

2820 San Bernardo, Suite Three

Laredo

Local Employee Committee-Laredo

AGENDA:

Set budget

Contact: Peggy Duncan Garcia, 2820 San Bernardo, Suite 1, Laredo, Texas 78040, (210) 723-9113, Fax: (210) 723-4759.

Filed: May 30, 1995, 2:13 p.m.

TRD-9506514

Monday, June 12, 1995, 3:00 p.m.

815 Market, Seventh Floor, Board Room

Galveston

Local Employee Committee-Galveston

AGENDA:

Welcome, introductions

Orientations of SECC for LEC

Questions and answers

Budget review

Determine next meeting

Adjourn

Contact: Frank Jackson, 1902 Mechanic, Galveston, Texas 77550, (409) 762-4357, Fax: (409) 762-1041.

Filed: May 30, 1995, 2:13 p.m.

TRD-9506515

Texas Department of Health

Wednesday, June 7, 1995, 9:00 a.m.

Room T-607, Texas Department of Health,
1100 West 49th Street

Austin

Emergency Meeting

Toxic Substances Coordinating Council

AGENDA:

The committee will discuss and possibly act on: approval of minutes from the March meeting; a brief overview of Texas Natural Resource Conservation Commission's Health Effects Branch; legislative update; and setting of the next meeting date.

Reason for Emergency: Unforeseeable Circumstances.

Contact: Dennis Perrotta, Ph.D., 1100 West 49th Street, Austin, Texas 78756, (512) 458-7268. For ADA assistance, contact Richard Butler (512) 458-7695 or T.D.D. (512) 458-7708 at least two days prior to the meeting.

Filed: May 31, 1995, 2:43 p.m.

TRD-9506576

Texas Historical Commission

Friday, June 16, 1995, 9:30 a.m.

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

Austin

Texas Antiquities Committee

AGENDA:

The committee will approve minutes of previous meeting of March 17, 1995; update on Texas Antiquities Committee (TAC) and Texas Historical Commission (THC) Sunset Legislation; discussion of the plan for transition from TAC to THC; a discussion of proposed Chapter 41 and 43 rules changes; designation of 105 state archeological landmarks in Bexar, Garza, and Kent counties; nomination of one state archeological landmark in Harris County; hear State Marine Archeologist's report; listen to any public comments; and hear staff reports.

Contact: Lillie Thompson, P.O. Box 12276, Austin, Texas 78711, (512) 463-1858.

Filed: June 1, 1995, 9:21 a.m.

TRD-9506594

Texas Department of Insurance

Tuesday, June 13, 1995, 9:00 a.m.

Aransas County Courthouse Building, 301
North Live Oak Street, Room 107, First
Floor

Rockport

AGENDA:

454-95-0652

Request for appeal hearing filed by Clarence Neugebauer from denial of claim by Texas Catastrophe Property Insurance Association (Cat Pool).

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

Filed: May 31, 1995, 2:35 p.m.

TRD-9506569

Wednesday, June 14, 1995, 9:00 a.m.

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

Austin

AGENDA:

454-94-1780.E

Request for appeal hearing filed by Westward Communications, Inc. regarding proper employee classification codes applicable to Workers' Compensation Insurance-Facility Appeal (continued from March 23, 1995).

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

Filed: May 31, 1995, 2:35 p.m.

TRD-9506570

Texas State Board of Medical Examiners

Tuesday, June 6, 1995, 9:00 a.m.

1812 Centre Creek Drive, Suite 300

Austin

Emergency Agenda

Hearings Division

AGENDA:

Probation appearance, 9:00 a.m.-Jim Archer, M.D., Fredericksburg, Texas.

Probation appearance, 9:00 a.m.-Bradly Bundrant, M.D., El Paso, Texas.

Probation appearance, 9:00 a.m.-Rodney Dotson, M.D., Carrizo Springs, Texas.

Probation appearance, 9:00 a.m.-Conrad Galindo III, M.D., Del Rio, Texas.

Probation appearance, 10:00 a.m.—Larry Birdwell, D.O., San Marcos, Texas.

Probation appearance, 10:00 a.m.—Nicholas Jackson, M.D., Kerrville, Texas.

Probation appearance, 10:00 a.m.—Dennis Shaughnessy, M.D., Midland, Texas.

Probation appearance, 11:00 a.m.—Thomas Branch, M.D., Plainview, Texas.

Modification request, 10:00 a.m.—Terrance Rose, M.D., El Paso, Texas.

Modification request, 10:00 a.m.—Stephen Thomas, M.D., Lubbock, Texas.

Termination request, 10:00 a.m.—Daniel Long, D.O., Plano, Texas.

Termination request, 10:00 a.m.—George Cole, D.O., Amarillo, Texas.

Termination request, 11:00 a.m.—Neal Johnson, M.D., Austin, Texas.

Executive session under authority of the Open Meetings Act, §441.071 of the Government Code, and Article 4495b, §2.07(b) and §2.09(o), Texas Civil Statutes, regarding pending or contemplated litigation.

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

Contact: Pat Wood, P.O. Box 149134, Austin, Texas 78714-9134, (512) 834-7728, Ext. 402, Fax: (512) 834-4597.

Filed: May 31, 1995, 11:28 a.m.

TRD-9506562

Wednesday, June 7, 1995, 10:00 a.m.

1812 Centre Creek Drive, Suite 300

Austin

Physician Assistant Advisory Council, Licensure Committee

AGENDA:

1. Call to order
2. Roll call
3. Review of licensure applicants referred to the Licensure Committee by the Executive Director for determination of eligibility for licensure:

10:00 a.m.—Patricia Bagley, Thomas Lekavich, Willie Royster

11:00 a.m.—Michael Njotu, Robert Raposo, Miguel Gonzalez

1:00 p.m.—Harvey Courser, Lance Chmura, John Ricci

2:00 p.m.—Susan McCormick, Olov Lindkvist, Richard Blum

3:00 p.m.—Stephen Sullivan, Ken Jackson

4. Review of Physician Assistant applications for permanent licensure.

Executive session under the authority of the Open Meetings Act, §551.071 of the Government Code and Article 4495b, and Article 4495b-1, §4(h), Texas Revised Civil Statutes and Article 22 of the Texas Administrative Code, Chapter 185.3(h).

Contact: Pat Wood, P.O. Box 149134, Austin, Texas 78714-9134, (512) 834-7728, Ext. 402 and/or Fax: (512) 834-4597.

Filed: May 30, 1995, 4:45 p.m.

TRD-9506542

Thursday-Friday, June 8-9, 1995, 8:30 a.m.

1812 Centre Creek Drive, Suite 300

Austin

Texas State Board of Acupuncture Examiners, Grandfathering, Reciprocity, and Application Committee

AGENDA:

The committee will consider applications for licensure; will interview candidates referred to the committee by the executive director; and will discuss and possibly take action regarding English test scores, incomplete applications and applicants who have not responded to requests for additional information, and visiting acupuncturists.

Contact: Pat Wood, P.O. Box 149134, Austin, Texas 78714-9134, (512) 834-7728, Ext. 402 and/or Fax: (512) 834-4597.

Filed: May 31, 1995, 2:42 p.m.

TRD-9506573

Thursday, June 8, 1995, 9:00 a.m.

1812 Centre Creek Drive, Suite 300

Austin

Physician Assistant Advisory Council, Licensure Committee

AGENDA:

1. Call to order
2. Roll call
3. Review of Physician Assistant applications for permanent licensure.

Executive session under the authority of the Open Meetings Act, §551.071 of the Government Code and Article 4495b, and Article 4495b-1, §4(h), Texas Revised Civil Statutes and Article 22 of the Texas Administrative Code, Chapter 185.3(h) to review licensure applications.

Contact: Pat Wood, P.O. Box 149134, Austin, Texas 78714-9134, (512) 834-7728, Ext. 402 and/or Fax: (512) 834-4597.

