

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Withdrawn Rules - sections withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after the proposal publication date.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

Texas Administrative Code

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

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

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

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

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

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

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

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

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

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

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

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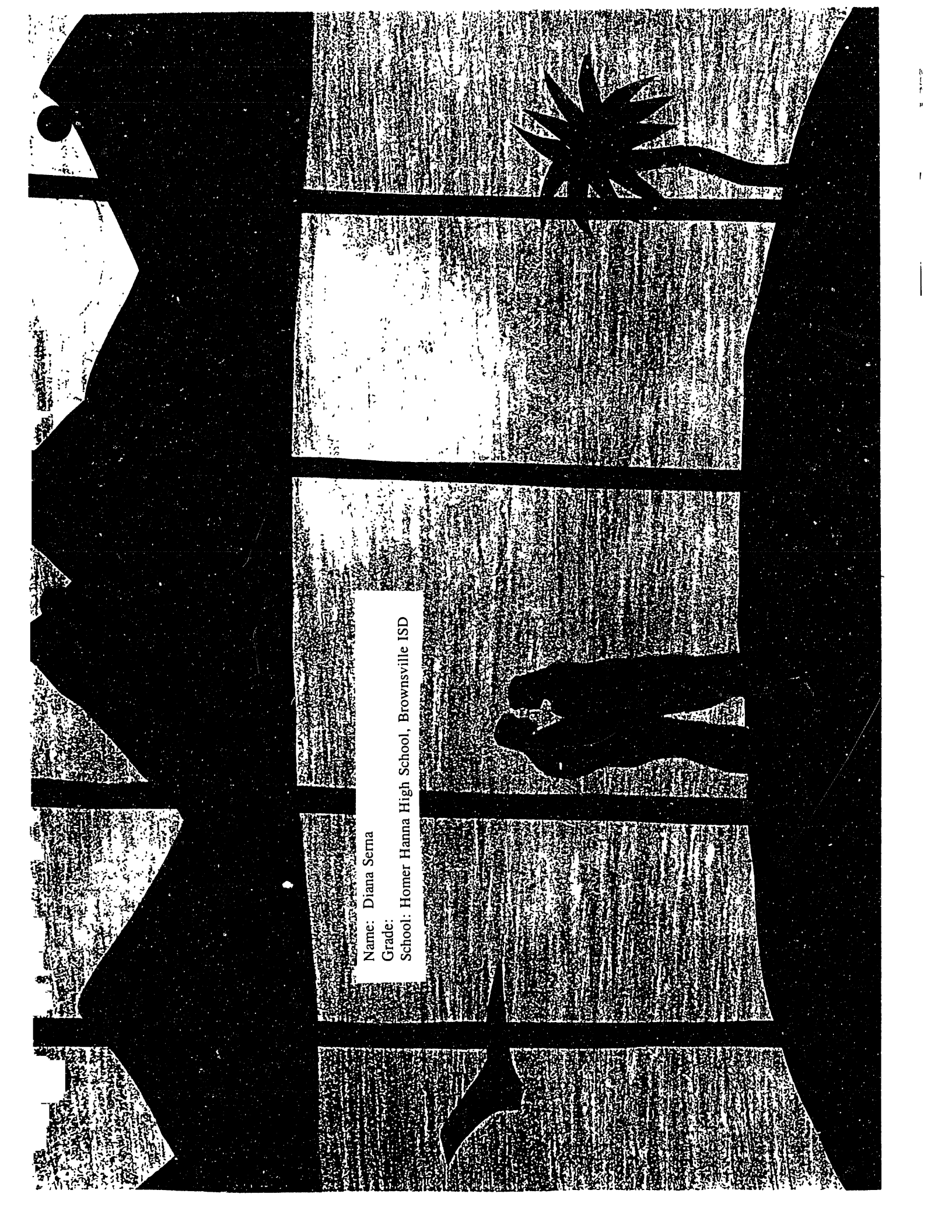
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THE GOVERNOR

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.

Appointments Made June 16, 1995

To be Judge of the 132nd Judicial District Court, Scurry and Borden Counties, until the next General Election and until his successor shall be duly elected and qualified: The Honorable Ernie B. Armstrong, 1505 Augusta Drive, Snyder, Texas 79549. Mr. Armstrong will be replacing Judge Gene L. Dulaney of Snyder who retired.

To be Judge of the 136th Judicial District Court, Jefferson County, effective June

16, 1995, until the next General Election and until his successor shall be duly elected and qualified: Milton Gunn Shuffield, 6265 Wilchester, Beaumont, Texas 77706. Mr. Shuffield will be replacing Judge Jack R. King of Beaumont who retired.

To be Judge of the 123rd Judicial District Court, Panola and Shelby Counties until the next General Election and until his successor shall be duly elected and qualified: Steven M. Dowd, 2001 West Panola, Carthage, Texas 75633. Mr. Dowd will be replacing Judge Bennie C. Boles who retired.

Appointments Made June 20, 1995

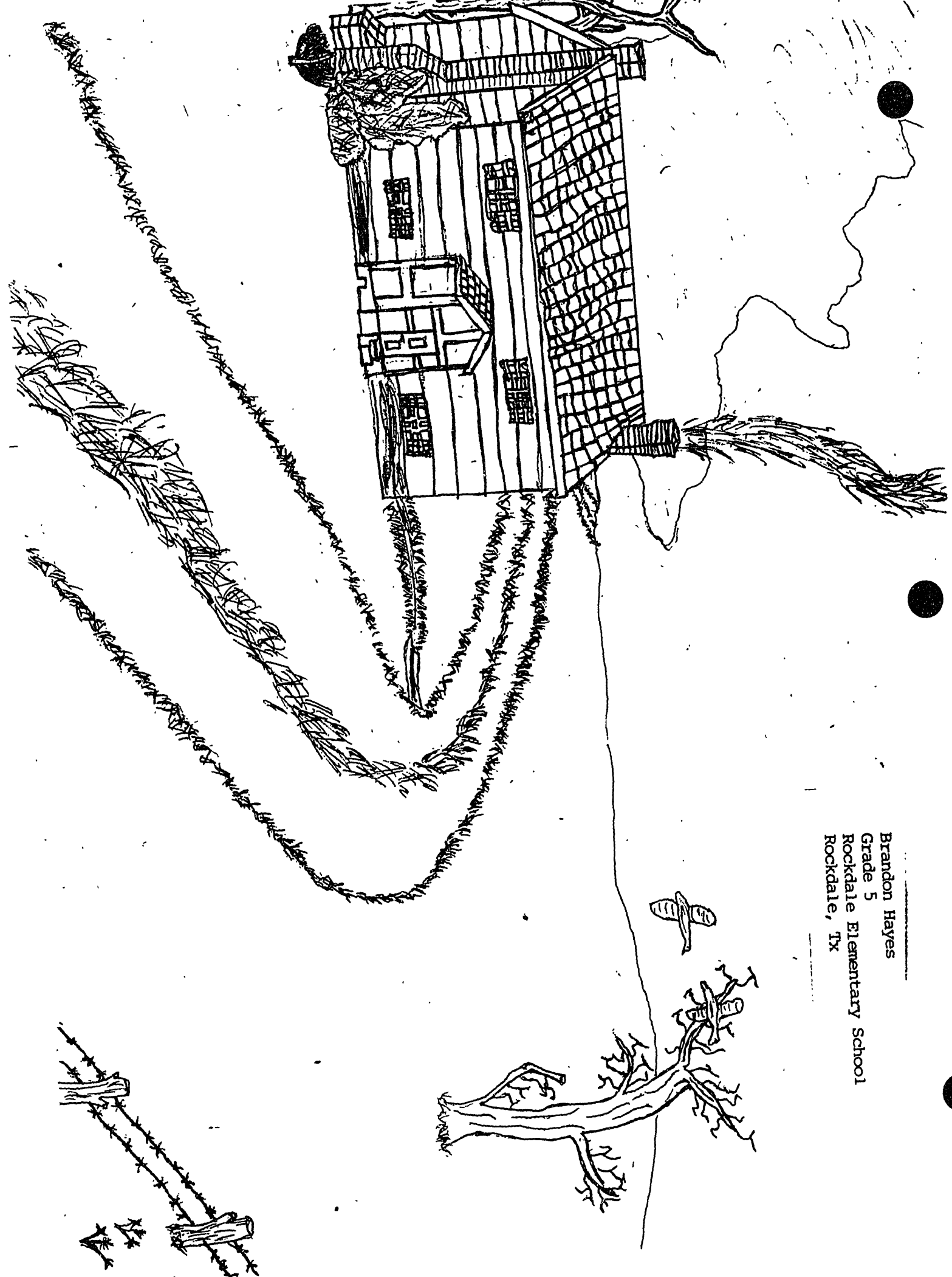
To be Judge of the 152nd Judicial District Court, Harris County, Until the next General Election and until his successor shall be duly elected and qualified: Harvey G. Brown, Jr., 114 Warrenton, Houston, Texas 77024. Mr. Brown will be replacing Harriet O'Neill of Houston who was elevated to the position of Justice of the 14th Court of Appeals.

Issued in Austin, Texas, on June 20, 1995.

TRD-9507494

George W. Bush
Governor of Texas





Brandon Hayes
Grade 5
Rockdale Elementary School
Rockdale, TX

TEXAS ETHICS COMMISSION

The Texas Ethics Commission is authorized by Government Code, §571.091, to issue advisory opinions in regard to the following statutes: the Government Code, Chapter 302; the Government Code, Chapter 305; the Government Code, Chapter 572; the Election Code, Title 15; the Penal Code, Chapter 36; and the Penal Code, Chapter 39.

Requests for copies of the full text of opinions or questions on particular submissions should be addressed to the Office of the Texas Ethics Commission, P.O. Box 12070, Austin, Texas 78711-2070, (512) 463-5800.

Advisory Opinion Request

AOR-298. File closed. Withdrawn by Requestor.

Issued in Austin, Texas, on June 19, 1995.

TRD-9507528

Lucia Dodson
Executive Assistant
Texas Ethics Commission

Ethics Advisory Opinions

EAO-266 (AOR-293). Whether a company's receipt of income from "900-number" phone tolls requires the company to register as a lobbyist in a given situation.

Summary of Opinion. A company's receipt of income from "900-number" phone tolls in the specific situation described in this opinion does not require the company to register as the lobbyist in the given situation.

EAO-267 (AOR-297) Whether an officeholder may use political contributions to pay expenses in connection with the officeholder's attendance at a legal seminar.

Summary of Opinion. A judge may use political contributions to pay expenses incurred in connection with a course of study related to the judge's duties or activities of office.

EAO-268 (AOR-299). Whether an officeholder subject to the Penal Code, §36.08(f) may accept a waiver of membership fees in a private organization.

Summary of Opinion. Waiver of a membership fee to a private club is a "benefit" for purposes of the Penal Code, Chapter 36.

As a general rule, a candidate or officeholder could accept an offer to use the facilities of a private club for campaign or officeholder purposes. Such a contribution would not be permissible, however, if the club were incorporated. If a candidate or officeholder accepted the opportunity to use the facilities of a private club as a campaign contribution or an officeholder contribution, the candidate or officeholder could not use the facilities for personal purposes unrelated to his or her candidacy or to his or her duties or activities of office.

If a state agency or office accepted the opportunity to use the facilities of a private club for state business, it would be a misuse of government resources for such opportunities accepted on behalf of the state to be used for personal or campaign purposes.

EAO-269 (AOR-300). Whether an officeholder may use a state or a campaign plane for personal purposes if appropriate reimbursement is made for the personal use.

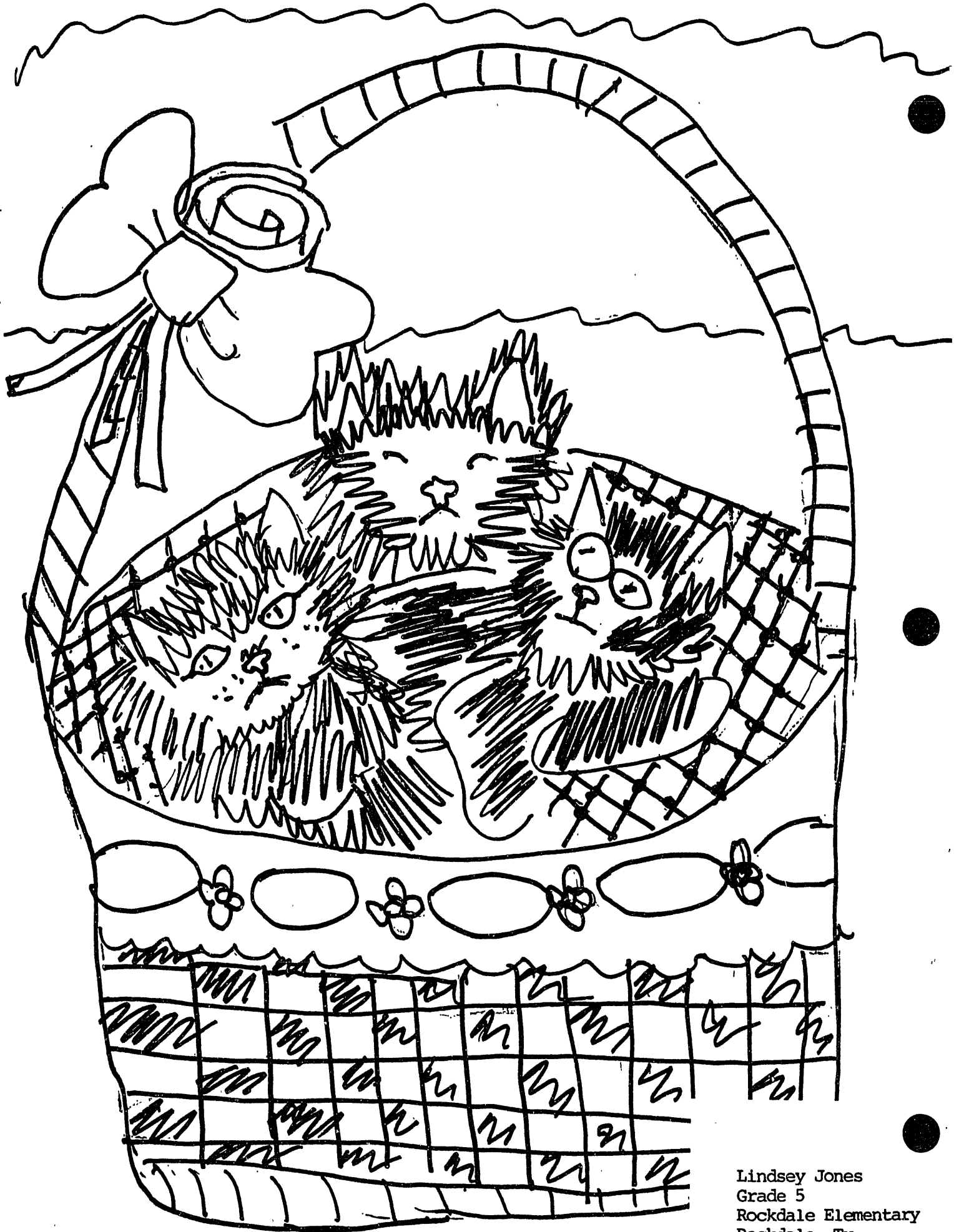
Summary of Opinion. An officeholder may not use a state plane for purposes other than those authorized by §2205.036 even if the officeholder pays for such use.

The basis for reimbursement for personal use of an airplane paid for with campaign funds is the reasonable value of the personal use.

Issued in Austin, Texas, on June 21, 1995.

TRD-9507527

Lucia Dodson
Executive Assistant
Texas Ethics Commission



Lindsey Jones
Grade 5
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Rockdale, Tx

EMERGENCY RULES

An agency may adopt a new or amended section or repeal an existing section on an emergency basis if it determines that such action is necessary for the public health, safety, or welfare of this state. The section may become effective immediately upon filing with the *Texas Register*, or on a stated date less than 20 days after filing and remaining in effect no more than 120 days. The emergency action is renewable once for no more than 60 additional days.

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

TITLE 22. EXAMINING BOARDS

Part XIV. Texas Board of Veterinary Medical Examiners

Chapter 577. General Administrative Duties

Staff and Miscellaneous

• 22 TAC §577.15

The Texas Board of Veterinary Medical Examiners adopts an amendment to §577.15, concerning Fee Schedule, on an emergency basis. The section sets out the fees charged for examinations, license renewals, open records and mailings lists and labels. Legislation passed during the 74th legislative session exempts examination fees from the \$200 professional fee previously charged. The amendment lowers the cost for the State Board Examination. A recent increase in fees charged to the Board for the National Examinations has also required an increase in these fees. The emergency adoption is necessary because the Board will not meet to adopt the amendment prior to materials being distributed for a September, 1995 examination. A proposed rule amending a majority of the Board fees is being simultaneously posted. The additional fee changes are not included in the emergency posting as it is not necessary to adopt the other fees on an emergency basis.

The amendment is adopted on an emergency basis under the authority of the Veterinary Licensing Act, Texas Civil Statutes, Article 8890, §7(a), which state "The Board may make, alter, or amend such rules and regulations as may be necessary or desirable to carry into effect the provisions of this Act."

The amendment affects the Veterinary Licensing Act, Article 8890, §19(a), which mandate that the Board, by rule, establish reasonable and necessary fees to produce sufficient revenue to cover the costs of administering the Act.

§577.15. Fee Schedule. The Board shall establish fee amounts in accordance with the Veterinary Licensing Act, Article 8890, §19(a), (b), and (c). [The following fees are

in effect September 1, 1993 with the exception of the Renewal Fee which will become effective January 1, 1995.]

Figure 1: 22 TAC §577.15—Emergency
Issued in Austin, Texas, on June 15, 1995.

TRD-8507511

Ron Allen
Executive Director
Texas Board of Veterinary
Medical Examiners

Effective date: June 20, 1995

Expiration date: October 18, 1995

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

TITLE 37. PUBLIC SAFETY AND CORRECTIONS

Part I. Texas Department of Public Safety

Chapter 6. License To Carry Concealed Handgun

• 37 TAC §§6.1, 6.11-6.15, 6.41-6.54

The Texas Department of Public Safety adopts on an emergency basis new §§6.1, 6.11-6.15, and 6.41-6.54, concerning the licensing of individuals to carry concealed handguns.

These adoptions are necessary to implement the provisions of Senate Bill 60, 74th Legislature, 1995, which requires the Texas Department of Public Safety to adopt necessary procedures by which qualified handgun instructors may become certified to instruct applicants for a license to carry a concealed handgun. Pursuant to Government Code, §2001.034, the department finds that enactment of Senate Bill 60 creates an immediate necessity that the department create and implement certain preliminary procedures, in anticipation of the September 1, 1995, effective date. Specifically, the department finds that it is necessary and consistent with the intent of the Legislature that the department begin the process of certifying qualified handgun instructors prior to September 1, 1995. The department finds that adoption of these rules on fewer than 30 days notice is required by state law.

The department will be accepting applications for instructor training and certification in late June, 1995. Instructor certification is not effective before September 1, 1995. Until September 1, 1995, only informal department procedures will be available to resolve problems arising from the instructor application procedure.

The department will begin accepting license applications on September 1, 1995. Department approved course instruction for license applicants will not begin before September 1, 1995. No license to carry a concealed handgun will be effective before January 1, 1996.

The new rules are adopted on an emergency basis under Texas Government Code, §411.006(4), which provides the director with the authority to adopt rules, subject to commission approval, considered necessary for the control of the department.

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

Certified handgun instructor—Refers to a qualified handgun instructor.

Chemically dependent person—Refers to a person who frequently or repeatedly becomes intoxicated by excessive indulgence in alcohol or uses controlled substances or dangerous drugs so as to acquire a fixed habit and an involuntary tendency to become intoxicated or use those substances as often as the opportunity is presented.

Concealed handgun—Refers to a handgun, the presence of which is not openly discernible to the ordinary observation of a reasonable person.

Convicted—Refers to an adjudication of guilt or an order of deferred adjudication entered against a person by a court of competent jurisdiction for an offense under the laws of this state, another state, or the United States, whether or not:

(A) the imposition of the sentence is subsequently probated and the person is discharged from community supervision; or

(B) the person is pardoned for the offense, unless the pardon is ex-

pressly granted for subsequent proof of innocence.

Department—Refers to the Texas Department of Public Safety, including employees of the department.

Director—Refers to the Director of the Texas Department of Public Safety or the Director's designee.

Director's designee—For purposes of conducting background investigations under this chapter, refers to employees of the Texas Department of Public Safety, unless otherwise specified by the Director.

Handgun—Has the meaning assigned by Texas Penal Code, §46.01.

Instructor applicant—Refers to a person who applies to become a certified handgun instructor.

Intoxicated—Has the meaning assigned by Texas Penal Code, §49.01.

License applicant—Refers to an applicant for a license to carry a concealed handgun under Texas Civil Statutes, Article 4413(29ee).

License holder—Refers to a person licensed to carry a concealed handgun under Texas Civil Statutes, Article 4413(29ee).

Premises—Refers to a building or a portion of a building. The term does not include any public or private driveway, street, sidewalk or walkway, parking lot, parking garage, or other parking area.

Qualified handgun instructor—Refers to a person who is certified by the department to instruct in the use of handguns.

Residence—Refers to domicile; that is, one's home and fixed place of habitation to which he intends to return after any temporary absence. The term "residence" also has the meaning assigned in §15.25 of this title (relating to Address).

Unsound mind—Refers to the mental condition of a person who:

(A) has been adjudicated mentally incompetent, mentally ill, or not guilty of a criminal offense by reason of insanity;

(B) has been diagnosed by a licensed physician as being characterized by a mental disorder or infirmity that renders the person incapable of managing the person's self or the person's affairs, unless the person furnishes a certificate from a licensed physician stating that the person is no longer disabled or under any medication for the treatment of a mental or psychiatric disorder;

(C) has been diagnosed by a licensed physician as suffering from depression, manic depression, or post-traumatic stress syndrome, unless the person furnishes a certificate from a licensed physician stating that the person is no longer disabled or under any medication for the treatment of a mental or psychiatric disorder; or

(D) a person who refuses against medical advice to take medication recommended by a licensed physician shall be considered to be "under medication."

§6.11. Eligibility for License to Carry a Concealed Handgun.

(a) To be eligible for a license to carry a concealed handgun, a person must meet the following requirements:

(1) An applicant must provide proof of residency in this state for the six-month period preceding the date of application. Residency may be shown by the following types of documents:

(A) proof that the applicant has been issued and has maintained an unexpired Texas driver's license or personal identification card issued by the department for six months or longer; provided further, that possession by an applicant of a driver's license issued by another state constitutes prima facie evidence of residency in such other state;

(B) proof that the applicant has been registered to vote in this state for six months or longer;

(C) proof that the applicant has owned or leased a residence in this state for six months or longer. Deed records, rental contracts, rental receipts, or canceled checks showing payment of rent may be used to support a claim of residency;

(D) records of utility payments; and

(E) other proof acceptable to the department.

(2) The applicant must be at least 21 years of age. Proof of age may be shown by a Texas driver's license, personal identification card, or in the manner prescribed in §15.24 of this title (relating to Birth Certificate Or Other Acceptable Evidence).

(3) The applicant must not have been convicted of a felony. An offense is considered a felony if the offense is so designated by law or if confinement for one year or more in a penitentiary is affixed to the offense as a possible punishment.

(4) The applicant must not be charged with the commission of a Class A or Class B misdemeanor or an offense under Texas Penal Code, §42.01, or of a felony under an information or indictment.

(5) The applicant must not be a fugitive from justice for a felony or a Class A or Class B misdemeanor.

(6) The applicant must not be chemically dependent.

(7) The applicant must not be of unsound mind.

(8) The applicant must not, in the five years preceding the date of application, have been convicted of a Class A or Class B misdemeanor or an offense under Texas Penal Code, §42.01. An offense is considered a Class A or Class B misdemeanor if the offense is not a felony and confinement in a jail other than a state jail felony facility is affixed as a possible punishment.

(9) The applicant must be fully qualified under applicable federal and state law to purchase a handgun.

(10) The applicant must not have been finally determined to be delinquent in making a child support payment administered or collected by the attorney general.

(11) The applicant must not have been finally determined to be delinquent in the payment of a tax or other money collected by the comptroller, state treasurer, tax collector of a political subdivision of the state, Texas Alcoholic Beverage Commission, or any other agency or subdivision of the state.

(12) The applicant must not have been finally determined to be in default on a loan made under the Education Code, Chapter 57.

(13) The applicant must not be currently restricted under a court protective order or subject to a restraining order affecting the spousal relationship. This provision includes a protective order issued under the Family Code, §3.58, §3.581, or Family Code, Chapter 71, but does not include any restraining order or protective order solely affecting property interest.

(14) The applicant must not, in the ten years preceding the date of application, have been adjudicated as having engaged in delinquent conduct violating a penal law of the grade of felony; and

(15) The applicant must not have been made any material misrepresentation, or failed to disclose any material fact, in a request for application materials or in an application for a license to carry a concealed handgun.

(b) An individual who has been convicted two times within the ten-year period preceding the date on which the person applies for a license of an offense of the grade of Class B misdemeanor or greater that involves the use of alcohol or a controlled substance as a statutory element of the offense is a chemically dependent person for the purposes of this section and is not qualified to receive a license. Nothing in this subsection shall preclude the disqual-

ification of an individual for being a chemically dependent person if other evidence exists that the person is a chemically dependent person.

§6.12. Preliminary Application Procedure: Application Request Card.

(a) Requests for license application materials will not be available to the public and will not be accepted by the department prior to August 15, 1995. Beginning on that date, the department shall distribute upon request a copy of Texas Civil Statutes, Article 4413(29ee) and license application materials to interested persons.

(b) A person who wishes to apply for a license to carry a concealed handgun must first obtain an application request card form.

(c) The request for application material form will be made available to interested parties through the following institutions and persons:

(1) the department;

(2) handgun dealers; and

(3) other persons or entities approved by the department.

