

TEXAS REGISTER



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How to Use the Texas Register

Information Available: The 10 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Withdrawn Rules - sections withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the Texas Register six months after the proposal publication date.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.

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, releases cumulative supplements to each printed volume of the TAC twice each year.

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.

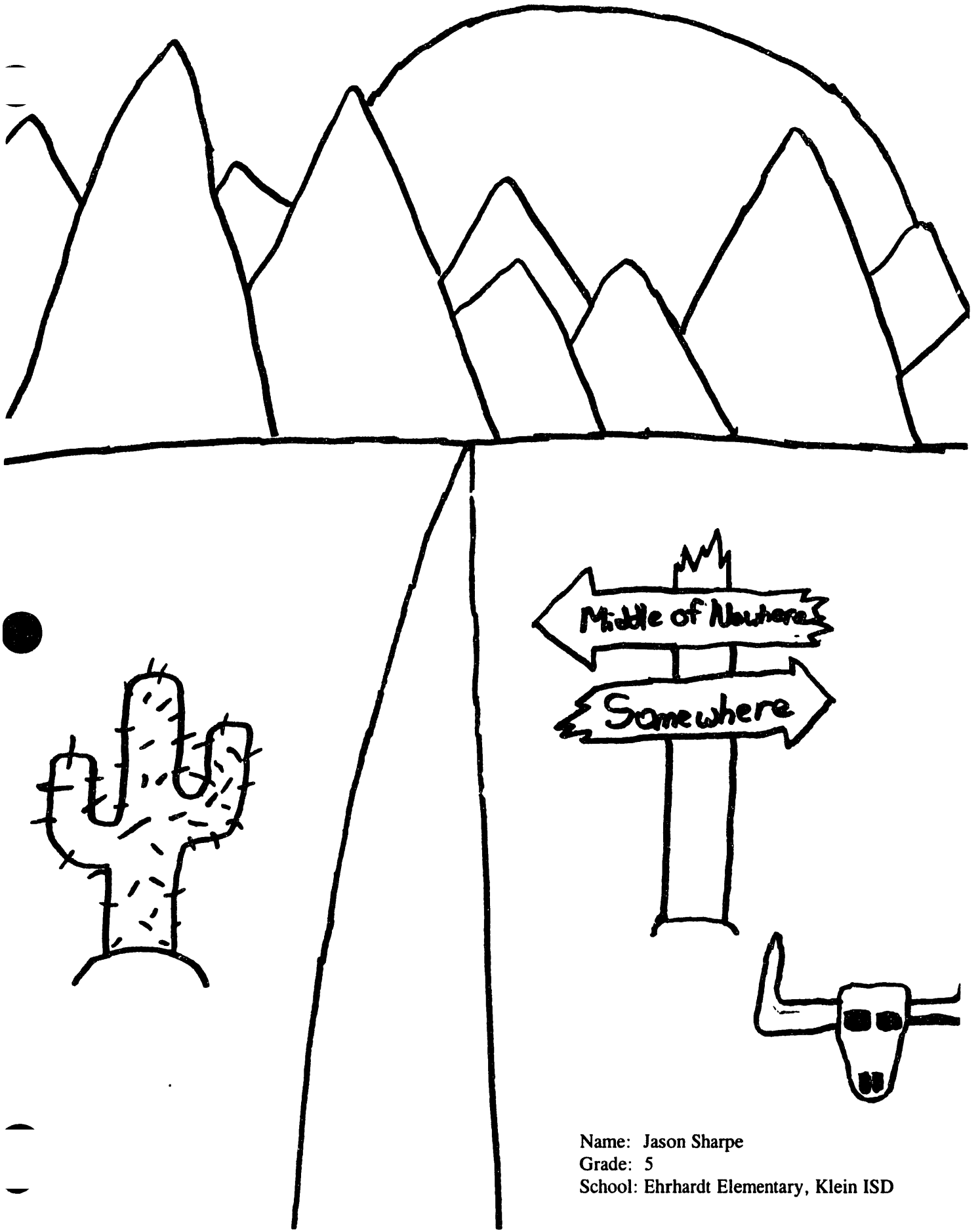
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Part 1. Texas Department of Human Services
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The Table of TAC Titles Affected is cumulative for each volume of the Texas Register (calendar year).

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.

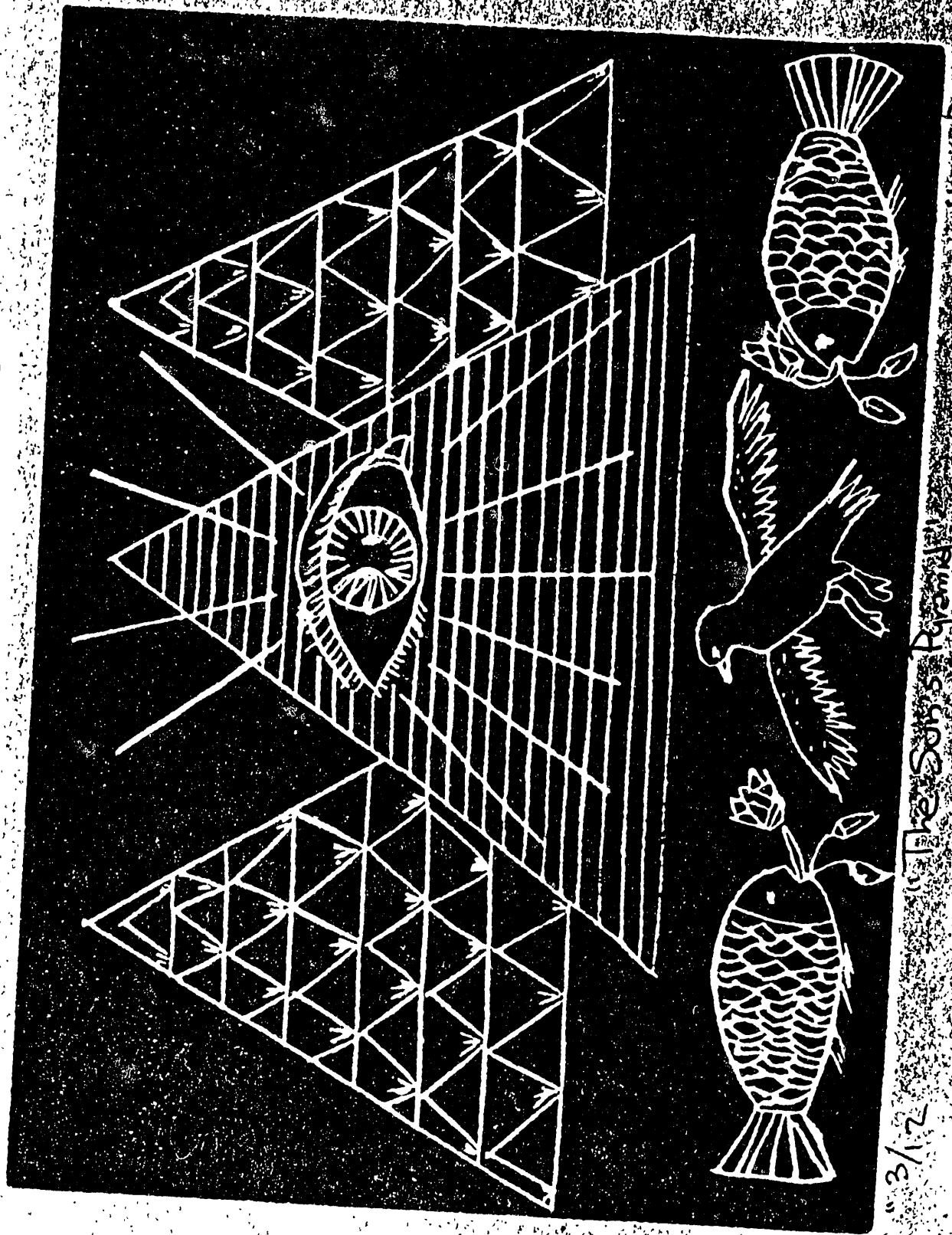
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	2091



Name: Jason Sharpe
Grade: 5
School: Ehrhardt Elementary, Klein ISD

Name: Myrna Diaz
Grade: 11
School: Richardson High School, Richardson ISD



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"The Sun's Pyramid"

Myrna Diaz



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Richardson Art Club

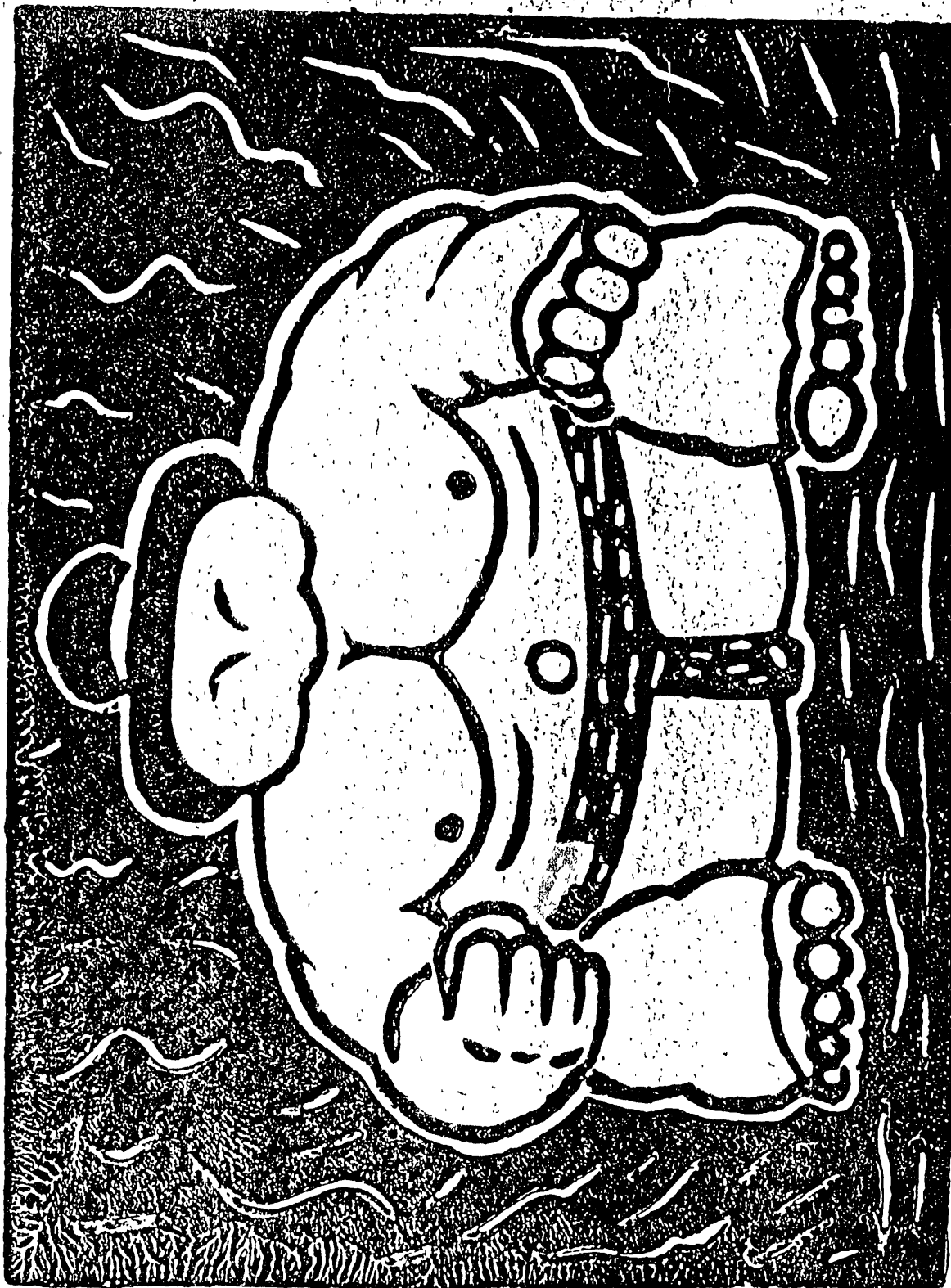
James Black

Name: James Black
Grade: 12
School: Richardson High School, Richardson ISI

Name: John Yi

Grade: 10

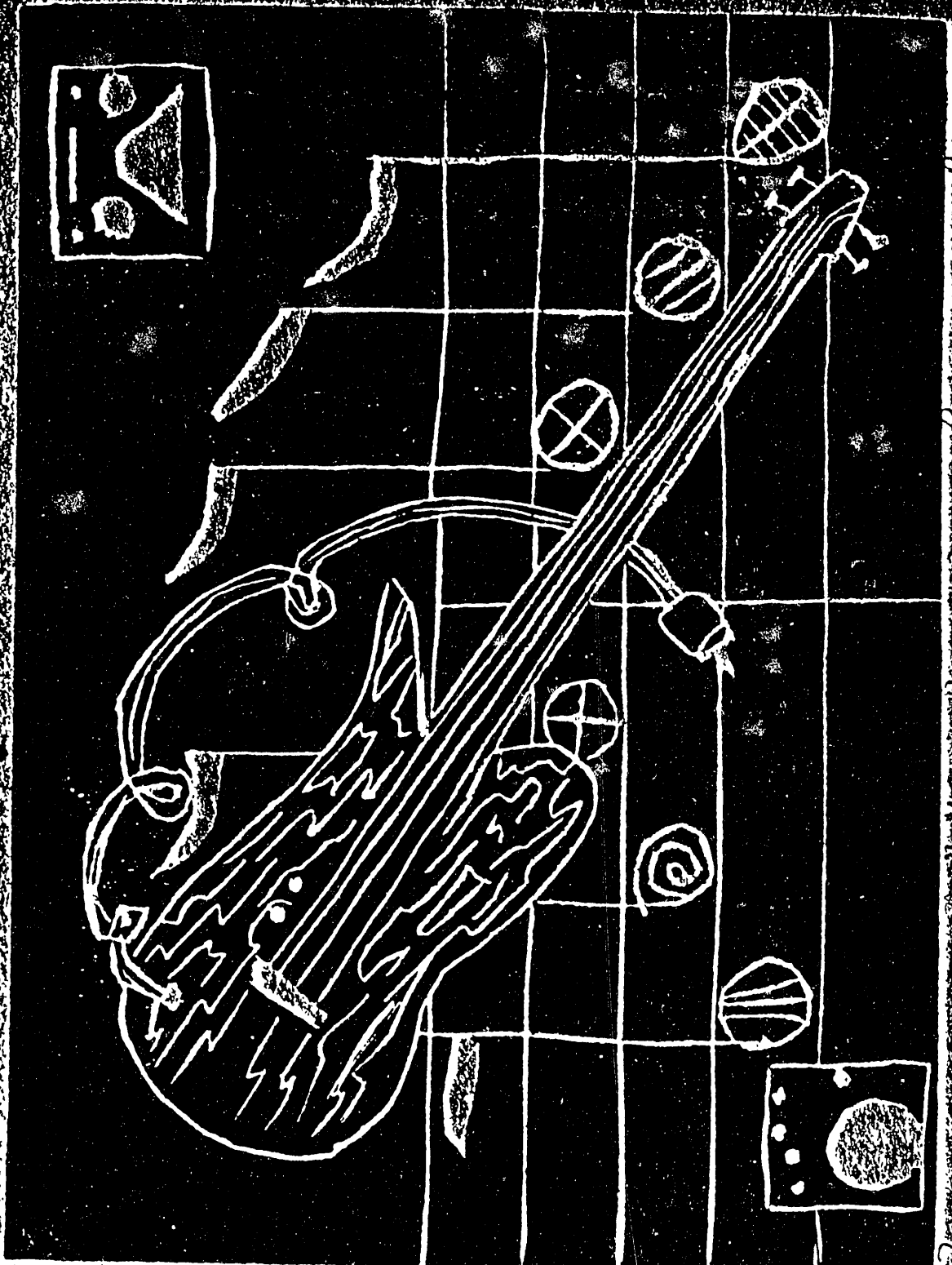
School: Richardson High School, Richardson ISD