Filed: May 30, 1995, 4:46 p.m.

TRD-9506543

Thursday, June 8, 1995, 9:00 a.m.

1812 Centre Creek Drive, Suite 300

Austin

Physician Assistant Advisory Council, Long-Range Planning Committee

AGENDA:

1. Call to order
2. Roll call
3. Update from Executive Director and General Counsel regarding legislative issues, including Senate Bill 1302.
4. Financial impact of appropriation bill.
5. Introduction of Wally Lankford, new Director of Administration and Finance.
6. Preliminary discussion regarding amendments to rules as a result of legislative changes.

Contact: Pat Wood, P.O. Box 149134, Austin, Texas 78714-9134, (512) 834-7728, Ext. 402 and/or Fax: (512) 834-4597.

Filed: May 30, 1995, 4:46 p.m.

TRD-9506544

Thursday, June 8, 1995, 9:00 a.m.

1812 Centre Creek Drive, Suite 300

Austin

Hearings Division

AGENDA:

Probation appearance, 9:00 a.m.—Michael Amaro, M.D., Missouri City, Texas.

Probation appearance, 9:00 a.m.—Michael McCallum, M.D., Spring, Texas.

Probation appearance, 9:00 a.m.—James Parsons, M.D., Houston, Texas.

Probation appearance, 10:00 a.m.—John Steele, M.D., Irving, Texas.

Modification request, 10:00 a.m.—James Stanton, M.D., Irving, Texas.

Termination request, 10:00 a.m.—Bruce Hinkley, M.D., Dallas, Texas.

Termination request, 10:00 a.m.—Bohdan Jarem, M.D., Dallas, Texas.

Termination request, 11:00 a.m.—Robert Purnell, M.D., McKinney, Texas.

Termination request, 11:30 a.m.—Kurt Poehlmann, M.D., Comanche, 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, Fa: (512) 834-4597.

Filed: May 31, 1995, 9:46 a.m.

TRD-9506559

Thursday, June 8, 1995, 1:00 p.m.

1812 Centre Creek Drive, Suite 300

Austin

Physician Assistant Advisory Council

AGENDA:

- 1 Call to order
- 2 Roll call
- 3 Consideration of request for waiver by Nora Daugherty, M.D., to supervise more than two full-time equivalent physician assistants.
- 4 Discussion concerning individuals using the title of Orthopedic Physician Assistant.
5. Approval of council minutes from previous council meeting.
- 6 Executive Director's report.
7. Report and recommendations from the Long-Range Planning Committee.
- 8 Recommendation from the Licensure Committee related to approval of Physician Assistant applications for permanent licensure.
9. Election of officers
10. Appointment of committees.

Contact: Pat Wood, P.O. Box 149134, Austin, Texas 78714-9134, (512) 834-7728, Ext. 402 and/or Fax: (512) 834-4597.

Filed: May 30, 1995, 4:45 p.m.

TRD-9506541

Friday, June 9, 1995, 1:00 p.m.

1812 Centre Creek Drive, Suite 300

Austin

Texas State Board of Acupuncture Examiners, Education Committee

AGENDA:

1. Call to order
2. Roll call
3. Discussion and possible action on:
 - a. A rule or rules, specifying minimum school curriculum hours required to enable students to achieve competency in acupuncture and herbal studies, sufficient to satisfy the requirement of Subchapter F, §602(1)(B); and bio-medical sciences sufficient to satisfy Subchapter F, §607(a)(3).
 - b. A rule designed to ensure that schools which are not yet "approved" under Board rules do not engage in deceptive advertising, recruitment, admissions or other practices to the detriment of their students.
 - c. A rule clarifying the status of schools (registration), which have not yet become "approved" under Board rules, and designed to strengthen the provisions of proposal 2, above

d. Preliminary discussions on Continuing Education requirements for renewal of licenses.

4 Citizen communication. A maximum of ten speakers will be allowed to speak to the committee for up to three minutes each, on a "first-come, first-served" basis regarding educational requirements.

5. Adjourn.

Contact: Pat Wood, P.O. Box 149134, Austin, Texas 78714-9134, (512) 834-7728, Ext. 402 and/or Fax: (512) 834-4597.

Filed: May 31, 1995, 2:42 p.m.

TRD-9506574

Friday, June 9, 1995, 2:00 p.m.

1812 Centre Creek Drive, Suite 300

Austin

Texas State Board of Acupuncture Examiners

AGENDA:

The agenda includes approval of minutes; reports from committee meetings; citizen communication; discussion, recommendation and possible action on Attorney General's Opinion regarding the use of titles by licensed acupuncturists and a request for staff authorization to seek Attorney General's Opinions; appointment of ad hoc committee to study auricular acupuncture; election of assistant presiding officer and secretary-treasurer; appointment of committees; and report from executive director.

Contact: Pat Wood, P.O. Box 149134, Austin, Texas 78714-9134, (512) 834-7728, Ext. 402 and/or Fax: (512) 834-4597.

Filed: May 31, 1995, 2:42 p.m.

TRD-9506575

Texas Board of Occupational Therapy Examiners

Wednesday, June 7, 1995, 9:30 a.m.

3001 South Lamar Boulevard, Suite 101

Austin

AGENDA:

- I. Call to order
- II. Public comment
- III. Approval of minutes from March 29, 1995 meeting
- IV. Discussion and possible action on report from the Texas Occupational Therapy Association
- V. Discussion and possible action on rule revisions as proposed in report from Rules Committee: Chapters 362-367, 369-374, 376

VI. Discussion and possible recommendations on Rules Committee's proposed fee changes

VII. Report on status of investigations-Mark Turek

VIII. Discussion and possible action on chair's report-Esperanza Brattin

IX. Discussion and possible action on acting coordinator's report-Joy Vaughn

X Discussion and possible action on executive director's report-John P. Maline

XI. Executive session pursuant to §551.074 of the Government Code to discuss the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of the Occupational Therapy Coordinator

XII. Return to open session for further discussion and possible action regarding the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of the Occupational Therapy Coordinator

XIII. Adjournment

Contact: John P. Maline, 3001 South Lamar Boulevard, Suite 101, Austin, Texas 78704, (512) 443-8202.

Filed: May 30, 1995, 4:30 p.m.

TRD-9506534

Texas Optometry Board

Thursday-Saturday, June 8-10, 1995, 5:00 p.m., 8:30 a.m., and 6:00 p. m., respectively.

6633 Travis Street

Houston

AGENDA:

On June 8, 1995, Investigation-Enforcement Committee will meet at 5:00 p.m.; on June 9, 1995, committees will begin meeting at 8:30 a.m., and continue throughout morning until regular meeting begins at 11:15 a.m. The board will consider reports of secretary-treasurer, legal counsel, executive director, committee chairpersons; adopt proposed Rule 279.15 defining practice of optometry with infectious or contagious disease; adopt proposed rule amendment 280.4 regarding meetings of the Technical Advisory Committee; consider matters regarding Health Professions Council, §6.01 of the Texas Optometry Act and Insurance Code, policy on matters referred to Attorney General, budget and legislative issues; settlement agreements, election of officers; public comment at 11:45 a.m.; executive session to be held in compliance with §551.071 of the Government Code to discuss contemplated and pending litigation with board attorney; consideration and possible vote on matters discussed in executive session.

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

Filed: May 31, 1995, 2:39 p.m.

TRD-9506572

Public Utility Commission of Texas

Friday, June 9, 1995, 9:00 a.m.

7800 Shoal Creek Boulevard

Austin

Hearings Division

AGENDA:

A prehearing conference will be held on the above date and time in Docket Number 14258-Application of El Paso Electric Company for extension of time to file its abbreviated 1994 earnings monitoring report.

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

Filed: May 31, 1995, 8:09 a.m.