(d) The request for application materials shall be submitted on an application request card form prescribed by the department. The application request card must include the following information:

(1) applicant's full name, in accordance with §15.23 of this title (relating to Names);

(2) applicant's address, in accordance with §15.25 of this title (relating to Address);

(3) applicant's race;

(4) applicant's sex;

(5) applicant's height;

(6) applicant's date of birth;

(7) applicant's state and county of birth;

(8) applicant's driver's license number. If the applicant has no driver's license, then the applicant's personal identification card is required. The driver's license or personal identification card must have been issued by the Texas Department of Public Safety; and

(9) other identifying information required by the department.

(e) No fee will be required to obtain the application request card. No fee will be required to be sent in with the application request card.

(f) An individual who desires to receive application materials shall complete the application request card and mail it to

the department at the address specified in §6.53 of this title (relating to Correspondence).

§6.13. Preliminary Review and Determination by the Department.

(a) The department shall review the application request card and shall make a preliminary determination as to whether or not the individual is eligible to receive a handgun license.

(b) If an individual is not disqualified to receive a handgun license, then the department shall forward to the individual the appropriate application materials.

(c) Notice of disqualification and preliminary denial. In the event that the preliminary review indicates that an individual is disqualified or ineligible to obtain a handgun license, then the department shall send written notice to that individual. The notice shall state that preliminary review indicates that the individual is not eligible to receive a handgun license and shall state the reason for the disqualification.

(d) Informal resolution. An individual who receives notice of disqualification shall be given an opportunity to confer, either in person or by telephone, with a representative of the department on an informal basis about the grounds for disqualification. If the applicant contests the validity of a warrant or criminal history record, then the applicant may submit his or her fingerprints to the department through a law enforcement agency in accordance with §6.14(a)(5) of this title (relating to Application). The department will verify criminal records by conducting a comparison of the applicant's fingerprints against those of the person identified in judgment or other source document. If fingerprints are not available from the source document, then the applicant may submit other documents or proof of innocence to the department for its review. The informal resolution procedure in this subsection is separate from and in addition to other remedies provided by law.

§6.14. Application.

(a) A license applicant must complete the following application materials and forward the completed materials to the department at its headquarters in Austin:

(1) a completed application on a form provided by the department.

(2) two recent color passport photographs of the applicant. The applicant shall submit two identical photographs of the applicant to the person who fingerprints the applicant, as detailed in paragraph (5) of this section. The photographs must be unretouched color prints. Snapshots, vending

machine prints, and full length photographs will not be accepted. The photographs must be 2 by 2 inches in size. The photographs must be taken in normal light, with white or off-white background. The photographs must present a good likeness of the applicant taken within the last six months. The photographs must present a clear, frontal image of the applicant, and include the full face from the bottom of the chin to the top of the head, including hair. The image of the applicant must be between 1 and 1-3/8 inches. Only the applicant may be portrayed.

(3) proof of age as established by a driver's license or personal identification card issued by the department, or a certified copy of the applicant's birth certificate, or other certified proof of age;

(4) proof of residency in this state;

(5) the applicant must be fingerprinted by a person employed by a law enforcement agency who is appropriately trained in recording fingerprints. The applicant must display a Texas driver's license or personal identification card issued by the department. The applicant must deliver two passport photographs as described in paragraph (2) of this section, two blank fingerprints cards supplied by the department, and an instruction page included in the application materials. An instructor applicant is not required to submit photographs. Two complete sets of legible and classifiable fingerprints of the applicant must be taken on cards provided by the department. The person who takes the applicant's fingerprints shall:

(A) verify that the passport photographs are of the person being fingerprinted (not required for instructor applicants);

(B) either complete or verify the accuracy of the non-fingerprint data being submitted on the card;

(C) record the individual's fingerprints on the card, in a manner consistent with that normally done for an arrest fingerprint card, including the simultaneous impressions;

(D) obtain the signature of the license applicant on both the fingerprint cards and on the back of one of the passport photographs. (An instructor applicant is not required to provide this signature.) The applicant's signature must comply with §15.21 of this title (relating to Signature);

(E) sign the fingerprint card and the back of the same passport photo-

graph signed by the applicant (not required for instructor applicants); and

(F) return all documents to the applicant to be forwarded to the department.

(6) except as otherwise provided, the applicant must submit a non-refundable application and license fee of \$140. The fee must be in the form of a cashier's check or money order made payable to the Texas Department of Public Safety;

(7) a handgun proficiency certificate issued upon successful completion of a handgun proficiency course approved by the department and taught by a certified handgun instructor;

(8) affidavits signed by the applicant to state the following:

(A) that the applicant has read and understands each provision of this article that creates an offense under the laws of this state and each provision of the laws of this state related to the use of deadly force;

(B) that the applicant fulfills all the eligibility requirements for a license to carry a concealed handgun; and

(C) that the applicant authorizes the director to make inquiry into any non-criminal history records that are necessary to determine the applicant's eligibility for a license.

(b) An applicant must provide on the application a statement of the applicant's:

(1) full name and place and date of birth;

(2) race and sex;

(3) residence and business addresses for the preceding five years;

(4) hair and eye color;

(5) height and weight;

(6) driver's license number or identification certificate number issued by the department;

(7) criminal history record information of the type maintained by the department under Government Code, Chapter 411, including a list of offenses for which the applicant was arrested, charged, or under an information or indictment and the disposition of the offenses; and

(8) history during the preceding five years, if any, of treatment received by, commitment to, or residence in:

(A) a drug or alcohol treatment center licensed to provide drug or alcohol treatment under the laws of this state or another state; or

(B) a psychiatric hospital.

(c) Applications submitted must be complete and legible. If an application is not legible or is not complete, the department will notify the applicant of the deficiency. The applicant will have 90 days from the date on which the department first received the original license application to amend the application. Upon request, the department may extend the period to amend the application for one additional 90 day period. After the period to amend has expired, then the application process will be terminated.

§6.15. Review of Application and Background Investigation.

(a) The scope of the background investigation is within the sole discretion of the department.

(b) The department shall conduct the background investigation within the time required, as measured from the date when the application was received. The application is not considered to have been received until it is complete.

(c) On receipt of the completed application materials by the department at its Austin headquarters, the department shall review the application and conduct the appropriate criminal history record check of the applicant through its computerized criminal history system. The department shall send one set of the applicant's fingerprints to the Federal Bureau of Investigation for a national criminal history check of the applicant.

(d) Not later than the 30th day after the date the department receives the application materials, the department shall forward the application materials to the director's designee in the geographical area of the applicant's residence so that the designee may conduct the field background investigation.

(e) The director's designee is authorized to conduct an additional criminal history record check of the applicant and an investigation of locally maintained official records to verify the accuracy of the application materials.

(f) The director's designee is authorized to check local arrest records of law enforcement agencies in each city and county where the applicant has resided for the five years preceding the date of application.

(g) The director's designee is authorized to obtain copies of official records of arrests or convictions if necessary.

(h) On request of the director's designee, a juvenile court shall reopen and allow the department to inspect the files and records of the juvenile court relating to an applicant for a license to carry a concealed handgun.

(i) Upon receipt of reliable information, the director's designee is authorized to conduct follow-up investigation as necessary.

(j) Upon completion of the investigation, the director's designee shall return all application materials and investigation results to the appropriate division of the department at the address as specified in §6.53 of this title (relating to Correspondence). The investigation results shall include a written recommendation that the application either be approved or disapproved.

(k) The investigation results may include one or more affidavits stating grounds for denial of license.

§6.41. Eligibility for Certification of Handgun Instructors.

(a) To be eligible to be a certified handgun instructor, a instructor applicant must meet the minimum eligibility requirements to be licensed to carry a concealed handgun, as provided in §6.11 of this title (relating to Eligibility For License To Carry A Concealed Handgun). To qualify for certification as a handgun instructor, the instructor applicant must take and successfully complete the training offered by the department. The instructor applicant must demonstrate knowledge and ability to instruct persons on required subjects.

(b) A certified handgun instructor is not required to be licensed to carry a concealed handgun. A certified handgun instructor who is not licensed is not authorized to carry a concealed handgun.

(c) An instructor applicant must complete an application on a form approved and supplied by the department. The instructor application form and materials will include the same information as a license application form, as provided in §6.14 of this title (relating to Application) except that no photographs are required. Instructor applicants will be required to submit certain additional information as required by the department.

(d) An instructor applicant is subject to a background investigation substantially similar to the background investigation required for license applicants, as provided in §6.15 of this title (relating to Review Of Application And Background Investigation).

(e) An instructor applicant shall pay a non-refundable fee of \$100 to the department for necessary training.

(f) The department shall provide training to instructor applicants. The department finds that it is the intent of the Legislature that proficiency training for license applicants be made available throughout all regions of the state. To that end, the department will attempt to ensure that instructor applicants from all regions of the state are admitted to training. The department will allocate available training resources accordingly.

(g) An instructor applicant must bring all necessary equipment to training. The following equipment is required: one non semi-automatic handgun; one semi-automatic handgun; ammunition; ear protection; eye protection; other appropriate protective clothing; and other equipment as determined by the department. Handguns must be at least 9 millimeter or .38 caliber.

(h) Each handgun must be in safe and working condition. No handgun may have any internal modification which compromises the safety of the weapon. Handguns are subject to inspection by the department's instructors prior to training and at any time during the training course. If the instructor finds that a weapon is unsafe, then the instructor will reject that weapon for use in training and qualifications. The instructor may require that any handgun be secured or removed from department premises.

(i) Only standard Sporting Arms Ammunition Manufacturing Institute (SAAMI) ammunition may be used during training and qualification.

(j) All courses of fire will be scored on a standard TX-PT target. The TX-PT is a blue silhouette target developed by the department. No modifications to the target or scoring will be allowed.

(k) A standard proficiency qualification course will be developed by the department for use in both instructor and licensee qualification. A demonstration of proficiency shall be based on fifty rounds.

§6.42. Certified Handgun Instructor Course Instruction.

(a) Training will include instruction on the following subjects:

(1) the laws that relate to weapons and to the use of deadly force;

(2) handgun use, proficiency, and safety;

(3) nonviolent dispute resolution;

(4) proper storage practices for handguns, including storage practices that eliminate the possibility of accidental injury to a child;

(5) techniques of group instruction; and

(6) other subjects deemed necessary and appropriate by the department.

(b) An instructor applicant must qualify on both the semi-automatic and non semi-automatic handgun with minimum score of 90%. The instructor applicant will have three opportunities to demonstrate proficiency. The instructor applicant must show proficiency during the training course.

(c) An instructor applicant must pass a written exam with a minimum score of 70%. The instructor applicant will be given one opportunity to pass the written exam during the training course. If the instructor applicant fails the first written exam, then the test may be repeated twice at regularly scheduled training courses held by the department. The instructor applicant must pass the written exam by the third attempt and within six months of application. Failure to pass within six months will terminate the application process.

(d) Good order and discipline will be maintained during the training course. Conduct which is disruptive or unsafe shall be grounds for immediate ejection from the training course. Unsafe handling of a handgun shall constitute grounds for immediate ejection from the training course. Ejection shall be at the sole discretion of the instructor.

(e) No instructor applicant or other person present during training shall consume alcohol prior to or during training. Consumption of alcohol or illegal drugs shall constitute grounds for immediate removal from training. No alcohol shall be brought on department premises. No person who is impaired by any substance may be present during training. Instructor applicants who take prescription medication should consult privately with the department's instructor about potential impairment of mental and physical faculties. If good cause exists to believe that any person is impaired during training, then the department's instructor shall remove that person from training. Removal shall be at the sole discretion of the instructor.

(f) The normal course of instruction for instructor applicants shall be forty hours in length.

(g) An instructor applicant who fails to qualify for certification will be given a preference for an opportunity to attend the normal course of instruction within six months.

§6.43. Abbreviated Certified Handgun Instructor Training Course.

(a) An instructor applicant may apply for an abbreviated instructor training course which shall be 28 hours in length.

(b) An applicant for the abbreviated instructor training course must provide documentation or credentials in support of one of the following:

(1) that the individual has been certified by the Texas Board of Private Investigators and Private Security Agencies to instruct others in the use of handguns;

(2) that the individual has been certified by the National Rifle Association of America as a handgun instructor; or

(3) that the individual regularly instructs others in the use of handguns and has graduated from a handgun instructor school that uses a nationally accepted course designed to train persons as handgun instructors.

(c) An applicant for the abbreviated instructor training course may be required to produce course materials related to firearms courses previously attended.

(d) An applicant for the abbreviated instructor training course will be required to take a pretest to demonstrate both handgun knowledge and proficiency. The applicant will be given one opportunity to pass the pretest. To qualify for the abbreviated course, the instructor applicant must achieve the following score:

(1) a minimum score of 70% on written pretest; and

(2) a minimum score of 90% on proficiency with both a semi-automatic and non semi-automatic handgun.

(e) An applicant for the abbreviated instructor training course who fails to qualify on either the written or proficiency pretest for the abbreviated course of instruction will not be permitted to attend the training course, but will be given a preference for an opportunity to attend the normal course of instruction within six months.

§6.44. Expiration of Instructor Certification. The certification of a qualified handgun instructor expires on the second anniversary after the date of certification.

§6.45. Renewal of Instructor Certification. To renew a certification, the certified handgun instructor must pay a fee of \$100 and take and successfully complete the retraining courses required by rule of the department.

§6.46. Certified Handgun Instructors to Instruct Licensee Applicants.

(a) Upon certification, a certified handgun instructor may conduct training for licensee applicants. Instructor certification is not effective before September 1, 1995. Course training credit may not be extended

to license applicants for training which occurs prior to September 1, 1995.

(b) Certified handgun instructors shall instruct their students on the basis of the curriculum developed and approved by the department. The department may monitor course instruction by certified instructors. Video instruction may be used as a component of course instruction only with the prior written approval of the department. Guest instructors who are not certified may be used for course instruction only with the prior written approval of the department. Request for approval should be directed to the Texas Department of Public Safety, in care of Pistol Range, P.O. Box 4087, Austin, Texas 78773-0001.

§6.47. Classroom and Range Facilities. All classroom and range instruction for license applicants shall be conducted in this state. All classroom and range instruction facilities are subject to inspection and approval by the department. Each range will be assigned an identification number to facilitate monitoring by the department. For each training session, a certified instructor shall give prior notice to the department of the date, time, classroom location, range location, range number, and the certified instructor(s) responsible for the training session.

§6.48. Certified Handgun Instructor Reports and Records; Retention.

(a) Certified handgun instructors are required to maintain records and to submit regular reports to the department. Reports must be submitted on forms approved by the department, and on the most recent version of the form adopted.

(b) After a license applicant has completed a training course, a certified handgun instructor who trained the applicant shall submit an appropriate report to the department within five business days.

(c) Certified handgun instructors shall retain license applicant records, test scores, critiques, proficiency demonstrations, course materials, and copies of reports submitted to the department for a period of three years after completion. Records must be stored in a safe and secure

place and must be available for inspection by authorized officers of the department.

(d) Proficiency certificates will be available for sale by the department to certified instructors for \$5.00 each, and are to be sold in lots of ten or more. Proficiency certificates may be awarded to qualified license applicants, but may not otherwise be transferred to other certified instructors or to other persons. Proficiency certificates shall be kept locked and secure at all times to prevent theft. A certified instructor shall report the loss, theft, or destruction of proficiency certificates to the department within five business days.

§6.49. Compliance. Instructor applicants and certified handgun instructors are required to comply with all applicable statutes, rules, regulations, and Texas Department of Public Safety Training Academy operational procedures. Failure to comply may constitute grounds for removal from training, or denial, suspension, or revocation of instructor certification.

§6.50. Cancellation of License. If the department determines that a reason exists to revoke, suspend, or deny a license to carry a concealed handgun with respect to a person who is a certified handgun instructor or an instructor applicant. The department shall take the appropriate enforcement action against the person's certification as a certified handgun instructor, in addition to action taken against the license to carry a concealed handgun.

§6.51. Public List of Certified Instructors. A list of individuals who are certified as qualified handgun instructors by the department shall be available to the public. A list of upcoming training sessions offered by certified instructors and reported to the department shall also be available to the public.

§6.52. Method of Payment.

(a) Payment to the department of any fee required by this chapter or Texas Civil Statutes, Article 4413(29ee) may be made only by cashier's check or money order made payable to the "Texas Department of Public Safety."

(b) A fee received by the department under this chapter is non refundable.

§6.53. Correspondence. Except as otherwise provided, applications and other correspondence should be mailed to the department at the following address: Texas Department of Public Safety, Concealed Handgun Licensing Unit, Post Office Box 15888, Austin, Texas 78761-5888.

§6.54 Notice Required on Certain Premises.

(a) Notice Effective September 1, 1995, the following establishments shall prominently display an appropriate notice at each entrance to the premises, to state that it is unlawful to carry a handgun on the premises:

(1) a business that has a permit or license issued under Alcoholic Beverage Code, Chapter 25, 28, 32, or 69, and that derives 51% or more of its income from the sale of alcoholic beverages for on-premises consumption.

(2) a hospital licensed under the Health and Safety Code, Chapter 241.

(3) a nursing home licensed under the Health and Safety Code, Chapter 242.

(b) Text. The sign must state that it is unlawful to carry a handgun on the premises. The following text may be used: "State law prohibits carrying a handgun on these premises."

(c) Language. The notice must be written in both English and Spanish.

(d) Visibility. The sign must appear in contrasting colors with block letters at least one inch in height and shall be displayed in a conspicuous manner clearly visible to the public.

Issued in Austin, Texas, on June 20, 1995

TRD-9507533

James R Wilson
Director
Texas Department of
Public Safety

Effective date: June 21, 1995

Expiration date: October 19, 1995

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

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 22. EXAMINING BOARDS

Part XXIV. Texas Board of Veterinary Medical Examiners

Chapter 571. Licensing

Examinations

• 22 TAC §571.5

The Texas Board of Veterinary Medical Examiners proposes an amendment to §571.5, entitled Certification of Score. The amendment removes the reference to the -1.5 standard deviation, since the Professional Examination Service no longer uses this in calculating passing scores on the national examinations.

Ron Allen, executive director of the Board, 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. Allen 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 is that there will not be any discernable public benefit derived from the adoption of this amendment. 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 the Texas Board of Veterinary Medical Examiners, 1946 South IH-35, Suite 306, Austin, Texas 78704, (512) 447-1183, and must be received by July 31, 1995.

The amendment is proposed under the authority of the Veterinary Licensing Act, Texas Civil Statutes, Article 8890, §7(a), which state "The Board may make, alter, or amend such rules and regulations as may be necessary or desirable to carry into effect the provisions of this Act."

The amendment affects the Veterinary Licensing Act, Texas Civil Statutes, Article 8890, §10(b)(2), which state candidates for licensure must "have passed national or other examination recognized by the board relating to veterinary medicine".

§571.5. *Certification of Score.* The Texas State Board of Veterinary Medical Examiners will accept the results of the National Examination (NBE) and the Clinical Competency Test (CCT) provided the applicant for licensure in Texas satisfies the following conditions.

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

(3) The applicant must have obtained a minimum passing score of 75%, [at a standard deviation of -1.5,] on the NBE and CCT to be qualified to take the State Board Licensing Examination.

(4) (No change.)

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

Issued in Austin, Texas, on June 15, 1995.

TRD-9507500

Ron Allen
Executive Director
Texas Board of Veterinary
Medical Examiners

Proposed date of adoption: October 5, 1995

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

• 22 TAC §571.18

The Texas Board of Veterinary Medical Examiners proposes an amendment to §571.18, entitled Provisional Licensure. The amendment removes the reference to the -1.5 standard deviation, since the Professional Examination Service no longer uses this in calculating passing scores on the national examinations. It also requires that candidates either be a graduate of an AVMA accredited College of Veterinary Medicine or have an ECFVG Certificate and removes a specific fee amount in order that the rule does not require revision each time fees change.

Ron Allen, executive director of the Board, 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. Allen also has determined that for each year of the first five years the section is in

effect the public benefit anticipated as a result of enforcing the section will be that there will not be any discernable public benefit derived from the adoption of this amendment. 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 since the amendment does not place additional requirements on individuals.

Comments on the proposal may be submitted to the Texas Board of Veterinary Medical Examiners, 1946 South IH-35, Suite 306, Austin, Texas 78704, (512) 447-1183, and must be received by July 31, 1995.

The amendment is proposed under the authority of the Veterinary Licensing Act, Texas Civil Statutes, Article 8890, §7(a), which state "The Board may make, alter, or amend such rules and regulations as may be necessary or desirable to carry into effect the provisions of this Act."

The amendment affects the Veterinary Licensing Act, Texas Civil Statutes, Article 8890, §10(b), which provide the Board with the authority to grant provisional licenses.

§571.18. *Provisional Licensure.*

(a) A provisional license is not available to individuals who have failed the Texas State Board Examination prior to making application for a provisional license. The Board will grant a provisional license to a person who provides:

(1) (No change.)

(2) proof of having passed the National Board and Clinical Competency Test with a minimum passing score of 75%[, at a standard deviation of -1.5];

(3)-(5) (No change.)

(6) possess an Educational Commission for Foreign Veterinary Graduates Certificate if not a graduate of an AVMA accredited College of Veterinary Medicine.

(b) (No change.)

(c) At the time application is made for a provisional license, the applicant must complete an application form furnished by the Board and submit supporting documen-

tation as required including but not limited to:

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

(6) an application fee in an amount set by the Board. [the an amount of \$400.]

(d)-(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 June 15, 1995.

TRD-9507501

Ron Allen
Executive Director
Texas Board of Veterinary
Medical Examiners

Proposed date of adoption: October 5, 1995

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

License Renewals

• 22 TAC §571.61

The Texas Board of Veterinary Medical Examiners proposes new §573.61, authorizing an Inactive License status. This new rule will allow for an inactive status for licensees wishing to maintain a Texas license.

Ron Allen, executive director of the Board, 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. Allen also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be that the rule will benefit those DVMs who are not practicing in Texas and want to maintain a Texas license. There will be no effect on small businesses. There will be a reduction in costs to persons selecting this option for license renewal provided they meet certain criteria. The rule establishes administrative penalties for practicing in Texas with an inactive license.

Comments on the proposal may be submitted to the Texas Board of Veterinary Medical Examiners, 1946 South I-35, Suite 306, Austin, Texas 78704, (512) 447-1183, and must be received by July 31, 1995.

The new section is proposed under the authority of the Veterinary Licensing Act, Texas Civil Statutes, Article 8890, §7(a), which state "The Board may make, alter, or amend such rules and regulations as may be necessary or desirable to carry into effect the provisions of this Act."

The new section affects the Veterinary Licensing Act, Texas Civil Statutes, Article 8890, §10B(b), which provide the Board with the authority to place a licensee on inactive status.

§571.61. Inactive License Status.

(a) Application. A licensee may request his/her license be placed on inactive status, whether or not he/she is practicing within the state of Texas, provided:

(1) his or her current license is active and is in good standing;

(2) a request in writing, on the form prescribed by the board, is made for his or her license to be placed on official inactive status; and

(3) the request is made during the annual license renewal period between January 1 and February 28.

(b) Restrictions. The following restrictions shall apply to licensees whose licenses are on inactive status.

(1) The licensee may not engage in the practice of veterinary medicine or otherwise provide treatment to any animal in the State of Texas.

(2) The licensee may not prescribe or administer drugs, nor may he or she possess a Drug Enforcement Administration or Texas controlled substances registration for location in Texas.

(c) Return to active status. A licensee on inactive status wishing to practice veterinary medicine within the state of Texas must receive written approval from the Board prior to returning to active status. In addition to other information which may be requested or required by the Board, the following conditions apply to licensees applying to return to active status.

(1) A veterinarian licensed and practicing in another state or jurisdiction must prove he or she is in good standing in that state or jurisdiction.

(2) A licensee on inactive status must pay the total annual renewal fee, less the amount of the inactive annual renewal fee, plus a \$25 administrative processing fee to obtain a regular license. The regular annual renewal fee shall not be prorated for applications to return to active status made after the annual renewal period.

(d) Continuing education requirements. If a licensee on inactive status requesting to return to regular license status has maintained an annual average of 15 hours of continuing education, the licensee will be placed on regular license status without any additional requirements. If the average annual continuing education is less than 15 hours, the licensee must complete 30 hours of continuing education in the twelve months immediately following regular license status.

(e) Cancellation of inactive license. A license maintained on inactive status will be automatically cancelled after ten years.

A new license will be issued only upon completion of all requirements for licensure. During the ninth year of inactive status, the Board will notify the inactive licensee that during the following year, his or her license must be on regular status or the license will be cancelled.

(f) Annual renewal fees. The annual fee for a license on inactive status shall be as set by the Board in §575.15 of this title (relating to Documentary Evidence and Official Notice).

(g) Penalty. A licensee on inactive status found to be actively practicing veterinary medicine in the state of Texas shall be subject to an administrative penalty of \$500 per day for each violation. Submission of false or otherwise misleading information or any other misrepresentation contained on any request for inactive status, renewal of inactive status or return to active status shall be a violation of this rule.

(h) Reinstatement directly to inactive status. Licensees failing to timely renew their licenses during the 1995 renewal period (January 1-February 28, 1995), whose licenses have not been cancelled for previous non-renewals, may apply for reinstatement directly to inactive status.

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

Issued in Austin, Texas, on June 15, 1995.

TRD-9507502

Ron Allen
Executive Director
Texas Board of Veterinary
Medical Examiners

Proposed date of adoption: October 5, 1995

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

Chapter 573. Rules of Professional Conduct

Supervision of Personnel

• 22 TAC §573.10

The Texas Board of Veterinary Medical Examiners proposes new §573.10 to replace the current rule concerning Supervision of Lay Personnel. The new rule defines acceptable levels of supervision and provides practitioners with guidelines as to what tasks a non-licensed employee may perform. It places sole responsibility for determining the employee's qualifications on the employing licensee.

Ron Allen, executive director of the Board, 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. Allen also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be that the public will benefit because DVMs will be allowed to use employees, under proper supervision, where it will benefit patient treatment, and treat animals in an emergency situation where the DVM is not on the premises, but can instruct the employees by means of oral electronic communication. 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 since there are no additional requirements beyond those already in place.

Comments on the proposal may be submitted to the Texas Board of Veterinary Medical Examiners, 1946 South IH-35, Suite 306, Austin, Texas 78704, (512) 447-1183, and must be received by July 31, 1995.