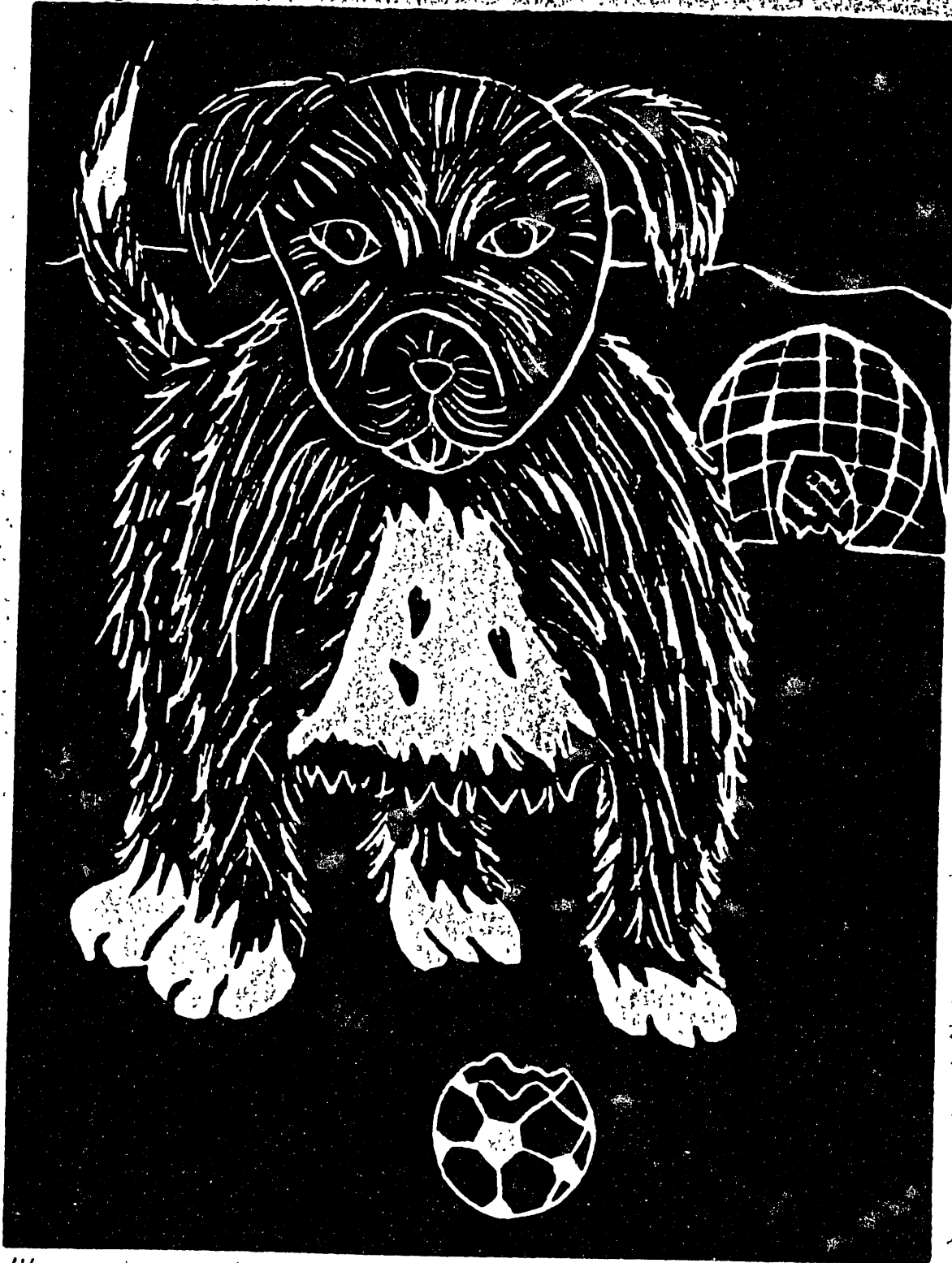
John Yi

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 Grade 10
 School Pickston High School ...



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"Sneakers"

Stephen Sanchez

Name Stephen Sanchez
Grade 10
School Richardson High School, Richardson ISD

PROPOSED RULES

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

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

TITLE 16. ECONOMIC REGULATION

Part IV. Texas Department of Licensing and Regulation

Chapter 78. Talent Agencies

• 16 TAC §78.75

(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 Licensing and Regulation or in the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brazos Street, Austin.)

The Texas Department of Licensing and Regulation proposes the repeal of §78.75 in order to adopt a new §78.75, concerning talent agencies. The current §78.75 lists responsibilities of the registrant for a registration statement, and this subject is now covered in §78.74. The section numbers were confused when adopted in the February 15, 1994, issue of the *Texas Register* (19 TexReg 1102).

James D. Brush, II, director, Policies and Standards Division, 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. Brush 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 restored protection for the consumer. 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.

Comments on the proposal may be submitted to James D. Brush, II, Director, Policies and Standards Division, Texas Department of Licensing and Regulation, P.O. Box 12157, Austin, Texas 78711.

The repeal is proposed under Texas Civil Statutes, Article 5221a-9, which authorize the department to register and regulate talent agencies.

The repeal implements Texas Civil Statutes, Article 5221a-9, §3.

§78.75. Responsibilities of the Registrant-Registration Statement

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

Issued in Austin, Texas, on March 11, 1994

TRD-9437554

Jack W. Garrison
Executive Director
Texas Department of
Licensing and
Regulation

Earliest possible date of adoption April 22, 1994

For further information, please call. (512) 463-7357



The Texas Department of Licensing and Regulation proposes the new §78.75 in order to reinstate a section inadvertently left out at the last adoption, concerning talent agencies. The new §78.75 concerning acts prohibited to the registrant.

James D. Brush, II, director, Policies and Standards Division, 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 new section.

Mr. Brush 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 restored protection for the consumer. 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 James D. Brush, II, Director, Policies and Standards Division, Texas Department of Licensing and Regulation, P.O. Box 12157, Austin, Texas 78711.

The new section is proposed under Texas Civil Statutes, Article 5221a-9, which authorize the department to register and regulate talent agencies.

The new section implements Texas Civil Statutes, Article 5221a-9, §2.

§78.75 Responsibilities of the Registrant-Prohibited Acts.

(a) A talent agency may not charge, as a condition of registering any applicant or representing any artist, a registration or advance fee and may not require the applicant or artist to subscribe to or use the service of any specific publication, video or audio tape producer, post card service, advertisement service, resume service, photographer, or acting or modeling school or workshop or similar service.

(b) A talent agency may not split or share fees with any person who is required to be but is not registered under the Act as a talent agency.

(c) A talent agency may not, regardless of its refund policy, assess an artist any fee or charge other than reimbursements actually expended by the talent agency on behalf of the artist before the artist has accepted an offer of employment which resulted from an employment referral made by the talent agency. An agency may require an artist to reimburse it for legitimate expenses owed to third parties and incurred as a result of efforts made on the behalf of the artist by the talent agency. However, if this practice is engaged in, the artist must receive, at the time he is billed for the expenses, an itemized statement detailing the nature of the charges and with a copy of the invoice or receipt enclosed to evidence the expense the talent agency has incurred. In addition, the talent agency must permit the artist to make payment directly to the third party billing or invoicing the talent agency. Finally, the talent agency must obtain in writing the express permission of the artist to incur such expenses. It is not the intent of this section that expense such as utility costs, local telephone service and other similar indirect costs be recovered hereunder.

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

Issued in Austin, Texas, on March 11, 1994.

Earliest possible date of adoption: April 22, 1994

For further information, please call: (512) 463-7357

TITLE 22. EXAMINING BOARDS

Part XXV. Structural Pest Control Board

Chapter 593. Licensing

• 22 TAC §593.5

The Texas Structural Pest Control Board proposes an amendment to §593.5, concerning Examinations. The amendment allows the newly created noncommercial technician the option of becoming a certified noncommercial applicator after the experience requirements are met.

Benny M. Mathis, Jr., executive director, 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.

Roger B. Borgelt, general counsel, has determined that for each year of the first five years the rule as proposed is in effect, the public benefits anticipated as a result of enforcing the rule as proposed will be the increased ability of noncommercial employees to obtain certification in pesticide application. There is no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Roger B. Borgelt, General Counsel, 9101 FM 1325, Suite 201, Austin, Texas 78758.

The amendment is proposed under Texas Civil Statutes, Article 135b-6, which provides the Texas Structural Pest Control Board with the authority to license and regulate persons who provide structural pest control services.

The rule implements Texas Civil Statutes, Article 135b-6.

§593.5. Examinations.

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

(d) In order to qualify to take the Structural Pest Control Board test for obtaining a certified noncommercial applicators license as provided by subsection (c) of this section, the applicant must:

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

(4) be a licensed noncommercial technician for at least six months and have been employed with duties including pest control services under the supervision of a licensed certified noncommercial

applicator for at least 12 months out of the last 24 months.

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 February 25, 1994.

TRD-9437665

Benny M. Mathis, Jr.
Executive Director
Structural Pest Control
Board

Earliest possible date of adoption: April 22, 1994

For further information, please call: (512) 835-4066

• 22 TAC §593.24

The Texas Structural Pest Control Board proposes an amendment to §593.24, concerning Criteria and Evaluation of Continuing Education. The amendment clarifies the type of information required in a continuing education course submission.

Benny M. Mathis, Jr., executive director, 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. This rule is promulgated under the authority of the Texas Tax Code, Title 2; therefore, no analysis of the effect on small businesses is required.

Roger B. Borgelt, general counsel, has determined that for each year of the first five years the rule as proposed is in effect the public benefits anticipated as a result of enforcing the rule as proposed will be better continuing education courses for all certified applicators. There is no anticipated economic cost to persons who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Roger B. Borgelt, General Counsel, 9101 FM 1325, Suite 201, Austin, Texas 78758.

The amendment is proposed under Texas Civil Statutes, Article 135b-6, which provide the Texas Structural Pest Control Board with the authority to license and regulate persons who provide pest control services. The amendment implements Texas Civil Statutes, Article 135b-6.

§593.24. Criteria and Evaluation of Continuing Education.

(a) Each continuing education program submitted for approval shall contain the following:

(1) a brief statement giving the learning [course] objective(s) and information to be gained [for learning points].

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

(7) a detailed course outline which will indicate the scope of the course and learning objectives.

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

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

Issued in Austin, Texas, on February 25, 1994.

TRD-9437663

Benny M. Mathis, Jr.
Executive Director
Structural Pest Control
Board

Earliest possible date of adoption: April 22, 1994

For further information, please call: (512) 835-4066

TITLE 25. HEALTH SERVICES

Part II. Texas Department of Mental Health and Mental Retardation

Chapter 409. Medicaid Programs

Subchapter I. Rehabilitative Services for Persons with Mental Illness

• 25 TAC §409.356

The Texas Department of Mental Health and Mental Retardation (TXMHMR) proposes an amendment to §409.356, regarding Rehabilitative Services Reimbursement Methodology and concerning rehabilitative services for persons with mental illness.

The proposed amendment would keep reimbursement rates for rehabilitation services consistent with proposed amendments to the State Medicaid Plan. The proposed rule and state plan amendments would remove the limitation of 62.5% of allowable expenses on reimbursement for rehabilitation services. Upon approval of the state plan amendments by the Health Care Financing Administration, the revised rates would take effect March 24, 1994. These amendment is consistent with rules and state plan amendments for outpatient mental health services proposed by the Texas Department of Health in the February 15, 1994, issue of the *Texas Register* (19 TexReg 1083).

Leilani Rose, director, Financial Services, has determined that the adoption of revisions to three rehabilitative services would increase the amount of federal revenues available to state government and community mental health and mental retardation centers. The increase from \$23.43 to \$27.90 per unit for the development or revision of a plan of care has a projected annual increase of \$158,122. The increase from \$10.30 to \$15.19 per unit for the structured rehabilitative day or evening treatment program has a projected annual increase of \$778,775. The increase from \$18.78 to \$21.69 per unit for the plan of care monitoring has a projected annual increase of \$202,007.

From March 24, 1994, when the revised rates become effective, to August 31, 1994, the increase is projected to total \$474,542. The department will review its Medicaid reimbursement rates in August 1994, and annually thereafter. The rates determined at the department's annual review become effective September 1 of each year, beginning September 1, 1994.

There would be no additional fiscal cost to local government or small businesses as a result of administering the amendments as proposed. There would be no significant local economic impact.

Steven Shon, M.D., deputy commissioner for mental health services, has determined that the public benefit is consistency with the State Medicaid Plan. There is no anticipated impact on small business. There is no expected economic cost to persons who are required to comply with the proposed section and no impact on local employment.

Comments on the proposed amendments may be submitted to Linda Logan, director, Policy Development, Texas Department Mental Health and Mental Retardation, P.O. Box 12668, Austin, Texas 78711-2668, within 30 days of publication.

A public hearing will be held at 2:00 p.m., Monday, April 11, 1994, in the Central Office Auditorium located at 909 West 45th Street, Austin, Texas. The purpose of this public hearing will be to accept oral and written testimony. Individuals requiring an interpreter for the hearing impaired should contact Linda Logan, Director of Policy Development, by calling (512) 206-4516 at least 72 hours prior to the hearing.

The amendment is proposed under the Texas Health and Safety Code, Title 7, §532.015, which provides the Texas Board of Mental Health and Mental Retardation with rulemaking powers; and under the provisions of Texas Civil Statutes, Article 4413(502), §16, which provide the Health and Human Services Commission with the authority to administer federal medical assistance funds.

§409.356. Rehabilitation Services Reimbursement Methodology.