TRD-9506545

Wednesday, November 1, 1995, 10:00 a.m. (Rescheduled from September 20, 1995.)

7800 Shoal Creek Boulevard

Austin

Hearings Division

AGENDA:

A hearing on the merits is rescheduled for the above date and time in Docket Number 14075: Application of Gulf States Utilities Company for good cause exception to Public Utility Commission Substantive Rule 23.59(A)(2).

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

Filed: May 31, 1995, 4:09 p.m.

TRD-9506580

Texas Sustainable Energy Development Council

Friday, June 9, 1995, 9:00 a.m.

1000 Red River, Teacher Retirement System Cafeteria, Meeting Room 420

Austin

AGENDA:

1. Call to order
2. Review agenda

3. Welcoming remarks

4. Discuss administrative matters

5. Review goals and objectives

6. Develop action items

7. Review strategic planning schedule

8. Adjourn

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

Filed: May 31, 1995, 4:48 p.m.

TRD-9506586

Texas Tech University Health Sciences Center and Texas Tech University

Friday, June 9, 1995, 8:30 a.m.

TTUHSC at El Paso, 4800 Alberta Avenue, Faculty Conference Room

El Paso

Executive Session

AGENDA:

Approve April 14, 1995 minutes.

Consider: Contract negotiations and personnel issues. Reports.

Contact: Donna Davidson Kittrell, P.O. Box 42011, Lubbock, Texas 79409, (806) 742-2161.

Filed: May 30, 1995, 4:37 p.m.

TRD-9506536

June 9, 1995, 10:30 a.m. or following executive session.

TTUHSC at El Paso, 4800 Alberta Avenue, Faculty Conference Room

El Paso

Academic and Student Affairs and Academic, Clinical and Student Affairs

AGENDA:

Approve April 14, 1995, committee meeting minutes. Consider:

Texas Tech University Health Sciences Center: Approval addendum to master coordinating agreement with University Medical Center (Lubbock, Texas) for funding resident services; approval of addendum to affiliation agreement with Saint Mary of the Plains Hospital (Lubbock, Texas) for funding resident services; approval of resident support agreement with Amarillo Hospital District (Amarillo, Texas) for funding resident services; approval of agreement with R. E. Thomason General Hospital (El Paso, Texas) for funding resident services; approval of renewal contract with Lubbock Regional Mental Health and Mental Retar-

dation Center (Lubbock, Texas) to provide psychiatric services to mental health substance abuse clients; approval of contract with University Medical Center to provide funding for cardiovascular surgery services; editorial changes and revisions in School of Nursing Income Practice Plan bylaws; approval of TTUHSC School of Pharmacy Income Plan bylaws; approval of TTUHSC School of Pharmacy faculty bylaws; reaffirmation of the managerial group for the protection of classified information and updating of statement of self-exclusion of Board of Regents regarding security clearances; waiver of nepotism in compliance with Board of Regents policy; and ratification: Commissioning of peace officers. Reports.

Tech Tech University: Approval of an ethics policy for the Board of Regents; consideration of amendment to the Faculty Senate Constitution; approval of revisions to Part VI, Registration of Student Organizations and Part IX, Code of Student Conduct of the Student Affairs Handbook to be effective August 1, 1995; changes of designation of program and department in the College of Agricultural Sciences and Natural Resources; reaffirmation of the managerial group for the protection of classified information and updating of statement of self-exclusion of Board of Regents regarding security clearances; granting of academic tenure with appointment; and ratification: Leaves of absence and commissioning of peace officers. Reports.

Contact: Donna Davidson Kittrell, P.O. Box 42011, Lubbock, Texas 79409, (806) 742-2161.

Filed: May 30, 1995, 4:39 p.m.

TRD-9506537

Friday, June 9, 1995, 10:30 a.m. or following executive session.

TTUHSC at El Paso, 4800 Alberta Avenue, Dean's Conference Room

El Paso

Finance and Administration

AGENDA:

Approve April 14, 1995, committee meeting minutes. Consider:

Tech Tech University Health Sciences Center: Approval of fees to be assessed and charged to regularly enrolled and prospective students beginning with the fall semester, 1995; approval of an interagency cooperation contract between Texas Tech University Health Sciences Center and Texas Tech University for utilities, services and supplies during the 1996-1997 biennium; approval of an interagency cooperation contract between Texas Tech University Health Sciences Center and Texas Tech University to provide for various categories of support during the 1996-1997 biennium;

award of the general operating account depository contract; holiday schedule for 1995-1996 fiscal year; and budget adjustments for the period March 1, 1995 through April 30, 1995. Reports.

Texas Tech University: Approval of fees to be assessed and charged to regularly enrolled and prospective students beginning with the fall semester, 1995; approval of an interagency cooperation contract between Texas Tech University and Texas Tech University Health Sciences Center for utilities, services and supplies during the 1996-1997 biennium; approval of an interagency cooperation contract between Texas Tech University and Texas Tech University Health Sciences Center to provide for various categories of support during the 1996-1997 biennium; award of the general operating account depository contract; approval of a contract between Texas Tech University and the City of Lubbock to provide campus bus service; holiday schedule for 1995-1996 fiscal year; and budget adjustments for the period March 1, 1995 through April 30, 1995. Reports.

Contact: Donna Davidson Kittrell, P.O. Box 42011, Lubbock, Texas 79409, (806) 742-2161.

Filed: May 30, 1995, 4:39 p.m.

TRD-9506538

Friday, June 9, 1995, 10:30 a.m. or following executive session.

TTUHSC at El Paso, 4800 Alberta Avenue, OB/GYN Conference Room

El Paso

Campus and Building

AGENDA:

Approve April 14, 1995, committee meeting minutes. Consider:

Texas Tech University Health Sciences Center: Authorization for the president to proceed with planning, establish a project budget, appoint a project engineer, approve the schematic design, proceed with contract documents and the receipt of bids for completion of the infrastructure in Mechanical Room D, Phase I of the HSC Building, Lubbock; approval of contract with University Medical Center to provide space in the Medical Office Plaza to house the Pediatric Surgery Clinic; and approval of the contract with University Medical Center to provide space for the Sleep Center for the Department of Neurology in Lubbock. Reports.

Texas Tech University: Modification of Ex-Students Association building use policy; authorization for the president to proceed with planning, establish a project budget and appoint a project architect, approve the schematic design, proceed with contract documents and the receipt of bids and to award a construction contract, with the con-

currence of the Chair of the Board and the Chair of the Campus and Building Committee, subject to approval from the Texas Higher Education Coordinating Board, for the construction of an athletic support building for Dan Law Field; and authorization for the president to proceed with planning, establish a project budget, appoint a project architect, approve the schematic design, proceed with contract documents and the receipt of bids for replacement of roof on Central Heating and Cooling Plant I. Reports.

Contact: Donna Davidson Kittrell, P.O. Box 42011, Lubbock, Texas 79409, (806) 742-2161.

Filed: May 30, 1995, 4:39 p.m.

TRD-9506539

Friday, June 9, 1995, 1:00 p.m.

TTUHSC at El Paso, 4800 Alberta Avenue, Faculty Conference Room

El Paso

Board of Regents

AGENDA:

Action and/or reports on:

Minutes; Academic Clinical and Student Affairs; Academic and Student Affairs, Finance and Administration; Campus and Building; and president's report.

Contact: Donna Davidson Kittrell, P.O. Box 42011, Lubbock, Texas 79409, (806) 742-2161.

Filed: May 30, 1995, 4:39 p.m.

TRD-9506540

Board of Vocational Nurse Examiners

Monday-Tuesday, June 12-13, 1995, 8:00 a.m.