The new section is proposed under the authority of the Veterinary Licensing Act, Texas Civil Statutes, Article 8890, §7(a), which state "The Board may make, alter, or amend such rules and regulations as may be necessary or desirable to carry into effect the provisions of this Act."

The new section affects §7(c), which states "the Board may adopt rules for the use of registered veterinary technicians working under the supervision of a licensee.

§573.10. Supervision of Non-Licensed Employees.

(a) General supervision. Supervision by a responsible veterinarian being readily available to communicate with the person being supervised by the veterinarian.

(b) Direct supervision. The actual physical presence of a responsible veterinarian on the premises.

(c) Immediate supervision. The responsible veterinarian is in audible and visual range of the animal patient and the person treating the animal.

(d) Official health test/documents. A licensee must personally sign any official health documents, other than "rabies certificates" issued by said licensee. The issuance of any pre-signed official health documents by a licensee is a violation of this rule. Unless otherwise prohibited by this Act, Board Rule, State or federal law, a licensee may permit an unlicensed employee, under Direct Supervision of the licensee, to collect samples from animals for official test.

(e) Employee qualifications. The veterinarian is the sole judge of the employee's qualifications necessary for the performance of routine treatment. Consequently, the licensee will be held accountable before the Board for the actions and/or potential problems associated with employees acting at his/her directions.

(f) Prohibited services. An unlicensed individual shall not perform the fol-

lowing health care services: surgery, invasive dental procedures; diagnosis and prognosis of animal diseases and/or conditions; prescribing of drugs; medicine and appliances for domestic animals.

(g) The level of supervision on non-licensed employees. General or Direct supervision as defined by the Act, shall be at the discretion and responsibility of the licensed veterinarian except where such acts of non-licensees are prohibited by the Act or Board Rule. Licensees should consider both the level of training and experience when determining level of supervision and duties of non-licensed employees. When feasible a licensee should delegate greater responsibility to Registered Veterinary Technician (RVT) over non-registered veterinary technicians. RVT's may perform those duties they have been trained to do as set forth by American Veterinary Medical Association (Committee on Veterinary Technician Education and Activities) provided those duties are performed under the direction, supervision and responsibility of a veterinarian licensed by Board, and such duties are not prohibited by Board Rule, State or Federal law, and where employment of the RVT is not an attempt to circumvent the Act or Board Rule. An RVT may suture existing surgical skin incisions and induce anesthesia under the direct or immediate supervision of a veterinarian, and may be performed by a non-registered veterinary technician only under the immediate supervision by a veterinarian. Euthanasia may only be performed by a veterinary technician under the direct supervision of a veterinarian.

(h) Emergency care. A licensee, in an emergency situation where prompt treatment is essential for the prevention of death or alleviation of extreme suffering, may, after determining the nature of the emergency, and the condition of the animal, issue treatment directions to an unlicensed person by means of telephone or radio communication. The Board can take action against a veterinarian if, in the Board's sole discretion, the veterinarian uses the privilege to circumvent this rule. The veterinarian assumes full responsibility for such treatment. However, nothing in this rule requires a licensee to accept a case under these circumstances.

(i) Care of hospitalized animals. It is permissible for an unlicensed person, in the absence of direct supervision, to follow the oral or written treatment orders of a licensed veterinarian in the care of hospitalized animals; provided however, that the veterinarian has examined the animal(s) and that a valid veterinarian/client/patient relationship exists.

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

Issued in Austin, Texas, on June 15, 1995.

TRD-9507504

Ron Allen
Executive Director
Texas Board of Veterinary
Medical Examiners

Proposed date of adoption: October 5, 1995

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

Responsibilities to Clients

• 22 TAC §573.23

The Texas Board of Veterinary Medical Examiners proposes new §573.23, entitled Board Certified Specialist. This new rule defines a Board Certified Specialist; establishes a higher standard of care to be provided by such specialists; sets out the licensees' responsibilities in referring cases to specialists; and outlines the procedures for investigating complaints involving specialists.

Ron Allen, executive director of the Board, 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. Allen also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be that the public will benefit since the licensee will be required to provide clients with information on specialists in the area or more qualified licensees, in cases where the care and treatment of the animal is beyond the licensee's capabilities. There will be no effect on small businesses. The economic costs to persons required to comply with the rule has not been established. This is a new rule and it is not yet known the number of licensees that fail to refer clients to specialists when a case is beyond their expertise. It is expected to have a nominal impact on the number of complaints filed with the Board each year.

Comments on the proposal may be submitted to the Texas Board of Veterinary Medical Examiners, 1946 South I-35, Suite 306, Austin, Texas 78704, (512) 447-1183, and must be received by July 31, 1995.

The new section is proposed under the authority of the Veterinary Licensing Act, Texas Civil Statutes, Article 8890, §7(a), which state "The Board may make, alter, or amend such rules and regulations as may be necessary or desirable to carry into effect the provisions of this Act."

The new section affects the Veterinary Licensing Act, Texas Civil Statutes, Article 8890, §8(a), which state the Board may "... adopt, alter or amend rules of professional conduct appropriate to establish and maintain a high standard of integrity, skills and practice in the profession of veterinary medicine".

§573.23. Board Certified Specialists and Duty of Licensee to Refer a Case.

(a) Definition. A licensee is a Board Certified Specialist is he/she is a

diplomate of a specialty board or college recognized by the American Veterinary Medical Association.

(b) Standard of care for Board Certified Specialist. A Board Certified Specialist is held to a higher standard of care than non-specialist licensees, notwithstanding §573.22 of this title (relating to Professional Standard of Humane Treatment).

(c) Responsibility of licensee to refer a case. A licensee shall have a duty to suggest a referral to a Board Certified Specialist, or otherwise more qualified licensee, in any case where the care and treatment of the animal is beyond the licensee's capabilities. A licensee's decision on whether to accept or continue care and treatment of an animal which may require expertise beyond the licensee's capabilities shall be based on the exercise of sound judgment within the prevailing standard of care for a licensee faced with the same or similar circumstances.

(d) Complaint investigations.

(1) Complaints against Board Certified Specialist. Board investigations of complaints alleging substandard care by a Board Certified Specialist in his/her area of specialty will include consultations with one or more Board Certified Specialists, licensed by the Board, practicing the same specialty on the species involved in the complaint. The Board, at its sole discretion, may consult with Board Certified Specialists from outside of Texas. If the Board determines an informal conference is warranted, both complainant and respondent may, at their own expense, present oral or written commentary by a Board Certified Specialist practicing the same specialty on the species involved in the complaint.

(2) Complaints regarding failure to make proper referral. Board investigations of complaints alleging failure to properly make referrals will include evaluation of the training and experience of the licensee, the availability of a specialist or more qualified licensee, the timeliness and adequacy of information provided to the client regarding the possible need for a referral, the requests of the client, and the likelihood that an adverse result could have been prevented by a timely referral.

(e) Recordkeeping. A licensee should enter the date and substance of any referral recommendations, with reference to the response of the client, and the date and substance of any consultation concerning a case with a Board Certified Specialist or other more qualified veterinarian in the patient's permanent record.

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

Issued in Austin, Texas, on June 15, 1995.

TRD-9507505

Ron Allen
Executive Director
Texas Board of Veterinary
Medical Examiners

Proposed date of adoption: October 5, 1995

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

◆ ◆ ◆
The Texas Board of Veterinary Medical Examiners proposes the repeal of §573.67 and new §573.67, concerning Temporary Suspension of License. This new rule replaces the current rule and describes and defines the process to be used by the Board to temporarily suspend a license in detail. The new rule updates the statutory cite for the Open Meetings Act

Ron Allen, executive director of the Board, has determined that for the first five-year period the sections are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the sections.

Mr. Allen also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be that the Board can act promptly to protect public health and safety. A committee of the Board will be allowed to temporarily suspend licensees in cases where a continued or immediate threat to public welfare exists. There will be no effect on small businesses. There is no additional economic cost to persons who are required to comply with the sections as proposed since the new rule does not place additional requirements on individuals.

Comments on the proposal may be submitted to the Texas Board of Veterinary Medical Examiners, 1946 South I-35, Suite 306, Austin, Texas 78704, (512) 447-1183, and must be received by July 31, 1995.

Other Provisions

• 22 TAC §573.67

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

The repeal is proposed under the authority of the Veterinary Licensing Act, Texas Civil Statutes, Article 8890, §7(a), which state "The Board may make, alter, or amend such rules and regulations as may be necessary or desirable to carry into effect the provisions of this Act."

The repeal affects the Veterinary Licensing Act, Texas Civil Statutes, Article 8890, §14C, which provide the Board with the authority to temporarily suspend a license if continued practice constitutes a continuing or imminent threat to the public welfare.

§573.67. *Temporary Suspension of a Licensee.*

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

Issued in Austin, Texas, on June 15, 1995.

TRD-9507506

Ron Allen
Executive Director
Texas Board of Veterinary
Medical Examiners

Proposed date of adoption: August 7, 1995

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

◆ ◆ ◆
The new section is being proposed under the authority of the Veterinary Licensing Act, Texas Civil Statutes, Article 8890, §7(a), which state "The Board may make, alter, or amend such rules and regulations as may be necessary or desirable to carry into effect the provisions of this Act."

The new section affects the Veterinary Licensing Act, Texas Civil Statutes, Article 8890, §14C, which provide the Board with the authority to temporarily suspend a license if continued practice constitutes a continuing or imminent threat to the public welfare.

§573.67. *Temporary Suspensions.*

(a) In accordance with the Veterinary Licensing Act (the Act), Article 8890, §14C, the president of the board shall appoint a three-member executive disciplinary committee consisting of the president, the Board secretary and one public member, for the purpose of determining whether a person's license to practice veterinary medicine in this state should be temporarily suspended under this section.

(b) If the executive disciplinary committee determines from the evidence or information presented to it that a person licensed to practice veterinary medicine in this state would constitute a continuing or imminent threat to the public welfare by his/her continuation in practice, the executive disciplinary committee shall temporarily suspend the license of that person.

(c) A license may be suspended under this section without notice or a hearing on the complaint, provided the Board's enforcement committee (established pursuant to Article 8890, §18F and §575.27(c)) shall meet within 14 days of the date of suspension to determine if formal disciplinary proceedings should be initiated against the licensee. The licensee must be notified of this meeting pursuant to Administrative Procedures Act (APA), §2001.051. Determination by the enforcement committee that a violation of the Act or Board rules has occurred and a complaint should be formally docketed will result in a hearing pursuant to subsection (d) of this section. A determination by the enforcement committee that no violation of the Act or Board rules occurred will result in the suspended

license being reinstated. A proposed settlement recommendation by the enforcement committee which is agreed to in writing by the licensee will result in the suspended license being reinstated subject to the terms of the proposed settlement.

(d) Docketing of a formal complaint by the enforcement committee will result in an administrative hearing pursuant to the APA within 60 days of the date the suspension was ordered. If this hearing is not held within the 60-day period for any reason other than the licensee's delay, the suspended license is automatically reinstated.

(e) Notwithstanding Open Meetings Act, Government Code, §551.125 (Acts of the 74th Legislature, Regular Session, 1995), the executive disciplinary committee may hold a meeting by telephone conference call if immediate action is required and the convening at one location of the executive disciplinary committee is inconvenient for any member of the executive disciplinary committee

(f) In the event of the recusal of a executive disciplinary committee member or the inability of a panel member to attend a temporary suspension proceeding, an alternate executive disciplinary committee member may serve on the panel if previously appointed by the president, acting president, or presiding officer of the board, and approved by the board.

(g) To the extent practicable, in the discretion of the chairman or acting chairman of the executive disciplinary committee, the sequence of events will be as follows:

- (1) call to order;
- (2) roll Call;
- (3) calling of the case;
- (4) recusal statement;
- (5) introductions/appearances on the record;
- (6) presentation of the case;
- (7) deliberations;
- (8) announcement of decision;
- (9) adjournment.

(h) Witnesses may provide sworn statements in writing or verbally or choose to provide statements which are not sworn for consideration by the executive disciplinary committee or the enforcement committee under this rule. However, whether or not a statement is sworn may be a factor to be considered by the executive disciplinary committee or the enforcement committee in evaluating the weight to be given to the statement. Questioning of witnesses by the parties or panel members shall be at the

discretion of the chairman or acting chairman of the executive disciplinary committee, or the Board secretary at a meeting of the enforcement committee, with due consideration being given to the need to obtain accurate information and prevent the harassment or undue embarrassment of witnesses.

(i) Presentations by the parties may be based on evidence or information and shall not be excluded on objection of a party unless determined by the chairman or acting chairman of the executive disciplinary committee, or the Board secretary at a meeting of the enforcement committee, that the evidence or information is clearly irrelevant or unduly inflammatory in nature; however, objections by a party may be noted for the record.

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

Issued in Austin, Texas, on June 15, 1995.

TRD-9507507

Ron Allen
Executive Director
Texas Board of Veterinary
Medical Examiners

Proposed date of adoption: August 7, 1995

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

Chapter 575. Practice and Procedure

• 22 TAC §575.5

The Texas Board of Veterinary Medical Examiners proposes an amendment to §575.5, concerning Conduct and Decorum at meetings of the Board and its committees. The amendment puts in writing the present practices of the Board. They include a statement that all meeting of the Board are open and all executive sessions are held in accordance with the Government Code, Chapter 551 and the Veterinary Licensing Act, Article 8890, §15(b). Members of the public must be recognized by the chairman before addressing the Board, placement of audio/video equipment will not be disruptive; and the presiding officer may exclude from a meeting any disruptive person after adequate warning has been given

Ron Allen, executive director of the Board, 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. Allen 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 that meetings of the Board and its committees are held in an efficient and orderly manner. 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 the Texas Board of Veterinary Medical Examiners, 1946 South I-35, Suite 306, Austin, Texas 78704, (512) 447-1183, and must be received by July 31, 1995.

The amendment is proposed under the authority of the Veterinary Licensing Act, Texas Civil Statutes, Article 8890, §7(a), which state "The Board may make, alter, or amend such rules and regulations as may be necessary or desirable to carry into effect the provisions of this Act."

The amendment affects the Veterinary Licensing Act, Texas Civil Statutes, Article 8890, §6B(a), which mandate that the Board provide the public with a reasonable opportunity to appear before the Board and speak on issues under their jurisdiction.

§575.5. Conduct and Decorum. All meetings of the Board and of its committees are open to the public unless such meetings are conducted in executive session in accordance with the Texas Government Code, Chapter 551, and the Veterinary Licensing Act, Article 8890, §15(b). Every party, witness, attorney, or other representative shall comport himself in all proceedings with proper dignity, courtesy, and respect for the Board of Examiners and all other parties. Disorderly conduct will not be tolerated. Members of the public shall not address Board members during meetings unless recognized by the Board's presiding officer pursuant to a published agenda item. Persons seeking to position microphones, video cameras or other equipment for the purposes of recording board proceedings, may not disrupt the meeting or disturb participants. Attorneys and other representatives of parties shall observe and practice the standards of the ethical behavior prescribed for attorneys at law by the Texas State Bar. The Board's presiding officer may exclude from a meeting any person who, after being duly warned, persists in disorderly, abusive or disruptive conduct.

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

Issued in Austin, Texas, on June 15, 1995.

TRD-9507508

Ron Allen
Executive Director
Texas Board of Veterinary
Medical Examiners

Proposed date of adoption: October 5, 1995

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

• 22 TAC §575.9

The Texas Board of Veterinary Medical Examiners proposes an amendment to §575.9, concerning Docketing and Numbering of Causes, and Service. The amendment corrects an omission of wording in the rule and

updates the statutory cite regarding ex parte consultations. Nothing in this amendment is intended to require the Board to docket complaints unless a violation of the Veterinary Licensing Act and/or Rules of Professional Conduct have been violated.

Ron Allen, executive director of the Board, 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. Allen also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be that there is no discernable public benefit as a result of the amendment. 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 the Texas Board of Veterinary Medical Examiners, 1946 South I-35, Suite 306, Austin, Texas 78704, (512) 447-1183, and must be received by July 31, 1995.

The amendment is proposed under the authority of the Veterinary Licensing Act, Texas Civil Statutes, Article 8890, §7(a), which state "The Board may make, alter, or amend such rules and regulations as may be necessary or desirable to carry into effect the provisions of this Act."

The amendment affects the Veterinary Licensing Act, Texas Civil Statutes, Article 8890, §7(a), which provide the Board with authority to make, alter, or amend rules necessary and desirable to carry into effect the provisions of the Act.

§575.9. Docketing and Numbering of Causes, and Service. Upon receipt of a complaint in which sufficient evidence exists to have a good cause to believe that violations of the Veterinary Licensing Act, Texas Civil Statutes, Article 8890, and/or Rules of Professional Conduct have occurred, the Board Secretary shall cause the complaint to be docketed as a pending proceeding and shall cause notice to be served thereon by Certified or Registered Mail. If unable to obtain service by mail then services may be effected as provided in the Rules of Civil Procedure for district courts. While said case is under investigation, reports shall be made to the Executive Director and will not be discussed with the members of the Board prior to hearing and there will be no ex parte consultations as provided in the Administrative Procedure Act, Texas Government Code, §2001.061. [and Texas Register Act, Article 6252-13(a), §17.] Notice to the Respondent and the members of the Board shall contain the same information.

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

Issued in Austin, Texas, on June 15, 1995.

TRD-9507509

Ron Allen
Executive Director
Texas Board of Veterinary
Medical Examiners

Proposed date of adoption: October 5, 1995

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

Chapter 577. General Administrative Duties

Staff and Miscellaneous

• 22 TAC §577.15

The Texas Board of Veterinary Medical Examiners is proposing an amendment to §577.15, Fee Schedule. An emergency posting is also being filed which addresses only examination fee changes. The emergency adoption is necessary as the Board will not meet to adopt the examination fees prior to materials being distributed for a September, 1995 examination. The section sets out the fees charged for examinations, license renewals, open records and mailing lists and labels. Legislation passed during the 74th legislative session exempts examination fees from the \$200 professional fee previously charged. The amendments lower the cost for the State Board Examination. A recent increase in fees charged to the Board for the National Examinations has required an increase in these fees also.

Ron Allen, executive director of the Board, has determined that for the first five-year period the section is in effect there will be an approximate \$30,000 reduction in state revenue as a result of enforcing or administering the section.

Mr. Allen 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 have no public benefit. There will be no effect on small businesses. The economic costs to persons required to comply with the section as proposed will be a \$200 reduction for individuals taking the State Board Examination, and an average \$65 per exam increase for those taking the National Examinations.

Comments on the proposal may be submitted to the Texas Board of Veterinary Medical Examiners, 1946 South IH-35, Suite 306, Austin, Texas 78704, (512) 447-1183, and must be received by July 31, 1995.

The amendment is proposed under the authority of the Veterinary Licensing Act, Texas Civil Statutes, Article 8890, §7(a), which state "The Board may make, alter, or amend such rules and regulations as may be necessary or desirable to carry into effect the provisions of this Act."

The amendment affects the Veterinary Licensing Act, Article 8890, §19(a), which mandate that the Board, by rule, establish reasonable and necessary fees to produce sufficient revenue to cover the costs of administering the Act.

§577.15. Fee Schedule. The Board shall establish fee amounts in accordance with the Veterinary Licensing Act, Article 8890, §§19(a)-(c). [The following fees are in effect September 1, 1993 with the exception of the Renewal Fee which will become effective January 1, 1995:]

Figure 1: 22 TAC §577.15-Proposed

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

Issued in Austin, Texas, on June 15, 1995.

TRD-9507510

Ron Allen
Executive Director
Texas Board of Veterinary
Medical Examiners

Proposed date of adoption: August 7, 1995

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

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Services

Chapter 15. Medicaid Eligibility

Subchapter B. Medicare and Third-Party Resources

• 40 TAC §15.204

The Texas Department of Human Services (DHS) proposes an amendment to §15.204, concerning qualified Medicare beneficiaries (QMB) and specified low-income Medicare beneficiaries (SLMB) in its Medicaid Eligibility rule chapter. The purpose of the amendment is to provide a clarification of which persons are not eligible for QMB/SLMB coverage.

Burton F. Raiford, commissioner, 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. Raiford also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be that eligibility policy will be consistently applied statewide. 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.

Questions about the content of the proposal may be directed to Judy Coker at (512) 450-3227 in DHS's Long-Term Care Division. Comments on the proposal may be submitted to Nancy Murphy, Agency Liaison, Media and Policy Services-443, Texas Department of Human Services E-205, P.O. Box 149030, Austin, Texas 78714-9030, within 30 days of publication in the *Texas Register*.

The amendment is proposed under the Human Resources Code, Title 2, Chapters 22

and 32, which provides the department with the authority to administer public and medical assistance programs; and under Texas Civil Statutes, Article 4413(502), §16, which provide the Health and Human Services Commission with the authority to administer federal medical assistance funds.

The amendment implements the Human Resources Code, §§22.001-22.024 and §§32.001-32.042.

§15.204. Specified Low-Income Medicare Beneficiaries (SLMB). The Omnibus Budget Reconciliation Act of 1990 created the Specified Low-income Medicare Beneficiary program as an extension of Qualified Medicare Beneficiaries (QMB). For SLMB-eligible clients, the Texas Medical Assistance (Medicaid) Program pays only Medicare Part B premiums. A client can be eligible for both Medicaid and SLMB. The eligibility criteria for SLMB are the same as the criteria for QMB in §15.201 of this title (relating to Qualified Medicare Beneficiaries). Except for the specifications in paragraphs (1) and (2) of this section, the policies for the QMB program apply.

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

(3) Persons not eligible for QMB/SLMB coverage. Persons not eligible for QMB/SLMB coverage are:

(A) residents of state schools who are eligible under Type Program 14, Base Plan 16, except when the client's income is not sufficient to pay the Medicare premium;

(B) inmates of jails and reformatories; and

(C) individuals under age 65 who are residing in institutions for mental diseases. Individuals age 65 or older residing in institutions for mental

diseases may be certified for QMB, if all eligibility criteria are met.

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

Issued in Austin, Texas, on June 21, 1995.

TRD-9507538 Nancy Murphy
Section Manager, Media
and Policy Services
Texas Department of
Human Services

Proposed date of adoption: September 1, 1995

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

Chapter 50. Day Activity and Health Services

Service Requirements

• 40 TAC §50.406

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

The Texas Department of Human Services (DHS) proposes the repeal of §50.406, concerning documentation, in its Day Activity and Health Services chapter. The purpose of the repeal is to avoid duplication of information contained in Chapter 98, Licensing Standards for Adult Day Care Facilities.

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

Mr. Raiford also has determined that for each year of the first five years the repeal is in effect the public benefit anticipated as a result of enforcing the repeal will be public access

to correct information located in only one rule chapter. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the repeal as proposed.

Questions about the content of the proposal may be directed to Maria Garcia Montoya at (512) 450-3155 in DHS's Community Care Program Services section. Written comments on the proposal may be submitted to Nancy Murphy, Agency Liaison, Media and Policy Services-467, Texas Department of Human Services E-205, P.O. Box 149030, Austin, Texas 78714-9030, within 30 days of publication in the *Texas Register*.

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

The repeal implements §§22.001-22.024 and §§32.001-32.041 of the Human Resources Code.

§50.406. Documentation.

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

Issued in Austin, Texas, on June 21, 1995.

TRD-9507539 Nancy Murphy
Section Manager, Media
and Policy Services
Texas Department of
Human Services

Proposed date of adoption: September 1, 1995

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

Texas Department of Insurance Exempt Filing

Notification pursuant to the Insurance Code, Chapter 6, Subchapter L

(Editor's Note: As required by the Insurance Code, Article 5.96 and 5.97, the Texas Register publishes notice of proposed actions by the Texas Board of Insurance. Notice of action proposed under Article 5.96 must be published in the Texas Register not later than the 30th day before the Board adopts the proposal. Notice of action proposed under Article 5.97 must be published in the Texas Register not later than the 10th day before the Board of Insurance adopts the proposal. The Administrative Procedure Act, the Government Code, Chapters 2001 and 2002, does not apply to board action under Articles 5.96 and 5.97.

The complete text of the proposal summarized here may be examined in the offices of the Texas

Department of Insurance, 333 Guadalupe Street, Austin, Texas 78714-9104.)

The Commissioner of Insurance, at a public hearing scheduled for August 2, 1995, at 9:00 a.m., under Docket Number 2152, in Room 100 of the Texas Department of Insurance Building, 333 Guadalupe Street in Austin, Texas, will consider a petition by the Texas Association of Insurance Agents (TAIA) proposing changes to Texas Homeowner's Policy forms and endorsements and amendments to rules in the Homeowner's Section of the Texas Personal Lines Manual. The petition, which was filed on February 7, 1995, and amended on April 11, 1995, requests consideration of twelve proposals to change the Texas Homeowner's Policy forms and Manual rules, including six proposals for

additional coverages and six proposals for clarification of existing forms and rules. Only those proposals for clarification of existing forms and rules will be considered at this hearing.

The six proposals (the item numbers are derived from the TAIA petition) to be considered include the following:

Item 1. Amend the Special Limits of Liability provision Number 4 relating to business personal property in the Coverage B (Personal Property) subsection of Section I-Property Coverage in all homeowner's policy forms to delete the words "or farm and ranch property." This change is needed to clarify that all property insured under a homeowner's policy (HO-A, HO-B, HO-C, HO-BT, HO-CT, HO-

CON-B, and HO-CON-C), including farm and ranch related property, is covered up to the policy limit of liability unless such property is used for business purposes. The current provision provides a \$2,500 special limit of liability for "business property or farm and ranch property." Because "farm and ranch property" is not specifically defined in the policy, there is a question as to whether farm and ranch property on a residence premises that is not used in connection with a farm and ranch business operation is covered. If such property is actually used in a farm and ranch operation, the term "business property" is sufficient to limit coverage to the \$2,500 special limit of liability. Amendatory Endorsement Number HO-147 is proposed to implement this change.