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

(d) Reimbursement rate determination. TXMHMR determines rates in the following manner:

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

(3) Rate setting methodology. TXMHMR determines the recommended reimbursement rates using the following method:

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

(C) Rate determination. Provider costs per unit of service by individual type of service are arrayed from low to high. Statistical outliers (those providers whose unit costs exceed plus or minus (+/-) two standard deviations of the mean) are removed. For each type of service, the median cost per unit of service is selected, and this selection becomes the recommended reimbursement

rate per unit of service as of March 24, 1994. [Provider unit costs by individual service are arrayed from low to high. The cost per rehabilitative services unit of service, not to exceed the 85th percentile, is selected from each individual service. The selected cost for each individual service is then multiplied by the existing .625 outpatient psychiatric services reimbursement factor as specified in Appendix to Attachment 3.1A, page 3, of the Texas Medicaid State Plan. A percentile not to exceed the 85th will be selected such that, when multiplied by the psychiatric service reimbursement factor, will yield a reimbursement rate that most closely approximates the median cost. TXMHMR uses the results as its recommended reimbursement rates.]

(D)-(H) (No change.)

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

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

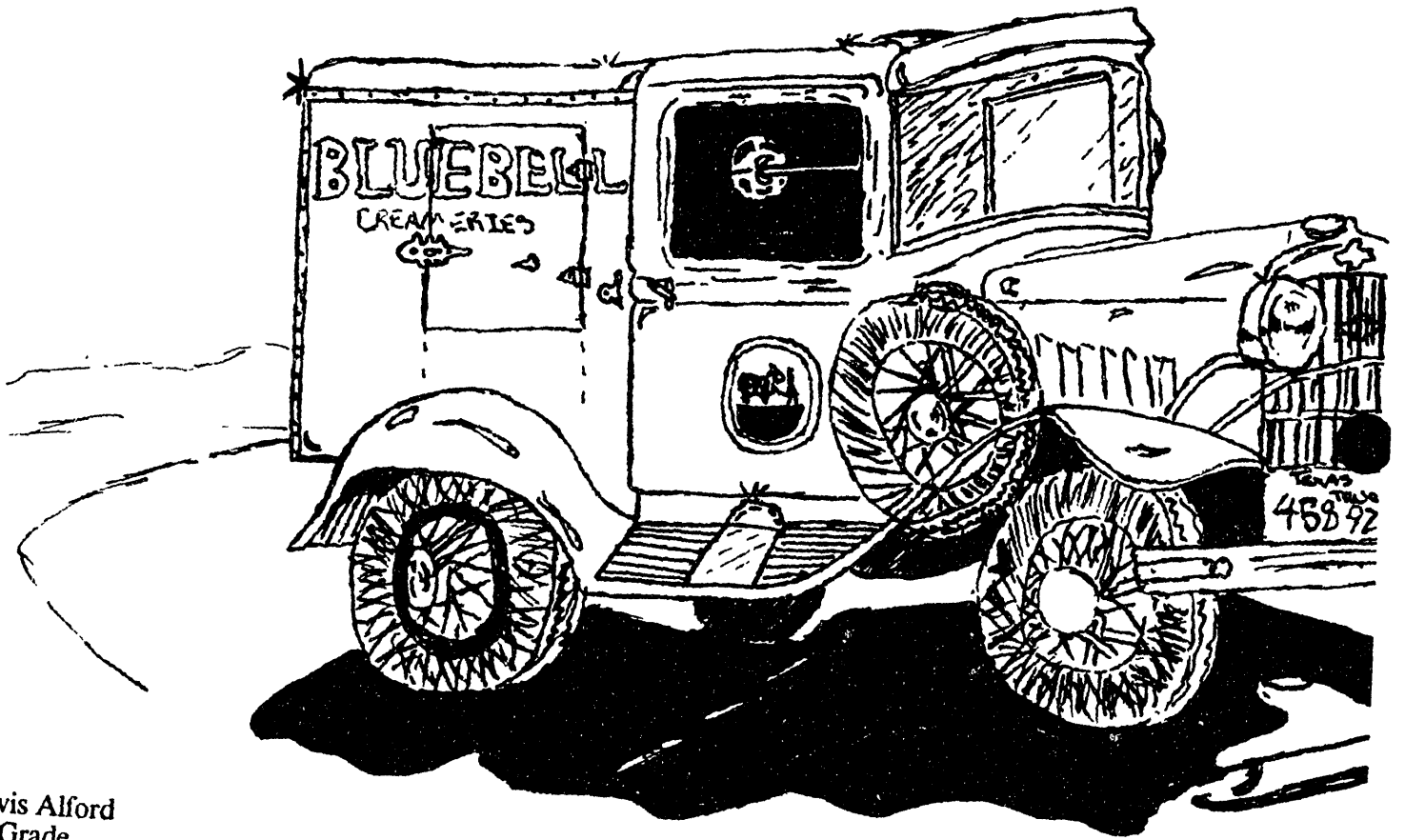
TRD-9437643

Ann Utley
Chairman
Texas Board of Mental
Health and Mental
Retardation

Earliest possible date of adoption: April 22, 1994

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

◆ ◆ ◆



avis Alford
1 Grade
ockdale Jr. High
ockdale ISD

BLUE BELL CREAMERIES, BRENNHAM, TEXAS

by-10



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 19. EDUCATION

Part I. Texas Higher Education Coordinating Board

Chapter 21. Student Services

Subchapter EE. Texas National Student Exchange Program

• 19 TAC §§21.990-21.999

The Texas Higher Education Coordinating Board adopts new §§21.990-21.999, concerning Texas National Student Exchange Program. Section 21.991 and §§21.993-21.996 are adopted with changes to the proposed text as published in the December 14, 1993, issue of the *Texas Register* (18 TexReg 9257). Sections 21.990, 21.992, 21.997, and 21.999 are adopted without changes and will not be republished.

The new rules are required by passage of Senate Bill 846, 73rd Legislature. The rules will guide institutions of higher education in establishing student exchange agreements with other states. The rules will function by allowing students at participating schools to enroll for one year at an institution in another participating state yet retain resident status.

Comments were made in reference to the rules being changed to make them more like the rules for the program as administered in other states. None of the changes were consequential but did help to clarify the meaning of the modified sections.

The National Student Exchange commented in favor of the adoption of the rules. The agency agreed with the comments and changes were made as suggested.

The new sections are proposed under Texas Education Code, §51.929, which provides the Texas Higher Education Coordinating Board with the authority to adopt rules concerning Texas National Student Exchange Program

§21.991. Administration. Institutions of higher education are responsible for administering the program in keeping with rules adopted by the board and in compliance with the institution's contract with National Student Exchange.

§21.993. Eligible Students.

(a) To participate in the exchange program a Texas student must be an undergraduate attending a Texas general academic teaching institution as defined in the Education Code, §61.003(3).

(b) To participate in the exchange program a student whose home institution is located outside of Texas must be an undergraduate.

(c) A student may participate in the exchange program for no more than one 12-month academic year.

§21.994. Tuition Charges. Participants in the exchange program are eligible to pay their normal tuition and fees charges at their home campus or resident tuition and fees at their host campus, depending upon procedures agreed upon by the two National Student Exchange participating institutions.

§21.995. Transcripts Course work at the host campus will be recorded on official transcripts of the host campuses. Students participating in the exchange will be responsible for arranging for copies of transcripts to be sent to their home campuses at the end of the exchange period. Courses and credit hours attempted and grades earned should be recorded on the student's home campus transcript.

§21.996. Financial Aid. Students participating in the exchange program must receive any federally funded financial aid from the institution where tuition and fees are paid. If assistance is received from the host institution, such must be coordinated with any aid received from the home campus.

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

Issued in Austin, Texas, on March 3, 1994.

TRD-9437088

James McWhorter
Assistant Commissioner for
Administration

Texas Higher Education
Coordinating Board

Effective date: April 22, 1994

Proposal publication date: December 14, 1993

For further information, please call: (512) 483-6160

TITLE 22. EXAMINING BOARDS

Part XXV. Structural Pest Control Board

Chapter 593. Licensing

• 22 TAC §593.13

The Texas Structural Pest Control Board adopts new §593.13, without changes to the proposed text as published in the October 26, 1993, issue of the *Texas Register* (18 TexReg 7457).

The justification is the rule creates greater efficiency in licensing the public employees and increased compliance with licensing requirements.

The rule functions by creating a special vegetation management technician for employees of city, county and state government who engage in weed control. There will also be only one exam instead of two. The general and weed category will be combined.

The Texas Vegetation Management Association commented in favor of adoption, because the proposed regulation is exempting the technician-apprentice license fee of \$18.

No comments against adoption were received.

The amendment is adopted under Texas Civil Statutes, Article 135b-6, which gives the Texas Structural Pest Control Board the authority to license and regulate persons who provide structural pest control services.

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 February 25, 1994.

TRD-9437684

Benny M. Mathis, Jr.
Executive Director
Structural Pest Control
Board

Effective date: April 6, 1994

Proposal publication date: October 26, 1993

For further information, please call: (512) 835-4066

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• 22 TAC §593.22

The Texas Structural Pest Control Board adopts an amendment to §593.22, without changes to the proposed text as published in the December 3, 1993, issue of the *Texas Register* (18 TexReg 8847).

The justification is the rule creates greater ability to achieve required training.

The rule functions by extending the official training and testing period for technician-apprentices to 12 months.

The Texas Vegetation Management Association and the Texas Pest Control Association commented in favor of adoption of the rule because it extends the technician-apprentice license from six to 12 months. They felt six months was not adequate time in order to get an individual trained and tested to be a technician.

There were no comments against adoption of the rule.

The amendment is adopted under Texas Civil Statutes, Article 135b-6, which give the Texas Structural Pest Control Board the authority to license and regulate persons who provide structural pest control services.

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 February 25, 1994.

TRD-9437662

Benny M. Mathis, Jr.
Executive Director
Structural Pest Control
Board

Effective date: April 6, 1994

Proposal publication date: December 3, 1993

For further information, please call: (512) 835-4066

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TITLE 25. HEALTH SERVICES

Part I. Texas Department of Health

Chapter 35. Pharmacy Services

On behalf of the State Medicaid Director, the Texas Department of Health adopts amendments to §35.405 and §35.601. Section 35.601 is adopted with changes to the proposed section as published in the November 12, 1990, issue of the *Texas Register* (18 TexReg 8336). Section 35.405 is adopted

without changes and will not be published.

The sections cover quantity limitations and reimbursement in pharmacy services. The amendments allow pharmacy providers to make more efficient use of the new on-line, real-time billing system that began processing claims submissions in March, 1993. The new policies allow providers to submit claims for drugs purchased from a central purchasing entity; and impose a 50% of the previous amount of drug dispensed edit on all prescriptions instead of the previous 75%. If a claim fails the edit, it will be rejected and the provider will have to provide the help-desk with documentation of the reason for the early refill.

No comments were received on the proposed rules. However, the Board recommended the language "Use a "9" code in the "Basis of Cost Determination" field (423) when billing these claims" be deleted in §35.601 because this language should properly be included in the instructions to the provider for reimbursements.

Subchapter D. Limitations

• 25 TAC §35.405

The amendments are adopted under the Human Resources Code, §32.021 and Texas Civil Statutes, Article 4413 (502), §16, which provides the Health and Human Services Commission with the authority to adopt rules to administer the state's medical assistance program and are submitted by the Texas Department of Health under its agreement with the Health and Human Services Commission to operate the purchased health services program and as authorized under Chapter 15, §1.07, Acts of the 72nd Legislature, First Called Session (1991).

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

Issued in Austin, Texas, on March 16, 1994.

TRD-9437656

Susan K. Steeg
General Counsel, Office of
General Counsel
Texas Department of
Health

Effective date: April 6, 1994

Proposal publication date: November 12, 1993

For further information, please call: (512) 338-6967

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Subchapter F. Reimbursement

• 25 TAC §35.601

The amendments are adopted under the Human Resources Code, §32.021 and Texas Civil Statutes, Article 4413 (502), §16, which provide the Health and Human Services Commission with the authority to adopt rules to administer the state's medical assistance program and are submitted by the Texas Department of Health under its agreement with the Health and Human Services Commission to operate the purchased health services pro-

gram and as authorized under Chapter 15, §1.07, Acts of the 72nd Legislature, First Called Session (1991).

§35.601. *Legend and Nonlegend Medication.* For all medication, legend and nonlegend, covered by the Vendor Drug Program and appearing in the Texas Drug Code Index (TDCI) and updates, the following requirements must be met.

(1) Reimbursement to the pharmaceutical provider is based on estimated acquisition cost (EAC), verifiable by invoice audit, plus the department's currently established dispensing fee per prescription, or the usual and customary price charged the general public, whichever is lower.

(2) Estimated acquisition cost is defined as wholesale estimated acquisition cost (WEAC) or direct estimated acquisition cost (DEAC), according to the pharmacist's usual purchasing source and the pharmacist's usual purchasing quantity, or as maximum allowable cost (MAC) for multisource products. All drug purchases from a central purchasing entity must be billed to the department as warehouse purchases. The WEAC is established by the department using the current redbook or redbook update, less a percentage representing routing discounts received by pharmacists on wholesales drug purchases. The WEAC may not exceed wholesaler cost, as supplied by drug manufacturers, plus a percentage markup representing wholesaler operating costs and profits. The DEAC is established by the department using direct price information supplied by drug manufacturers. Providers are reimbursed only at the DEAC on all drug products that are available from select manufacturers/distributors who actively seek and encourage direct purchasing. The TDCI is used as the reference from drugs included in the scope of benefits and for allowable package sizes. No acquisition cost is billed to the department for samples dispensed.

(3) Reimbursement for nonlegend drugs is based on the usual and customary price charged to the general public or EAC, plus 50% of the EAC which ever is lower. No dispensing fee is added to the price of nonlegend drugs, and 50% of the EAC may not exceed the assigned dispensing fee.

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

Issued in Austin, Texas, on March 16, 1994.

TRD-9437657

Susan K Steeg
General Counsel, Office of
General Counsel
Texas Department of
Health

Effective date: April 6, 1994

Proposal publication date: November 12, 1993

For further information, please call: (512) 338-6967

Chapter 157. Emergency Medical Care

The Texas Department of Health (department) adopts new §157.38 and §157.45, an amendment to §157.41, and the repeal of existing §157.45 and §157.76, concerning emergency medical services Sections 157.38, 157.41, and 157.45 are adopted with changes to the text as proposed in the September 28, 1993 issue of the *Texas Register* (18 TexReg 6603). The department adopts the repeals as proposed.

The sections establish continuing education (CE), certification, and recertification requirements for emergency medical services (EMS) personnel pursuant to the requirements of Chapter 773 of the Health and Safety Code. The sections define a new process for skills verification as it has been changed from a skills examination process. The sections describe the minimum requirements for continuing education for EMS personnel including specific content areas, minimum hourly requirements, reporting requirements, CE course approval requirements, and an audit process. Additionally, a written CE evaluation replaces the current recertification examination.

A summary of comments received follows.

One hundred and sixty-three comments were received on §157.38. One hundred and ten commenters supported the section and 42 individuals opposed it in its entirety. In addition, numerous individuals had specific comments about portions of the section. All associations commenting on the section were generally in favor of the section; however they expressed concerns, questions, and offered recommendations. The Texas EMS Advisory Council recommended adoption of the section. Comments specific to the issue are as follows:

COMMENT: One commenter stated that EVOG (Emergency Vehicle Operators Course) is a trademark name and suggested that the term be changed to a generic phrase such as an emergency driving course.