Austin North Hilton and Towers, 6000 Middle Fiskville Road

Austin

Revised Agenda

Board Meeting

AGENDA:

VIII. New business

B. Rule changes/new rules (presented by Rule Review Committee: Vangie Perez-June 13, 1995)

235.3-Qualifications for Licensure by Examination

235.32-Notification of Exam Results

Contact: Marjorie A. Bronk, 9101 Burnet Road, Suite 105, Austin, Texas 78758, (512) 835-2071.

Filed: May 31, 1995, 11:28 a.m.

TRD-9506561

Regional Meetings

Meetings Filed May 30, 1995

The Erath County Appraisal District Appraisal Review Board will meet at 1390 Harbin Drive, Stephenville, June 7, 1995, at 9:00 a.m. Information may be obtained from Mitzi Meekins, 1390 Harbin Drive, Stephenville, Texas 76401, (817) 965-5434. TRD-9506502.

The Jasper County Appraisal District Jasper CAD Board of Directors will meet at 137 North Main, Jasper, June 7, 1995, at 7:00 p.m. Information may be obtained from David W. Luther, 137 North Main, Jasper, Texas 75951, (409) 384-2544. TRD-9506505.

The Millersview-Doole Water Supply Corporation Board of Directors met one block west of FM Highway 765 and FM Highway 2134, Millersview, June 5, 1995, at 8:00 p.m. Information may be obtained from Glenda M. Hampton, P.O. Box E, Millersview, Texas 76862-1005, (915) 483-5438. TRD-9506510.

Meetings Filed May 31, 1995

The Aqua Water Supply Corporation (Revised Agenda.) Board of Directors met at 305 Eskew, Bastrop, June 5, 1995, at 7:00 p.m. Information may be obtained from Adlinie Rathman, Drawer P, Bastrop, Texas 78602, (512) 303-3943. TRD-9506571.

The Austin-Travis County MHMR Center Public Relations Committee will meet at 1430 Collier Street, Board Room, Austin, June 7, 1995, at 12:30 p.m. Information may be obtained from Sharon Taylor, 1430 Collier Street, Austin, Texas 78704, (512) 447-4141. TRD-9506581.

The Grayson Appraisal District Appraisal Review Board will meet at 205 North Travis, Sherman, June 13, 1995, at 8:30 a.m. Information may be obtained from Angie Keeton, 205 North Travis, Sherman, Texas 75090, (903) 893-9673. TRD-9506549.

The Gregg Appraisal District Board of Directors will meet at 2010 Gilmer Road, Longview, June 6, 1995, at 11:00 a.m. Information may be obtained from William T. Carroll, 2010 Gilmer Road, Longview, Texas 75604, (903) 759-0015. TRD-9506579.

The Lavaca County Central Appraisal District Board of Directors will meet at 113 North Main Street, Hallettsville, June 12,

1995, at 4:00 p.m. Information may be obtained from Diane Munson, P.O. Box 386, Hallettsville, Texas 77964, (512) 798-4396. TRD-9506585.

The Lee County Appraisal District Appraisal Review Board will meet at 218 East Richmond Street, Giddings, June 7, 1995, at 9:00 a.m. Information may be obtained from Delores Shaw, 218 East Richmond Street, Giddings, Texas 78942, (409) 542-9618. TRD-9506577.

The Lee County Appraisal District Appraisal Review Board will meet at 218 East Richmond Street, Giddings, June 14, 1995, at 9:00 a.m. Information may be obtained from Delores Shaw, 218 East Richmond Street, Giddings, Texas 78942, (409) 542-9618. TRD-9506578.

The Martin County Appraisal District MCAD-Board of Directors will meet at 308 North St. Peter, Stanton, June 8, 1995, at 7:00 p.m. Information may be obtained from Elaine Stanley, P.O. Box 1349, Stanton, Texas 79782, (915) 756-2823. TRD-9506582.

The San Antonio-Bexar County Metropolitan Planning Organization Freight Movement Study-Long Range Plan Oversight Committee will meet at 233 North Pecos, Room 420, Vista Verde Building, San Antonio, June 7, 1995, at 1:30 p.m. Information may be obtained from Charlotte A. Roszelle, 434 South Main, Suite 205, San Antonio, Texas 78204, (210) 227-8651. TRD-9506584.

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Meetings Filed June 1, 1995

The Bell-Milam-Falls WSC Board will meet at the Corporation Office, FM 485 West, Cameron, June 6, 1995, at 8:30 a.m. Information may be obtained from Dwayne Jekel, P.O. Drawer 150, Cameron, Texas 76520, (817) 697-4016. TRD-9506591.

The Brazos Valley Development Council Brazos Valley Regional Advisory Committee on Aging will meet at 1706 East 29th Street, Bryan, June 6, 1995, at 2:30 p.m. Information may be obtained from Roberta Lindquist, P.O. Drawer 4128, Bryan, Texas 77805-4128, (409) 775-4244. TRD-9506592.

The Dallas Central Appraisal District Board of Directors (Regular Meeting) will meet at 2949 North Stemmons Freeway, Second Floor, Community Room, Dallas, June 7, 1995, at 7:30 a.m. Information may be obtained from Rick Kuehler, 2949 North Stemmons Freeway, Dallas, Texas 75247, (214) 631-0520. TRD-9506588.

The Education Service Center, Region XVII Board of Directors will meet at 1111 West Loop 289, Lubbock, June 27, 1995, at 9:00 a.m. Information may be obtained from Virgil E. Flathouse, 1111 West Loop 289, Lubbock, Texas 79416, (806) 793-4854. TRD-9506593.

The Trinity River Authority of Texas Executive Committee will meet at 5300 South Collins Street, Arlington, June 7, 1995, at 9:30 a.m. Information may be obtained from James L. Murphy, P.O. Box 60, Arlington, Texas 76004, (817) 467-4343. TRD-9506589.

The Tyler County Appraisal District Board of Directors will meet at 806 West Bluff, Woodville, June 6, 1995, at 4:00 p.m. Information may be obtained from Eddie Chalmers, P.O. Drawer 9, Woodville, Texas 75979, (409) 283-3736. TRD-9506590.

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IN ADDITION

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

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

Texas Department of Agriculture Notice of Public Hearings

In accordance with the Texas Agriculture Code, §76.004, the Texas Department of Agriculture will conduct public hearings for the purpose of receiving public comment on a proposed amendment to §7.26 and new §7.36 of the Department's Pesticide Regulations (Texas Administrative Code, Title IV, Chapter 7), concerning notice requirements for the regulation of pesticides and expiration provisions for Chapter 7. The proposed amendment to §7.26 was published in the May 23, 1995, issue of the *Texas Register* (20 TexReg 3811) and establishes prior notification requirements for areawide government spray programs such as the Texas Boll Weevil Eradication Foundation's eradication program. New §7.36 establishes an expiration provision for Chapter 7.

The public hearings are scheduled as follows.

(1) On Tuesday, June 13, 1995, beginning at 10:30 a.m., at Texas Department of Agriculture, 8918 Tesoro Drive, Suite 120, San Antonio, Texas. For information contact Jo Anne Noble, (210) 820-0288.

(2) On Thursday, June 15, 1995, beginning at 10:00 a.m., at Texas Department of Agriculture, 1720 Regal Row, Suite 118, Dallas, Texas. For information contact E. W. Wesley, (214) 631-0265.

(3) On Thursday, June 15, 1995, beginning at 10:00 a.m., at Texas Department of Agriculture, 4502 Englewood Avenue, Lubbock, Texas. For information contact Ronald Bertrand, (806) 799-8555.

(4) On Thursday, June 15, 1995, beginning at 10:00 a.m., at Texas Department of Agriculture, 2626 South Loop West, Suite 130, Houston, Texas. For information contact Lacy Fryer, (713) 666-8491.

(5) On Thursday, June 15, 1995, beginning at 10:00 a.m., at Texas Department of Agriculture, 900-B East Expressway 83, Two Blocks West of Morningside Road, San Juan, Texas. For information contact Hector Flores, (210) 787-8866.