Item 4. Amend paragraph 2-a in the Coverage A (Dwelling) subsection of Section I-Property Coverage of HO-A, HO-B, and HO-C policy forms to delete the references to "commercial, manufacturing or farming" and substitute the term "business." This change is needed to clarify the types of other structures located on the residence premises that are excluded from the ten percent of the Coverage A (Dwelling) limit of liability that is provided in the HO-A, HO-B, and HO-C policy forms. These homeowner's policy forms include additional coverage for other structures on the residence premises set apart from the dwelling by clear space, including garages and storage buildings. These structures are covered in the aggregate for an additional amount of insurance up to ten percent of the limit of liability on the dwelling. These structures, however, do not include structures used for "commercial, manufacturing or farming" purposes. The intent of this provision is to exclude property used for business purposes, including the business of farming. The policy does not define "commercial, manufacturing or farming" and this creates confusion and different interpretations among insurers. The term "business," however, is defined in the homeowner's policy forms to include "trade, profession, or occupation." The use of this term will clarify that any other structures used for business purposes of any type are excluded from the ten percent of the Coverage A (Dwelling) limit of liability that is provided in the HO-A, HO-B, and HO-C policy forms. Amendatory Endorsement Number HO-146 is proposed to implement this change.

Item 6. Amend the definition of the term "residence premises" in the Definitions section of homeowner's policies HO-A, HO-B, HO-C, HO-BT, HO-CT, HO-CON-B, and HO-CON-C to delete the reference to "where you reside or intend to reside" and substitute "where an insured resides or intends to reside." Amend paragraph 1 in the Coverage A (Dwelling) subsection of Section I-Property Coverage of HO-A, HO-B, and HO-C policy forms to delete subparagraphs 1-a and 1-b to eliminate redundancy of the proposed definition of "residence premises" in the policy form. Also amend endorsement HO-305 in the replacement definition of "residence premises" to delete the reference to "where you reside or intend to reside" and substitute "where an insured resides or intends to reside" and to delete the reference to paragraph 1-b of the

Coverage A (Dwelling) subsection of Section I-Property Coverage of HO-A, HO-B, and HO-C policy forms. These changes are necessary to eliminate any conflict between the definition of "residence premises" in the policy forms and endorsement and the coverage provided to the residence premises under Coverage A (Dwelling) in the policy coverage forms. Currently, the homeowner's policy forms in the Definitions section limit the definition of "residence premises" to the residence premises shown on the declarations page, "including the one or two family dwelling where you reside or intend to reside within 60 days after the effective date of the policy." These policies further provide that "you" refers to the "named insured" shown on the declarations page and the spouse if a resident of the same household." In policy forms HO-A, HO-B, and HO-C, this conflicts with the insuring agreement under Coverage A (Dwelling) Subsection of Section I-Property Coverage of these policy forms which provides that there is coverage for the dwelling on the residence premises while occupied by an insured or if an insured intends to occupy the dwelling within 60 days after the policy effective date. The term "insured" is defined in the Definitions section to mean you and residents of your household who are your relatives, or other persons under the age of 21 and in the care of any these persons. This definition of "insured" is much broader than the term "you" as defined in the policy, and thus, coverage could be denied if the named insured is not actually occupying the dwelling at the time of loss. The proposed amendments will remove any question that coverage applies to a dwelling if occupied by a person that is included within the definition of the term "insured" and Endorsement Number HO-301 is attached. The policy form changes are proposed to be accomplished by adoption of proposed amendatory Endorsements Number's HO-145 and HO-146

Item 8. Amend paragraph 1 in Coverage C (Personal Liability) subsection of Section II-Liability Coverage of all homeowner's policy forms to add language to provide that "Damages include pre-judgment interest awarded against the insured." The current homeowner's policy forms provide coverage for liability damages, but unlike the current Texas Personal Auto Policy, the homeowner's policy does not specifically provide that "damages for which the insured is legally liable" includes pre-judgment interest. This language is necessary to clarify that liability damages paid under the Texas Homeowner's Policy include pre-judgment interest. Amendatory Endorsement Number HO-231 is proposed to implement this change.

Item 11. Amend the Additional Insured Endorsement Number HO-301 to delete the language "a resident of your household" in the Occupant-Section II Liability portion of the endorsement and substitute the language "an occupant of the residence premises." This change is necessary to ensure that Section II-Liability Coverage is provided under this endorsement to an additional insured who occupies the insured dwelling, whether or not the dwelling owner resides at the residence premises. Currently, Endorsement Number

HO-301 provides Section II-Liability Coverage only if the additional insured is a resident of the insured's household and thus may preclude such coverage for an additional insured living at the residence premises if the dwelling owner does not also reside at the residence premises.

Item 12. Amend Texas Personal Lines Manual Rule II A. to add the words "grandparent or grandchild" to the provision on the application of "Owner occupancy" and amend Manual Rule II E.1 to include "grandparent or grandchild" among the additional insureds, along with "mother, father, son, or daughter or any combination thereof, of the owner of the property," who may be covered under Endorsement Number HO-301. These rule changes are necessary to permit coverage under a homeowner's insurance policy if the owner's grandparent or grandchild resides on the residence premises. Under current Manual rules, homeowner's coverage is provided for a dwelling occupied by the owner or for a dwelling occupied by the owner's mother, father, son or daughter. Adoption of these rule amendments would allow homeowner's coverage if the dwelling is occupied by the owner's grandparent or grandchild.

The Commissioner has jurisdiction of this matter pursuant to the Insurance Code, Articles 5.35 and 5.96.

Copies of the full text of the proposed amendments are available for review in the Office of the Chief Clerk of the Texas Department of Insurance, 333 Guadalupe Street, Austin, Texas, 78714-9104. For further information or to request copies of the amendments, please contact Angie Arizpe at (512) 322-4147 (refer to Reference Number P-0295-3).

Comments on the proposed changes must be submitted in writing within 30 days after publication of the proposal in the *Texas Register* to the Office of the Chief Clerk, P.O. Box 149104, MC 113-2A, Austin, Texas 78714-9104. An additional copy of the comment should be submitted to Lyndon Anderson, Associate Commissioner for Property and Casualty Division, P.O. Box 149104, MC 103-1A, Austin, Texas 78714-9104.

This notification is made pursuant to the Insurance Code, Article 5.96, which exempts action taken under this article from the requirements of the Administrative Procedure Act (73rd Legislature Regular Session, Chapter 268, §1, 1993 Texas General Laws 737 (codified at Government Code, Title 10, Chapter 2001))

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

Issued in Austin, Texas, on June 21, 1995

TRD-9507525
Alicia M Fechtel
General Counsel and Chief Clerk
Texas Department of Insurance

For further information, please call (512) 463-6328

WITHDRAWN RULES

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

TITLE 22. EXAMINING BOARDS

Part XXIV. Texas Board of Veterinary Medical Examiners

Chapter 573. Rules of Professional Conduct

Supervision of Personnel

• 22 TAC §573.10

The Texas Board of Veterinary Medical Examiners has withdrawn from consideration for permanent adoption a proposed new §573.10, which appeared in the April 4, 1995, issue of the *Texas Register* (20 TexReg 2504). The effective date of this withdrawal is June 20, 1995.

Issued in Austin, Texas, on June 20, 1995.

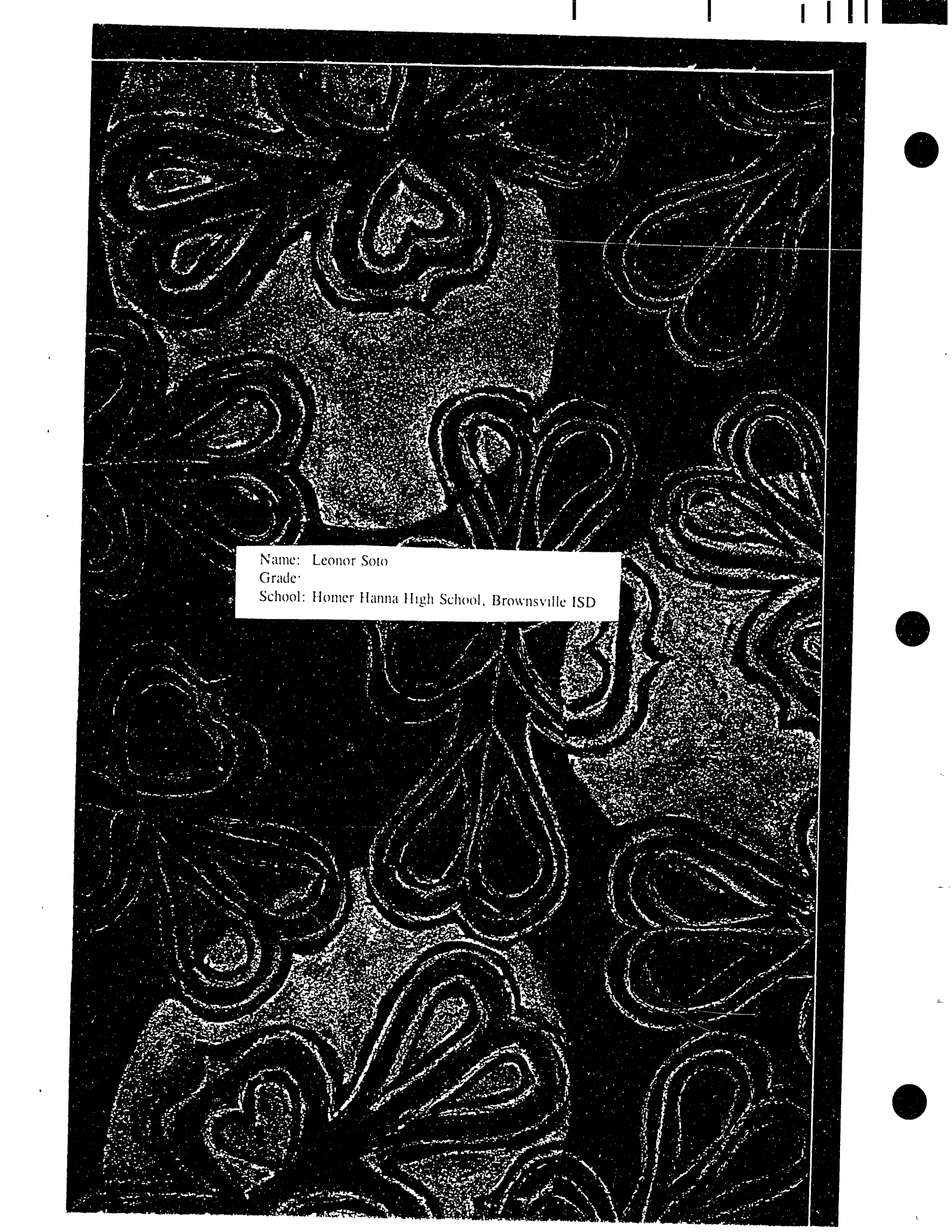
TRD-9507503

Ron C. Allen
Executive Director
Texas Board of Veterinary
Medical Examiners

Effective date: June 20, 1995

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

◆ ◆ ◆



Name: Leonor Soto

Grade:

School: Homer Hanna High School, Brownsville ISD

ADOPTED RULES

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

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

TITLE 25. HEALTH SERVICES

Part II. Texas Department of Mental Health and Mental Retardation

Chapter 409. Medicaid Programs

Subchapter F. Case Management Program Requirements

• 25 TAC §§409.202-409.205

The Texas Department of Mental Health and Mental Retardation (TDMHMR) adopts amendments to §409.202 and §409.203 of Chapter 409, Subchapter F, concerning case management for persons with mental retardation without changes to the proposed text as published in the May, 16, 1995, issue of the *Texas Register* (20 TexReg 3827). Technical changes to reflect the wording of updated statutes are reflected in §409.204 and §409.205.

The purpose of the amendments to §§409.202-409.205 is to streamline service definitions to facilitate accurate and reliable documentation of case management activities and increase the numbers of persons who can provide Medicaid reimbursed case management activities.

A public hearing was held in Austin on May 28, 1995, to accept oral and written testimony concerning the amendments to §§409.251-409.254. No testimony was provided concerning these amendments. Written comments were received from Mental Health and Mental Retardation Authority of Harris County, Houston; Anderson County Mental Health Services, Palestine; Spencer Bayles, M. D., Houston; and the Helen Farabee Center, Wichita Falls.

A commenter requested that the rule be amended to clarify that the case manager functions as an advocate and service broker as a part of a treatment team, not as an autonomous decision-maker. The department responds that §409.205(b)(5) requires case management to be conducted in compliance with the TDMHMR Community Standards for Mental Retardation Services. These standards require that each individual receives services according to an individual treatment plan. The plan is developed by an interdisci-

plinary team which would include the case manager as one of several members.

A commenter requested that the philosophy of case management reflected in §409.203 retain a reference to "the optimal functioning of the individual" as a goal of case management services. The department responds that the principles and philosophy of case management have shifted so that the consumer directs service delivery to the greatest possible degree. The role of the case manager is to assist and support persons to achieve their goals. The intent of the department is to incorporate this person-centered language and philosophy into policy and procedure. A second commenter suggested that language in the same section reflect that case management services are provided by a single accountable staff person assigned to that person. The department responds that intensive case management services, as provided within a case management unit, will continue to be provided by a single accountable individual as required in the operating instructions for case management (OI 401-2). Case management activities such as service coordination and monitoring which are provided outside of an existing case management unit will continue to be potentially provided by several staff persons. TDMHMR Community Standards for Mental Retardation Services require that an individual program coordinator be designated for each person served. Persons entering services will continue to be screened for their need for case management services. Those persons determined to be in need of intensive case management services will continue to be referred to these services. The intent of the amendments to the subchapter is to recognize that persons determined not to be in need of intensive case management do receive case management services, and to allow the local mental retardation authority to seek reimbursement for those services.

A commenter suggested that the designation of a single case management unit be retained as a requirement of the rule. The department responds that a case management unit is not precluded by the amended rule. The intent of the amendment is to recognize those case management activities which are performed by persons outside the single case management unit.

A commenter suggested that the minimum requirements for screening and assessment and service planning formerly referenced in §409.203(3) be retained as a part of the rule.

The department responds that these requirements will continue to be specified within the operating instructions for the delivery of case management services (OI 401-2). Persons providing case management activities are required to comply with the TDMHMR Community Standards for Mental Retardation Services which delineate requirements for these activities.

These amendments are adopted under the Texas Health and Safety Code, §532.015, which provides the Texas Mental Health and Mental Retardation Board with broad rulemaking authority, and under the provisions of Texas Civil Statutes, Article 4413(502), §16, which provides the Texas Health and Human Services Commission with the authority to administer federal medical assistance funds.

§409.204. Service Limitations.

(a) Case management services will not be reimbursable as a Medicaid service for which another payor is liable. Case management activities associated with the following are not reimbursable as an optional targeted case management service:

- (1) Medicaid eligibility determinations and redeterminations;
- (2) Medicaid eligibility intake processing;
- (3) Medicaid preadmission screening;
- (4) prior authorization for Medicaid services;
- (5) required Medicaid utilization review;
- (6) EPSDT administration; and
- (7) Medicaid "lock-in" provided for under §1915(a) of the Omnibus Reconciliation Act of 1987.

(b) Specifically, reimbursement will not be made for the following:

- (1) Outreach activities that are designed to locate individuals who are potential Medicaid eligible. This exclusion does not include Medicaid eligible requiring services outlined in §409.203(a)(1) of this title (relating to Case Management Intake).

(2) Any medical evaluation, examination or treatment billable as a distinct Medicaid covered benefit. However, referral arrangements and staff consultation for such services are reimbursable as a case management service.

(3) Services provided under the home and community-based services waiver for mentally retarded individuals (HCS).

(4) Services provided under the home and community-based services waiver for persons with mental retardation or related conditions (HCS-OBRA).

§409.205. Provider Qualifications.

(a) Section 4118(i) of Public Law 100-203, Omnibus Reconciliation Act of 1987, is invoked to limit the provider of case management services to the state mental retardation authority, the Texas Department of Mental Health and Mental Retardation (TDMHMR) or its designated providers authorized under §534.054 of the Texas Health and Safety Code, who offer a service delivery system for required as outlined in §534.053 of the Texas Health and Safety Code.

(b) TDMHMR has implemented rules, standards and procedures to ensure that case management activities are:

(1) available on a statewide basis with procedures to ensure continuity of services and avoidance of duplication;

(2) provided by persons who meet the requirements specified by TDMHMR;

(3) made available to all persons with mental retardation or a related condition, regardless of their ability to pay;

(4) provided in compliance with federal, state and local laws, including directives, settlements and resolutions applicable to the target population;

(5) provided in accordance with the TDMHMR Community Standards for Mental Retardation; and

(6) provided in compliance with the TDMHMR Guidelines for Annual Financial and Compliance Audits of Community MHMR Centers.

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

Issued in Austin, Texas, on June 27, 1995.

TRD-9507541

Ann Utley
Chair, Texas MHMR Board
Texas Department of
Mental Health and
Mental Retardation

Effective date: July 12, 1995

Proposal publication date: May 16, 1995

For further information, please call: (512) 208-4516

Subchapter G. Case Management for Persons with Severe and Persistent Mental Illness

• 25 TAC §§409.251-409.254

The Texas Department of Mental Health and Mental Retardation (TDMHMR) adopts amendments to §§409.251-409.254 of Chapter 409, Subchapter G, concerning case management for persons with severe and persistent mental illness. Section 409.253 is adopted without changes to the proposed text as published in the May, 16, 1995, issue of the *Texas Register* (20 TexReg 3629) and will not be republished. Technical changes to reflect the wording of updated statutes are reflected in §409.254. The phrase "chronic mental illness" has been replaced with the phrase "severe and persistent mental illness" throughout the subchapter to reflect language preferred by consumers.

The purpose of the amendments to §§409.251-409.254 is to streamline service definitions to facilitate accurate and reliable documentation of case management activities and increase the numbers of persons who can provide Medicaid reimbursed case management activities.

A public hearing was held in Austin on May 26, 1995, to accept oral and written testimony concerning the amendments to §§409.251-409.254. No testimony was provided concerning these amendments. Written comments were received from the Texas Mental Health Association; Advocacy Inc., Austin; Mental Health and Mental Retardation Authority of Harris County, Houston; Anderson County Mental Health Services, Palestine; Spencer Bayles, M.D., Houston; and the Helen Farabee Center, Wichita Falls.

A commenter requested that the phrase "severe and persistent mental illness" be used in place of the phrase "chronic mental illness". The title of the subchapter and other references to chronic mental illness have been changed to reflect the language preferred by consumers.

A commenter requested that the rule be amended to clarify that the case manager functions as an advocate and service broker as a part of a treatment team, not as an autonomous decision-maker. The department responds that §409.254(b)(6) requires case management to be conducted in compliance with the TDMHMR Community Standards for Mental Health Services. These standards require that all assessments are performed or approved by a qualified mental health professional, and that an individual service plan be developed which reflects the collaboration of the individual and those persons providing services. These standards presume a multi-disciplinary model of treatment which requires the case manager to function as a part of a cohesive team.

A commenter requested that the philosophy of case management reflected in §409.252(a)

retain a reference to "the optimal functioning of the individual" as a goal of case management services. The department responds that the principles and philosophy of case management have shifted so that the consumer directs service delivery to the greatest possible degree. The role of the case manager is to assist and support persons to achieve their goals. The intent of the department is to incorporate this person-centered language and philosophy into policy and procedure. A second commenter suggested that language in the same section reflects that case management services are provided by a single accountable staff person assigned to that person. The department responds that intensive case management services, as provided within a case management unit, will continue to be provided by a single accountable individual as required in the operating instructions for case management (OI 401-2). Case management activities such as service coordination and monitoring which are provided outside of an existing case management unit will continue to be potentially provided by several staff persons. Persons entering services will continue to be screened for their need for case management services. Those persons determined to be in need of intensive case management services will continue to be referred to these services. The intent of the amendments to the subchapter is to recognize that persons determined not to be in need of intensive case management do receive case management services, and to allow the local mental health authority to seek reimbursement for those services.

A commenter suggested that the designation of a single case management unit be retained as a requirement of the rule. The department responds that a case management unit is not precluded by the amended rule. The intent of the amendment is to recognize those case management activities which are performed by persons outside the single case management unit.

A commenter suggested that the minimum requirements for screening and assessment and service planning formerly referenced in §409.252(d) be retained as a part of the rule. The department responds that these requirements will continue to be specified within the operating instructions for the delivery of case management services (OI 401-2). Persons providing case management activities are required to comply with the TDMHMR Community Standards for Mental Health Services which delineate requirements for these activities.

These sections are adopted under the Texas Health and Safety Code, §532.015(a), which provides the Texas Mental Health and Mental Retardation Board with broad rulemaking authority, and under the provisions of Texas Civil Statutes, Article 4413(502), §16, which provides the Texas Health and Human Services Commission with the authority to administer federal medical assistance funds.

§409.251. Target Population.

(a) (No change.)

(b) Case management activities may be provided to persons, regardless of

age, who have a single severe and persistent mental disorder, excluding mental retardation, or a combination of chronic mental disorders as defined in the latest edition of the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders, and are at risk of institutionalization. Those at risk of institutionalization include individuals who, without community-based support services, would require long-term psychiatric care in a hospital. Individuals with severe and persistent mental illness will not be required to receive case management services.

(c) Persons most in need of case management and service coordination must be identified and provided such services as a first priority. Persons will be screened to identify and establish the level of intensity of case management needed by the individual.

§409.252. Services.

(a) Case management services are provided to assist individuals with severe and persistent mental illness in gaining access to medical, social, educational and other appropriate services that will help them achieve a quality of life and community participation acceptable to each individual. The role of persons who provide case management activities is to support and assist the person in achieving personal goals. Case management activities are provided regardless of age.

(b) Case management activities may include:

(1) screening and assessment: obtaining client-identifying information and identifying the nature of the presenting problem and the service and support needs of the individual.

(2) crisis intervention: locating and coordinating emergency services.

(3) service planning and coordination: identifying and arranging for the delivery of services and supports that address the individual's needs.

(4) monitoring: evaluating the effectiveness of the services and the need for additional or different services.

§409.254. Provider Qualifications.

(a) Section 4118(i) of Public Law 100-203, Omnibus Reconciliation Act of 1987, is invoked to limit the provider of case management services to the State Mental Health Authority, which is the Texas Department of Mental Health and Mental Retardation (TDMHMR) or providers authorized under §534.054 of the Texas Health and Safety Code, who offer a service delivery system for required services as outlined in §534.053 of the Texas Health and Safety Code.

(b) TDMHMR has implemented standards and procedures to ensure that case management services are:

(1) (No change.)

(2) provided by persons who meet the requirements specified by TDMHMR;

(3) administered through a community-based center or a facility outreach center that is governed by the operating procedures and program standards established by the TDMHMR;

(4) in compliance with federal, state and local laws, including directives, settlements, and resolutions applicable to the target population;

(5) provided regardless of an individual's ability to pay;

(6) provided in accordance the TDMHMR Community Mental Health Standards; and

(7) in compliance with the TDMHMR Guidelines for Annual Financial and Compliance Audits of Community MHMR Centers.

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

Issued in Austin, Texas, on June 27, 1995.

TRD-9507542

Ann Utley
Chair, Texas MHMR Board
Texas Department of
Mental Health and
Mental Retardation

Effective date: July 12, 1995

Proposal publication date: May 16, 1995

For further information, please call: (512) 206-4516

Part V. Center for Rural Health Initiatives

Chapter 500. Executive Committee for the Center for Rural Health Initiatives

Subchapter B. Texas Outstanding Rural Scholar Recognition Program

• 25 TAC §§500.21-500.42

The Center for Rural Health Initiatives (CRHI) adopts the repeal of §§500.21-500.42, concerning the outstanding rural scholar recognition program, without changes to the proposed text as published in the January 24, 1995, issue of the *Texas Register* (20 TexReg 320).

The justification for these repeals is to replace them with the new sections which will streamline administrative procedures and in-

crease the efficiency and effectiveness of the program.

No comments were received regarding adoption of the repeals.

The repeals are adopted pursuant to the Health and Safety Code, Chapter 106, Subchapter C, which authorizes the Executive Committee of the Center for Rural Health Initiatives to adopt rules to administer the Center's program.

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

Issued in Austin, Texas, on June 9, 1995

TRD-9507478

Laura M. Jordan
Executive Director
Center for Rural Health
Initiatives

Effective date: July 11, 1995

Proposal publication date: January 24, 1995

For further information, please call: (512) 479-8891

♦ ♦ ♦ • 25 TAC §§500.21-500.30

The Center for Rural Health Initiatives adopts new §§500.21-500.30, concerning the outstanding rural scholar recognition program which provides forgiveness loans to students pursuing health care professions. Sections 500.22-500.26 are adopted with changes to the proposed text as published in the January 24, 1995, issue of the *Texas Register* (20 TexReg 320). Section 500.21 and §§500.27-500.30 are adopted without changes and will not be republished. These new sections are adopted to streamline administrative procedures and increase the efficiency and effectiveness of the outstanding rural scholar recognition program. In §500.22, changes were made to the definition of "health care profession" and "health care professional" by adding "podiatry", since it is a recognized profession under Texas state law. Changes were made in §500.23 and §500.24 to clarify the responsibility of the outstanding rural scholar advisory committee. Changes were made in §500.25 and §500.26 which addressed the requirement that medical students pursue a residency program in a primary-care related field. These new sections are adopted to streamline administrative procedures and to increase the efficiency and effectiveness of the program, and to ensure consistency with the law governing the program. Comments received addressed the definitions of "health care profession" and "health care professional", and the requirement that medical students pursue a residency program in a primary-care related field.

No comments were received regarding adoption of the new sections.

The new sections are adopted under the Health and Safety Code, Chapter 106, Subchapter C, which authorizes the Executive Committee of the Center for Rural Health Initiatives to adopt rules to administer the Center's program.

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

Academic term—Is equal to one of the following:

- (A) a semester;
- (B) a trimester; and
- (C) a quarter.

Advisory committee—The Outstanding Rural Scholar Advisory Committee.

Allied health professional—A provider of health care or health related services, including services relating to: the identification, evaluation, and prevention of diseases and disorders; diet and nutrition; health promotion; rehabilitation; or health systems management.

Allied health professions—Fields relating to the delivery of health care or health related services responsible for the identification, evaluation and prevention of diseases and disorders; dietary and nutritional services; health promotion, rehabilitation; or health systems management.