RESPONSE: The department agrees and reference to EVOG has been genericized.

COMMENT: Two commenters stated that rural volunteers would find it extremely difficult to accrue enough Texas Department of Health (TDH)-approved CE hours to recertify.

RESPONSE: The department disagrees. Many resources are being directed toward the provision of innovative CE modalities for EMS certificants with particular concern for those living in rural areas.

COMMENT: One commenter said requiring 80% of all credit to be accrued from TDH-approved content areas will put a great burden on the rural EMS and small volunteer EMS systems. Even with computerization it

will be difficult to keep up with credits in each category for all members. The burden will fall on the individual to be responsible for maintaining personal CE records.

RESPONSE: The department disagrees. The ultimate responsibility for tracking and recording CE hours has always and will continue to rest with the individual certificant. It is a prerequisite of certification. Content areas are consistent with DOT knowledge objectives and methods of accruing hours are flexible and compatible with persons volunteering in rural communities.

COMMENT: One commenter asked how standardized the exams would be. This commenter also stated that there is no provision for those persons who are presently in their last two years of certification to be responsible for substantive CE during this certification period.

RESPONSE: The department agrees that persons in their last two years of certification will not begin reporting CE via the new system until recertification. Additionally, the department found this language in the rule to be confusing and the language has been rewritten. Examinations prepared by individual CE providers will not be standardized.

COMMENT: One commenter suggested that a practice component be built into the rule for a certain number of the total required hours, indicating that it would give an opportunity to measure the integration of new information.

RESPONSE: While the department agrees with the concept, present resources make the inclusion prohibitive because of inability to set up a monitoring/auditing process.

COMMENT: Two commenters asked if TDH designed specific courses that will meet each category of the required CE minimum hours for recertification.

RESPONSE: While there is not a specific course written for each category based on the minimum hours, course material in each content area is available. Additionally, many new approaches to gaining CE have been initiated such as computerized instruction, distance learning via satellite, mobile training unit, etc.

COMMENT: One commenter asked that, since they were among the lowest paid professionals in health care, was there going to be some provision made to assist EMS personnel in the high cost of the above mentioned courses? He asked if there would be clear cut guidelines as to how ACLS, PHTLS, PPC, etc. would be used and accepted as CE prior to the passing of the proposals.

RESPONSE: Since the total number of CE hours has not changed, the cost should not increase appreciably for those persons who have been conscientious in the accrual of CE hours. Each of the courses will be divided according to content area with associated minimum hourly requirements.

COMMENT: One commenter asked if the state was going to provide the classes for CE hours. The commenter also asked if tapes would still be available that would count towards CE contact hours.

RESPONSE: Resources are being expended to provide innovative approaches to CE in rural communities and various methods are available including tapes.

COMMENT: One commenter asked if the courses have been designed and how and where would they be made available to current state certified instructors.

RESPONSE: New courses have not been designed specifically for CE. Coordinators may use published courses or pull material from that supported by DOT knowledge objectives.

COMMENT: One commenter said that details of the content areas do not agree with nationally published standards. The paragraph is key to the CE rules because it specifies what area every hour of approved CE must cover, but it does not specify the knowledge objectives to be attained and therein lies its weakness.

RESPONSE: The department disagrees. Content areas are related to the DOT knowledge objectives as are those of the National Registry. If a certificant meets the Texas CE requirements, they will also satisfy those of the National Registry.

COMMENT: Two commenters said that specified minimum hour requirements for CE should be redefined as "Recommended Guidelines" that would allow for diversity of education with the approval of the regional director.

RESPONSE: The department disagrees. Content areas and associated minimums were developed to allow flexibility for individual certificants.

COMMENT: One commenter recommends that the process for revocation of CE approval be better described and the degree of discretion better delineated to avoid misunderstanding.

RESPONSE: The department disagrees. Further discussion of process will appear in the CE manual.

COMMENT: Several commenters requested that management courses be considered as an elective content area.

RESPONSE: The department agrees and the section has been revised to reflect the change.

Fifty-three comments were received on §157.41. All commenters were generally in favor of the section; however they expressed concerns, questions, and offered recommendations. The Texas EMS Advisory Council recommended adoption of the section with minor wording changes. Comments specific to the issue are as follows:

COMMENT: Section 157.41(a)(5)(A)(v)(I) addresses which criteria will be used for satisfying CPR skills proficiency. One commenter said this requirement should be deleted. The current TDH skills examination criteria accomplish testing according to industry standards set by the American Heart Association so no change is needed.

RESPONSE: The department disagrees. Since there is an industry standard there is

no need for TDH to replicate the criteria.

COMMENT: Section 157.41(a)(5)(A)(v)(II), gives the option of accepting a valid CPR card as evidence of CPR skills proficiency. One commenter said this option should be deleted. The proposed changes will decrease the quality of EMS certification. Because the American Heart Association (AHA) and the American Red Cross instructors are for the most part unregulated volunteers with little accountability, no effective means exists to ensure their technical competency, effectiveness of instruction, or compliance with testing requirements. A CPR card is also not verification of skills proficiency.

RESPONSE: The department disagrees, but has changed the language of the rule to stress that acceptance of a CPR card in lieu of CPR training is strictly at the option of the course coordinator. Additionally, this option has become a national standard and will be included in the new Department of Transportation (DOT) curriculum.

COMMENT: Section 157.41(a)(5) outlines requirements of skills proficiency verification. One commenter pointed out that this section does not stipulate that skills verification must be conducted by certified examiners, according to TDH criteria, and he is concerned that the rule would allow anyone to utilize any standard they want.

RESPONSE: The department agrees and specific wording regarding state certified skills examiners and state skills criteria has been added to the rule.

COMMENT: Section 157.41(a)(5)(C) lists skills which shall have proficiency verified for paramedic candidates. One commenter asked that dysrhythmia recognition be reinstated as a skill requiring proficiency verification because it is a vital and frequently utilized skill for the paramedic.

RESPONSE: The department disagrees since dysrhythmia recognition is included within a megacode (advanced cardiac resuscitation).

COMMENT: One commenter said the rule should be changed to authorize possession of a valid Advanced Cardiac Life Support (ACLS) card issued within the inclusive dates of the paramedic or paramedic completion course, but after the date upon which the course coordinator deems that teaching of all aspects of cardiology and cardiac pharmacology is complete, to fulfill the megacode requirement.

RESPONSE: The department disagrees. The commenter appears to be confusing course content work with skills proficiency documentation. Proficiency in megacode needs to be documented prior to certification and the rule merely offers the two methods of documentation that are acceptable.

COMMENT: One commenter objects to ACLS course completion being used in lieu of a specific megacode verification. He explained that the AHA has explicitly indicated the purely educational nature of the ACLS program. He stated that the standard for successful completion of the ACLS megacode does not encompass the skills appropriate for

an EMS responder.

RESPONSE: The department disagrees. The skills and therapeutic modality that are needed in response to a cardiac arrest are the same in the field or in a medical facility.

Five hundred and ninety seven comments were received on §157.45: 353 were in favor of the section as proposed, and 214 were opposed. Several commenters were representing large associations. Several expressed concerns with specific points in the rule. The associations opposed to the section are listed at the end of the comments. Comments specific to the issue are as follows.

COMMENT: A commenter asked "What will be the effect on physicians if the recertification test is eliminated, particularly in the rural areas? How will the 25% who are initially failing the exam be identified if there is no test? Is it possible with the proposed CE rule to not be tested at all, eg: by getting all credits via conferences? Is doing away with the test in the best interest of patient care?"

RESPONSE: The effect on physicians regarding elimination of recertification testing cannot be predicted from available data. Identification of those who would have failed the test will be left with medical directors and service providers who monitor and evaluate performance. Gaining CE without testing would be difficult and expensive but within the realm of possibility. Issue of public welfare is and continues to be debatable.

COMMENT: Concerning §157.45(b)(1)(D), the reference regarding pass/fail should be removed based on the fact that the CE Evaluation is not intended to be an examination.

RESPONSE: The department agrees and has removed all references to pass/fail throughout the rules, except for those sections describing the person who has lost their certification and is seeking reentry. A new sentence has been added which explains CE Evaluation.

COMMENT: Concerning §157.45(b), a commenter wanted to know how he would be informed of the results of the CE Evaluation.

RESPONSE: The department added paragraph (3), to indicate that the results of the CE evaluation along with information relevant to interpretation of the scores will be issued to the recertifying candidate, associated medical directors, providers, first responder organizations, and/or employers.

COMMENT: A commenter felt that perhaps every four years is too frequent a requirement for re-certification. Please consider adopting a seven-year certification term.

RESPONSE: The department disagrees because a four-year certification is a legislative mandate.

COMMENT: A commenter asked "Has the state determined how many EMS systems will be left without an evaluation tool and what the cost will be to develop that tool in all these systems that are left without one?"

RESPONSE: The department determined that there is no data available on these issues.

COMMENT: Section 157.41(a)(5) articulates a skills proficiency standard required for initial certification for candidates in each of the four EMS personnel categories. Commenters stated that "although we recognize that proposed recertification in §157.45(b)(1)(C) stipulates the same verification requirement for recertification candidates, we hesitate to endorse these changes for two reasons: in the proposed rules there is no stipulation as to how the verification process will be conducted, and there is no designation of who will carry out this verification action."

RESPONSE: The department agrees and this oversight has been corrected.

COMMENT: Commenters felt that skills verification certificates should be valid for 180 days instead of 90 days prior to the certificant's expiration date. This expanded time zone will greatly improve the logistical capabilities of large agencies to renew certificants without requesting extensions, especially when many renewals are required in a short time period.

RESPONSE: The department agrees that a 180-day timeframe seems reasonable for proving skills proficiency and the rule has been revised to reflect the change.

COMMENT: Commenters objected to the elimination of the current practice of permitting individuals who fail to complete recertification requirements the option of attending a refresher course rather than taking an entire course over again.

RESPONSE: The department agrees and the section has been amended to reflect alternative options for the recertification candidate who is not timely in meeting requirements.

In addition to the changes made as a result of comments the department made minor editorial changes throughout the sections for clarification purposes.

The following associations commented on each section as follows.

Commenters generally in favor of §157.38 as proposed were Tarrant County EMS Providers Organization, Northeast Fire Training Association, Texas Ambulance Association, the State Association of Firefighters, Valley EMS Association, Consumers Union, East Texas Council of EMS Coordinators, and Grayson County EMS Committee. Several individuals were opposed to the section.

Commenters generally in favor of §157.41 as proposed were Northeast Fire Training Association, State Association of Firefighters, East Texas Council of Coordinators, and Texas Ambulance Association.

Commenters generally in favor of §157.45 as proposed were Valley EMS Association, Tarrant County EMS Providers Organization, Texas Ambulance Association, Northeast Fire Training Association, State Association of Fire Fighters, East Texas Council of Governments, and the Texas Chemical Council. Commenters opposed to §157.45 (as proposed) in its entirety were Consumers Union, Metroplex Emergency Physician Associates, Texas Medical Association, American Heart Association, Texas College of Emergency Physicians, American Association of Retired

Persons, and the Harris County Medical Society.

EMS Training and Course Approval

• 25 TAC §157.38

The rules are adopted under the Health and Safety Code, Chapter 773, which provides the Texas Board of Health with the authority to adopt rules to implement the Emergency Medical Services Act; §12.001, which provides the Texas Board of Health with the authority to adopt rules for the performance of every duty imposed by law on the Texas Board of Health, the Texas Department of Health, and the Commissioner of Health, and under §12.031 and §12.032, Health and Safety Code, which provides the Texas Board of Health with the authority to charge fees to a person who receives public health services, including administration services, from the department; Texas Civil Statutes, Senate Bill 312, 71st Legislature, 1989, which require the department to update and clarify existing rules and to establish new requirements through rulemaking.

§157.38. Continuing Education.

(a) Purpose. The purpose of this section is to establish the minimum continuing education (CE) requirements necessary

for emergency medical services (EMS) personnel to maintain certification. These requirements are intended to keep the certificants knowledgeable of current techniques and practice, maintain the quality of emergency medical services provided to the public, and encourage improvement in the skill and competence of EMS personnel.

(b) Hour requirements. CE is a requirement of §157.45 of this title (relating to Recertification). A contact hour shall consist of 50 consecutive minutes of attendance and participation in an approved CE experience. Credit hours for CE activities will only be awarded for the two-year time period in which they are completed.

(1) Emergency Care Attendants (ECA) shall be required to document 20 contact hours of CE every two years, with a total of 40 contact hours within the four-year certification period.

(2) Emergency Medical Technicians (EMT) shall be required to document 40 contact hours of CE every two years, with a total of 80 contact hours within the four-year certification period.

(3) EMT-Intermediates (EMT-I) shall be required to document 60 contact hours of CE every two years, with a total of 120 contact hours within the four-year certification period.

(4) EMT-Paramedics (EMT-P) shall be required to document 80 contact hours of CE every two years, with a total of 160 contact hours within the four-year certification period.

(c) Content requirements. Candidates at each certification level shall at a minimum accrue the following CE hours during a two-year CE period.

(1) At each certification level, at least 80% of required CE hours shall be accrued from the Texas Department of Health (department)-approved content areas with specified minimum hour requirements successfully completed.

(2) The remaining 20% of required hours shall be accrued from any department-approved content areas.

(3) Department-approved content areas with specified minimum hour requirements for each certification level are as follows.