Persons with questions concerning the public hearings should contact Steve Bearden, Texas Department of Agriculture, (512) 463-1093. Persons with special seating or communication or other needs, who are planning to attend, are requested to contact (512) 463-1093 or RELAY Texas at 1-800-735-2989 (TDD) or 1-800-735-2988 (voice) as far in advance of the hearing as possible in order for the department to accommodate these needs.

Issued in Austin, Texas, on May 31, 1995.

TRD-9506546

Dolores Alvarado Hibbs
Chief Administrative Law Judge
Texas Department of Agriculture

Filed: May 31, 1995

Texas Commission for the Blind Consultant Proposal Request (CPR)

Pursuant to Texas Government Code, Chapter 2254, the Texas Commission for the Blind (Commission) invites qualified professional human resources (personnel) consultants to submit proposals on developing **Phase I of an Employee Performance Planning and Evaluation System** for Commission employees. The system will ultimately consist of four phases: Phase 1: Development of job descriptions, job description guides and mission statements; Phase 2: Development of performance planning and review guides; Phase 3: Development of policy and procedures for all phases of the system; and Phase 4: Development and presentation of sufficient training for implementation of the system. Do not furnish pricing on phases 2 through 4. TCB may implement these phases in the future.

This CPR pertains only to Phase I of an employee performance planning and evaluation system, which consists of:

(1) Identifying each job in the Commission for the purpose of determining the number of job descriptions to be developed.

(2) Developing an individualized job description for each job, which must include essential job functions and marginal job functions according to Americans With Disabilities Act (ADA) standards.

(3) Developing a job description guide ("how-to-guide") that explains how to write a job description, including ADA and EEO guidelines, and how to modify job descriptions for future uses.

(4) Guiding the agency in the development of a mission statement for each job that ties into the agency's mission, and assuring that all Commission job descriptions have mission statements included.

(5) Developing potential performance measures and tools for each of approximately 160 agency job descriptions, i.e., "What measures are used by a supervisor use to evaluate the performance of a purchaser?" etc.

(6) Providing training to agency managers and selected staff in implementing the completed job descriptions and missions of each job, in using the job description guide and in writing job descriptions.

The Commission will evaluate proposals based on:

- (1) System concept and proposed solutions; grasp of problem and solution(s), responsiveness to terms and conditions, completeness and thoroughness of technical data and documentation;
- (2) Demonstrated, applicable experience in developing written job descriptions;
- (3) Familiarity with Title I ADA and EEO guidelines as related to essential and marginal job functions of state agency(ies);
- (4) Evidence of good organizational and management practices;
- (5) Personnel qualifications; and
- (6) Schedule.

A preproposal conference will be held at 3:00 p.m., June 15, 1995, in the 2nd Floor Conference Room, Suite 250, of the Texas Commission for the Blind Administrative Building, 4800 North Lamar Boulevard, Austin, Texas. It is highly recommended that all proposers attend this conference.

Firms wanting to submit bids and qualifications should contact Lorimer Sanchez for an CRP package. Submit requests to the attention of Lorimer Sanchez, Purchasing Department, 4800 North Lamar, Austin, Texas 78756, or call (512) 459-2640. Proposals in response to this notice should be received by the Commission's Purchasing Department no later than 3:00 p.m., July 6, 1995.

Issued in Austin, Texas, on May 30, 1995.

TRD-9506521 Pat D. Westbrook
Executive Director
Texas Commission for the Blind

Filed: May 30, 1995

Texas Department of Health Public Hearing-Genetic Services in Texas

The Texas Department of Health (TDH), Bureau of Women and Children is holding a public hearing on Friday, June 23, 1995, to discuss long term plans for TDH supported genetic services. The long term plans address adaptations to a changing health care environment and seek to improve the provision of genetic services and ultimately, the health status of women and children in Texas.

TDH staff, clinical genetic service providers, including contractors, local health departments, service consumers, consumer advocacy organizations and other interested persons are invited to attend the hearing to comment on the recommendations. Proposed recommendations will be available June 2, 1995.

The public is invited to comment in writing or in person at the hearing which is scheduled for 2:00 p.m. to 4:00 p.m., on Friday, June 23, 1995 in Room K-100 of the Texas Department of Health, 1100 West 49th Street, Austin, Texas. Written comments should be submitted by July 7, 1995 to Judith Livingston, Genetics and Newborn Screening, Bureau of Women and Children, Texas Department of Health, 1100 West 49th Street, Suite M-355, Austin, Texas, 78756.

For copies of the long term plan for genetics or more information about the hearing, please contact Judith Livingston, Bureau of Women and Children, Texas Department of Health, (512) 458-7111, extension 2129.

Issued in Austin, Texas, on May 31, 1995.

TRD-9506558 Susan K. Steeg
General Counsel, Office of General
Counsel
Texas Department of Health

Filed: May 31, 1995

Health and Human Services Commission Public Notices

The Health and Human Services Commission State Medicaid Office has received approval from the Health Care Financing Administration to amend the Title XIX Medical Assistance Plan by Transmittal Number 95-10, Amendment Number 475.

The amendment updates the State Plan reimbursement rates for obstetrical and pediatric services, in accordance with the Social Security Act, §1926. The amendment is effective July 1, 1995.

If additional information is needed, please contact Genie DeKneef, Texas Department of Health, at (512) 338-6509.

Issued in Austin, Texas, on May 25, 1995.

TRD-9506335 Tim Graves
Deputy Commissioner
Health and Human Services Commission

Filed: May 25, 1995

The Health and Human Services Commission State Medicaid Office has received approval from the Health Care Financing Administration to amend the Title XIX Assistance Plan by Transmittal Number 95-04, Amendment Number 469.

The amendment incorporates the preprint pages issued in Program Memorandum 95-2 addressing eligibility for certain individuals whose disabilities are a result of drug addiction or alcoholism (Section 201 of Public Law 103-296, Social Security Independence and Program Improvement Act of 1994). The amendment is effective March 1, 1995.

If additional information is needed, please contact Judy Coker, Texas Department of Human Services, at (512) 450-3227.

Issued in Austin, Texas, on May 25, 1995.

TRD-9506336 Tim Graves
Deputy Commissioner
Health and Human Services Commission

Filed: May 25, 1995

Texas Higher Education Coordinating Board

Request for Proposal-Bond Counsel

The Texas Higher Education Coordinating Board invites proposals from qualified individuals and firms to act as the Board's Bond Counsel on the issuance of the Board's \$300 million bonding authority approved by the Legislature. This contract will be contingent on the voters approving the constitutional amendment authorizing the bonds at an election to be held November 7, 1995, or earlier, if an election is held earlier.

Final selection of the Bond Counsel will be based on prior experience, organization, size, and structure of firm, qualifications of staff, responsiveness of written proposals to the purpose and scope of services, and costs. Proposals from women, woman-owned firms, minorities, and minority-owned firms are encouraged. Proposals from non-minority firms must include a partnership arrangement with a minority firm to act as co-bond counsel. If that firm is selected, the Board's contract would be with the proposing firm which would, in turn, subcontract with the minority firm under the partnership arrangements specified in the proposal.

The Texas Higher Education Coordinating Board reserves the right to accept or reject any or all proposals submitted under this proposal request and to negotiate modifications to improve the quality or cost effectiveness of any proposal.

The last day on which proposals will be accepted is June 16, 1995. All proposals must be in a sealed envelope and clearly marked in the lower left corner: "Sealed Proposal Bond Counsel Services." All proposals must be received by 11:00 a.m. on June 16, 1995.