Center—The Center for Rural Health Initiatives.

Cost of attendance—Allowable costs as determined to be necessary by the financial aid office of the academic institution a student attends which includes costs for tuition, fees, books, supplies, room and board, transportation and personal expenses.

Executive committee—The executive committee of the Center for Rural Health Initiatives.

Executive director—The executive director of the Center for Rural Health Initiatives.

Family member—An individual related to the student by kinship, adoption, or marriage, as well as foster children certified by the Texas Department of Protective and Regulatory Services.

Forgiveness loan—A loan made through the Outstanding Rural Scholar Recognition Program.

Fund—The Outstanding Rural Scholar Loan Fund administered by the executive committee.

Health care professional—Any provider of health care or health related services in the fields of medicine, dentistry, optometry, pharmacy, chiropractic, podiatry, psychology, nursing or allied health.

Health care professions—The fields of medicine, dentistry, optometry, pharmacy, chiropractic, podiatry, psychology, nursing and or allied health.

Resident of Texas—As described in Education Code, Chapter 54, Subchapter B.

Rural community—An incorporated or unincorporated municipality in a nonmetropolitan county in Texas as defined by the

United States Census Bureau in its most recent census.

Satisfactory academic progress—Maintenance of satisfactory cumulative grade point average and course load to qualify the student for placement in planned subsequent years of the degree plan.

§500.23. Advisory Committee.

(a) Appointments to the advisory committee by the executive committee shall be made with consideration to geographical areas of the state.

(b) The composition of the advisory committee shall be:

- (1) one rural practicing family practice physician;
- (2) one rural hospital administrator;
- (3) one rural practicing registered professional nurse;
- (4) one rural practicing allied health professional;
- (5) one dean of a medical school;
- (6) one dean of a nursing school;
- (7) one dean of a school of allied health science;
- (8) one head of a vocational/technical institution;
- (9) one community college administrator;
- (10) one individual knowledgeable in student financial assistance programs;
- (11) one rural public school superintendent; and
- (12) one rural resident.

(c) The committee members serve terms of six years with the terms of one-third of the members expiring on August 31 of each odd-numbered year. All committee members are eligible for reappointment to consecutive terms.

(d) A member of the advisory committee shall be reimbursed for expenses incurred in performing duties pertaining to the Outstanding Rural Scholar Recognition Program. Reimbursement may not exceed the amount specified in the General Appropriations Act for travel and per diem allowances for state employees.

(e) The advisory committee may elect a chairman, vice-chairman and secretary from among its members and may adopt rules for the conduct of its activities.

(f) Vacancies on the advisory committee shall be filled by the executive com-

mittee in the same manner as indicated in subsections (a), (b) and (c) of this section.

(g) The advisory committee advises the executive committee on the progress of the Outstanding Rural Scholar Recognition Program and shall:

- (1) select students to be recognized as outstanding rural scholars;
- (2) recommend guidelines for sponsors to nominate students;
- (3) recommend guidelines for awarding forgiveness loans;
- (4) recommend the amount of the loan to be awarded to the student;
- (5) review cases and make recommendations concerning exceptions regarding the community in which a student may fulfill the obligated service period; and
- (6) review cases and make recommendations concerning student academic progress.

§500.24. Requirements for Recognition.

(a) Eligibility Requirements for Recognition.

(1) Eligible Sponsor. To nominate a student for recognition, a sponsor shall:

(A) be located in a rural community in Texas;

(B) be an entity with a council, board of trustees or commissioners which is responsible to the rural community in which it is located, and is legally authorized to raise funds, or accept grants, financial gifts, scholarship funds, or private foundation funds;

(C) agree to provide 50% of the cost of attendance, if the nominee is selected to receive a forgiveness loan; and

(D) be in good standing with the Outstanding Rural Scholar Recognition Program.

(2) Eligible Student. To be nominated for recognition, a student shall:

(A) be a Texas resident, who is sponsored by and has financial support committed from a rural community sponsor;

(B) be enrolled or intend to enroll in an eligible academic institution of higher education to become a health care professional;

(i) be a high school student who is in the upper 25% of the high

school's class, if such class numbers 48 or greater, or have an overall B average; or

(ii) be a college student who has a cumulative grade point average of 3.00 on a 4.00 scale; or

(iii) be an individual who has a high school diploma or equivalent and demonstrates to the satisfaction of the rural community sponsor the motivation, qualities, and abilities that lead to success in the chosen health care profession.

(3) Eligible Academic Institution.

(A) An eligible academic institution shall be a Texas institution of higher education which may be any public institution as defined in Texas Education Code, §61.003(8) or any nonprofit, independent institution as defined in Texas Education Code, §61.222 or any other nonprofit health-related school or program.

(B) Any health related schools or programs within eligible academic institutions must be accredited by the Commission on Colleges of the Southern Association of Colleges and Schools, the Liaison Committee on Medical Education, the American Osteopathic Association, the Texas State Board of Nurse Examiners for Registered Nurses, the Texas Board of Vocational Nurse Examiners, or, in the case of allied health, an accrediting body recognized by the U.S. Department of Education.

(C) An eligible academic institution must follow the Civil Rights Act of 1964 (Public Law 88-353) Title VI to prevent discrimination in admissions.

(b) Application Requirements for Recognition.

(1) The application shall be coordinated and submitted by the sponsor. The application shall be in a form prescribed by the Center and may include but is not limited to:

(A) the student's name, social security number, home address, and phone number;

(B) academic credentials;

(C) the results of one or more sponsor interviews with the student;

(D) a typed essay of no more than 500 words stating the following:

(i) the reasons for entering the competition;

(ii) a description of the chosen health care profession;

(iii) the reasons for entering the chosen health care profession;

(iv) the reasons for wanting to provide health care to rural Texans;

(E) no more than three letters of recommendation from the professional staff of the high school or college, or from employers or community leaders who have known the student for at least one year; and

(F) evidence of sponsor eligibility.

(2) The advisory committee may request additional information or interviews from the sponsor or the student as needed.

(c) Criteria for Recognition.

(1) A student shall be selected for recognition as an outstanding rural scholar by the advisory committee based on the student's:

(A) academic credentials;

(B) one or more interviews with the sponsor;

(C) a statement written by the student of the student's reasons for entering the competition and a health care profession and the student's reasons for wanting to provide health care to rural Texans;

(D) financial support committed by the sponsoring rural community; and

(E) standardized tests, but in no event shall the student's performance on a standardized test be used as the sole criterion to determine selection.

(2) The advisory committee shall select and rank the students and inform the executive committee of its selections. The executive committee shall notify each sponsor of the results and provide the sponsor with a certificate of award signed by the executive director and the executive committee chairman for each student recognized as an outstanding rural scholar.

§500.25. *Requirements for Forgiveness Loan.*

(a) Eligibility Criteria for Forgiveness Loan.

(1) Initial Loan. To be eligible to apply for a forgiveness loan under this program, the student shall:

(A) meet the eligibility requirements and be recognized as an outstanding rural scholar;

(B) receive public recognition of the student's selection as an outstanding rural scholar. Each sponsor shall send the Center proof of public recognition of the student. Such recognition may include an announcement in local newspapers of the student's selection and public recognition of the student at civic gatherings or school assemblies;

(C) have the sponsor's commitment to provide 50% of the student's costs of education;

(D) not have defaulted on nor owe a refund on any state or federal aid;

(2) Subsequent Loan. A student who has received an initial loan shall have priority for subsequent loans provided the following requirements are satisfied:

(A) the student maintains satisfactory academic progress in the educational program in accordance with the prescribed degree plan;

(B) the student files a degree plan complete with graduation date;

(C) the student files a course plan, financial aid disclosure statement and grade report each academic term;

(D) the student completes the same number of credit hours for which the student enrolled at the beginning of the academic term each academic term, unless circumstances outside the student's control such as severe illness suffered by the student or a family member, or death of a family member have necessitated the student to reduce the credit load. The student shall present to the Center verification of the reason for dropping below the initial number of credit hours for which initially enrolled at the beginning of the academic term. Such verification may include a sworn affidavit from a qualified physician as to the student's or family member's health status, or a death certificate in the case of a death in the student's family. If the student repeatedly drops below the initial number of credit hours during the course of the academic program, the Center in concurrence with the sponsor shall determine whether the student is in breach of contract and whether the student should be discontinued from the program. However, the advisory committee may unilaterally recommend removal of a student from the program should the advisory committee determine that the

student is not maintaining satisfactory academic progress to attain the prescribed degree; and

(E) state funds are available for subsequent loans.

(b) Application for Forgiveness Loan. The student shall submit the completed forgiveness loan application. The forgiveness loan application shall be in a form prescribed by the Center and may include but is not limited to:

- (1) student personal information;
- (2) health care professional education program the student is pursuing;
- (3) name and relation of a cosigner for forgiveness loan;
- (4) name of the academic institution the student shall attend;
- (5) cost of attendance at the academic institution;
- (6) other financial aid the student will receive;
- (7) length of academic year;
- (8) estimated graduation date;
- (9) signature of financial aid officer;
- (10) name and address of sponsoring rural community organization; and
- (11) signature of sponsor representative.

(c) Conditions for Forgiveness Loan.

(1) The student shall use the proceeds of the forgiveness loan only for educational expenses at the agreed upon academic institution.

(2) The annual forgiveness loan shall not exceed the annual cost of attendance at the eligible academic institution the student attends.

(3) The cost of attendance shall be determined by the academic institution's financial aid office. A student may receive other financial aid in the form of grants, scholarships and loans for which the student may be eligible. However, it is recommended that the student decline any loans other than the forgiveness loan. The Center shall reduce the amount of the forgiveness loan by the amount of other financial aid a student receives in order that the total financial aid a student receives does not exceed the allowable cost of attendance as determined by the financial aid office.

(4) The executive director may authorize forgiveness loans to be awarded to eligible students provided the:

(A) student has submitted a forgiveness loan application;

(B) sponsor has executed a Memorandum of Understanding with the Center in which the sponsor agrees to provide 50% of the student's costs of attendance for the academic year;

(C) sponsor and the student have executed a contract with the Center in which the:

(i) sponsor agrees to provide 50% of the student's cost of attendance for the duration of the student's academic program as determined by the eligible academic institution;

(ii) sponsor agrees to provide a practice or employment opportunity for the student upon certification or licensure in the prescribed health care profession;

(iii) student agrees to provide a course plan, grade report or transcript and financial aid disclosure statement each academic term;

(iv) student agrees to complete the prescribed health care professional education program within the time period determined by the eligible academic institution for the specified degree;

(v) student agrees to attain certification or licensure in the prescribed health care profession;

(vi) in the case of medical students, the student agrees to complete a residency program in family practice, emergency medicine, general internal medicine, general pediatrics, general surgery, or general obstetrics and gynecology.

(vii) student agrees to return to the sponsoring rural community within 60 days of attaining certification or licensure or completing the prescribed residency program in the case of medical students;

(viii) student agrees to provide health care on a full-time basis in the sponsoring rural community for a period of obligated service equal to the same number of years loan support was provided;

(ix) Center agrees to provide 50% of the student's cost of attendance for the duration of the student's academic program; and

(x) Center agrees to report the student's status to the sponsor at least once a year.

(d) Disbursement of Forgiveness Loan Funds. Disbursements shall be made according to a schedule determined by the Center. Before a disbursement is made:

(1) the student shall execute a promissory note with the Center to pay the forgiveness loan in the event of breach of contract. The promissory note must be cosigned:

(A) a cosigner of a promissory note executed under these rules shall be a person signing a note, other than the student, who is a citizen or permanent resident of the United States over 21 years of age and who is gainfully employed or otherwise demonstrates financial responsibility;

(B) a cosigner may be a relative other than the student's spouse and may not be a student;

(C) a cosigner is jointly and severally responsible for the promissory note in the event of breach of contract;

(2) the sponsor shall remit to the Center an amount equal to 50% of the disbursement; and

(3) a state warrant for the prescribed disbursement will be made payable to the student at the academic institution the student attends, and shall be sent to the financial aid office of the academic institution. Disbursements shall not be sent directly to the student.

(e) Refunds.

(1) A student shall be responsible for refunding the Center an amount equal to:

(A) the cost of attendance paid for courses not completed; and

(B) any amount of financial aid received from other sources.

(2) The Center may:

(A) deduct the refund from the student's next scheduled loan disbursement;

(B) request the financial aid office of the academic institution the student attends to remit an institutional check for the amount of the refund; or

(C) require the student to remit a personal check for the amount of the refund in the event the student will not receive any more loan disbursements.

(f) Loan Forgiveness.

(1) A student who receives a forgiveness loan under this program shall be forgiven the total forgiveness loan by providing full-time health care practice for an obligated period of service equal to 12

months for each year loan support is provided. If employment is on less than a full-time basis, forgiveness shall be prorated.

(2) The obligated period of service shall begin on the date full-time employment or practice begins in the sponsoring rural community after the student has become certified or licensed in the health care profession for which sponsored.

(3) Only outstanding principal and interest remaining unpaid shall be eligible for forgiveness.

§500.26. Breach of Contract. A contract executed under this subchapter between the Center, the sponsor and the student is a binding contract.

(1) Sponsor.

(A) A sponsor shall be in breach of contract on the date the sponsor failed to meet the conditions of this subchapter.

(B) A sponsor shall notify the Center in writing within two weeks of any change in status.

(C) A sponsor shall be in breach of contract if the sponsor:

(i) fails to provide 50% of the student's costs of attendance as determined by the academic institution for the duration of the student's agreed upon health care academic program; or

(ii) fails to provide a full-time employment or practice opportunity for the student as a health care professional for which sponsored upon the student's certification or licensure.

(D) If the sponsor is found to be in breach of contract, the Center may require any or all of the following:

(i) forfeiture of all claim to funds forwarded to the student;

(ii) cancellation of the student's obligated period of service; and

(iii) forfeiture of opportunity to sponsor a student in the future.

(E) In the event of a sponsor breach of contract, the Center may assist the student in obtaining alternative sponsorship, employment or practice opportunity in another rural community where loan forgiveness may be granted. In such an event, the original sponsor may not seek reimbursement from either the student, another rural community sponsor nor the Center.

(2) Student.

(A) The student shall be in breach of contract on the date the student

failed to meet the conditions of this subchapter.

(B) The Center shall hold the student who breaches a contract liable for liquidated damages equal to one time the total forgiveness loan amount plus all applicable costs, fees and interest at the highest rate allowed by law.

(C) The student shall be considered in breach of contract and shall not be eligible to receive forgiveness loan funds if the student fails to meet any of the conditions of this subchapter. The student shall notify the Center in writing within two weeks of any change in status. The student shall be in breach of contract if the student:

(i) fails to maintain satisfactory academic progress according to the academic institution the student attends except that one academic term of grace will be extended to the student if the student is placed on scholastic probation during which time the student may receive a loan disbursement;

(ii) fails to attain satisfactory academic progress following an academic term of scholastic probation;

(iii) voluntarily withdraws from the Outstanding Rural Scholar Recognition Program forgiveness loan;

(iv) fails to accept payment or instructs the academic institution not to accept payment, in whole or in part, of a forgiveness loan under contract as described in this subsection;

(v) voluntarily withdraws from or terminates enrollment in the agreed upon academic program or institution before completion of the agreed upon academic program;

(vi) fails to complete the academic program according to the degree plan;

(vii) ceases to be enrolled full-time in an academic program which requires full-time enrollment;

(viii) is dismissed for disciplinary reasons from the agreed upon academic program or institution;

(ix) fails to begin or complete the required practicum, internship or residency;

(x) fails to begin or complete a residency program in family practice, emergency medicine, general internal medicine, general pediatrics, general surgery, or general obstetrics and gynecology, in the case of medical students;

(xi) fails to begin the obligated period of service within 60 days of attaining certification or licensure, or within 60 days of completing a residency program in the case of medical students; or

(xii) fails to complete the obligated period of service.

(D) A student shall sit for the first certification or licensure examination for which eligible upon completion of the prescribed academic program. If certification or licensure is delayed because of failure to pass the examination, the student shall retake it the next time the student is eligible to do so. If the student fails to become certified or licensed after the second attempt, the student shall be in breach of contract.

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

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

TRD-9507479

Laura M. Jordan
Executive Director
Center for Rural Health
Initiatives

Effective date: July 11, 1995

Proposal publication date: January 24, 1995

For further information, please call: (512) 479-8891

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**Part VIII. Interagency
Council on Early
Childhood Intervention
Services**

**Chapter 621. Early Childhood
Intervention Program**

**Early Childhood Intervention
Service Delivery**

• 25 TAC §621.24

The Interagency Council on Early Childhood Intervention Services (Council) adopts an amendment to §621.24 with one change to the proposed text as published in the April 7, 1995, issue of the *Texas Register* (20 TexReg 2806).

The justification for the amendment is to have a consistent state-wide standard which will ensure a consistent quality of service for all eligible Early Childhood Intervention children and families.

The amendment will function by establishing a competency-based personnel standard for Early Intervention Specialist Professionals employed in Early Childhood Intervention Programs.

During the comment period, the Interagency Council on Early Childhood Intervention Services invited additional comments to the rule establishing a personnel standard for Early Intervention Specialist Professionals and the policy which would implement the new standard. Five comments were received from individuals; two comments concerned the amendment to §621.24. The remaining three addressed the proposed policy to implement the new standard. Only the comments which addressed the rule are summarized below:

Comment: An Early Childhood Intervention (ECI) program director expressed concern that local program staff currently employed as program supervisors and managers who do not meet the professional qualifications for other professional categories would be excluded from being recognized as Fully Qualified Early Intervention Specialist (EIS) Professionals since they were not "...employed as EIS Professionals on September 1, 1995."

Council Response: No changes to the rule are necessary. The term "EIS Professional" is used to designate an occupational category as well as a job title. The wording of §621.24(b)(5)(D)(iv)(f) does not prohibit persons who are employed by ECI programs on September 1, 1995, as administrative staff or coordinators and who met the required qualifications of EIS Professionals from applying for professional recognition as Fully Qualified EIS Professionals.

Council directed staff to clarify in policy the professional recognition of Fully Qualified EIS Professionals who are employed by ECI programs on September 1, 1995, in positions which have job titles other than "EIS Professional." Regardless of job titles, the same requirements and application procedures will be used for all EIS Professionals. The requirements are that applicants must: 1) be employed by an ECI program as EIS Professionals on September 1, 1995; 2) meet the educational qualifications for Fully Qualified EIS Professionals; and 3) have been employed by ECI programs with satisfactory performance evaluations for a minimum of one calendar year.

Comment: An ECI program director reported the comments of her staff who are EIS Professionals and hold master's degrees. They felt that different professional titles should be created to differentiate between EIS Professionals holding master's and bachelor's degrees.

Council Response: No changes to the rule are necessary. While the Council recognizes and commends staff for pursuing advanced training, the purpose of the new EIS Professional standard is to insure a consistent, statewide entry-level personnel standard. The standard defines a minimum educational requirement of a bachelor's degree for EIS Professionals which is consistent with educational requirements for certified teachers.

Although the Council is establishing minimum personnel standards, local ECI programs may: 1) require additional or advanced training of the EIS Professionals they recruit and hire (e.g., master's degrees, years of ECI experience, etc.) and 2) differentiate among EIS Professional staff through the use of locally used job titles and pay grades.

At a Council member's request the definition of professional title of Provisional Early Intervention Specialist Professional was removed from §621.24(b)(D)(iv)(f), since it is no longer in use.

The amendment is adopted under the Human Resources Code, §573.003, which authorizes the Interagency Council on Early Childhood Intervention Services to establish rules re-

garding services provided for children with developmental delays.

The amendment implements the Human Resources Code, §§73.001-73.021.

§621.24. Program Administration for Comprehensive Services.

(a) (No change.)

(b) Program requirements.

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

(5) Staff composition and qualifications.

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

(C) For the occupational category Early Intervention Specialist Professionals (EIS Professionals), the Interagency Council on Early Childhood Intervention Services will establish the standards for education and experience and the nature and amount of required supervision.

(D) As of September 1, 1995, the following qualifications and responsibilities for EIS Professionals are effective.

(i) Definitions of Early Intervention Specialist Professional levels. EIS Professional is an occupational title and occupational category specific to service providers employed by Early Childhood Intervention (ECI) programs. These service providers have demonstrated through their education and experience the knowledge and skills required in early intervention service delivery. There are two classes of EIS Professionals:

(I) Entry level—Persons with bachelor's degrees in disciplines related to early intervention services or bachelor's degrees in unrelated fields which include a minimum of 18 hours of college credit related to the provision of early intervention services are eligible to apply for Entry Level status. An Entry Level EIS Professional will have a maximum of two years from the initial date of hiring to complete the requirements to be approved as a Fully Qualified EIS Professional. Failure to complete the required process within two years will result in the loss of professional status and privileges. Exceptions to this provision may be approved by the state ECI office on an individual basis for extreme circumstances. Requests for exceptions must be in writing.

(II) Fully qualified—Persons meeting the conditions and requirements for Professional Recognition as Fully Qualified EIS Professionals.

(ii) Scope of responsibilities. Early Intervention Specialist Professionals (Entry Level and Fully Qualified EIS Professionals) may represent the discipline of early intervention and may be one of the two required professionals on an Interdisciplinary Team (IDT). EIS Professionals may conduct developmental screenings and assessments, participate in the development and implementation of Individualized Family Service Plans, and provide service coordination, special instruction, and family education services.

(iii) Supervision. The Entry Level EIS Professionals must receive a minimum of one hour per week of direct supervision from a fully qualified professional until they have successfully completed the requirements to be Fully Qualified EIS Professionals. The supervising professionals may be from any of the disciplines related to early intervention and must meet the highest state standards for their profession.

(iv) Professional recognition for EIS Professionals employed on September 1, 1995.

(I) Persons employed by ECI programs as Fully Qualified EIS Professionals on September 1, 1995, must:

(-a-) meet entry level requirements as defined in clause (i)(I) of this subparagraph;

(-b-) submit a written application for continued recognition as a Fully Qualified EIS Professional to the Texas Interagency Council on Early Childhood Intervention by September 1, 1996; and

(-c-) have been employed a minimum of one calendar year as an EIS Professional with a satisfactory performance evaluation(s) in an ECI-funded program.

(II) Persons employed by ECI programs as Provisional EIS Professionals on September 1, 1995, must either meet the qualifications as fully qualified EIS Professionals or apply in writing by September 1, 1995, to complete the required demonstrations of knowledge and skills in early intervention service provision by September 1, 1997.

(III) EIS Professionals and Provisional EIS Professionals who were hired before September 1, 1995, and are currently employed in ECI-funded programs, who fail to complete the required application process within the specified time frames will not be considered EIS Professionals. They will no longer be able to independently perform the scope of re-

sponsibilities of EIS Professionals as defined in clause (ii) of this subparagraph. To obtain status as Fully Qualified EIS Professionals, they must enter the system as Entry Level EIS Professionals and complete the conditions defined in clause (v) of this subparagraph.

(v) Professional recognition for EIS Professionals hired after September 1, 1995. Persons hired as EIS Professionals after September 1, 1995, who are not Fully Qualified EIS Professionals are identified as Entry Level EIS Professionals and to be recognized as Fully Qualified EIS Professionals must:

(I) meet the educational requirements of a bachelor's degree in a discipline related to early intervention or a bachelor's degree which includes a minimum of 18 hours of course credit relevant to early intervention service provision and submit a statement of intent to complete the required demonstrations of early intervention knowledge and skills and apply for full professional recognition;

(II) within six months of their hiring date, complete a self assessment of early intervention knowledge and skills with their ECI program director or supervisor;

(III) within two years of their hiring date, complete the required demonstrations of early intervention knowledge and skills and submit documentation for recognition as a Fully Qualified EIS Professional; and

(IV) complete the required processes or lose professional status and privileges. They will no longer be able to independently perform the scope of responsibilities of EIS Professionals as defined in clause (ii) of this subparagraph.

(vi) Other ECI employees. ECI employees employed in positions other than EIS Professionals who, by the completion of educational requirements and approval of the ECI program director, are eligible to enter the system as Entry Level EIS Professionals may complete the conditions defined in clause (v) of this subparagraph and be recognized as Fully Qualified EIS Professionals.

(vii) Continuing professional education requirements. EIS Professionals must meet annual continuing professional education requirements to maintain their status. Continuing professional education consists of the planned individual learning experiences as described in the EIS Professional's annual Individual Professional Development Plan (IPDP) which shall include completion of a mini-

mum of ten contact hours of approved continuing professional development education experiences.

(viii) Registry. The Texas Interagency Council on Early Childhood Intervention shall issue certificates of recognition to and maintain a registry of individuals who successfully complete the requirements to be Fully Qualified EIS Professionals.

(ix) Grievance process. Each local agency shall have a procedure for local resolution of personnel grievances. A party who has a disagreement with the local decision regarding his qualifications or status as an EIS Professional shall have an opportunity for dispute resolution at the local level. Agencies may use existing personnel grievance procedures to resolve disagreements and will inform their staff of their existence.

(x) Complaints. Any individual or organization may file a complaint with the Council alleging that a requirement of the applicable federal and/or state regulations has been violated as provided in §621.43 of this title (relating to Confidentiality).

(E) The director of the local ECI program must provide and document the amounts of supervision appropriate for all ECI contract staff and program staff to ensure the philosophy and intent of these regulations are met as adopted by the Interagency Council on Early Childhood Intervention Services.

(F) Local programs must establish a procedure to ensure that employees have not been convicted of any felony or a misdemeanor related to child abuse or sexual abuse or any other offense against a person or family.

(6)-(14) (No change.)

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

Issued in Austin, Texas, on June 19, 1995.