CONTENT AREAS	PARAMEDIC MINIMUM HOURS	INTERMEDIATE MINIMUM HOURS
PREPARATORY		
General Patient Assessment	2	2
Airway Management	2	2
Shock	4	4
General Pharmacology	2	N/A
TRAUMA		
Trauma Assess/Management	4	4
CNS Injuries	2	2
Thoracoabdominal	3	3
Burns	1	1
CARDIOVASCULAR		
Cardiac Assess/Management	4	N/A
Cardiac Drugs	4	N/A
ECG Recog/Management	8	N/A
Special Procedures	1	N/A
MEDICAL EMERGENCIES		
Medical Assessment	2	2
Respiratory Emergencies	4	3
Neurological Emergencies	2	2
Endocrine Emergencies	1	1
Infectious Diseases	1	1
Tox/ETOH/Drugs/Anaph	2	2
Environmental/HazMat	2	2
Abd/GU	2	2
Cardiac Assessment	N/A	2
Cardiac Management	N/A	2
SPECIAL PATIENTS		
Pediatric Assess/Management	4	4
OB/GYN	2	2
Neonate Assess/Management	2	2
Geriatric Assess/Management	1	1
Behavioral/Crisis/Stress	2	2
ELECTIVES		
Rescue/Extrication	0	0
Communications	0	0
Emergency Driving	0	0
Docum/Medical/Legal	0	0
Management and Administration	0	0
TOTAL CONTENT AREA MINIMUM HOURS	64	48
TOTAL C.E. HOURS REQUIRED	80	60

CONTENT AREAS	EMT MINIMUM HOURS	ECA MINIMUM HOURS
PREPARATORY		
General Patient Assessment	3	1.5
Shock	3	1.5
TRAUMA		
Trauma Assess/Management	2	1
CNS Injuries	1	0.5
Thoracoabdominal	2	1
Burns	1	0.5
MEDICAL EMERGENCIES		
Cardiac Assess/Management	3	1.5
Medical Assessment	2	1
Respiratory Emergencies	2	1
Neurological Emergencies	1	0.5
Endocrine Emergencies	1	0.5
Infectious Diseases	1	0.5
Tox/ETOH/Drugs/Envir/HazMat/Anaphylaxis	3	1.5
Abd/GU	1	0.5
SPECIAL PATIENTS		
Pediatric Assess/Management	2	1
OB/GYN	1	0.5
Neonatal Assess/Management	1	0.5
Geriatric Assess/Management	1	0.5
Behavioral/Crisis/Stress	1	0.5
ELECTIVES		
Rescue/Extrication	0	0
Communications	0	0
Emergency Driving	0	0
Documen/Medical/Legal	0	0
Management and Administration	0	0
TOTAL CONTENT AREA MINIMUM HOURS	32	16
TOTAL C.E. HOURS REQUIRED	40	20

(d) General criteria necessary for consideration of CE program approval. CE programs shall receive prior approval from the department if state CE credit is desired. A CE provider shall meet the following criteria for consideration of CE program approval.

(1) The program shall be at least one contact hour in length.

(2) Learner objectives shall be written and be the basis for determining content and evaluation.

(3) The target audience for the program shall be identified.

(4) The content shall be relevant to identified topic areas, and be related to and consistent with, program objectives.

(5) The instructor shall be knowledgeable and competent in the subject matter taught. There shall be documentation of the instructor's expertise in the content area.

(6) Learning experiences shall be appropriate to achieve the objectives of the program. Principles of adult education shall be used in the design of the program.

(7) A schedule shall be provided which identifies the content areas covered and the number of contact hours awarded in each content area.

(8) Facilities and educational resources shall be adequate to implement the program.

(9) An evaluation tool shall be utilized which provides the participant an opportunity to comment on:

(A) achievement of the objectives;

(B) teaching effectiveness of each instructor;

(C) relevance of content presented to stated objectives;

(D) effectiveness of teaching methods; and

(E) appropriateness of physical facilities and educational resources.

(10) The grading system shall be appropriate for the type of program presented.

(e) Types of CE programs and additional specific criteria necessary for consideration of CE approval.

(1) Department-approved CE programs endorsed by national and state

accrediting organizations.

(2) Ongoing CE programs provided by department-approved EMS initial training programs, licensed EMS providers, or accredited educational institutions.

(A) Approved EMS certification training programs that are categorized by the department as an Annual Program may receive approval for a two-year ongoing CE program upon completion and approval of a biennial CE application.

(B) Licensed EMS providers who have a documented quality assessment plan with CE as part of their improvement plan and have a state-certified coordinator, instructor, or medical director who is responsible for the CE program, may receive approval for a two-year ongoing CE program upon completion and approval of a biennial CE application.

(C) Acceptance of programs for CE credit shall depend on the provision of an appropriate and adequate written evaluation tool that covers the entire scope of objectives taught, with a minimum of a "Pass/Fail" grading system, in addition to the criteria listed in subsection (d) of this subsection. CE credit shall only be awarded if the individual receives a passing score.

(D) Criteria for approval shall be subject to review and audit as part of a site visit of an EMS certification program or during a spot inspection of a licensed provider.

(E) If a CE program is found to be deficient in meeting the approval criteria upon audit, then preapproval for the remaining period shall be revoked. After deficiencies have been corrected, each CE credit hour shall be individually approved by the department prior to presentation for the remainder of the two-year period.

(3) National or state standardized courses and conferences.

(A) National and state standardized courses such as Advanced Cardiac Life Support (ACLS), Basic Trauma Life Support (BTLS), Prehospital Trauma Life Support (PHTLS), Pediatric Advanced Life Support (PALS), and Pediatric Prehospital Provider Course (PPPC), all of which must have an adequate evaluation tool which covers the entire scope of objectives taught as part of the program, will be listed with preapproved credit hours assigned. A minimum of "Pass" on a "Pass/Fail" grading system shall be achieved and documented before credit can be awarded. An approved

CE activity list of these programs shall be maintained by the department.

(B) National and state conferences may be pre-approved based solely on the merit of content and subject matter experts and placed on the approved CE activity list with credit hours assigned.

(4) Instructor-directed, single or multiple offering of the same activity, which is not included in paragraphs (1)-(3) of this subsection.

(A) A program which is offered one or more times, such as a workshop, or seminar, shall complete all criteria listed in subsection (d) of this section and shall be approved prior to the delivery of the single activity or the initial delivery of the multiple-offering activity. Acceptance of programs for CE credit shall depend on the provision of an appropriate and adequate written evaluation tool that covers the entire scope of objectives taught, with a minimum of a "Pass/Fail" grading system. CE credit shall only be awarded if the individual receives a passing score.

(B) Instructors of these programs are not required to be state certified instructors or coordinators, but shall have expertise in the content areas taught.

(C) If the CE application is for a multiple-offering activity, then approval may be given for up to a two-year time period.

(D) If the multiple-offering CE program is found to be deficient in meeting the approval criteria upon audit, then pre-approval for the remaining time period shall be revoked. After deficiencies have been corrected, then each CE credit hour for the remainder of the two-year period shall be individually approved before delivery. If a multiple-offering CE program is found to be deficient upon audit on more than one occasion, that program shall not be allowed to have pre-approval for more than one course at a time in the future.

(5) Individualized instruction. If applicable to appropriate content areas, independent home study such as CE articles in EMS journals, CE packages from professional associations, and ongoing serial productions such as video magazines may count for up to 50% of the required CE hours per two-year period. Interactive programmed instruction such as computer programs, may count for all of the required CE hours per two years, if applicable to appropriate content areas. All individualized instruction programs shall:

(A) receive approval prior to delivery;

(B) be developed by a professional group such as an educational institution, corporation, professional association or other approved provider of continuing education;

(C) involve the learner by requiring an active and appropriate response to the educational materials presented;

(D) depend on the provision of an appropriate and adequate written evaluation tool that covers the entire scope of objectives taught, with a minimum of a "Pass/Fail" grading system. CE credit will only be awarded to the individual if that person achieves and documents a passing score; and

(E) provide a record of completion which complies with subsection

(f) of this section concerning records indicating completion of the program.

(6) Authorship.

(A) A candidate may receive CE credit for development and publication of a manuscript in a periodical.

(B) The number of CE credit hours awarded for each article shall be determined by the department.

(C) CE credit will be awarded in the appropriate content areas as related to the manuscript. Fifteen percent of the total CE hours required per two years may be obtained through this means.

(D) Credit for publication will be awarded only once per two-year CE time period and the candidate must, upon audit, submit a letter from the publisher indicating acceptance or a copy of the published work.

(7) Academic courses.

(A) A candidate may receive CE credit for academic courses within the specified content areas for each level of certification.

(B) Completion of academic course work shall be credited on the basis of up to 15 CE contact hours for each semester hour successfully completed, within appropriate content areas. Less than 15 hours may be awarded if the academic course content is only partially applicable to

content areas.

(C) Candidates shall achieve and document a grade of "C" or better, or a "Pass" in a "Pass/Fail" grading system. Upon audit, the individual shall be able to present an official transcript documenting this score.

(8) Instruction in approved initial training and continuing education courses.

(A) EMS personnel instructing in an approved initial training course or in an approved CE program may apply the contact hours of actual teaching to the appropriate content areas during the two-year CE period.

(B) Additional hours earned above the acceptable hours per content area can not be used for subsequent periods.

(9) CE by optional examination.

(A) Candidates may receive CE credit for passing the National Registry of Emergency Medical Technicians written and practical examination for their current level of EMS personnel certification.

(B) Passing the examination shall be credited on the basis of 20 contact hours for EMT level, 30 contact hours for EMT-I level, and 40 contact hours for EMT-P level. CE credit for passing the National Registry examination shall be an option only once during the four-year certification period.

(C) If the candidate fails either the written examination, practical skills examination, or both, they shall retest in accordance with National Registry of Emergency Medical Technicians criteria.

(D) If the candidate fails to pass the National Registry of Emergency Medical Technicians retest examination, or does not retest, no CE credit will be awarded. The candidate shall complete the required CE hours by a mechanism other than optional examination.

(f) Records for the CE provider.

(1) Records of programs shall be kept by the CE provider for a minimum period of five years from the date of completion.

(2) Records shall include target audience, objectives and content areas with corresponding number of hours, outline of instructor qualifications, dates of instruction, teaching methods, evaluation tools, and a list of participants.

(3) The CE provider shall furnish each participant documentation of completion specifying the CE provider, title, date and location of program, content areas and contact hours, and grades or Pass/Fail, if applicable. Documentation shall be identified on a course certificate, completion document, or a verification letter on official letterhead.

(g) Reporting requirements. Continuing education requirements shall be fulfilled and reported on a two-year cycle. Implementation of this section shall begin on September 1, 1994. Certificants who have at least two years remaining in their certification period shall comply with the two-year reporting requirement for the last two years of the certification period. Certificants who have less than two years remaining in their certification period shall comply with the reporting requirement after becoming recertified.

(h) Activities which are not acceptable as CE. The following activities do not fulfill the requirements necessary to receive continuing education credits:

(1) CPR courses designed for lay persons;

(2) orientation programs sponsored by the employing agency to provide specific information about the work setting, policies and procedures, on-the-job training, and equipment demonstration;

(3) organizational activity such as serving on committees, councils, or professional organizations;

(4) any program or activity which is not pre-approved in accordance with this section;

(5) any experience which does not fit into the content areas specified for each level of certification; and

(6) activities which have been completed more than once during the two-year CE time period.

(i) Responsibilities of individual certificant.

(1) It is the responsibility of certificants to select and participate in CE activities that will meet their educational needs in conjunction with the direction of their EMS medical director and/or provider, where appropriate. In addition, it is the responsibility of the certificant to determine if the continuing education is approved by the department.

(2) Each certificant shall be responsible for maintaining their own CE records. These records shall document completion as evidenced by course certificates, verification letters written on official letterhead, or academic transcripts, and shall include faculty names, titles, dates,

content, number of clock hours, and grades of "Pass/Fail", if applicable. The burden of proof of CE participation/completion shall rest solely on the certificant. EMS providers may choose to duplicate these records as a service to their EMS personnel.

(3) These records shall be maintained by the certificant for a minimum of five years from the date of the application for recertification. Copies of documentation shall be submitted to the department within 15 days, if requested upon audit.

(4) If participation is in a program in which grades are provided, a grade equivalent to a "C" or better shall be required or "Pass" on a "Pass/Fail" grading system to receive credit for CE.

(5) Certificants attending approved national or state conferences/courses shall be responsible for distributing the CE hours within the appropriate content areas for the level of certification and in accordance with the approved CE list in subsection (e) of this section.

(j) Audit.

(1) The department shall randomly audit certificant's continuing education summary forms. Audits shall be conducted in a timely fashion on at least the minimum number of summary forms necessary to make the audit statistically valid. The department shall also randomly audit a statistically valid sampling of actual teaching during CE programs.

(2) The department may audit the summary form of a specific certificant in response to a complaint, or if there is reason to suspect that a certificant may have falsified CE documentation. The department may also audit actual teaching during CE programs in response to a complaint, or if there is reason to suspect that a CE provider may not be providing their CE program in accordance with the submitted outline and objectives.

(3) Falsification of CE documentation shall be cause for probation, suspension, or decertification as in §157.51 of this title (relating to Criteria for Emergency Suspension, Suspension, Probation and Decertification of an EMS Certificate); §157.19 of this title (relating to Emergency Suspension, Suspension, Probation, Revocation of a License, and Administrative Penalty); and §157.64 of this title (relating to Criteria for Suspension, Probation, and Decertification of Course Coordinator, Program Instructor, and/or Examiner Certification).

(4) The department may audit any records of the CE provider.

(k) Failure to complete required CE.

(1) A certificant who has failed

to complete the requirements for the initial two-year CE time period will be granted a 90-day extension period to complete and submit the required CE. Failure to complete and submit the CE requirements within that time frame shall be cause for emergency suspension until CE requirements are met.

(2) A certificant who has failed to complete and submit all the CE requirements prior to the expiration of their certification may apply for late recertification in accordance with §157.45(d) of this title (relating to Recertification).

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

Issued in Austin, Texas, on March 16, 1994.

TRD-9437661 Susan K. Steeg
General Counsel, Office of
General Counsel
Texas Department of
Health

Effective date: April 6, 1994

Proposal publication date: September 28, 1993

For further information, please call: (512) 834-6700



EMS Personnel Certification

• 25 TAC §157.41, §157.45

The amendment and new section are adopted under the Health and Safety Code, §773, which provides the Texas Board of Health with the authority to adopt rules to implement the Emergency Medical Services Act; §12.001, which provides the Texas Board of Health with the authority to propose rules to the performance of every duty imposed by law on the Texas Board of Health, the Texas Department of Health, and the Commissioner of Health; Texas Civil Statutes, Senate Bill 312, 71st Legislature, 1989, which requires the department to update and clarify existing rules and to establish new requirements through rulemaking.

§157.41. Certification.

(a) A candidate for certification shall:

- (1) be at least 18 years of age;
- (2)-(3) (No change.)

(4) submit to the department the application and the following applicable nonrefundable fee.

(A) An emergency medical technician-intermediate (EMT-I) and an emergency medical technician-paramedic (EMT-P) shall pay \$75.

(B) An emergency care attendant (ECA) and an emergency medical

technician (EMT) shall pay \$50.

(C) An emergency medical services (EMS) volunteer shall pay no fee. However, if an individual receives compensation during the certification period, the exemption is inapplicable and the individual shall send to the department an application and prorated fee as follows:

(i) for an EMT-I and EMT-P:

(I) if the certificate has been in effect 12 months or less, the individual shall pay \$75;

(II) if the certificate has been in effect 13 months to 24 months, the individual shall pay \$56.25;

(III) if the certificate has been in effect 25 months to 36 months, the individual shall pay \$37.50; or

(IV) if the certificate has been in effect 37 months to 48 months, the individual shall pay \$18.75;

(ii) for an ECA or EMT:

(I) if the certificate has been in effect 12 months or less, the individual shall pay \$50;

(II) if the certificate has been in effect 13 months to 24 months, the individual shall pay \$37.50;

(III) if the certificate has been in effect 25 months to 36 months, the individual shall pay \$25; or

(IV) if the certificate has been in effect 37 months to 48 months, the individual shall pay \$12.50;

(5) have documented evidence from a state-certified skills examiner using state skills criteria of skills proficiency as follows:

(A) The ECA and EMT skills proficiency verification shall consist of:

(i)-(iv) (No change.)