Seven copies of the proposal are required and may be mailed to: Texas Higher Education Coordinating Board, Attention: James McWhorter, Assistant Commissioner for Administration, P.O. Box 12788, Austin, Texas 78711; or hand delivered to Room 5.140, 7745 Chevy Chase Drive, Austin, Texas, by 11:00 a.m. on June 16, 1995. Each proposal should indicate the name and phone number of the principal contact for the firm.

The complete proposal request may be obtained from James McWhorter, Assistant Commissioner for Administration, P.O. Box 12788, Austin, Texas, 78711 or by calling (512) 483-6160.

Issued in Austin, Texas, on May 25, 1995.

TRD-9506512 James McWhorter
Assistant Commissioner for Administration
Texas Higher Education Coordinating Board

Filed: May 30, 1995

Request for Proposal-Financial Services

Pursuant to Texas Government Code, Chapter 2254, Subchapter A, the Texas Higher Education Coordinating Board invites proposals from qualified individuals and firms to provide financial services on the issuance of the Board's \$300 million bonding authority approved by the Legislature. The contract will be contingent on the voters approving the constitutional amendment authorizing the bonds at an election to be held November 7, 1995 or earlier, if an

election is held earlier.

Final selection will be based on prior experience, organization, size, and structure of firm, qualifications of staff, responsiveness of written proposals to the purpose and scope of services, and costs. Proposals from women, woman-owned firms, minorities, and minority-owned firms are encouraged. Proposals from non-minority firms must include a partnership arrangement with a minority firm. If that firm is selected, the Board's contract would be with the proposing firm which would, in turn, subcontract with the minority firm under the partnership arrangements specified in the proposal.

The Texas Higher Education Coordinating Board reserves the right to accept or reject any or all proposals submitted under this proposal request and to negotiate modifications to improve the quality or cost effectiveness of any proposal.

The last day on which proposals will be accepted is June 16, 1995. All proposals must be in a sealed envelope and clearly marked in the lower left corner: "Sealed Proposal Financial Services." All proposals must be received by 11:00 a.m. on June 16, 1995.

Seven copies of the proposal are required and may be mailed to: Texas Higher Education Coordinating Board, Attention: James McWhorter, Assistant Commissioner for Administration, P.O. Box 12788, Austin, Texas 78711; or hand delivered to Room 5.140, 7745 Chevy Chase Drive, Austin, Texas, by 11:00 a.m. on June 16, 1995. Each proposal should indicate the name and phone number of the principal contact for the firm.

The complete proposal request may be obtained from James McWhorter, Assistant Commissioner for Administration, P.O. Box 12788, Austin, Texas, 78711 or by calling (512) 483-6160.

Issued in Austin, Texas, on May 25, 1995.

TRD-9506511 James McWhorter
Assistant Commissioner for Administration
Texas Higher Education Coordinating Board

Filed: May 30, 1995

Texas Department of Insurance Company License

The following applications have been filed with the Texas Department of Insurance and are under consideration:

Application for a name change in Texas for Keyport America Life Insurance Company, a foreign life, accident and health company. The proposed new name is Ocean State Life Insurance Company. The home office is in Providence, Rhode Island.

Application for a name change in Texas for National American Life Insurance Company of Texas, a domestic life, accident and health company. The proposed new name is General Life Insurance Company of Texas. The home office is in Austin, Texas.

Application for incorporation in Texas for Texas Health Visions Insurance Company, a domestic life, accident and health company. The home office is in Austin, Texas.

Any objections must be filed within 20 days after this notice was filed with the Texas Department of Insurance, addressed to the attention of Cindy Thurman, 333 Guadalupe Street, M/C 305-2C, Austin, Texas 78701.

Issued in Austin, Texas, on May 31, 1995.

TRD-9506548

Alicia M. Fechtel
General Counsel and Chief Clerk
Texas Department of Insurance

Filed: May 31, 1995

Texas Lottery Commission Request for Proposal

The purpose of this Request for Proposal (RFP) is to obtain proposals for evaluation of the quality and security aspects of the Texas Lottery's instant game tickets.

Proposers responding to this RFP are expected to provide the Texas Lottery with information, evidence and demonstrations that will permit awarding a contract in a manner that best serves the interests of the Texas Lottery.

This RFP is issued by the Texas Lottery. The Texas Lottery is the sole point of contact with regard to all procurement and contractual matters relating to the services described herein. The Texas Lottery is the only office authorized to clarify, modify, amend, alter or withdraw the specifications, terms and conditions of this RFP and any contract awarded as a result of this RFP.

Schedule Of Events

The time schedule for awarding a contract under this RFP is shown as follows. The Texas Lottery reserves the right to amend the schedule. If significant changes are made, all potential Proposers will be notified.

RFP Issued May 31, 1995.

Letter Of Intent To Propose Due-June 8, 1995 (4:00 p.m. CT).

(Late letters of Intent will not be considered).

Written Questions Due-June 15, 1995 (4:00 p.m. CT).

Answers To Questions Issued-June 22, 1995.

Proposal Due Date-June 30, 1995 (4:00 p.m. CT).

(Late proposals will not be considered).

Texas Lottery Announcement Of Successful Proposer-July 10, 1995 (or as soon as possible thereafter).

To obtain a copy of the RFP, please contact: Kimberly L. Kiplin, General Counsel, Texas Lottery Commission, Post Office Box 16630, Austin, Texas 78761-6630, (512) 323-3791 or by Fax (512) 371-4989.

Issued in Austin, Texas, on May 30, 1995.

TRD-9506557

Kimberly L. Kiplin
General Counsel
Texas Lottery Commission

Filed: May 31, 1995

Texas Natural Resource Conservation Commission Notice of Applications for Waste Disposal Permits

Notices of applications for waste disposal permits issued during the period of May 22-26, 1995.

These applications are subject to a Commission resolution adopted August 18, 1993, which directs the Commission's Executive Director to act on behalf of the Commission and issue final approval of certain permit matters. The Executive Director will issue these permits unless one or more persons file written protests and/or a request for a hearing within 30 days after newspaper publication of this notice.

If you wish to request a public hearing, you must submit your request in writing. You must state: your name, mailing address and daytime phone number; the permit number or other recognizable reference to this application; the statement "I/we request a public hearing;" a brief description of how you, or the persons you represent, would be adversely affected by the granting of the application; a description of the location of your property relative to the applicant's operations; and your proposed adjustment to the application/permit which would satisfy your concerns and cause you to withdraw your request for hearing. If one or more protests and/or requests for hearing are filed, the Executive Director will not issue the permit and will forward the application to the Office of Hearings Examiners where a hearing may be held. In the event a hearing is held, the Office of Hearings Examiners will submit a recommendation to the Commission for final decision. If no protests or requests for hearing are filed, the Executive Director will sign the permit 30 days after newspaper publication of this notice or thereafter. If you wish to appeal a permit issued by the Executive Director, you may do so by filing a written Motion for Reconsideration with the Chief Clerk of the Commission no later than 20 days after the date the Executive Director signs the permit.

Information concerning any aspect of these applications may be obtained by contacting the Texas Natural Resource Conservation Commission, Chief Clerks Office-MC105, P.O. Box 13087, Austin, Texas 78711, (512) 239-3300.

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

CITY OF THE COLONY; the wastewater treatment facilities are approximately 1.75 miles south of FM Road 720 and approximately three miles west of FM Road 423 in Denton County, Texas; new; 13785-01.

DIAMOND SHAMROCK REFINING AND MARKETING COMPANY; a petroleum bulk storage facility; the plant site is on the west side of U.S. Highway 281 approximately 0.7 miles south of the intersection of South Loop 410 and U.S. Highway 281 in the City of San Antonio, Bexar County, Texas; new; 03786.

FEIJIE JAN TERPSTRA; a dairy; the dairy is on an unnamed county road approximately two miles west of the intersection of FM Road 1689 and FM Road 589 at Sidney in Comanche County, Texas; renewal; 03195.