TRD-9507449

Nancy Murphy
Section Manager, Media
and Policy Services
Interagency Council on
Early Childhood
Intervention Services

Effective date: July 10, 1995

Proposal publication date: April 7, 1995

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

TITLE 30. ENVIRONMENTAL QUALITY

Part 1. Texas Natural Resource Conservation Commission

Chapter 335. Industrial Solid Waste and Municipal Hazardous Waste

Subchapter Q. Pollution Prevention: Source Reduction and Waste Minimization

• 30 TAC §335.476

The Texas Natural Resource Conservation Commission (TNRCC) adopts amendments to §335.476, concerning Pollution Prevention: Source Reduction and Waste Minimization, Reporting and Recordkeeping. The amendments are adopted with changes to the proposed text as published in the May 5, 1995, issue of the *Texas Register* (20 TexReg 3320). Section 335.476(4)(A)-(E) is amended by changing the words "March 1" to "July 1" in each subparagraph. The changes align the annual due date of March 1 for the Source Reduction and Waste Minimization (SR/WM) Annual Report with the Toxics Release Inventory (TRI) Form R reporting due date of July 1. This change will improve data quality and will reduce the potential for reporting errors on the SR/WM Annual Report Form, which, in turn, will decrease administrative burden to the regulated community.

The comment period was open from May 5, 1995 to June 5, 1995. One commenter, Red Star Yeast and Products, supported the rule amendments. The other commenter, ARCO Chemical Company, supported the amendments but found that the language requires facilities under §335.476(4)(A) to continue the March 1 report submissions. This was not intended and a sentence has been added to clarify that all facilities affected by this section have July 1 reporting dates.

The amendments are adopted under Texas Water Code, §§5.103, 5.105, and 28.011, which provides the TNRCC the authority to adopt rules necessary to carry out its powers, duties, and policies and to protect water quality in the state. These changes are also adopted under the Health and Safety Code, §361.024, which provides the TNRCC the authority to adopt rules necessary to manage solid waste, and under §361.504(b), which provides the TNRCC the authority to establish schedules for Source Reduction and Waste Minimization reports.

§335.476. *Reports and Recordkeeping.* All persons required to develop a source reduction and waste minimization plan for a facility under this subchapter shall submit to the commission and the board, concurrent with implementation of the plan under §335.475 of this title (relating to Implementation Dates), an initial executive summary of such plan and a

copy of the certification of completeness and correctness in §335.474(1)(H) of this title (relating to Source Reduction and Waste Minimization Plans). Within 30 days of any revision of such plan, a revised executive summary shall be submitted. All owners and operators required to develop a plan shall also submit an annual report according to the schedule outlined in paragraph (4) of this section.

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

(4) The report and the executive summary of the plan shall be submitted according to the following schedule and annually thereafter.

(A) For all facilities meeting the specifications of §335.475(1) of this title (relating to Implementation Dates), the first report will be due on or before March

1, 1994. The report will cover calendar year 1993. Subsequent annual reports will be submitted on or before July 1 of each year.

(B) For all facilities meeting the specifications of §335.475(2), the first report will be due on or before July 1, 1995. The report will cover calendar year 1994.

(C) For all facilities meeting the specifications of §335.475(3), the first report will be due on or before July 1, 1996. The report will cover calendar year 1995.

(D) For all facilities meeting the specifications of §335.475(4), the first report will be due on or before July 1, 1997. The report will cover calendar year 1996.

(E) For all facilities meeting the specifications of §335.475(5), the first

report will be due on or before July 1, 1998. The report will cover calendar year 1997.

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

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

Issued in Austin, Texas, on June 19, 1995.

TRD-9507474

Lydia Gonzalez Gromatzky
Acting Director, Legal
Services Division
Texas Natural Resource
Conservation
Commission

Effective date: July 11, 1995

Proposal publication date: May 5, 1995

For further information, please call: (512) 239-6037

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Texas Department of Insurance Exempt Filing

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

(Editor's Note: As required by the Insurance Code, Article 5.96 and 5.97, the Texas Register publishes notices of actions taken by the Department of Insurance pursuant to Chapter 5, Subchapter L, of the Code. Board action taken under these articles is not subject to the Administrative procedure Act.

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

The text of the material being adopted will not be published, but may be examined in the offices of the Department of Insurance, 333 Guadalupe, Austin.)

The Commissioner of Insurance, at a public hearing under Docket Number 2146 held at 1:30 p.m., June 14, 1995 in Room 100 of the Texas Department of Insurance Building, 333 Guadalupe Street in Austin, Texas, adopted amendments proposed by staff to the Texas Automobile Rules and Rating Manual (the Manual), Symbol and Identification Section. Staff's petition (Reference Number A-0495-08-1) was published in the May 5, 1995, issue of the *Texas Register* (20 TexReg 3322).

Subject to certain exceptions, in the past the Department has adopted the Insurance Services Office's (ISO) physical damage rating symbols and adjustments. Symbols and adjustments to them are based on vehicle cost, damageability, repairability, and other rele-

vant loss factors. Without timely symbol adjustments, some consumers pay higher or lower premiums than suitable.

The Department currently requires the rating of a multi-purpose or utility vehicle by application of a rating table to the vehicle's Original Cost New. ISO instead assigns a symbol to such a vehicle in the same manner as for private passenger autos. ISO's approach more accurately reflects the true physical damage rating symbol for the multi-purpose and utility type vehicle, and for that reason the Manual is amended to conform to the methodology that assigns a specific symbol to 1995 and later models of multi-purpose and utility type vehicles, as shown in an exhibit attached to staff's petition. However, symbols for customized vehicles of this type will continue to be rated by application of a rating table to the vehicle's Original Cost New.

This Order also adopts new and/or adjusted 1993, 1994, and 1995 Model Rating Symbols for Automobile Physical Damage Coverage, as shown in exhibits attached to the petition.

The amendments as adopted by the Commissioner of Insurance are shown in exhibits on file with the Chief Clerk under Reference Number A-0495-08-1, which is incorporated by reference into Commissioner's Order Number 95-0607.

The Commissioner of Insurance has jurisdiction over this matter pursuant to the Insurance Code, Articles 5.10, 5.96, 5.98 and 5.101.

This notification is made pursuant to the Insurance Code, Article 5.96, which exempts it from the requirements of the Government Code.

Consistent with the Insurance Code, Article 5.96(h), the Department will notify all insurers writing automobile insurance of this adoption by letter summarizing the Commissioner's action.

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 to adopt.

Issued in Austin, Texas, on June 21, 1995.

TRD-9507530

Alicia M. Fechtel
General Counsel and Chief
Clerk
Texas Department of
Insurance

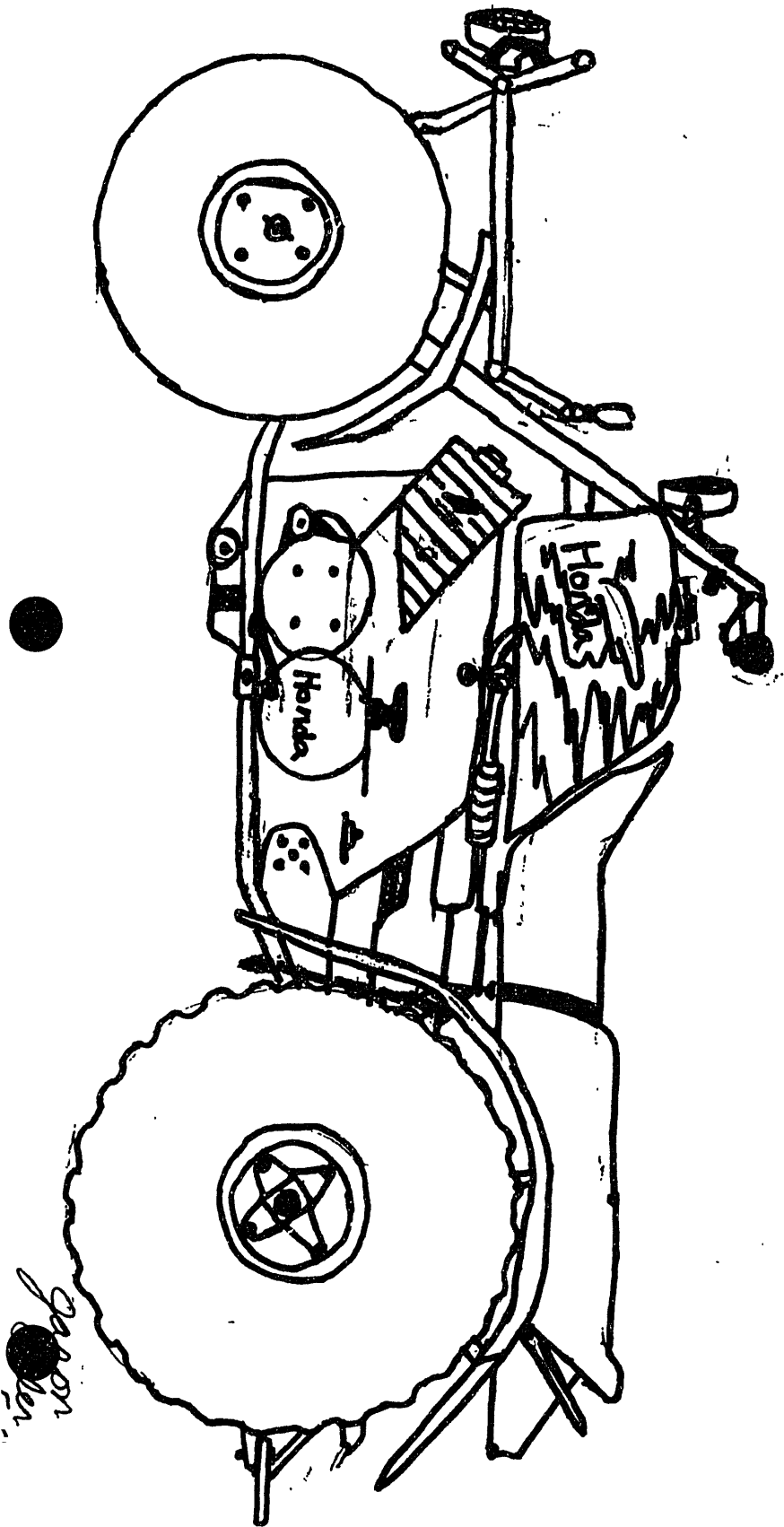
Effective date: September 1, 1995

Proposal date: May 5, 1995

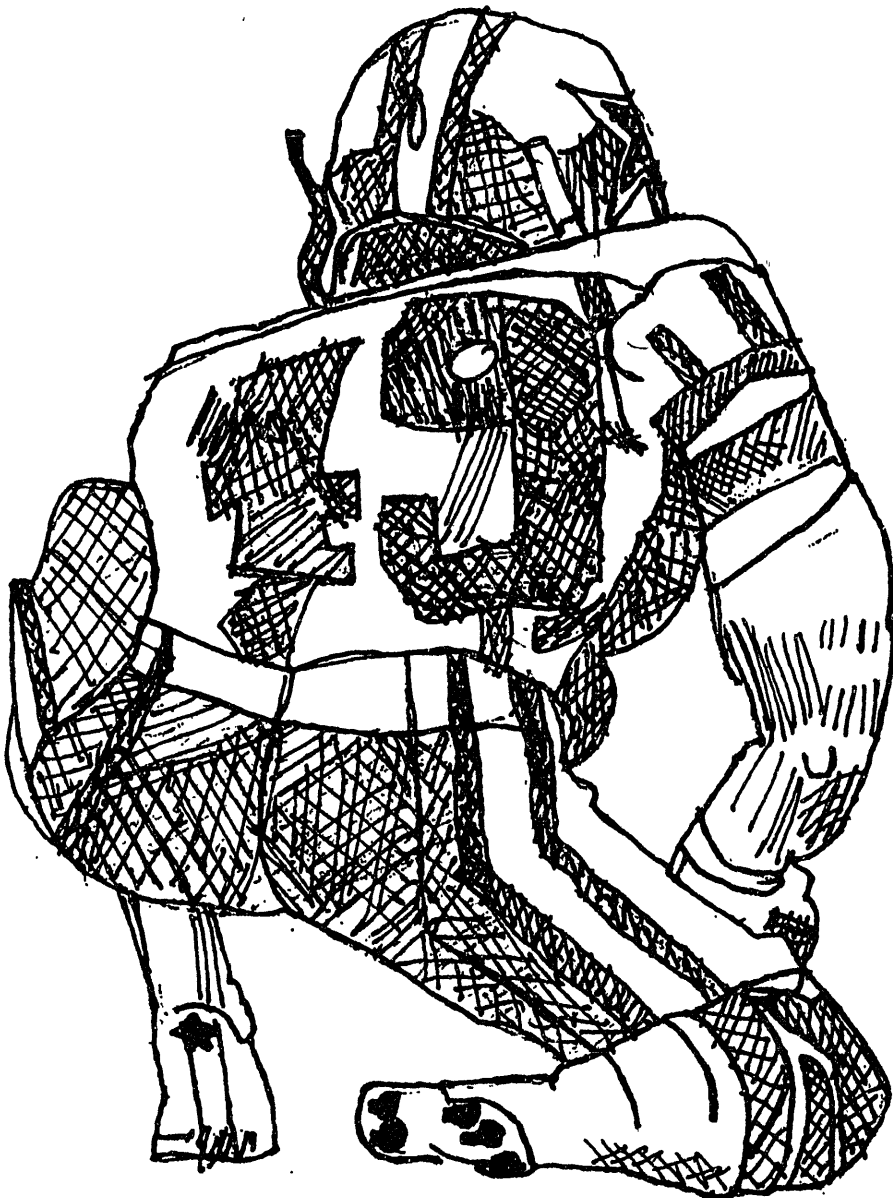
For further information, please call: (512) 463-6327

◆ ◆ ◆

Jason Ehler
Grade 5
Rockdale Elementary School
Rockdale, Tx



Matthew Baker
Grade 5
Rockdale Elementary School
Rockdale, Tx



Matthew 5

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.

Figure 1 22 TAC <*> 577.15 - Emergency

EXAMINATIONS	[BOARD] FEE	[PROF. FEE	TOTAL FEE]
State Board Exam(SBE)	\$100	[\$200	\$300]
Nat'l. Exam(NBE)	\$225 [\$160	\$000	\$160]
Clinical Comp. Exam(CCT)	\$205 [\$140	\$000	\$140]
SBE & NBE	\$290 [\$225	\$200	\$425]
SBE & CCT	\$265 [\$200	\$200	\$400]
SBE & NBE & CCT	\$430 [\$300	\$200	\$500]
NBE & CCT	\$380[\$250	\$000	\$250]
RENEWALS	BOARD FEE	PROF.FEE	TOTAL FEE
License Renewal (Current)	\$100	\$200	\$300
Delinquent Renewals (90 Days or Less)	\$250	\$200	\$450
Delinquent Renewals (Over 90 Days but Less Than One Year)	\$400	\$200	\$600
PHOTOSTATIC COPIES	FIRST PAGE	ADDITIONAL PAGES	
Fifty Pages or Less of Readily Available	\$.12	\$.12	
More Than Fifty Pages of Readily Available	\$.98	\$.17	
Information Not Readily Available	\$.81	\$.17	
Postage	\$.29 - 1st Oz. - \$.23 - Addtl. Ozs.		
MAILING LISTS AND LABELS			
Mailing Lists	.12 per name on list - not to exceed \$200.00		
Mailing Labels	.17 per name on label - not to exceed \$300.00		

Charges for goods and services such as the tapes, disks, duplicate licenses, the Veterinary Licensing Act, and Rules will be in accordance with applicable statutes and rules, which require recovery of direct costs and overhead.

All fees collected will be deposited to the appropriate fund within the time period specified by S.B. 245.

Figure 1, 22 TAC <*> 577.15 - Proposed

(a) EXAMINATIONS	[BOARD] FEE	[PROF. FEE	TOTAL FEE]
State Board Exam(SBE)	\$100	[\$200	\$300]
Nat'l. Exam(NBE)	\$225 [\$160	\$000	\$160]
Clinical Comp. Exam(CCT)	\$205 [\$140	\$000	\$140]
SBE & NBE	\$290 [\$225	\$200	\$425]
SBE & CCT	\$265 [\$200	\$200	\$400]
SBE & NBE & CCT	\$430 [\$300	\$200	\$500]
NBE & CCT	\$380[\$250	\$000	\$250]
Special License	\$100		

(b) RENEWALS	BOARD FEE	PROF.FEE	TOTAL FEE
License Renewal(Current)	\$110[\$100]	\$200	\$310 [\$300]
Delinquent Renewals (90 Days or Less)	\$160[\$250]	\$200	\$360 [\$450]
Delinquent Renewals (Over 90 Days but Less Than One Year)	\$210 [\$400]	\$200	\$410 [\$600]
Inactive Renewals	\$110	-0-	\$110
Delinquent Inactive Renewals (90 Days or Less)	\$160	-0-	\$160
Delinquent Inactive Renewals (Over 90 Days but Less Than One Year)	\$210	-0-	\$210
Special License	\$110	\$200	\$310
Delinquent Special License Renewals (90 Days or Less	\$160	\$200	\$360

Figure 1, 22 TAC <*> 577.15 - Proposed - Page two

**Delinquent Special License Renewals
(Over 90 Days but Less
than One Year)**

	\$210	\$200	\$410
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(c) Provisional License	\$200	\$200	\$400
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(d) Open Records

Charges for all open records and other goods/services such as tapes disks, will be in accordance with General Services Commission rules 111.61 through 111.71 - "Charges for Public Records".

[PHOTOSTATIC COPIES	FIRST PAGE	ADDITIONAL PAGES
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Fifty Pages or Less of Readily Available	\$.12	\$.12
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More Than Fifty Pages of Readily Available	\$.98	\$.17
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Information Not Readily Available	\$.81	\$.17
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Postage	\$.29 - 1st Oz.	\$.23 Addtl. Ozs.
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MAILING LISTS AND LABELS

Mailing Lists	.12 per name on list - not to exceed \$200.00
Mailing Labels	.17 per name on label - not to exceed \$300.00

Charges for goods and services such as the tapes, disks, duplicate licenses, the Veterinary Licensing Act, and Rules will be in accordance with applicable statutes and rules, which require recovery of direct costs and overhead.

All fees collected will be deposited to the appropriate fund within the time period specified by S.B. 245.]

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).

State Aircraft Pooling Board

Wednesday, June 28, 1995, 2:00 p.m.

4900 Old Manor Road

Austin

Emergency Meeting

AGENDA:

1. Call to order
2. Introductions
3. Election of board chairman
4. Approval of minutes of board meeting, March 16, 1995
5. Interagency contracts and pilot exemptions for fiscal years 1996 and 1997
6. Proposed APB policy
7. Executive director's report--Bob DuLaney
8. Setting of time and place for next meeting
9. Final adjournment

Reason for emergency: Election of board chairman.

Contact: Gladys Alexander, 4900 Old Manor Road, Austin, Texas 78723, (512) 477-8900.

Filed: June 21, 1995, 10:53 a.m.

TRD-9507548

Texas Commission for the Blind

Thursday, June 29, 1995, 10:00 a.m.

4800 North Lamar Boulevard, Suite 320

Austin

Audit Committee Meeting

AGENDA:

1. Rehabilitation Services Administration's review of Business Enterprises Program
2. Internal audit report on the Business Enterprises Program
3. Review of other internal audit activities

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

Filed: June 21, 1995, 3:19 p.m.

TRD-9507583

Thursday, June 29, 1995, 1:00 p.m.

4800 North Lamar Boulevard, Suite 320

Austin

Policy Committee Meeting

AGENDA:

1. Discussion regarding policy on annual evaluation of the executive director and the internal auditor
2. Discussion regarding performance measurement instrument for evaluating the executive director and the internal auditor

3. Discussion regarding policy revision on annual appointment of executive director

4. Discussion regarding policy revision of special/emergency board meetings

5. Discussion regarding policy requiring quarterly meetings of the board

6. Discussion regarding revision of board policy on public participation and public hearings (tabled at Policy Committee Meeting held August 11, 1994)

7. Discussion regarding policy on board representation at meetings of the Elected Committee of Managers

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

Filed: June 21, 1995, 3:19 p.m.

TRD-9507584

Thursday, June 29, 1995, 3:00 p.m.

4800 North Lamar Boulevard, Suite 320

Austin

Business Enterprises Committee Meeting

AGENDA:

1. Randolph-Sheppard Vendor's Service Corporation proposal progress report
2. Clarification of the role of the Elected Committee of Managers (ECM)
3. Contracts with military bases for food service facilities

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

Filed: June 21, 1995, 3:19 p.m.

TRD-9507585

Coastal Coordination Council

Thursday, June 29, 1995, 9:00 a.m.

State Capitol Extension, Room E1.028,
1400 Congress Avenue

Austin

AGENDA:

I. Call to order and opening remarks

II. Introduction of new council members.
Administration of oath of office to the new gubernatorial appointees

III. Approval of minutes of the December 2 and December 15, 1994, meetings

IV. Request for appointment of a Council task force on thresholds and rule certification

V. Approval of proposed amendments to Chapters 501, 505 and 506 of the Council rules; repeal of Chapters 503 and 504 of the Council rules; emergency rulemaking action concerning June 15, 1995, effective date of current Council rules

VI. Approval of proposed revisions to CMP submission document for public comment, and schedule for transmittal of CCC rules and document to Governor

VII. Request for appointment of a Council task force on permitting assistance process for individuals and small business

VIII. Public comment period

IX. Adjournment

Contact: Janet Fatheree, 1700 North Congress Avenue, Room 617, Austin, Texas 78701, (512) 463-5385.

Filed: June 20, 1995, 2:03 p.m.

TRD-9507491

Conservatorship Board

Tuesday, June 27, 1995, 1:30 p.m.

710 Brazos, Perry Brooks Building

Austin

Emergency Revised Agenda

AGENDA:

Approval of June 6, 1995 minutes; action on administrative decision in the matter of a license: Otis Haynes, a motion to reconsider; William L. James, a motion to reconsider; and Jerry Baldrige, a recommended decision.

Reason for emergency: Necessary for Conservatorship Board to meet in order to meet statutory mandate.

Contact: Otis E. Williams, 710 Brazos, Austin, Texas 78701, (512) 867-8720.

Filed: June 20, 1995, 2:03 p.m.

TRD-9507490

Tuesday, June 27, 1995, 1:30 p.m.

710 Brazos, Perry Brooks Building

Austin

Emergency Revised Agenda

AGENDA:

Meet in executive session to discuss personnel matters.

Reason for emergency: Necessary for Conservatorship Board to meet in order to meet statutory mandate.

Contact: Otis E. Williams, 710 Brazos, Austin, Texas 78701, (512) 867-8720.

Filed: June 21, 1995, 1:39 p.m.

TRD-9507568

Texas Education Agency

Thursday, June 29, 1995, 8:45 a.m.

William B. Travis Building, Room 6-124,
1701 North Congress Avenue

Austin

Commission on Standards for the Teaching Profession (CSTP)

AGENDA:

Thursday, June 29, at 8:45 a.m., opening activities include roll call; adoption of agenda, and introductions. Action items for consideration include program approval requests for Alternative Certification Program Redevelopment, legitimacy under the Alternative Certification Program Rule, from Fort Worth Independent School District, 9:00-10:00 a.m.; Texas A&M International University, 10:00-11:00 a.m.; and Lamar University, 12:00-1:00 p.m. Program approval requests for the Center for Educational Development and Excellence (CEDE), for legitimacy under the Center Rule, were received from The University of Texas-San Antonio, 1:00-2:00 p.m.; Incarnate Word University, 2:00-3:00 p.m.; Our Lady of the Lake University, 3:00-4:00 p.m.; St. Mary's University, 4:00-5:00 p.m.; and Trinity University, 5:00-6:00 p.m. At 6:00 p.m., the commission will adjourn.

Contact: Delia Quintanilla, 1701 North Congress Avenue, CC 204/Room 5-121, Austin, Texas 78701, (512) 463-9337.

Filed: June 21, 1995, 10:21 a.m.

TRD-9507544

State Employee Charitable Campaign

Thursday, June 22, 1995, 8:30 a.m.

210 East Ninth Street

Fort Worth

Emergency Meeting

Local Employee Committee-Fort Worth

AGENDA:

1. Plan kickoff and select date
2. Approve proposed budget
3. Set goals
4. Review publicity materials and brochure
5. Establish sub-committees
6. Ratify actions taken at previous meetings

Reason for emergency: Approve budget by deadline-June 23.

Contact: Sara Marshall, 210 East Ninth Street, Fort Worth, Texas 76102, (817) 878-0000, Fax: (817) 878-0005.

Filed: June 20, 1995, 10:44 a.m.

TRD-9507471

Monday, June 26, 1995, 4:00 p.m.

2207 Line Avenue

Amarillo

Emergency Meeting

Local Employee Committee-Amarillo

AGENDA:

1. Approve local campaign manager's budget
2. Determine quantity of printed materials to order

Reason for emergency: To obtain budget approval

Contact: Sheryl Baker, 2207 Line Avenue, Amarillo, Texas 79016, (806) 376-6359, Fax: (806) 376-9343.

Filed: June 21, 1995, 8:30 a.m.

TRD-9507513

Texas Department of Housing and Community Affairs

Thursday, June 29, 1995, 3:00 p.m.

Capitol Extension, 1100 North Congress Avenue, Room E1.016

Austin

Programs Committee Meeting

AGENDA:

The Programs Committee will meet to consider and possibly act on the following: Withdrawal of 1993 funds from Housing Trust Fund Award to Raymond Gaines and Clarksville; proposed 1995 Activity Funding Plan for publication in the *Texas Register* for HOME Program for Low Income Weatherization Assistance Program; Low Income Housing Tax Credit Program; Single Family Bond Program; Travis County Housing Authority tenant based rental assistance; approval of restructure of Oxford development of Springhouse and Steeplechase and amendments to bond documents/inducements resolution for refunding; Single Family Program 48 guidelines; HUD Insured Multi-Family Mortgage Loans Purchase Program; funding of capacity building grant awards; report items—multi-family financing fees and compliance update; and adjourn.

Supporting materials and staff recommendations on these agenda items are available for review at Texas Department of Housing and Community Affairs, 811 Barton Springs Road, Austin, Texas 78704 or copies may be obtained on specific items by calling (512) 475-2124 (copies are subject to open records request copying charge per page).

Individuals who require auxiliary aids or services for this meeting should contact Aurora Carvajal, ADA Responsible Employee, at (512) 475-3822 or Relay Texas at 1-800-735-2989 at least two days before the meeting so that appropriate arrangements can be made.

Contact: Henry Flores, 811 Barton Springs Road, Suite 500, Austin, Texas 78704, (512) 475-3934.