(v) basic cardiopulmonary resuscitation (CPR) which shall be accomplished by one of the following options:

(I) testing for CPR proficiency using American Heart Association (AHA) or American Red Cross (ARC) standards; or

(II) at the discretion of a course coordinator, requiring each student to show proof of CPR proficiency as evidenced by AHA or ARC proof of completion of an AHA Provider Course C or its equivalent; and

(vi) (No change.)

(B) The EMT-I skills proficiency verification shall consist of the skills verification requirements for ECA and EMT in subparagraph (A) of this paragraph. In addition, the student shall demonstrate proficiency in the following skills:

(i) peripheral venipuncture for fluid administration,

(ii) utilization of the pneumatic antishock garment; and

(iii) utilization of an endotracheal tube (infant and adult) and an esophageal intubation device for airway control.

(C) The EMT-P skills proficiency verification shall consist of the skills verification requirements for an ECA, EMT, and EMT-I in subparagraphs (A) and (B) of this paragraph. In addition, the student shall demonstrate proficiency in the following skills:

(i) emergency drug administration;

(ii) defibrillation and cardioversion; and

(iii) megacode (Possession of a valid Advanced Cardiac Life Support (ACLS) card issued within the inclusive dates of the paramedic or paramedic completion course or documentation issued by the course medical director based upon scenarios submitted with the course approval documents shall fulfill megacode proficiency requirements.)

(6) achieve a passing grade of 70 on the department's certification examination and, in addition, achieve a passing grade of 70 on the critical components of the examination.

(b) The department has final authority for scheduling all certification examination sessions.

(c) A candidate shall complete the examination and retest, if necessary, for certification no later than 180 days after the course completion date. However, a candidate who fails the certification examination may retest one time provided a fee of \$25, if applicable, accompanies the request for a retest.

(d) If the application approval process is prolonged due to a felony/misde-

meanor conviction investigation; the 180-day time period may be extended to accommodate the candidate who is deemed eligible to test.

(e) (No change.)

(f) A candidate shall be eligible to reapply for certification for up to two years following the course completion date, if:

(1) the coordinator has documented successful completion of the course but the candidate has not completed the examinations within 180 days of the course completion date; or

(2) (No change.)

(3) the candidates described in this subsection shall complete a department-approved refresher course for the level of certification requested, submit the application for certification with the applicable fee, and complete all skills proficiency verification and examination requirements as described in subsections (a)(5)-(6) and (c) of this section.

(g) A candidate who does not meet the requirements for certification within the two-year period following the course completion date shall be required to complete an entire EMS training course as described in §§157.32-157.35 of this title (relating to EMS Training Program and Course Approval) to be eligible to apply for certification.

(h)-(j) (No change.)

(k) The completion of a course at a higher level of certification shall satisfy the course requirement for a lower level of certification, and the individual may apply for certification by:

(1) (No change.)

(2) meeting the skills proficiency verification and examination requirements of this section within 180 days of the course completion date; or

(3) meeting the requirements of subsection (e) of this section.

(l) Individuals who successfully complete certification requirements for a higher level are deemed to be certified only at that level.

(m) An individual who is certified as an EMT-I or EMT-P may voluntarily be certified at a lower level of certification by:

(1) submitting an application for certification and the applicable fee, if any, as required in subsection (a)(3) and (4) of this section;

(2) completing the requirements of §157.38 of this title (relating to Continuing Education) for the level of certification requested,

(3) completing skills proficiency

verification as required in subsection (a)(5) of this section:

(4) achieving a passing grade on the department's written examinations as required in subsection (a)(6) of this section; and

(5) returning the wallet-size certificate for the EMT-I or EMT-P level of certification to the department.

§157.45. Recertification.

(a) General.

(1) At least 180 days prior to the expiration of a certificate, the Texas Department of Health's (department) Bureau of Emergency Management (bureau) shall mail a notice of expiration by United States mail to the certificate at the address shown in the bureau's records. It is the responsibility of emergency medical services (EMS) personnel to notify the bureau of any change of address.

(2) If a certificant has not received notice of expiration from the bureau 45 days prior to the expiration, it is the duty of the certificant to notify the bureau and request an application for recertification. Failure to apply for recertification shall result in expiration of the certificate.

(3) A certificate is not transferable. The wallet-size certificate shall be carried by personnel while on duty. A duplicate certificate may be issued following the submission of a request for duplicate certificate form and a fee of \$5.00.

(4) If the application approval process is prolonged due to a felony/misde-meanor conviction investigation, the 90-day time period in subsection (d)(1) and (2) of this section may be extended to accommodate the candidate who is deemed eligible for recertification.

(b) Timely recertification.

(1) A certificant shall meet the following requirements for recertification. The certificant shall:

(A) complete the continuing education (CE) requirements for recertification as required in §157.38 of this title (relating to Continuing Education) prior to the expiration of the certificate and prior to meeting the requirement in subparagraph (D) of this paragraph;

(B) submit to the department an application for recertification and the nonrefundable fee as set out in §157.41(a)(4) of this title (relating to Certification);

(C) successfully complete

verification of skills proficiency as described in §157.41(a)(5) of this title; and

(D) complete the department's CE evaluation which shall be an attempt to measure the individual's knowledge necessary for the adequate provision of emergency care for current level of certification. The department has final authority for scheduling all written CE evaluation sessions.

(2) After verification by the department of the information submitted by the certificant, a certificant who meets requirements of this subsection will be recertified for four years commencing on the day following the expiration date of the most recent certificate. A new certificate and wallet-sized certificate signed by department officials shall be issued.

(3) The results of the CE evaluation along with information relevant to interpretation of the scores will be issued to the recertifying candidate, associated medical directors, providers, first responder organizations, and/or employers.

(4) One re-evaluation may be taken. A fee of \$25 shall accompany the request for a re-evaluation. The re-evaluation results will be issued as in paragraph (3) of this subsection.

(5) In conjunction with the certificant's two-year interim CE reporting cycle, the certificant may elect to complete the CE evaluation or the certificant's medical directors, providers, first responder organizations and/or employers may mandate that the certificant complete the CE evaluation and, if applicable, one re-evaluation. The first CE evaluation shall be completed within 180 days from the deadline date of the interim two-year reporting cycle. The re-evaluation may be completed after the 180-day period. The CE evaluation results will be issued as described in paragraph (3) of this subsection.

(6) To take a two-year interim CE evaluation, the certificant shall submit an application, and a non-refundable fee as set out in §157.41(a)(4) of this title. A fee of \$25 shall accompany the request for a re-evaluation.

(c) Early recertification.

(1) If a certificant requests to recertify prior to the 180-day notice, the certificant shall meet all the requirements of subsection (b) of this section within 90 days of the application date.

(2) An application for a lower level of certification may be submitted with the applicable fee as described in subsection (b)(1)(B) of this section if the certificant meets the requirements for the level of certification requested as described in subsec-

tion (b)(1)(A) and (C) of this section.

(3) A certificant who meets the requirements of this subsection shall be recertified for four years commencing on the date of issuance of a new certificate and wallet-sized certificate signed by department officials.

(d) Late recertification.

(1) If the application and the non-refundable fee for recertification are postmarked at least 30 days prior to the expiration date of the certificate, the certification shall continue for a period not to exceed 90 days from the expiration date. The applicant shall qualify for recertification by:

(A) completing the CE requirements for recertification as required in §157.38 of this title; and

(B) meeting the certification requirement as described in subsection (b)(1)(C) and (D) of this section no later than 90 days from the expiration date.

(2) If an application and the non-refundable fee for recertification, including a \$25 late fee, are postmarked less than 30 days before the expiration date but within 90 days following the expiration date, the applicant shall qualify for recertification by:

(A) completing the CE requirements for recertification as required in §157.38 of this title; and

(B) meeting the certification requirement as described in subsection (b)(1)(C) and (D) of this section no later than 90 days from the expiration date. Certification shall not continue during the 90-day period.

(3) If an application, and non-refundable fee, for recertification is received after the 90-day period beyond the expiration date of the certificate, but within one year following the expiration date, the applicant shall submit, in addition to the recertification fee, a non-refundable late fee of \$25. The applicant is not certified during this period. If he represents himself as a certified EMS person, the applicant may be denied recertification and may be subject to the civil and criminal penalties under the Health and Safety Code, §773.063 and §773.064.

(A) All requirements in paragraph (3)(B)(i) and (ii) of this subsection shall be completed no later than one year from the expiration date of the most recent certificate.

(B) The applicant shall qualify for recertification by successfully:

(i) completing the CE requirements for recertification as required in §157.38 of this title no earlier than two years prior to the application;

(ii) completing verification of skills proficiency as described in §157.41(a)(5) of this title; and

(iii) achieving a passing grade on the certification examination as required in §157.41(a)(6) of this title and on each critical subscale. An applicant who fails the certification examination may retest one time, provided a fee of \$25, if applicable, accompanies the application for retest.

(C) A candidate who does not successfully complete the recertification requirements in subparagraphs (A) and (B) of this paragraph shall meet the requirements of §157.41 of this title prior to being eligible for certification.

(4) If an application and non-refundable fee for certification and a non-refundable late fee of \$25 is received more than one year following the expiration date but within two years following the expiration date, the applicant shall qualify for recertification by completing the requirements in subsection (f)(1)(A)(i), (B)(i), or (C)(i) of this section for the appropriate level of certification. To receive credit, these requirements must be completed no earlier than two years prior to the application.

(A) Candidates completing the requirement of this subsection shall achieve a passing grade on the certification examination as required in §157.41(a)(6) of this title and on each subscale. An applicant who fails the certification examination may retest one time provided a fee of \$25 accompanies the application for a retest.

(B) All requirements shall be completed within two years from the expiration date of the most recent certification.

(C) A candidate who does not successfully complete the recertification requirements in this subsection shall meet the requirements of §157.41 of this title prior to being eligible for certification.

(e) Inactive status. A certified emergency medical technician (EMT), EMT-Intermediate (EMT-I), or EMT-Paramedic (EMT-P) not actively engaged in the provision of emergency medical services may make application to the department for inactive status.

(1) While on inactive status, a

person shall not perform any activities regulated under the Health and Safety Code, Chapter 773. Performance in any capacity for compensation or as a volunteer is prohibited and failure to comply shall be cause for decertification. Nothing in this section shall be construed to prohibit a person from performing first aid or cardiopulmonary resuscitation (CPR) in the capacity of a lay person.

(2) While on inactive status, a person shall not be required to complete the CE requirements, skills verification, or complete the CE evaluation.

(3) To maintain certification, the certificant shall submit to the department an application for recertification and the nonrefundable fee as set out in §157.41(a)(4) of this title, prior to the expiration of the current certificate.

(f) Re-entry into active status.

(1) To regain active status a certificant shall complete the following requirements prior to submitting an application and fee as set out in §157.41(a)(4) of this title for re-entry into active status. All requirements shall be completed within the two years prior to the application.

(A) Paramedics.

(i) The paramedic shall successfully complete:

(I) a department-approved refresher course or equivalent CE in patient content areas;

(II) an advanced Basic Trauma Life Support (BTLS) or Prehospital Trauma Life Support (PHTLS) course;

(III) a Prehospital Pediatric Provider Course (PPPC) course;

(IV) an Advanced Cardiac Life Support (ACLS) course; and

(V) skills proficiency verification.

(ii) The paramedic shall achieve a passing grade on the certification examination as in §157.41(a)(6) of this title and on each critical subscale. A candidate who fails the examination may retest one time provided a fee of \$25, if applicable, accompanies the application for a retest. If the applicant fails the retest, they shall no longer be certified.

(B) EMT-I.

(i) The EMT-I shall successfully complete:

(I) a department-approved refresher course or equivalent CE in patient content areas;

(II) an advanced BTLS or PHTLS course;

(III) a PPPC course;

(IV) an American Heart Association (AHA) Provider Course C or its equivalent; and

(V) skills proficiency verification.

(ii) The EMT-I shall achieve a passing grade on the certification examination as in §157.41(a)(6) of this title and on each critical subscale. A candidate who fails the examination may retest one time provided a fee of \$25, if applicable, accompanies the application for a retest. If the applicant fails the retest, they shall no longer be certified.

(C) EMT.

(i) The EMT shall successfully complete:

(I) a department-approved refresher course or equivalent CE in patient content areas;

(II) a BTLS or PHTLS course;

(III) a PPPC course;

(IV) an AHA Provider Course C or its equivalent; and

(V) a skills proficiency verification.

(ii) The EMT shall achieve a passing grade on the certification examination as in §157.41(a)(6) of this title and on each critical subscale. A candidate who fails the examination may retest one time provided a fee of \$25, if applicable, accompanies the application for a retest. If the applicant fails the retest, they shall no longer be certified.

(2) After verification by the department of the information submitted by the candidate, a candidate who meets the requirements in paragraph (1)(A), (B) or (C) of this subsection shall be recertified for active status for four years commencing on the date of issuance of a new certificate and wallet-sized certificate signed by department officials.

ment officials.

(3) The applicant who fails the test and retest and reappplies for certification shall meet the requirements of §157.41 of this title prior to becoming certified. They shall not continue in inactive capacity.

(g) Military personnel. An individual who fails to renew certification within 90 days of the expiration date because of active duty serving outside the State of Texas, shall have one year from the date of return to the state in which to:

(1) complete department-approved CE requirements; as outlined in §157.38 of this title;

(2) submit an application to the department and the nonrefundable fee as set out in §157.41(a)(4) of this title;

(3) complete the skills verification process as described in §157.41(a)(5) of this title; and

(4) complete the CE evaluation as described in subsection (b) of this section.

(h) Hardship cases. The bureau chief may review special hardship cases and allow a candidate additional time to complete requirements beyond the two-year CE reporting deadline or certification expiration date. Although additional time may be allowed to complete requirements, certification shall not continue beyond the certification expiration date.

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

Issued in Austin, Texas, on March 16, 1994.

TRD-9437660

Susan K. Steeg
General Counsel, Office of
General Counsel
Texas Department of
Health

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Proposal publication date: November 28, 1993

For further information, please call: (512) 834-6700

◆ ◆ ◆
• 25 TAC §157.45

The repeal is adopted under the Health and Safety Code, §773, which provides the Texas Board of Health with the authority to adopt rules to implement the Emergency Medical Services Act; §12.001, which provides the Texas Board of Health with the authority to propose rules to the performance of every duty imposed by law on the Texas Board of Health, the Texas Department of Health, and the Commissioner of Health; Texas Civil Statutes, Senate Bill 312, 71st Legislature, 1989, which require the department to update and clarify existing rules and to establish new requirements through rule making.

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.