JOE CROUCH DAIRY; the dairy is on the south side of FM Road 934 approximately one mile east of the intersection of Interstate Highway 35W and approximately two miles east of Itasca in Hill County, Texas; renewal; 03228.

CITY OF JOSEPHINE; the City of Josephine Wastewater Treatment Facilities; the facilities are approximately 0.2 mile north and 0.7 mile east of the intersection of Farm-to-Market Road 6 and FM Road 1777 in Collin County,

Texas; renewal; 10887-01.

KING RANCH, INC.; a beef cattle operation; the cattle operation is two miles south of U.S. Highway 90A and approximately two miles northeast of the Guadalupe River six miles east of the City of Gonzales, Gonzales County, Texas; renewal; 03276.

LATEXO INDEPENDENT SCHOOL DISTRICT; the wastewater treatment facility will serve the Latexo Independent School District; the plant site is approximately 1,000 feet east of the intersection of U.S. Highway 287 and FM Road 2663 on the south side of FM Road 2663 at Latexo I.S.D., south of the baseball field in Houston County, Texas; new; 13780-01.

CITY OF MIDLAND; wastewater treatment facility; the plant site and irrigation site are immediately southeast of the intersection of Interstate Highway 20 and State Highway 307 in Midland County, Texas. Irrigation site #1 consists of 2,950 acres of farm land located approximately 7,000 feet southeast of the intersection of Interstate Highway 20 and State Highway 307 in Midland County, Texas. Irrigation site #2 consists of approximately 3,100 acres of land located approximately 16 miles east of the City of Midland in Sections 2, 3, 10, 11, 12, 13, 14, and 15, Block 37, TWP 3-S of the T & P Railroad Company Survey. The public access irrigation lands are located at the Hogan Municipal Golf Course and the Midland Country Club Golf Course; amendment; 10223-01

RIVER INN ASSOCIATION OF UNIT OWNERS, INC.; the wastewater treatment facility and subsurface drip irrigation site are approximately seven miles southwest of the City of Hunt, along State Highway 39 near the South Fork Guadalupe River in Kerr County, Texas; new; 13755-01.

U.S. ARMY CORPS OF ENGINEERS; the Cottonwood Park Wastewater Treatment Facilities; the wastewater treatment facilities are in Cottonwood Park, on the east side of Lake Lavon, approximately one mile southwest of the intersection of State Highway 78 and State Highway Spur 509 in Collin County, Texas; renewal; 12056-01.

MERICHEM COMPANY; the permit will authorize injection of hazardous and non-hazardous wastes generated at the facility's Greens Bayou Plant from the production of cresylic acids and the disposal on a commercial basis of spent caustic wastes generated by refineries; Waste disposal well WDW-319 is to be on company property, approximately four miles northeast of the City of Pasadena in Harris County, Texas; new; WDW-319; 45-day notice.

SANDOZ AGRO, INC.-BEAUMONT PLANT; include: changes to the injection zones, injection intervals, pH range of the waste streams and authorized wastewater from a second company facility. The wells will be used to dispose of non-commercial non-hazardous wastewaters from the manufacture of agricultural chemicals and generated on-site and from the Sandoz facility in Dallas, Texas; the waste disposal wells are located on company property, approximately five miles northwest of the City of Port Acres in Jefferson County, Texas; renewal; WDW-125, WDW-155, and WDW-201; 30-day notice.

Issued in Austin, Texas, on May 26, 1995.

TRD-9506451

Gloria A. Vasquez
Chief Clerk
Texas Natural Resource Conservation
Commission

Filed: May 26, 1995

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**Notice of Opportunity to Comment on
Permitting Actions-For the Week
Ending May 26, 1995**

The following application is subject to a Commission resolution adopted August 18, 1993, which directs the Commission's Executive Director to act on behalf of the Commission and issue final approval of certain permit matters. The Executive Director will issue the permits unless one or more persons file written protests and/or requests for hearing within ten days of the date notice concerning the application(s) is published in the *Texas Register*.

If you wish to request a public hearing, you must submit your request in writing. You must state: your name, mailing address and daytime phone number; the permit number or other recognizable reference to this application; the statement "I/we request a public hearing"; a brief description of how you, or the persons you represent, would be adversely affected by the granting of the application; a description of the location of your property relative to the applicant's operations; and your proposed adjustment to the application/permit which would satisfy your concerns and cause you to withdraw your request for hearing. If one or more protests and/or requests for hearing are filed, the Executive Director will not issue the permit and will forward the application to the Office of Hearings Examiners where a hearing may be held. If no protests or requests for hearing are filed, the Executive Director will sign the permit ten days after publication of this notice or thereafter. If you wish to appeal a permit issued by the Executive Director, you may do so by filing a written Motion for Reconsideration with the Chief Clerk of the Commission no later than 20 days after the date the Executive Director signs the permit.

Requests for a public hearing on this application should be submitted in writing to the Chief Clerk's Office (Mailcode 105), Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711, (512) 239-3300.

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

Application Number 23-848B by Hidalgo County Water Improvement District Number 3 for a Texas Water Code, §11.122 Water Use Permit Application. Amendment to Certificate Number 23-848 to change the purpose of use of 100 acre-feet of Class "A" irrigation water rights to mining use and 1,600 acre-feet of Class "A" irrigation water rights to municipal use, Rio Grande, Rio Grande Basin, Webb County, Texas. (Kellye Rila)

Issued in Austin, Texas, on May 26, 1995.

TRD-9506450

Gloria A. Vasquez
Chief Clerk
Texas Natural Resource Conservation
Commission

Filed: May 26, 1995

Railroad Commission of Texas Notice of LNG Advisory Committee Meeting

The Railroad Commission of Texas will hold a meeting of the LNG Advisory Committee on June 21, 1995, in the William B. Travis Building, Room 9-147, 1701 North Congress, Austin, Texas, from 9:00 a.m. to 6:00 p.m. to consider the following matters: 9:00 a.m. to 9:30 a.m. Call to order; opening remarks; introductions; election of chairman 9:30 a.m. to 9:45 a.m. Break 9:45 a.m. to 11:45 a.m. LNG background; proposed legislation; review of LNG "working draft" rules 11:45 a.m. to 1:00 p.m. Lunch 1:00 p.m. to 2:45 p.m. Continue review of "working draft" rules 2:45 p.m. to 3:00 p.m. Break 3:00 p.m. to 6:00 p.m. Date of next (quarterly) meeting; continue review of "working draft" rules 6:00 p.m. Approximate time of adjournment

Issued in Austin, Texas, on May 26, 1995.

TRD-9506431

Mary Ross McDonald
Assistant Director, Legal Division,
Gas Utilities/LP-Gas Section
Railroad Commission of Texas

Filed: May 26, 1995

The University of Texas System Request for Proposal (RFP)

The University of Texas (U.T. System) requests proposals from law firms interested in representing U.T. System and its health component institutions in certain managed care contracting arrangements, medicare/medicaid and other third party reimbursement matters. This RFP is issued for the purpose of establishing (for the biennium beginning September 1, 1995) a health care panel from which U.T. System, by and through its Office of General Counsel, will select appropriate counsel for representation on complex health delivery and reimbursement matters as the need arises.

Description. The U.T. system operates six health institutions located in Houston, Dallas, Galveston, San Antonio and Tyler, Texas. University physician and hospital services are provided by fee for service and through a broad range of contractual arrangements with Health Maintenance Organizations, Preferred Provider Organizations, Medicare, Medicaid, private health insurance carriers, as well as directly with employers. These managed care arrangements may be impacted by state and federal laws and regulations governing insurance, third party reimbursement, antitrust matters, and fraud and abuse issues. For this purpose, U.T. System will engage outside counsel with experience in establishing certified non-profit health delivery corporations and other complex managed care contracting arrangements. In addition, outside counsel must have a working knowledge of state and federal laws and regulations governing safe harbors, antitrust matters, medicare and medicaid regulations, and appeals of adverse determinations by third party payor intermediaries. U.T. System invites responses to this RFP from qualified firms for the provision of such legal services under the direction and supervision of U.T. System's Office of General Counsel.