Filed: June 21, 1995, 8:31 a.m.

TRD-9507516

Thursday, June 29, 1995, 8:00 p.m.

Capitol Extension, 1100 North Congress Avenue, Room E1.024

Austin

Audit Committee Meeting

AGENDA:

The Audit Committee will meet to consider and possibly act on the following:

Martinez and Mendoza's reports on independent audit, single audits, management letter, summary of auditor's responsibilities; KPMG Peat Marwick's reports on independent audit on Revenue Bond Enterprise Fund, letter on internal control and accounting procedures, letter to Audit Committee; internal auditing's reports on review adequacy of department's system for monitoring compliance with provisions of RMRB Bond Indentures, review department's cash receipts processing system, preparation of fiscal year 1996 Internal Auditing Plan, status of internal audits and special projects,

discussion of RFP for external auditors for fiscal year 1996 through fiscal year 1998; executive session; and adjourn.

Supporting materials and staff recommendations on these agenda items are available for review at Texas Department of Housing and Community Affairs, 811 Barton Springs Road, Austin, Texas 78704 or copies may be obtained on specific items by calling (512) 475-2124 (copies are subject to open records request copying charge per page).

Individuals who require auxiliary aids or services for this meeting should contact Aurora Carvajal, ADA Responsible Employee, at (512) 475-3822 or Relay Texas at 1-800-735-2989 at least two days before the meeting so that appropriate arrangements can be made.

Contact: Henry Flores, 811 Barton Springs Road, Suite 500, Austin, Texas 78704, (512) 475-3934.

Filed: June 21, 1995, 3:15 p.m.

TRD-9507582

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

1100 North Congress Avenue, Room E1.016, Capitol Extension

Austin

Finance Committee Meeting

AGENDA:

The Finance Committee of the Board of the Texas Department of Housing and Community Affairs will meet to consider and possibly act on the following: Selection of underwriting teams for Single Family 1985 Bond refunding/restructuring; selection of underwriting teams for 1995 New Money Single Family Bond issue; and adjourn.

Supporting materials and staff recommendations on these agenda items are available for review at Texas Department of Housing and Community Affairs, 811 Barton Springs Road, Austin, Texas 78704 or copies may be obtained on specific items by calling (512) 475-2124 (copies are subject to open records request copying charge per page).

Individuals who require auxiliary aids or services for this meeting should contact Aurora Carvajal, ADA Responsible Employee, at (512) 475-3822 or Relay Texas at 1-800-735-2989 at least two days before the meeting so that appropriate arrangements can be made.

Contact: Henry Flores, 811 Barton Springs Road, Suite 500, Austin, Texas 78704, (512) 475-3934.

Filed: June 21, 1995, 8:31 a.m.

TRD-9507518

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

1100 North Congress Avenue, Room E1.016, Capitol Extension Building

Austin

Board Meeting

AGENDA:

The Board of Texas Department of Housing and Community Affairs will meet to consider and possibly act on: Minutes of May 25, 1995 meeting; office site lease; withdrawal of 1993 funds from Housing Trust Fund Award to R. Gaines and Clarksville; proposed 1995 Activity Funding Plan for publication in *Texas Register* for HOME Program for: Low Income Weatherization Assistance, Low Income Housing Tax Credit Program; Single Family Bond Program; Travis County Housing Authority tenant based rental assistance; restructure of Oxford development of Springhouse and Steeplechase and amendments to bond documents/inducement resolution for refunding; selection of underwriters for Single Family 1985 Bond refunding/restructuring and for 1995 New Money Single Family Bond issue; Single Family Program 48 guidelines; funding of capacity building grant awards; executive session—anticipated litigation (general counsel to give report on litigation under \$551,071 and \$551,103, Texas Government Code litigation exception). Proposed restructure of Mutual Benefit Bonds, Residential Mortgage Revenue Bonds; action in open session on items discussed in executive session; report items—Dallas Housing Plan/personnel matters/Audit Committee Report/other items deemed necessary. Adjourn.

Supporting materials and staff recommendations on these agenda items are available for review at Texas Department of Housing and Community Affairs, 811 Barton Springs Road, Austin, Texas 78704 or copies may be obtained on specific items by calling (512) 475-2124 (copies are subject to Open Records Request copying charge per page).

Individuals who require auxiliary aids or services for this meeting should contact Aurora Carvajal, ADA Responsible Employee, at (512) 475-3822 or Relay Texas at 1-800-735-2989 at least two days before the meeting so that appropriate arrangements can be made.

Contact: Henry Flores, 811 Barton Springs Road, Suite 500, Austin, Texas 78704, (512) 475-3934.

Filed: June 21, 1995, 8:30 a.m.

TRD-9507515

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Texas State Affordable Housing Corporation

Friday, June 30, 1995, 1:00 p.m.

1100 North Congress Avenue, Room E1.016, Capitol Extension

Austin

Board of Directors Meeting

AGENDA:

The Board of the Texas State Affordable Housing Corporation will meet to consider and possibly act upon the following: Minutes of March 29, 1995; election of vice-chair; report on El Cenizo Project; general counsel report; and adjourn.

Contact: Henry Flores, 811 Barton Springs Road, Suite 500, Austin, Texas 78704, (512) 475-3934.

Filed: June 21, 1995, 8:30 a.m.

TRD-9507514

◆ ◆ ◆
Texas Department of Insurance

Friday, July 7, 1995, 9:00 a.m.

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

Austin

AGENDA:

454-94-2015.G2

Prehearing conference in the matter of the title insurance rate hearing.

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

Filed: June 20, 1995, 11:34 a.m.

TRD-9507477

◆ ◆ ◆
Texas Lottery Commission

Thursday, June 29, 1995, 9:00 a.m.

6937 North IH-35, American Founders Building, First Floor Auditorium

Austin

Texas Lottery Commission

AGENDA:

According to the agenda summary, the Texas Lottery Commission will call the meeting to order; commission will meet in executive session with its attorneys to receive legal advice regarding pending litigation pursuant to §551.071(1) of the Texas Government Code, including, Wolverine Council Auxiliary v. Texas Lottery Commission, Frenzel v. Sadberry et al, Scott Werner v. Texas Lottery Commission et al, and Frances Vaughn v. Texas Lottery Commission and Nora Linares and regarding contemplated litigation relating to the termination of employment of four security investigators, and, to receive legal advice from its attorneys pursuant to §551.071(2)

of the Texas Government Code regarding on the assignability of lottery prize winnings.

The remaining items will be taken up at 11:00 a.m.: approval of minutes of February 10, 1995; approval of minutes of the March 25, 1995 meeting; presentation on the statutes and rules relating to the ethics requirements of the Texas Lottery Commissions and/or employees; consideration and possible action on the location of future commission meetings; consideration and possible action on the issue of assignability of lottery prize winnings; such action may include the proposal of a rule; consideration and possible proposal of amendments to a rule, 16 TAC §401.101, relating to lottery procurement procedures; consideration and possible proposal of a new rule, 16 TAC §401.308, relating to a new on-line game; consideration and possible action on licensing issues relating to Wolverine Council Auxiliary, consideration and possible action on consent orders relating to delinquent taxes; consideration of the status and possible entry of an order in any contested case if a proposal for decision has been received from the assigned administrative law judge and the time period has lapsed for the filing of exceptions and replies; report by the Bingo Advisory Committee on its activities. Report by the executive director and possible discussion on the financial status of the agency, the operation of the agency, planning calendar, legislative update, and the NASPL conference, and adjournment.

For ADA assistance, call Michelle Guerrero at (512) 323-3791 at least two days prior to meeting.

Contact: Michelle Guerrero, 5937 North IH-35, Austin, Texas 78752, (512) 323-3791.

Filed: June 21, 1995, 9:15 a.m.

TRD-9507526

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Texas State Board of Medical Examiners

Thursday, June 29, 1995, 9:30 a.m.

1812 Centre Creek Drive, Suite 300

Austin

Hearings Division

AGENDA:

Probation appearance, 9:30 a.m.—Charles R. Lett, M.D., Tennessee Colony, Texas.

Probation appearance, 9:30 a.m.—Larry R. Sands, M.D., Brownwood, Texas.

Probation appearance, 10:00 a.m.—Charles Massey, M.D., Fredericksburg, Texas.

Probation appearance, 10:30 a.m.—Richard Tamez, D.O., San Antonio, Texas.

Probation appearance, 10:30 a.m.—Barney K. Williams, M.D., Kerrville, Texas.

Probation appearance, 11:00 a.m.—Doyle F. Gallman, D.O., Mansfield, Texas.

Probation appearance, 11:30 a.m.—Frank Murphy, D.O., The Colony, Texas.

Probation appearance, 1:00 p.m.—James Garner, M.D., Houston, Texas.

Probation appearance, 1:00 p.m.—Richard Kondejewski, M.D., League City, Texas.

Probation appearance, 1:00 p.m.—Juan Ortega-Mora, M.D., Houston, Texas.

Modification request, 9:30 a.m.—Roger Meharry, M.D., Rusk, Texas.

Modification request, 2:15 p.m.—Harvey Hays, M.D., Fritch, Texas.

Termination request, 9:30 a.m.—Daniel Sanchez, M.D., Corpus Christi, Texas.

Termination request, 1:45 p.m.—Ernesto Espiritu, M.D., Nederland, 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 Revised Civil Statutes, regarding pending or contemplated litigation.

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

Filed: June 21, 1995, 3:13 p.m.

TRD-9507581

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Texas Natural Resource Conservation Commission

Wednesday, July 19, 1995, 5:00 p.m.

PepperTree Restaurant, 500 East Coke Road

Winnsboro

AGENDA:

On an application by the Upper Sabine Valley Recycling and Transfer Station, Proposed Registration Number MSW40058, to construct and operate a Type V municipal solid waste transfer station. The proposed facility covers approximately three acres of land, and will daily receive 12 tons of municipal solid waste for transfer, waste separation and recycling. The proposed facility will be located on County Road 4280, approximately five miles west of the City of Winnsboro, one mile north of FM Road 515, in Wood County, Texas.

Contact: Charles Stavley or Ann Scudday, P.O. Box 13087, Austin, Texas 78711, (512) 239-6687 or (512) 239-4756.

Filed: June 21, 1995, 10:46 a.m.

TRD-9507546

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State Pension Review Board

Thursday, July 6, 1995, 10:30 a.m.

300 West 15th Street, Clements Building,
Fourth Street, Room 406

Austin

AGENDA:

1. Meeting called to order
2. Roll call
3. Reading and adoption of minutes of previous meeting
4. Chairman's report
5. Committee reports
- A. Special Committee on Derivatives: Consideration of final report
- B. PRB Legislative Committee
- C. Administrative Committee; update on electronic database
6. Executive director's report
7. Compliance update
8. Discussion and possible consideration of interim projects
9. Discussion and possible action on old business
10. Announcements and invitation for audience participation
11. Adjournment—Announce date of next meeting

Contact: Lynda Baker, P.O. Box 13498,
Austin, Texas 78711, (512) 463-1736.

Filed: June 21, 1995, 3:00 p.m.

TRD-9507580

◆ ◆ ◆
Public Utility Commission of Texas

Thursday, June 29, 1995, 9:00 a.m.

7800 Shoal Creek Boulevard

Austin

AGENDA:

The commission will consider for publication—Project Number 14320—amendment of rules of practice and procedure.

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

Filed: June 21, 1995, 1:00 p.m.

TRD-9507559

Monday, October 2, 1995, 10:00 a.m.

7800 Shoal Creek Boulevard

Austin

Hearings Division

AGENDA:

The hearing on the merits has been scheduled for the above date and time in Docket Number 13951—application of Midwest Electric Cooperative, Inc. for a Certificate of Convenience and Necessity to construct a transmission line in Scurry County, Texas.

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

Filed: June 20, 1995, 3:45 p.m.

TRD-9507496

◆ ◆ ◆
Texas Sustainable Energy Development Council

Friday, June 30, 1995, 9:00 a.m.

3701 Lake Austin Boulevard, Lower Colorado River Authority, Board Conference Room

Austin

AGENDA:

1. Call to order
2. Approval of minutes from last meeting
3. Review strategic planning schedule
4. Introduction to nanotechnology
5. Confirm goals and objectives
6. Review action plan proposals and status
7. Resolve parking lot issues
8. Administrative update
9. Public comment
10. Adjourn

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

Filed: June 20, 1995, 1:10 p.m.

TRD-9507480

◆ ◆ ◆
Teacher Retirement System of Texas

Thursday, June 29, 1995, 10:00 a.m.

1717 Main Street, Seventh Floor Boardroom

Dallas

Board of Trustees Real Estate Committee

AGENDA:

Consideration of loan modification for San Jacinto Tower

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

Filed: June 21, 1995, 2:49 p.m.

TRD-9507577

◆ ◆ ◆
Texas State Technical College System

Friday, June 23, 1995, 3:00 p.m.

Ramada Hotel-Market Center Regal Row Room, 1055 Regal Row

Dallas

Board of Regents Executive Committee

AGENDA:

The Board of Regents Executive Committee will discuss and act on the following agenda; item: Appointment of TSTC System Director of Audits

Contact: Sandra J. Krumnow, 3801 Campus Drive, Waco, Texas 76705, (817) 867-4890.

Filed: June 20, 1995, 11:17 a.m.

TRD-9507473

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Texas Workers' Compensation Insurance Fund

Wednesday, June 28, 1995, 8:30 a.m.

100 Congress Avenue, Suite 600

Austin

Board of Directors

AGENDA:

Call to order; roll call; review and approval of the minutes of the May 25, 1995, board meeting; presentation to former board members; action items; consideration of granting fund president authorization to terminate certain contracts; consideration of the assignment of the criterion asset management investment management agreement to Nicholas Applegate Capital Management; consideration of amendments to fund policy governance and executive authority; organizational effectiveness committee election; financial report; fund status report and legislative update on certain legislation affecting the fund; informational items; report of the Administrative Committee; report of the Finance Committee; report of the Operations Committee; public participation; executive session; action items resulting from executive session deliberations; consideration of setting compensation for president/CEO; announcements; and adjourn.

Contact: Jeanette Ward, 100 Congress Avenue, Austin, Texas 78701, (512) 404-7142.

Filed: June 20, 1995, 3:45 p.m.

TRD-9507497

Regional Meetings

Meetings Filed June 20, 1995

The Comal Appraisal District Appraisal Review Board met at 178 East Mill Street #102, New Braunfels, July 25-27, 1995, at 9:00 a.m. Information may be obtained from Curtis Koehler, P.O. Box 311222, New Braunfels, Texas 78131-1222, (210) 625-8597. TRD-9507495.

The Education Service Center, Region XX Board of Directors will meet at 1314 Hines Avenue, San Antonio, June 28, 1995, at 2:00 p.m. Information may be obtained from Dr. Judy M. Castleberry, 1314 Hines Avenue, San Antonio, Texas 78208-1899, (210) 299-2471. TRD-9507498.

The Middle Rio Grande Development Council Area Agency on Aging Area Advisory Council on Aging met at 200 East Nopal Street, First State Bank, McNelly Room, Uvalde, June 26, 1995, at 10:00 a.m. Information may be obtained from Berta R. Macat, P.O. Box 1199, Carrizo Springs, Texas 78834, 1-800-224-4262. TRD-9507493.

The Mills County Appraisal District Appraisal Review Board will meet at the Mills County Courthouse, Jury Room, Fisher Street, Goldthwaite, June 29, 1995, at 8:00 a.m. Information may be obtained from Cynthia Partin, P. O. Box 565, Goldthwaite, Texas 76844, (915) 648-2253. TRD-9507476.

The San Antonio-Bexar County Metropolitan Planning Organization Transportation Steering Committee met at the International Conference Center of the Convention Center Complex, San Antonio, June 26, 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-9507472.

The South Plains School Workers' Compensation Program Board of Directors will meet at Fourth and College, Levelland, June 28, 1995, at 10:30 a.m. Information may be obtained from Russ Edwards, 1205 Lakeshore Drive, Marble Falls, Texas 78654, (210) 693-2508. TRD-9507475.

The Southwest Milam Water Supply Corporation Board met at 114 East Cameron, Rockdale, June 26, 1995, at 7:00 p.m. Information may be obtained from Dwayne Jekel, P.O. Box 232, Rockdale, Texas 76557, (512) 446-2604. TRD-9507492.

Meetings Filed June 21, 1995

The Atascosa County Appraisal District Appraisal Review Board will meet at Fourth and Avenue J, Poteet, June 28, 1995, at 8:00 a.m. Information may be obtained from Vernon A. Warren, P.O. Box 139, Poteet, Texas 78065, (210) 742-3591. TRD-9507549.

The Austin Travis County MHMR Center Board of Trustees will meet at 1430 Collier Street, Board Room, Austin, June 28, 1995, at 6:30 p.m. Information may be obtained from Sharon Taylor, P.O. Box 3548, Austin, Texas 78704, (512) 447-4141. TRD-9507534.

The Bosque County Central Appraisal District Appraisal Review Board will meet at 202 South Highway 6, Meridian, June 28, 1995, at 9:00 a.m. Information may be obtained from Janice Henry, P.O. Box 393, Meridian, Texas 76665-0393, (817) 435-2304. TRD-9507573.

The Cash Water Supply Corporation Board of Directors met at the Corporation Office, FM 1564 at Highway 34, Greenville, June 26, 1995, at 7:00 p.m. Information may be obtained from Eddy W. Daniel, P.O. Box 8129, Greenville, Texas 75404-8129, (903) 883-2695. TRD-9507579.

The Education Service Center, Region VIII Board of Directors will meet at 2502 Ferguson Road, Hot Biscuit Restaurant, Mount Pleasant, July 6, 1995, at 11:30 a.m. Information may be obtained from Scott Ferguson, P.O. Box 1894, Mt. Pleasant, Texas 75456-1894, (903) 572-8551. TRD-9507557.

The 50th Judicial District Juvenile Board met in the District Courtroom, Knox County Courthouse, Benjamin, June 26, 1995, at Noon. Information may be obtained from David W. Hajek, P.O. Box 508, Seymour, Texas 76380, (817) 888-2852. TRD-9507547.

The Garza Central Appraisal District Appraisal Review Board will meet at 124 East Main, Post, June 29, 1995, at 9:00 a.m. Information may be obtained from Billie Y. Windham, P.O. Drawer F, Post, Texas 79356, (806) 495-3518. TRD-9507521.

The Grayson Appraisal District (Revised Agenda.) Board of Directors will meet at 205 North Travers, Sherman, June 28, 1995, at Noon. Information may be obtained from Angie Keeton, 205 North Travis, Sherman, Texas 75090, (903) 893-9673. TRD-9507558.

The Henderson County Appraisal District Board of Directors met at 1751 Enterprise Street, Athens, June 26, 1995, at 5:30 p.m. Information may be obtained from Lori Fetterman, 1751 Enterprise Street,

Athens, Texas 75751, (903) 675-9296. TRD-9507522.

The Lampasas County Appraisal District Appraisal Review Board will meet at 109 East Fifth Street, Lampasas, June 27, 1995, at 8:30 a.m. Information may be obtained from Tommy L. Watson, P.O. Box 175, Lampasas, Texas 76550, (512) 556-8058. TRD-9507512.

The Leon County Central Appraisal District Board of Directors met at 103 North Commerce, corner of Highway 7 and 75, Gresham Building, Leon County Central Appraisal District Office, Centerville, June 26, 1995, at 7:30 p.m. Information may be obtained from Jeff Beshears, P.O. Box 536, Centerville, Texas 75833-0536, (903) 536-2252. TRD-9507571.

The Leon County Central Appraisal District Appraisal Review Board will meet at 103 North Commerce, corner of Highway 7 and 75, Gresham Building, Centerville, June 27, 1995, at 9:00 a.m. Information may be obtained from Jeff Beshears, P.O. Box 536, Centerville, Texas 75833-2252, (903) 536-2252. TRD-9507570.

The Lower Rio Grande Valley Development Council Hidalgo County Metropolitan Planning Organization will meet at the TxDOT District Office, 600 West Expressway US 83, Pharr, June 29, 1995, at 7:00 p.m. Information may be obtained from Edward L. Molitor, 4900 North 23rd Street, McAllen, Texas (210) 682-3481. TRD-9507535.

The Lubbock Regional MHMR Center Board of Trustees-Resource Committee met at 1602 Tenth Street, Palomino Room, Lubbock, June 26, 1995, at 11:00 a.m. Information may be obtained from Gene Menefee, P.O. Box 2828, Lubbock, Texas 79408, (806) 766-0202. TRD-9507574.

The Lubbock Regional MHMR Center Board of Trustees met at 1602 Tenth Street, Board Room, Lubbock, June 26, 1995, at Noon. Information may be obtained from Gene Menefee, P.O. Box 2828, Lubbock, Texas 79408, (806) 766-0202. TRD-9507575.

The Martin County Appraisal District Appraisal Review Board will meet at 100 North Gray Street, Stanton, June 27, 1995, at 9:00 a.m. Information may be obtained from Elaine Stanley, P.O. Box 1349, Stanton, Texas 79782, (915) 756-2823. TRD-9507536.

The Martin County Appraisal District Appraisal Review Board will meet at 308 North St. Peter, Stanton, June 28, 1995, at 9:00 a.m. Information may be obtained from Elaine Stanley, P.O. Box 1349, Stanton, Texas 79782, (915) 756-2823. TRD-9507537.

The North Central Texas Council of Governments Executive Board will meet at Centerpoint Two, 616 Six Flags Drive, Second Floor, Arlington, June 29, 1995, at 12:45 p.m. Information may be obtained from Edwina J. Shires, P.O. Box 5888, Arlington, Texas 76005-5888, (817) 640-3300. TRD-9507569.

The Pecan Valley MHMR Region Board of Trustees will meet at 104 Pirate Drive, Granbury, June 28, 1995, at 8:30 a.m. Information may be obtained from Dr. Theresa Mulloy, P.O. Box 973, Stephenville, Texas 76401, (817) 965-7806. TRD-9507499.

The Rockwall County Central Appraisal District Appraisal Review Board met at 106 North San Jacinto, Rockwall, June 26, 1995, at 8:30 a.m. Information may be obtained from Ray E. Helm, 106 North San Jacinto, Rockwall, Texas 75087, (214) 771-2034. TRD-9507532.

The San Antonio-Bexar County Metropolitan Planning Organization Bicycle Mobility Task Force will meet in the D Room (New), Municipal Plaza, Corner of Main and Commerce, San Antonio, July 5, 1995, at 4:00 p.m. Information may be obtained from Charlotte A. Roszelle, 434 South Main, Suite 205, San Antonio, Texas 78204, (210) 227-8651. TRD-9507545.

The Trinity River Authority of Texas Board of Directors will meet at 5300 South Collins Street, Arlington, June 28, 1995, at 10:00 a.m. Information may be obtained from James L. Murphy, P.O. Box 60, Arlington, Texas 76004, (817) 467-4343. TRD-9507578.

The Tyler County Appraisal District Appraisal Review Board met at 806 West Bluff, Woodville, June 26, 1995, at 9:00 a.m. Information may be obtained from Eddie Chalmers, P.O. Drawer 9, Woodville, Texas 75979, (409) 283-3736. TRD-9507586.

The Tyler County Appraisal District Appraisal Review Board will meet at 806 West Bluff, Woodville, June 27, 1995, at 9:00 a.m. Information may be obtained from Eddie Chalmers, P.O. Drawer 9, Woodville, Texas 75979, (409) 283-3736. TRD-9507588.

The Tyler County Appraisal District Appraisal Review Board will meet at 806 West Bluff, Woodville, June 28, 1995, at 9:00 a.m. Information may be obtained from Eddie Chalmers, P.O. Drawer 9, Woodville, Texas 75979, (409) 283-3736. TRD-9507587.

The Tyler County Appraisal District Board of Directors will meet at 806 West Bluff, Woodville, July 6, 1995, at 5:00 p.m. Information may be obtained from Eddie Chalmers, P.O. Drawer 9, Woodville, Texas 75979, (409) 283-3736. TRD-9507576.

The West Central Texas Municipal Water District Board of Directors met at 410 Hickory, Abilene, June 26, 1995, at 9:30 a.m. Information may be obtained from obtained from P.O. Box 2362, Abilene, Texas 79604, (915) 673-8254. TRD-9507520.

Meetings Filed June 22, 1995

The Liberty County Central Appraisal District Board of Directors will meet at 315 Main Street, Liberty, June 28, 1995, at 9:30 a.m. Information may be obtained from Sherry Greak, P.O. Box 10016, Liberty, Texas 77575, (409) 336-3722. TRD-9507595.

The Liberty County Central Appraisal District Ag Advisory Board will meet at 315 Main Street, Liberty, June 30, 1995, at 9:30 a.m. Information may be obtained from Sherry Greak, P.O. Box 10016, Liberty, Texas 77575, (409) 336-5722. TRD-9507594.

The TML Group Benefits Risk Pool Rerate Committee will meet at the Texas Municipal Center, 1821 Rutherford Lane, Suite 300, Austin, June 27, 1995, at 8:30 a.m. Information may be obtained from Diana Arney, 1821 Rutherford Lane, Suite 300, Austin, Texas 78754, (512) 719-6541. TRD-9507596.

The TML Group Benefits Risk Pool Board will meet at the Texas Municipal Center, 1821 Rutherford Lane, Suite 300, Austin, Texas June 28, 1995, at 8:00 a.m. Information may be obtained from Diana Arney, 1821 Rutherford Lane, Suite 300, Austin, Texas 78754, (512) 719-6541. TRD-9507597.

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Name: Mallory Carey
Grade: 4
School: Pillow Elementary School, Austin ISD

IN ADDITION

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

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

Office of Consumer Credit Commissioner

Notice of Rate Ceilings

The Consumer Credit Commissioner of Texas has ascertained the following rate ceilings by use of the formulas and methods described in Title 79, Texas Civil Statutes, Articles 1.04 and 1.05, as amended (Texas Civil Statutes, Article 5069-1.04 and 1.05).