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Susan K Steeg
General Counsel, Office of
General Counsel
Texas Department of
Health

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For further information, please call. (512) 834-6700

◆ ◆ ◆
EMS Medical Services—Part B
• 25 TAC §157. 76

The repeal is adopted under the Health and Safety Code, §773, which provides the Texas Board of Health with the authority to adopt rules to implement the Emergency Medical Services Act; §12.001, which provides the Texas Board of Health with the authority to propose rules to the performance of every duty imposed by law on the Texas Board of Health, the Texas Department of Health, and the Commissioner of Health; Texas Civil Statutes, Senate Bill 312, 71st Legislature, 1989, which requires the department to update and clarify existing rules and to establish new requirements through rule making

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.

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TRD-9437658

Susan K Steeg
General Counsel, Office of
General Counsel
Texas Department of
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For further information, please call. (512) 834-6700

◆ ◆ ◆
TITLE 28. INSURANCE
Part I. Texas Department
of Insurance

Chapter 7. Corporate and
Financial Regulation

Subchapter A. Examination
and Corporate Custodian and
Tax

• 28 TAC §7.7

The Texas Department of Insurance adopts amendments to §7.7, concerning subordinated indebtedness, surplus debentures, surplus notes, premium income notes, bonds or

debentures, and other contingent evidences of indebtedness. The amendments are adopted with changes to the proposed text as published in the December 21, 1993, issue of the *Texas Register* (18 TexReg 9819).

The amendments are necessary to implement amendments to Insurance Code, Article 1.39, enacted by the passage of House Bill 1461, 73rd Legislature, 1993. The amendments to Insurance Code, Article 1.39, established a minimum surplus or floor as a condition to an insurer paying interest or principal on subordinated indebtedness, repealed the requirement that the commissioner approve the issuance of subordinated indebtedness by an insurer, authorized property other than that authorized under §7.7(b)(2), provided that the agreement creating the subordinated indebtedness controls the accounting treatment of the indebtedness, and prescribes the accounting treatment for sinking funds established in connection with the creation of subordinated indebtedness

The adopted amendments redefine the minimum surplus or floor consistent with the amended statute, add a definition of "property" to expand the consideration an insurer may receive for the issuance of subordinated indebtedness, provide that an amount accumulated in a sinking fund is a legal liability and a financial statement liability, provide for an insurer to notify the department of the issuance of any subordinated indebtedness, and provide that an insurer that holds subordinated indebtedness of another insurer may report it in its financial statements as an asset equal to the amount then due and payable under the agreement creating the subordinated indebtedness

One commenter stated that the amendment to §7.7(c)(4) was more restrictive than the amended Insurance Code, Article 1.39, because it limited a sinking fund to insurance premium income. Staff agrees with the comment and has amended the section to conform with the statute

The commenter also stated the amendments to the section made no reference to the authority granted in Insurance Code, Article 1.39, to return any portion of the accumulated funds in a sinking fund to the surplus of an insurer. Staff does not believe it is necessary to restate this provision in the section

The commenter also stated that there was no justification for subparagraphs (6) and (7) of §7.7. The subparagraphs require an insurer to send notices to the department in connection with the issuance of subordinated debt or the payment of interest or principal on such debt. The section has been amended to delete the notice for payment of principal or interest. Staff believes the requirement is authorized under Insurance Code, 1.03A, as it is necessary for the department to know on a timely basis that an insurer has increased its surplus by borrowing. Such transactions have frequently been related to an insurer encountering problems with its financial condition.

The Texas Department of Insurance received written comments from the Texas Legal Reserve Officials Association, a trade association composed of Texas domiciled life, health and accident insurance companies, and the

law firm of Weil, Gotshal and Manges on behalf of certain insurance clients. The Texas Legal Reserve Officials Association requested a public hearing, but withdrew the request as a result of the changes.

The amendments are adopted under the authority of Insurance Code, Articles 1.39, 1.11 and 1.03A. Article 1.39 regulates the issuance of subordinate indebtedness. Article 1.11 authorizes changes in the forms of the annual statement required of insurance companies. Article 1.03A provides the commissioner with the authorization to adopt rules and regulations for the conduct and execution of the duties and functions by the department.

The following articles of the Insurance Code are affected by this rule: Articles 1.11, 1.29, 1.39, 11.16, 17.17, 19.07 and 21.49-1

§7.7 Subordinated Indebtedness, Surplus Debentures, Surplus Notes, Premium Income Notes, Bonds, or Debentures, and Other Contingent Evidences of Indebtedness

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

(1) (No change.)

(2) Minimum surplus or floor—The amount of surplus specified in the written agreement evidencing the subordinated indebtedness which may not be used for payments or repayments of subordinated indebtedness and which amount must exceed the greater of the following

(A) a minimum surplus stated and fixed in the agreement, or

(B) a minimum surplus of \$500,000 for that insurer

(3) Property—Any asset of readily determinable value that is an authorized and otherwise qualifying investment for the insurer issuing the subordinated indebtedness.

(4) Subordinated indebtedness—Any contingent indebtedness issued by an insurer for which such insurer assumes a subordinated liability for repayment of principal and payment of interest pursuant to a written agreement providing for payment only out of that portion of an insurer's surplus that exceeds a minimum surplus stated in such agreement. Subordinated indebtedness includes advances made in accordance with the Insurance Code, Articles 11.16, 17.17 and 19.07, and surplus notes, as herein defined

(5) Surplus notes—Surplus notes, also known as "surplus debentures", "contribution certificates," "surplus capital notes," and "premium income notes, bonds, or debentures," however denominated, which are

financing vehicles that increase the surplus of an insurer.

(b) General Provisions.

(1) (No change.)

(2) The consideration received by an insurer in return for the issuance of subordinated indebtedness shall be in the form of cash, cash equivalent securities, government backed obligations, or property of readily determinable value. In the instance of an issuer required by the department to increase its surplus as regards policyholders, the subordination of a current liability owed by the issuer to the prospective holder of the subordinated indebtedness, may be considered in an amount acceptable to the commissioner.

(3) Any agreement made pursuant to the Insurance Code, Article 1.39, and this section, shall be subject to other applicable provisions of the Insurance Code, including Articles 1.29 and 21.49-1.

(c) Written Agreements. When issuing subordinated indebtedness, the insurer must execute a written agreement with the creditor, providing the following:

(1) (No change.)

(2) the minimum surplus or floor shall exceed the greater of the following:

(A) a minimum surplus stated and fixed in the agreement; or

(B) a minimum surplus of \$500,000 for that insurer;

(3) repayment provisions shall be clearly set forth in the written agreement;

(4) if the subordinated indebtedness is in the form of a premium note, bond, or debenture, which includes a provision for the payment or repayment only out of a sinking fund established by the insurer by setting aside a specified amount during a specified period, all payments must be made from the established sinking fund, subject to the minimum surplus stated in the written agreement, and such amount accumulated and held in the sinking fund shall be a legal liability and financial statement liability of the insurer;

(5) in the event of liquidation, payment of interest and repayment of principal under the written agreement are subordinated to policyholder and beneficiary claims; and

(6) an insurer which is the issuer of such an agreement, if not an affiliate as defined in the Insurance Code, Article 21.49-1 of the creditor, shall notify in writing within ten days of issuance, the Finan-

cial Analysis Unit, Mail Code 303-1A, Texas Department of Insurance, P.O. Box 149099, 333 Guadalupe, Austin, Texas 78714-9099, and provide a copy of the written agreement for informational purposes.

(d) Accounting Requirements.

(1) A loan or advance made under the written agreement, and any interest accruing on the loan or advance, is a legal liability and financial statement liability of the insurer only to the extent provided by the terms and conditions of the loan or advance agreement, and the loan or advance may not otherwise be a legal liability or financial statement liability of the insurer. If a written agreement provides specific terms for the payment of principal and interest, and such terms have been satisfied, then any provision providing that no financial statement liability exists shall be considered to be in conflict with the specific terms for the payment of principal and interest; and, for financial statement purposes, the terms for the payment of principal and interest shall result in the reflection of a financial statement liability.

(2) All agreements shall be clearly reported in an insurer's "Notes to Financial Statements" of the Annual Statement and shall disclose all pertinent aspects of payment and prepayment provisions.

(3) An insurer holding a subordinated indebtedness of another insurer may report it as an admitted asset equal to the amount then due and payable under the terms of the subordinated indebtedness agreement.

(e) Applicability to Foreign Insurers. The provisions of this section shall apply to insurers domiciled in another state unless such other state regulates the issuance of subordinated indebtedness under laws, rules, or bulletins that the commissioner finds are substantially similar in substance and effect to Texas law and rules. To pursue this exception, the insurer shall provide, upon request, to the commissioner evidence of similarity in the form of statutes, regulations, and interpretation of the standards utilized by the state of domicile.

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

Issued in Austin, Texas, on March 16, 1994.

TRD-9437673 Linda K. von Quintus-Dorn
Chief Clerk
Texas Department of
Insurance

Effective date: April 6, 1994

Proposal publication date: December 21, 1993

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

• 28 TAC §7.83

The Texas Department of Insurance adopts an amendment to §7.83, concerning the open records treatment of examination reports, without changes to the proposed text as published in the December 14, 1993, issue of the *Texas Register* (18 TexReg 9258).

The 73rd Legislature, 1993, amended Insurance Code, Article 1.15 by adding §9 which provides that examination reports are confidential and are not subject to disclosure under Government Code, §§552.001-552.353 (Open Records Act). This new law conflicts with the existing §7.83, which makes adopted examination reports open records, therefore it is necessary to amend the section to remove the conflict.

Section 7.83 establishes a procedure for the department and an insurer to resolve any disagreements on findings in the examination report of an insurer. Prior to the adoption of the amendments the section provided that an examination report became a public record if a company did not appeal an examination report or the procedure to resolve any disagreements was completed. The amendment eliminates the provision that examination reports will become public when the procedure is completed and therefore will not be available to the public. Examination reports which have been made public under the rule in the past will remain public.

No comments were received regarding adoption of the rule.

The amendment is adopted under the Insurance Code, Articles 1.15 and 1.03A. Article 1.15 requires the department to adopt rules governing the procedure for the adoption of examination reports. Article 1.03A authorizes the Commissioner to determine rules for general and uniform application for the conduct and execution of the duties and functions of the department.

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

Issued in Austin, Texas, on March 16, 1994.

TRD-9437675 Linda K. von Quintus-Dorn
Chief Clerk
Texas Department of
Insurance

Effective date: April 6, 1994

Proposal publication date: December 14, 1993

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

◆ ◆ ◆
• 28 TAC §7.84

The Texas Department of Insurance adopts new §7.84, concerning the frequency of examinations of insurance carriers. The new section is adopted with changes to the proposed text as published in the December 21, 1993, issue of the *Texas Register* (18 TexReg 9821).

The adopted section is necessary to imple-

ment an amendment to Insurance Code, Article 1.15, made by House Bill 1461, 73rd Legislature, 1993, that authorizes the commissioner to extend the interval between statutorily-required examinations of insurance carriers. The amendment directs the commissioner to adopt rules governing the determination of whether the financial strength of a carrier justifies deferment of an examination.

The adopted section defines certain terms used in the section, describes the applicability of the section and describes the conditions that must exist for the commissioner to make a determination that the insurance carrier's financial strength justifies deferment of an examination. The associate commissioner for the Financial Program of the Texas Department of Insurance will review each carrier due for a regular examination to determine whether the carrier's financial strength justifies a deferment of the regular examination. The commissioner may defer the regular examination for one year if the conditions in the adopted rule have been met at all times subsequent to the last regular examination.

One commenter stated that §7.84(c)(2) discriminates against carriers that do not have annual independent audits under Insurance Code, Article 1.15A. The department recognizes that an insurer that has an audit performed in the same manner as an audit is performed under Insurance Code, Article 1.15A should have equal recognition in meeting the conditions for a deferment. The paragraph is amended to include such audits.

The commenter also suggested that §7.84(c)(2) be amended to provide that material adverse conditions, instead of adverse conditions, be the basis for not deferring an examination. The department agrees and the paragraph is amended to provide that material adverse conditions reported in an annual independent audit can be a basis for not deferring an examination.

The commenter suggested that §7.84(c)(6) be deleted or amended to focus on current operations. The department disagrees. A negative balance in a carrier's unassigned funds account indicates management's inability to operate a carrier in a consistently profitable manner.

The Texas Department of Insurance received a request for public hearing on the section and written comments from the Texas Legal Reserve Officials Association, a trade association composed of Texas-domiciled life, health and accident insurance companies. The request for public hearing was withdrawn as a result of the changes made to the rule.

The new section is adopted under the authority of the Insurance Code, Articles 1.15, and 1.03A; and the Government Code, §§2001.004-2001.038. Article 1.15 authorizes the commissioner to adopt rules governing the determination of the financial strength of a carrier for the purpose of determining whether the examination interval of the carrier required by Article 1.15 could be extended. Article 1.03A authorizes the commissioner to adopt rules for general and uniform application for the conduct and execution of the duties and functions of the department. The Government Code, §§2001.004-2001.038,

authorize and require each state agency to adopt rules of practice setting forth the nature and requirements of available procedures and to prescribe procedures for adoption of rules by a state administrative agency.

§7.84. Examination Frequency.

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

(1) Carrier—A domestic insurer subject to the examination frequency provided for in Insurance Code, Article 1.15.

(2) Regular examination—The examination required by the Insurance Code, Article 1.15, §1.

(b) Applicability. This section applies only to those carriers that have been incorporated or organized for more than three years and are due for a regular examination as of December 31, 1993, or later.

(c) Deferment of regular examination. Annually, each carrier due for a regular examination to be conducted in the following year shall be reviewed by the associate commissioner for the Financial Program of the Texas Department of Insurance to determine whether the carrier's financial strength justifies a deferment of the regular examination. The commissioner may defer the regular examination of a carrier for one year if the carrier has undergone a regular examination within the preceding four years and the following conditions have been met at all times subsequent to that last regular examination:

(1) the carrier's actuarial opinions required by the Insurance Code, Articles 1.11 and 3.28 were not adverse or qualified;

(2) the carrier is subject to the requirements of the Insurance Code, Article 1.15A, or otherwise provides annually to the department an audit of its financial condition conducted by an independent certified public accountant, and the annual audits by its accountant did not indicate the existence of any material adverse financial conditions in the carrier;

(3) the carrier has not been the subject of administrative or regulatory actions taken by the Texas Department of Insurance as provided by the Insurance Code, Articles 1.10A, 1.32, or 21.28-A, or similar actions taken by any other regulatory body;

(4) all changes in control of the carrier have been properly approved by the Texas Department of Insurance as required by the Insurance Code, Article 21.49-1.