Responses. Responses to the RFP should include at least the following information: a description of the firm's or attorney's qualifications for performing the legal services, including the firm's prior experience in complex health delivery and reimbursement matters, the names, experience, and expertise of the attorneys who may be assigned to work on such matters, the availability of the lead attorney and others assigned to the project, and appropriate information regarding efforts made by the firm to encourage and develop the participation of minorities and women in the provision of legal services; the submission of fee information (either in the form of hourly rates for each attorney who may be assigned to perform services in relation to U.T. System's complex health delivery and reimbursement matters, comprehensive flat fees, or other fee arrangements directly related to the achievement of specific goals and cost controls) and billable expenses; a comprehensive description of the procedures to be used by the firm to supervise the provision of legal services in a timely and cost-effective manner; disclosures of conflicts of interest (identifying each and every matter in which the firm has, within the past calendar year, represented any entity or individual with an interest adverse to the U.T. System or to the State of Texas, or any of its boards, agencies, commissions, universities, or elected or appointed officials); and confirmation of willingness to comply with policies, directives and guidelines of the U.T. System and the Attorney General of the State of Texas.

Format and Person to Contact. Three copies of the proposal are requested. The proposal should be typed, preferably double spaced, on 8 1/2 x 11 inch paper with all pages sequentially numbered, and either stapled or bound together. They should be sent by mail or delivered in person, marked "Response to Request for Proposal," and addressed to R. Carlton Presley, Office of General Counsel, The University of Texas System, 201 West Seventh Street, Austin, Texas 78701, (512) 499-4462 for questions.

Deadline for Submission of Response. All proposals must be received by the Office of General Counsel of U.T. System at the address set forth previously no later than 5:00 p.m., Friday, July 7, 1995.

Issued in Austin, Texas, on May 26, 1995.

TRD-9506429

Arthur H. Dilly
Executive Secretary to the Board of
Regents
The University of Texas System

Filed: May 26, 1995

Texas Water Development Board Eligible County List

Pursuant to 31 TAC §355.72(a), the Texas Water Development Board (the board), through its executive administrator, publishes the following list of Texas Counties which are eligible to apply for financial assistance from the Economically Distressed Areas Program. These counties will continue to be eligible for such assistance until the next list is published which will be 60 days after the executive administrator of the board receives sufficiently reliable statistics to establish the statewide per capita income and unemployment rates for the previous three years, which is anticipated to be in November of 1995. Bee County, Brewster County, Brooks County, Cameron County, Dimmit County, Duval County, El Paso County, Frio County, Hidalgo County, Hudspeth County, Jeff Da-

vis County, Jim Hogg County, Jim Wells County, Kinney County, Marion County, Maverick County, Newton County, Presidio County, Reeves County, San Patricio County, Starr County, Uvalde County, Val Verde County, Webb County, Willacy County, Winkler County, Zapata County, and Zavala County.

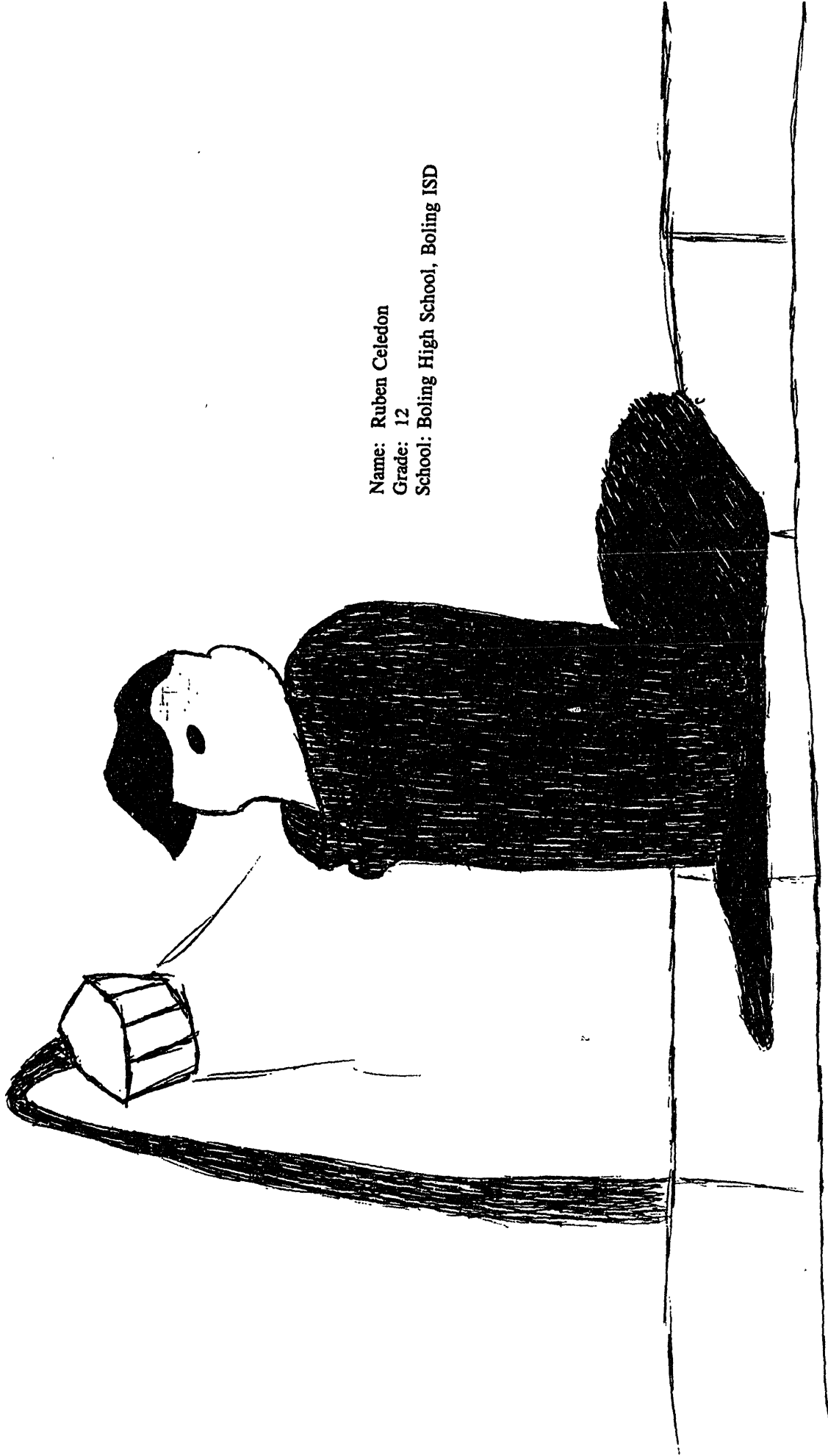
Issued in Austin, Texas, on May 30, 1995.

TRD-9506495 Craig D. Pedersen
Executive Administrator
Texas Water Development Board

Filed: May 30, 1995

◆ ◆ ◆

Name: Ruben Celedon
Grade: 12
School: Boling High School, Boling ISD



TAC Titles Affected

The following is a list of the administrative rules that were published in the May 1995 issues.

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1 TAC §251.3.....3405

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16 TAC §9.23812

16 TAC §13.33814

16 TAC §13.323815

16 TAC §13.132, §13.1353816

Part II. Public Utility Commission of Texas

16 TAC §23.113323

16 TAC §23.563893

Part IV. Texas Department of Licensing and Regulation

16 TAC §60.223816

Part VIII. Texas Racing Commission

16 TAC §305.423660

16 TAC §305.443660

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