<u>Types of Rate Ceilings</u>	<u>Effective Period (Dates are Inclusive)</u>	<u>Consumer (1)/Agricultural/ Commercial (2) thru \$250,000</u>	<u>Commercial(2) over \$250,000</u>
Indicated (Weekly) Rate - Art. 1.04(a)(1)	06/26/95-07/02/95	18.00%	18.00%
Judgment Rate - Art. 1.05, Section 2	07/01/95-07/31/95	10.00%	10.00%

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

Issued in Austin, Texas, on June 19, 1995.

TRD-9507529

Leslie L. Pettijohn
Commissioner
Office of Consumer Credit Commissioner

Filed: June 21, 1995

Texas Education Agency

Notice of Available Funds for 1995-1996 School Year for New or Established Apprenticeship Training Programs Not Currently Receiving Funding from the Texas Education Agency (TEA) under the Texas Education Code (TEC), Chapter 133

Filing Authority. The notice of available funds for apprenticeship training programs is authorized under the TEC, Chapter 133.

Eligible Applicants. The Texas Education Agency (TEA) is requesting preliminary contact-hour estimates from public school districts, regional education service centers, and public postsecondary institutions for related instruction (apprentice) classes for new or established apprenticeship training programs not currently receiving funding from TEA under the TEC, Chapter 133.

Description. The amount of \$70,000 in general revenue funds is available to fund programs or new occupations within a program that are not currently receiving funding from TEA under the TEC, Chapter 133. The purpose of the funds is to provide classroom instruction for related instruction (apprentice) classes of apprenticeship training programs authorized by the TEC, Chapter 133.

Qualifications for Funding. To qualify for funding: A) each apprenticeship training program or new occupation within a program must be certified and registered by the Bureau of Apprenticeship and Training (BAT), United States Department of Labor, no later than August 1, 1995; B) each apprenticeship training program must be sponsored by a public school district, a regional education service center, or a public postsecondary institution under a contract between the district, service center, or institution and an apprenticeship committee; C) each apprentice must be registered with the BAT in Texas on or before September 1, 1995; D) each apprentice must be a full-time employee in the private sector in Texas; E) the number of related-instruction hours per class must be certified by the BAT as verified in the program standards of the apprenticeship program; and F) the class must start in September 1995 and conduct its fourth class meeting no later than October 7, 1995.

Dates of Program. Each class may not start before September 1, 1995, and must end on or before August 31, 1996.

Planning Allocation of Funds. The statewide total number of estimated contact hours of new or established apprenticeship training programs not currently receiving funding

under the TEC, Chapter 133, that are submitted to TEA will be divided into the amount of funds available (\$70,000) to determine the preliminary contact-hour rate, not to exceed \$3.50 per contact hour. Planning allocations are made to eligible applicants by TEA based on the number of estimated contact hours submitted to TEA multiplied by the preliminary contact-hour rate.

Use of Funds. Funds are used to supplement the cost of instructor salaries, instructional supplies, instructional equipment, other operating expenses, and administration. No more than 15% may be used for administrative purposes, such as supervisory and/or secretarial salaries, office supplies, or travel.

Requesting the Forms To Submit Preliminary Estimated Contact Hours. A package of information explaining the process for submitting preliminary estimated contact hours and the process for submitting an application may be obtained by contacting the Division of Adult and Community Education, Texas Education Agency, William B. Travis Building, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9294. If requesting the package in person, information may be obtained in Room 440 at 1717 West Sixth Street in Austin, Texas.

Further Information. For clarifying information, contact Toni M. Dean, Division of Adult and Community Education, Texas Education Agency, (512) 463-9294.

Deadline for Receipt of Preliminary Contact-Hour Estimates. Preliminary contact-hour estimates of the apprenticeship training programs must be received in the Texas Education Agency Division of Adult and Community Education by 5:00 p.m. (Central Daylight Time), Monday, July 31, 1995, to be considered for funding.

Issued in Austin, Texas, on June 21, 1995.

TRD-9507524

Criss Cloutd
Executive Associate Commissioner for
Policy Planning and Information
Management
Texas Education Agency

Filed: June 21, 1995

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Texas Department of Health
Correction of Error

The Texas Department of Health adopted amendments to §§157.11-157.14, 157.16, 157.18, and 157.21. The rules

appeared in the June 9, 1995, issue of the *Texas Register* (20 TexReg 4242).

Due to department errors, please note the following corrections.

Section 157.14(c) as published reads:

"(c) Required equipment. Mobile intensive care unit... and shall meet the age, size, and physical needs of the patient."

The subsection should read:

"(c) Required equipment. Mobile intensive care unit... and shall meet the size and physical needs of the patient."

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The Texas Department of Health adopted amendments to §§157.61-157.64. The rules appeared in the June 9, 1995, issue of the *Texas Register* (20 TexReg 4256).

Due to department errors, please note the following corrections.

Section 157.62(c) as published reads:

"(c) Period of certification. After verification by the department... the requirements of subsection (b) of this section shall be certified as a course coordinator..."

The subsection should read:

"(c) period of certification. After verification by the department... the requirements of subsection (b) of this section shall be certified as a program instructor..."

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**Licensing Actions for Radioactive
Materials**

The Texas Department of Health has taken actions regarding licenses for the possession and use of radioactive materials as listed in the table below. The subheading labeled "Location" indicates the city in which the radioactive material may be possessed and/or used. The location listing "Throughout Texas" indicates that the radioactive material may be used on a temporary basis at job sites throughout the state.

NEW LICENSES ISSUED:

Location	Name	License#	City	Amend- ment #	Date of Action
-----	-----	-----	-----	-----	-----
Houston	Introgen Therapeutics, Inc.	L04870	Houston	0	06/13/95
Throughout Texas	Buster Paving Company, Inc.	L04886	Sulphur Springs	0	06/08/95
Throughout Texas	DHG Equipment Company	L04856	Conroe	0	06/08/95

AMENDMENTS TO EXISTING LICENSES ISSUED:

Location	Name	License#	City	Amend- ment #	Date of Action
-----	-----	-----	-----	-----	-----
Abilene	Hendrick Medical Center	L02433	Abilene	43	06/12/95
Austin	Diagnostic Network of America	L04806	Austin	1	06/14/95
Bay City	Matagorda General Hospital	L02701	Bay City	6	06/14/95
Baytown	San Jacinto Methodist Hospital	L02388	Baytown	23	06/09/95
Brownwood	3M/Health Physics Services	L00918	St. Paul, MN	26	06/14/95
Carrollton	MME Hospitals Dallas	L03765	Carrollton	16	06/12/95
Dallas	Southern Methodist University	L02887	Dallas	12	06/09/95
Dallas	Dallas Nephrology Associates	L02604	Dallas	15	06/12/95
Dallas	Donald L. Levene, M.D., FACC	L03817	Dallas	11	06/14/95
Dallas	Dallas Family Hospital	L00202	Dallas	32	06/12/95
Houston	Hermann Hospital	L04655	Houston	6	06/14/95
Houston	Houston Northwest Medical Center	L02253	Houston	38	06/14/95
Longview	Texas Eastman Division	L00301	Longview	77	06/13/95
Lubbock	Caprock Imaging Center	L04557	Lubbock	1	06/13/95
San Antonio	Nuclear Cardiology of San Antonio, Inc.	L03833	San Antonio	12	06/14/95
San Antonio	Nuclear Cardiology of San Antonio, Inc.	L03833	San Antonio	12	06/14/95
Throughout Texas	D-Arrow Inspection Inc.	L03816	Houston	46	06/08/95
Throughout Texas	Century Inspection, Inc.	L00062	Dallas	69	06/08/95
Throughout Texas	Professional Service Industries, Inc.	L00203	Longview	78	06/08/95
Throughout Texas	SGS Industrial Services	L04460	Deer Park	19	06/09/95
Throughout Texas	Blazer Inspection	L04619	Texas City	10	06/08/95
Throughout Texas	Theratronics International Limited	L02623	Carrollton	20	06/08/95
Throughout Texas	Lightfoot Wireline Service, Company	L03478	Andrews	9	06/12/95
Throughout Texas	Western Atlas International, Inc.	L00446	Houston	107	06/12/95
Throughout Texas	Hensel Phelps Construction Company	L04011	Austin	10	06/12/95

AMENDMENTS TO EXISTING LICENSES ISSUED CONTINUED:

Throughout Texas	AGRA Earth & Environmental, Inc.	L03622	El Paso	8	06/14/95
Throughout Texas	Kooney X-Ray, Inc.	L01074	Barker	74	06/14/95
Throughout Texas	IT Corporation	L04749	Austin	2	06/15/95

RENEWALS OF EXISTING LICENSES ISSUED:

Location	Name	License#	City	Amend-ment #	Date of Action
-----	----	-----	----	-----	-----
Houston	Biotech Laboratories, Inc.	L04396	Houston	1	06/09/95
Throughout Texas	Jack H. Holt & Associates, Inc.	L02752	Austin	8	06/09/95
Throughout Texas	Malcolm Pirnie, Inc.	L04406	San Antonio	6	06/14/95

TERMINATIONS OF LICENSES ISSUED:

Location	Name	License#	City	Amend-ment #	Date of Action
-----	----	-----	----	-----	-----
Fort Worth	Lockheed Fort Worth Company	L01866	Fort Worth	10	06/09/95
Houston	Conard D. Moore, M.D.	L01727	Houston	6	06/13/95
Kenedy	Otto Kaiser Memorial Hospital	L04453	Kenedy	2	06/12/95
Throughout Texas	Phoenix Wireline Services	L03513	Seguin	6	06/07/95
Throughout Texas	Hansbury Enterprises, Inc.	L04737	Stafford	1	06/07/95
Throughout Texas	Texas Association of School Boards, Inc.	L04763	Austin	3	06/09/95
Throughout Texas	Lead Check	L04657	San Antonio	1	06/13/95

In issuing new licenses and amending and renewing existing licenses, the Texas Department of Health, Bureau of Radiation Control, has determined that the applicants are qualified by reason of training and experience to use the material in question for the purposes requested in accordance with *Texas Regulations for Control of Radiation* in such a manner as to minimize danger to public health and safety or property and the environment; the applicants' proposed equipment, facilities, and procedures are adequate to minimize danger to public health and safety or property and the environment; the issuance of the license(s) will not be inimical to the health and safety of the public or the environment; and the applicants satisfy any applicable special requirements in the *Texas Regulations for Control of Radiation*.

This notice affords the opportunity for a hearing on written request of a licensee, applicant, or person affected within 30 days of the date of publication of this notice. A person affected is defined as a person who is resident of a county, or a county adjacent to the county, in which the radioactive materials are or will be located, including any person who is doing business or who has a legal interest in land in the county or adjacent county, and any local government in the county; and who can demonstrate that he has suffered or will suffer actual injury or economic damage due to emissions of radiation. A licensee, applicant, or person affected may request a hearing by writing Richard A. Ratliff, P.E., Chief, Bureau of Radiation Control (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas, 78756-3189.

Any request for a hearing must contain the name and address of the person who considers himself affected by agency action, identify the subject license, specify the reasons why the person considers himself affected, and state the relief sought. If the person is represented by an agent, the name and address of the agent must be stated.

Copies of these documents and supporting materials are available for inspection and copying at the office of the Bureau of Radiation Control, Texas Department of Health, Exchange Building, 8407 Wall Street, Austin, Texas, from 8:00 a.m. to 5:00 p.m., Monday-Friday (except holidays).

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

TRD-8507489 Susan K. Steeg
General Counsel, Office of General
Counsel
Texas Department of Health

Filed: June 20, 1995

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**Texas Department of Housing and
Community Affairs**
**Notice of Amendment to 1994 Final
Statement**

The Texas Department of Housing and Community Affairs (TDHCA) announces an amendment to the State of Texas' federal fiscal year 1994 final statement which governs expenditure of 1994 Texas Community Development Program funds. The final statement is being amended as follows:

Under PART III, PROJECT LENGTH, this section has been revised to allow waivers to the three year completion requirement when submitted in writing and compelling circumstances exist outside the control of the local government that justify the approval of such waiver. The paragraph has been re-written as follows:

Projects must be completed within two years from the execution date of the contract agreement. The only exceptions are colonia demonstration projects and TCF projects which must be completed within three years from the execution date of the contract agreement. Waivers to this requirement will only be granted when a waiver request is submitted in writing to TDHCA, and TDHCA finds that compelling circumstances exist outside the control of the local government that justify the approval of such a waiver.

A copy of the final statement as amended is available for review at the Texas Department of Housing and Community Affairs, Texas Community Development Office, 811 Barton Springs Road, Suite 740, Austin. Written comments concerning this amendment will be accepted through July 10, 1995, and should be submitted to Anne Paddock, Deputy General Counsel, Texas Department of Housing and Community Affairs, 811 Barton Springs Road, Suite 500, Austin, Texas, 78711-39411.

Issued in Austin, Texas, on June 20, 1995.

TRD-9507540

Henry Fiore
Executive Director
Texas Department of Housing and
Community Affairs

Filed: June 21, 1995

Texas Department of Insurance Notice of Public Hearing

The Commissioner of Insurance, at a public hearing scheduled for August 2, 1995, at 9:00 a.m., under Docket Number 2152, in Room 100 of the Texas Department of Insurance Building, 333 Guadalupe Street in Austin, Texas, will consider a petition by the Texas Association of Insurance Agents (TAIA) proposing changes to Texas Homeowner's Policy forms and endorsements and amendments to rules in the Homeowner's Section of the Texas Personal Lines Manual. The petition, which was filed on February 7, 1995, and amended on April 11, 1995, requests consideration of 12 proposals to change the Texas Homeowner's Policy forms and Manual rules, including six proposals for additional coverages and six proposals for clarification of existing forms and rules. Only those proposals for clarification of existing forms and rules will be considered at this hearing.

The six proposals (the item numbers are derived from the TAIA petition) to be considered include the following:

Item 1. Amend the Special Limits of Liability provision Number 4 relating to business personal property in the Coverage B (Personal Property) subsection of Section I-Property Coverage in all homeowner's policy forms to delete the words "or farm and ranch property." This change is needed to clarify that all property insured under a homeowner's policy (HO-A, HO-B, HO-C, HO-BT, HO-CT, HO-CON-B, and HO-CON-C), including farm and ranch related property, is covered up to the policy limit of liability unless such property is used for business purposes. The current provision provides a \$2,500 special

limit of liability for "business property or farm and ranch property." Because "farm and ranch property" is not specifically defined in the policy, there is a question as to whether farm and ranch property on a residence premises that is not used in connection with a farm and ranch business operation is covered. If such property is actually used in a farm and ranch operation, the term "business property" is sufficient to limit coverage to the \$2,500 special limit of liability. Amendatory Endorsement Number HO-147 is proposed to implement this change.

Item 4. Amend paragraph 2-a in the Coverage A (Dwelling) subsection of Section I-Property Coverage of HO-A, HO-B, and HO-C policy forms to delete the references to "commercial, manufacturing or farming" and substitute the term "business." This change is needed to clarify the types of other structures located on the residence premises that are excluded from the ten percent of the Coverage A (Dwelling) limit of liability that is provided in the HO-A, HO-B, and HO-C policy forms. These homeowner's policy forms include additional coverage for other structures on the residence premises set apart from the dwelling by clear space, including garages and storage buildings. These structures are covered in the aggregate for an additional amount of insurance up to ten percent of the limit of liability on the dwelling. These structures, however, do not include structures used for "commercial, manufacturing or farming" purposes. The intent of this provision is to exclude property used for business purposes, including the business of farming. The policy does not define "commercial, manufacturing or farming" and this creates confusion and different interpretations among insurers. The term "business," however, is defined in the homeowner's policy forms to include "trade, profession, or occupation." The use of this term will clarify that any other structures used for business purposes of any type are excluded from the ten percent of the Coverage A (Dwelling) limit of liability that is provided in the HO-A, HO-B, and HO-C policy forms. Amendatory Endorsement Number HO-146 is proposed to implement this change.

Item 6. Amend the definition of the term "residence premises" in the Definitions section of homeowner's policies HO-A, HO-B, HO-C, HO-BT, HO-CT, HO-CON-B, and HO-CON-C to delete the reference to "where you reside or intend to reside" and substitute "where an insured resides or intends to reside." Amend paragraph 1 in the Coverage A (Dwelling) subsection of Section I-Property Coverage of HO-A, HO-B, and HO-C policy forms to delete subparagraphs 1-a and 1-b to eliminate redundancy of the proposed definition of "residence premises" in the policy form. Also amend endorsement HO-305 in the replacement definition of "residence premises" to delete the reference to "where you reside or intend to reside" and substitute "where an insured resides or intends to reside" and to delete the reference to paragraph 1-b of the Coverage A (Dwelling) subsection of Section I-Property Coverage of HO-A, HO-B, and HO-C policy forms. These changes are necessary to eliminate any conflict between the definition of "residence premises" in the policy forms and endorsement and the coverage provided to the residence premises under Coverage A (Dwelling) in the policy coverage forms. Currently, the homeowner's policy forms in the Definitions section limit the definition of "residence premises" to the residence premises shown on the declarations page, "including the one or two family dwelling where you reside or intend to reside within 60 days after the effective date of the policy." These policies further provide that "you" refers to the "named insured" shown on the declarations page and the spouse if a resident of the

same household." In policy forms HO-A, HO-B, and HO-C, this conflicts with the insuring agreement under Coverage A (Dwelling) Subsection of Section I-Property Coverage of these policy forms which provides that there is coverage for the dwelling on the residence premises while occupied by an insured or if an insured intends to occupy the dwelling within 60 days after the policy effective date. The term "insured" is defined in the Definitions section to mean you and residents of your household who are your relatives, or other persons under the age of 21 and in the care of any these persons. This definition of "insured" is much broader than the term "you" as defined in the policy, and thus, coverage could be denied if the named insured is not actually occupying the dwelling at the time of loss. The proposed amendments will remove any question that coverage applies to a dwelling if occupied by a person that is included within the definition of the term "insured" and Endorsement Number HO-301 is attached. The policy form changes are proposed to be accomplished by adoption of proposed amendatory Endorsements Number's HO-145 and HO-146.

Item 8. Amend paragraph 1 in Coverage C (Personal Liability) subsection of Section II-Liability Coverage of all homeowner's policy forms to add language to provide that "Damages include pre-judgment interest awarded against the insured." The current homeowner's policy forms provide coverage for liability damages, but unlike the current Texas Personal Auto Policy, the homeowner's policy does not specifically provide that "damages for which the insured is legally liable" includes pre-judgment interest. This language is necessary to clarify that liability damages paid under the Texas Homeowner's Policy include pre-judgment interest. Amendatory Endorsement Number HO-231 is proposed to implement this change.

Item 11. Amend the Additional Insured Endorsement Number HO-301 to delete the language "a resident of your household" in the Occupant-Section II Liability portion of the endorsement and substitute the language "an occupant of the residence premises." This change is necessary to ensure that Section II-Liability Coverage is provided under this endorsement to an additional insured who occupies the insured dwelling, whether or not the dwelling owner resides at the residence premises. Currently, Endorsement Number HO-301 provides Section II-Liability Coverage only if the additional insured is a resident of the insured's household and thus may preclude such coverage for an additional insured living at the residence premises if the dwelling owner does not also reside at the residence premises.

Item 12. Amend Texas Personal Lines Manual Rule II.A. to add the words "grandparent or grandchild" to the provision on the application of "Owner occupancy" and amend Manual Rule II.E.1. to include "grandparent or grandchild" among the additional insureds, along with "mother, father, son, or daughter or any combination thereof, of the owner of the property," who may be covered under Endorsement Number HO-301. These rule changes are necessary to permit coverage under a homeowner's insurance policy if the owner's grandparent or grandchild resides on the residence premises. Under current Manual rules, homeowner's coverage is provided for a dwelling occupied by the owner or for a dwelling occupied by the owner's mother, father, son or daughter. Adoption of these rule amendments would allow homeowner's coverage if the dwelling is occupied by the owner's grandparent or grandchild.

The Commissioner has jurisdiction of this matter pursuant to the Insurance Code, Articles 5.35 and 5.96.

Copies of the full text of the proposed amendments are available for review in the Office of the Chief Clerk of the Texas Department of Insurance, 333 Guadalupe Street, Austin, Texas, 78714-9104. For further information or to request copies of the amendments, please contact Angie Arizpe at (512) 322-4147 (refer to Reference Number P-0295-3).

Comments on the proposed changes must be submitted in writing within 30 days after publication of the proposal in the *Texas Register* to the Office of the Chief Clerk, P.O. Box 149104, MC 113-2A, Austin, Texas 78714-9104. An additional copy of the comment should be submitted to Lyndon Anderson, Associate Commissioner for Property and Casualty Division, P.O. Box 149104, MC 103-1A, Austin, Texas 78714-9104.

This notification is made pursuant to the Insurance Code, Article 5.96, which exempts action taken under this article from the requirements of the Administrative Procedure Act (73rd Legislature Regular Session, Chapter 268, §1, 1993 Texas General Laws 737 (codified at Government Code, Title 10, Chapter 2001)).

Issued in Austin, Texas, on June 21, 1995.

TRD-9507531

Alicia M. Fecthel
General Counsel and Chief Clerk
Texas Department of Insurance

Filed: June 21, 1995

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Texas Lottery Commission

Request for Proposals-Drawings Broadcast Production Services

The Texas Lottery Commission has postponed the issuance of its Request for Proposals (RFP) for qualified vendors to provide all television and radio production services as published in the June 20, 1995, issue of the *Texas Register* (20 TexReg 4510). The revised date of issuance of the RFP will be June 21, 1995.

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 revised time schedule for awarding a contract under this RFP is listed. The Texas Lottery reserves the right to amend the schedule. If significant changes are made, all potential Proposers will be notified.

June 21, 1995-RFP Issued

July 6, 1995 (4:00 p.m. CT)-Letter Of Intent To Propose Due

(Late letters of Intent will not be considered)

July 12, 1995 (4:00 p.m. CT)-Written Questions Due

July 19, 1995-Answers To Questions Issued

July 24, 1995 (4:00 p.m. CT)-Proposal Due Date

(Late proposals will not be considered)

August 15, 1995-Texas Lottery Announcement of Successful Proposer (or as soon as possible thereafter)

To obtain a copy of the RFP, please contact: Ridgely C. Bennett, Staff Attorney, Texas Lottery Commission, Post Office Box 16630, Austin, Texas 78761-6630, (512) 371-4935 or by Fax (512) 371-4989.

Issued in Austin, Texas, on June 21, 1995.

TRD-8507523 Ridgely C. Bennett
Staff Attorney
Texas Lottery Commission

Filed: June 21, 1995

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**Texas Natural Resource Conservation
Commission**

Correction of Error

The Texas Natural Resource Conservation Commission adopted amendments to §§115.212-115.217, and 115.219, concerning Loading and Unloading of Volatile Organic Compounds. The rules appeared in the June 2, 1995, issue of the *Texas Register* (20 TexReg 4048).

The rule was published as submitted, however an imperative word was inadvertently omitted prior to filing with the *Texas Register*. On page 4051 in §115.212(a)(12)(B) it reads "if authorization by permit or standard exemption is required for the project," where it should read "...is not required for the project."

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Public Hearing Notice

The Texas Natural Resource Conservation Commission will conduct a public hearing beginning at 10:00 a.m., July 27, 1995, 12100 Park 35 Circle, Building A, Room 310A, Austin, Texas.

The hearing will consider proposed fiscal years 1993-94 revisions to the State of Texas Water Quality Management Plan. These revisions, pertaining to entities on the following fact sheet, will provide a current assessment of municipal wastewater facility needs, population projections, and management agency designations. This report utilizes recent facility-specific information that is not available in previous water quality management plans. The proposed revisions to the Water Quality Management Plan have been prepared subject to the requirements of the Continuing Planning Process that are identified in Title 40, Code of Federal Regulations, Part 35, Subpart G. These plans are developed and revised pursuant to the Texas Water Code, Chapter 26, and the Federal Clean Water Act,

§208 and §205(j). The hearing is being conducted pursuant to the Texas Water Code, §§5.102, 5.112, and 26.012.

Interested persons are encouraged to attend the hearing and to present relevant and material comments concerning the proposed FY 1993-1994 revisions to the State of Texas Water Quality Management Plan. Written testimony which is submitted prior to or during the scheduled public hearing will be included in the record. The Commission would appreciate receiving a copy of all written testimony at least five days before the scheduled hearing. Copies of written testimony or questions concerning the public hearing should be addressed to Suzanne Rogers, Texas Natural Resource Conservation Commission, Water Planning and Assessment Division, P.O. Box 13087, Austin, Texas 78711-3087, or call (512) 239-4619.

Copies of the draft FY 1993-1994 revisions to the Water Quality Management Plan are available for public inspection in the TNRCC Library at 12100 Park 35 Circle, Austin, Texas. Requests for copies of the draft should be addressed to Suzanne Rogers at the address listed. When requesting a copy or sending a query by mail, please include your complete return address and telephone number.

Issued in Austin, Texas, on June 19, 1995.

TRD-8507519 Lydia Gonzalez-Gromatzky
Acting Director, Legal Division
Texas Natural Resource Conservation
Commission

Filed: June 21, 1995

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**Texas Department of Public Safety
Correction of Error**

The Texas Department of Public Safety adopted on an emergency basis new §23.91 and §23.92, concerning Parameter Motor Vehicle Emission Inspection and Maintenance Program. The rules appeared in the June 13, 1995, issue of the *Texas Register* (20 TexReg 4319).

Due to publishing and submission the following errors were published.

In §23.92(8)(D)(i) delete word "ow," and replace with "low."

Please note that on the bottom right-hand page starting with page 20 TexReg 4319-4322, the date of this publication should read as follows: "EMERGENCY RULES June 13, 1995".

On page 4322 the effective and expiration dates should read as follows:

"Effective date: July 1, 1995"

"Expiration date: October 4, 1995"

The following table was omitted from the June 13, 1995, issue.

Figure 1: 37 TAC <*> 23.92(k)(2)

VEHICLE IDLE EMISSIONS STANDARDS

Year Models	CO Emissions Standard	HC Emissions Standard
1975	7.5%	750 ppm
1976	7.5%	750 ppm
1977	7.5%	750 ppm
1978	6.5%	650 ppm
1979	6.0%	600 ppm
1980	4.0%	400 ppm
1981 & Newer	1.2%	220 ppm