(5) the carrier has the amount of minimum risk-based capital and surplus required by §7.401 of this title (relating to

Minimum Risk-Based Capital and Surplus Requirements for Life, Accident and Health Insurers) or §7.410 of this title (relating to Minimum Risk-Based Capital and Surplus Requirements for Stock Property and Casualty Insurers), or meets the requirements of the Insurance Code, Article 2.20, §(f) (relating to Requirements for Non-stock Property and Casualty Insurers);

(6) the carrier's unassigned funds (surplus) account is a positive balance;

(7) the carrier has not experienced an operational (net) loss for any calendar year equal to or greater than 10% of its capital and surplus accounts at the beginning of such calendar year;

(8) the carrier's capital and surplus accounts have not decreased 15% or more during any calendar year;

(9) the carrier's investment in bonds designated as Class 3, 4, 5, or 6 by the Securities Valuation Office of the National Association of Insurance Commissioners is less than 200% of the carrier's capital and surplus accounts;

(10) the carrier's net written accident and health insurance premiums (annualized) are less than 350% of its capital and surplus accounts;

(11) the net written premiums (annualized) of a property and casualty carrier are less than 250% of its capital and surplus accounts;

(12) the National Association of Insurance Commissioners has not deemed the carrier to be a priority one company; and

(13) the carrier has not appeared as one of the top ten insurers on the complaint ratio listing maintained by the department at any time during the year of the annual review provided for in this subsection.

(d) Nothing in this section shall be construed to limit the commissioner's authority to examine a carrier as frequently as the commissioner deems necessary.

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

Issued in Austin, Texas, on March 16, 1994.

TRD-9437676 Linda K. von Quintus-Dorn
Chief Clerk
Texas Department of
Insurance

Effective date: April 6, 1994

Proposal publication date: December 21, 1993

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

OPEN MEETINGS

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

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

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

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

Texas Department of Agriculture

Monday, March 28, 1994, 10:00 a.m.

Hidalgo County Extension Office, 410 North 13th

Edinburg

According to the complete agenda, the Texas Boll Weevil Eradication Foundation will hold a public hearing in accordance with the Texas Agriculture Code Annotated, §74.114 (1994 Supplement), to provide information to the public regarding the proposed eradication program to be implemented in the proposed Lower Rio Grande Valley Boll Weevil Eradication Zone.

Contact: Frank Myers, Route 1, Box 7, Reydon, Oklahoma 73660, (405) 655-4621.

Filed: March 16, 1994, 11:37 a.m.

TRD-9437683

Monday, March 28, 1994, 1:30 p.m.

Texas A&M Center, Hoblitzelle Auditorium, 2401 East Highway 83

Weslaco

According to the complete agenda, the Texas Boll Weevil Eradication Foundation will hold a public hearing in accordance with the Texas Agriculture Code Annotated, §74.114 (1994 Supplement), to provide information to the public regarding the proposed eradication program to be implemented in the proposed Lower Rio Grande Valley Boll Weevil Eradication Zone.

Contact: Frank Myers, Route 1, Box 7, Reydon, Oklahoma 73660, (405) 655-4621.

Filed: March 16, 1994, 11:37 a.m.

TRD-9437682

Texas Appraiser Licensing and Certification Board

Thursday, March 24, 1994, 1:00 p.m.

Conference Room 235, 1101 Camino La Costa

Austin

According to the complete agenda, the Texas Appraiser Licensing and Certification Board will hold a workshop to discuss and develop a Code of Professional Conduct and Ethics for appraisers certified and licensed by the Board, to be incorporated into the rules of the Texas Appraiser Licensing and Certification Board, in 22 TAC §153.20 or another section.

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

Filed: March 16, 1994, 4:30 p.m.

TRD-9437704

Friday, March 25, 1994, 9:00 a.m.

Room 3.120, Joe C. Thompson Conference Center, University of Texas, 26th Street and Red River

Austin

According to the complete agenda, the Texas Appraiser Licensing and Certification Board will call to order; consideration of

the minutes of the February 25, 1994, TALCB meeting; comments and presentation from visitors; discussion of a Code of Professional Conduct and Ethics for appraisers certified and licensed by the Board, and possible proposed amendments to 22 TAC §153.20 or in another section of the Rules of the Texas Appraiser Licensing and Certification Board; discussion and possible action concerning complaint procedures, investigations, and disciplinary hearings; discussion and possible proposed amendments to 22 TAC §§153.5, 153.9, and 153.20, concerning payment of fees by cashier's check or money order and related disciplinary action; discussion and possible action concerning the Board's request for an Attorney General opinion, the response, and legal counsel's advice concerning the Board's authority and jurisdiction; Appraisal Subcommittee's response; discussion and possible action concerning the application, certification/licensing or other board procedures, policies, and interpretations; discussion and possible action concerning filed complaints; discussion and possible action concerning the operating budget and other fiscal matters; staff reports; selection of date of subsequent meetings, and adjourn.

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

Filed: March 17, 1994, 9:48 p.m.

TRD-9437733

According to the complete agenda, the

State Employee Charitable Campaign

Saturday, March 26, 1994, 10:00 a.m.

2000 East MLK Boulevard

Austin

According to the complete agenda, the State Policy Committee will call to order; approval of minutes of February 5, 1994, meeting; communications; State Policy Committee organization; report from State Advisory Committee; selection of State Campaign Manager; discussion of allowance for SECC eligibility contingencies; decisions on eligibility of statewide federations and funds; consideration of appeals process; consideration of role and responsibilities of State Campaign Manager; and discussion of agenda, date, and time for next meeting.

Contact: Tom Tobin, 1400 Rio Grande, Austin, Texas 78701, (512) 473-2249.

Filed: March 16, 1994, 1:51 p.m.

TRD-9437688

Texas Cosmetology Commission

Saturday, March 26, 1994, 9:00 a.m.

Texas Cosmetology Commission Hearing Room, 5717 Balcones Drive

Austin

According to the complete agenda, the Texas Cosmetology Commission will call to order; introductions; and the Commission will go into executive session pursuant to Texas Government Code, §551.071, to seek the advice and consult with their attorney regarding pending or contemplated litigation. The Commission will reconvene in open session to vote on any matters necessary as a result of its executive session pursuant to Texas Government Code, §551.071. The Commission will go into executive session pursuant to Texas Government Code, §551.074, to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or to hear complaints or charges against an officer or employee. The Commission will reconvene in open session to vote on any matters necessary as a result of its executive session pursuant to Texas Government Code, §551.074. The Commission will go into executive session pursuant to Texas Government Code, §551.074, to discuss matters involving the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer, the Executive Director of the Commission, or to hear complaints against the Executive Director. The Commission will reconvene in open

session to vote on any matters necessary as a result of its executive session pursuant to Texas Government Code, §551.074, and adjourn.

Contact: Alicia C. Ayres, 5717 Balcones Drive, P.O. Box 26700, Austin, Texas 78755-0700, (512) 454-4674.

Filed: March 16, 1994, 1:59 p.m.

TRD-9437689

Texas State Board of Dental Examiners

Friday, March 25, 1994, 1:00 p.m.

333 Guadalupe, Tower Three, Suite 3800

Austin

According to the agenda summary, the Credentials Review Committee will call to order, roll call, approval of past committee minutes, review of an recommendations regarding applications for licensure by credentials, review discussion and recommendation for amendment of criteria for licensure by credentials, announcements and adjournment.

Contact: C. Thomas Camp, 333 Guadalupe, Tower Three, Suite 3800, Austin, Texas 78701, (512) 463-6400.

Filed: March 15, 3:21 p.m.

TRD-9437617

Texas Office for Prevention of Developmental Disabilities

Wednesday, March 23, 1994, 10:00 a.m.

4900 North Lamar Boulevard

Austin

According to the complete agenda, the Statewide Bicycle Helmet and Safety Coalition Meeting will call to order; introductions; subcommittee reports: legislation, education, data collection, and helmet distribution; bicycle safety grant report; new issues and discussion; meeting schedule; and adjournment.

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

Filed: March 16, 1994, 2:40 p.m.

TRD-9437692

Texas Education Agency (TEA)

Monday, March 28, 1994, 10:00 a.m.

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

Austin

According to the complete agenda, the Academic Excellence Indicator System will consider approval of minutes from February 28, 1994, meeting; update on the proposed accountability system; review of sample report cards from other states; review and discussion of prototype of ABIS Family Report Card; and issues and options regarding the commissioner's rules for disseminating the Family Report Card.

Contact: Cherry Kugle, 1701 North Congress Avenue, Austin, Texas 78701-1494, (512) 463-9701.

Filed: March 17, 1994, 9:47 a.m.

TRD-9437732

Advisory Commission on State Emergency Communications

Wednesday, March 23, 1994, 8:00 a.m.

John H. Reagan Building, Room 104, 15th Street and North Congress Avenue

Austin

According to the agenda summary, the Call Box Task Force Committee will call the meeting to order and recognize guests; hear public comment; staff report; update on Call Box project, Call Box configuration for Travis County; report on Call Box subcommittee's discussions on components for State of Texas Call Box model; consider future action on Call Box activities and adjourn.

Persons requesting interpreter services for the hearing- and speech-impaired should contact Velia Williams at (512) 327-1911 at least two working days prior to the meeting.

Contact: Jim Goerke, 1101 Capital of Texas Highway South, B-100, Austin, Texas 78746, (512) 327-1911.

Filed: March 15, 1994, 5:07 p.m.

TRD-9437634

Wednesday, March 23, 1994, 9:00 a.m.

John H. Reagan Building, Room 101, 15th Street and North Congress Avenue

Austin

According to the agenda summary, the Planning and Implementation Committee will call to order and recognize guests; hear public comment; staff report on update on

PCS Wireless Communications and related topics; surcharge assessment from private switch service providers; survey results of University PBX's for Private Switch 9-1-1; Attorney General's Opinion on whether 9-1-1 fees can be collected on cellular services; update on Telepak equipment upgrade; response from U.S. Department of Justice on TDD Redundancy Issue; discuss and consider public comments received on proposed Rules 251.5 and 251.6; review and consider proposed 9-1-1 plan amendments; discuss and consider strategic plan implementation issues and adjourn.

Persons requesting interpreter services for the having- and speech-impaired should contact Velia Williams at (512) 327-1911 at least two working days prior to the meeting.

Contact: Jim Goerke, 1101 Capital of Texas Highway South, B-100, Austin, Texas 78746, (512) 327-1911.

Filed: March 15, 1994, 4:24 p.m.

TRD-9437625

Wednesday, March 23, 1994, 11:00 a.m.
15th Street and North Congress Avenue,
John H. Reagan Building, Room 103
Austin

According to the agenda summary, the Addressing Committee will call the meeting to order and recognize guests; hear public comment; staff report: Attorney General Opinion on appraisal districts participation in addressing, discuss and consider public comments received on Proposed Rule 251.1 (Regional Plans for 9-1-1 Service) for final adoption, review and consideration of proposed addressing plan amendments; discuss and consider strategic plan implementation issues and adjourn.

Persons requesting interpreter services for the having- and speech-impaired should contact Velia Williams at (512) 327-1911 at least two working days prior to the meeting.

Contact: Jim Goerke, 1101 Capital of Texas Highway South, B-100, Austin, Texas 78746, (512) 327-1911.

Filed: March 15, 1994, 5:07 p.m.

TRD-9437633

Wednesday, March 23, 1994, 1:00 p.m.
John H. Reagan Building, Room 106, 15th Street and North Congress Avenue
Austin

According to the complete agenda, the Administration Committee will call the meeting to order and recognize guests; hear public comment; staff report: ASCSE Financial report, office space lease renewal, public education program; discuss and consider survey results and proposed budget for the interagency Emergency Communications Instructor Training Program; discuss and

consider audit of ASCES Financial Operations by State Auditor; discuss and consider potential 9-1-1 relative legislative items and process for handling same; discuss and consider South Texas Development Council's proposed amendment to administrative budget; discuss and consider Golden Crescent Council of Government's proposed amendment to administrative budget; discuss and consider strategic plan implementation issues; and adjourn.

Persons requesting interpreter services for the having- and speech-impaired should contact Velia Williams at (512) 327-1911 at least two working days prior to the meeting.

Contact: Jim Goerke, 1101 Capital of Texas Highway South, B-100, Austin, Texas 78746, (512) 327-1911.

Filed: March 15, 1994, 5:07 p.m.

TRD-9437632

Wednesday, March 23, 1994, 2:00 p.m.
John H. Reagan Building, Room 101, 15th Street and North Congress Avenue
Austin

According to the agenda summary, the Poison Control Implementation Committee will call the meeting to order and recognize guests; hear public comment; staff report; current status of Poison Control program, financial report, discuss and consider any recommended changes by the Texas Department of Health Board of proposed rule for grants and contracts for regional Poison Control centers; discuss and consider any public comments received on proposed rule for grants and contracts regional Poison Control centers; discuss and consider items relating to advisory committees under Senate Bill 383; Sunset evaluation, evaluation criteria, composition of committee; discuss and consider travel reimbursement for Poison Control Coordinating Committee members; discuss and consider strategic plan implementation issues; discuss and consider any Poison Control coordinating Committee recommendations and adjourn.

Persons requesting interpreter services for the having- and speech-impaired should contact Velia Williams at (512) 327-1911 at least two working days prior to the meeting.

Contact: Jim Goerke, 1101 Capital of Texas Highway South, B-100, Austin, Texas 78746, (512) 327-1911.

Filed: March 15, 1994, 4:24 p.m.

TRD-9437624

Wednesday, March 23, 1994, 3:00 p.m.
John H. Reagan Building, Room 106, 15th Street and North Congress Avenue
Austin

According to the complete agenda, the Commission will call to order and recognize guests; discussion and commission action

on strategic plan implementation; hear staff reports; if necessary, discussion of other commission activities; consider approval on January and February meeting minutes and adjourn.

Persons requesting interpreter services for the having- and speech-impaired should contact Velia Williams at (512) 327-1911 at least two working days prior to the meeting.

Contact: Jim Goerke, 1101 Capital of Texas Highway South, B-100, Austin, Texas 78746, (512) 327-1911.

Filed: March 15, 1994, 5:07 p.m.

TRD-9437635

Texas Commission on Fire Protection

Tuesday, March 29, 1994, 9:00 a.m.
3006B Longhorn Boulevard
Austin

According to the complete agenda, the Fireworks Advisory Council will meet to discuss and approve minutes of previous council meeting, discussion and possible action regarding staff briefing on statewide fire statistics, including fireworks related fires and injuries, discussion and possible action regarding current agency enforcement of statutes and rules, discussion and possible action regarding agency public education related to fireworks, new matters not include in preceding agenda items which may be discussed in future council meetings and discussion and possible action on future meeting dates.

Contact: Carol Menchu, 3006B Longhorn Boulevard, Austin, Texas 78758, (512) 873-1700.

Filed: March 15, 1994, 4:24 p.m.

TRD-9437628

Wednesday-Friday, April 13-15, 1994, 9:00 a.m.
3006B Longhorn Boulevard
Austin

According to the complete agenda, the Fire Protection Personnel Advisory Committee will call to order; discussion and approval of minutes from the meeting held on March 2-3, 1994; discussion and possible action concerning rules pending before the Texas Commission on Fire Protection relating to paid fire protection personnel, part-time fire protection employees, and local fire departments regulated under Government Code, Chapter 419, Subchapter B; and discussion and possible action on future meeting dates, agenda items, and locations.

Contact: Jack Woods, 3006B Longhorn Boulevard, Austin, Texas 78768, (512) 873-1700.

Filed: March 16, 1994, 10:26 a.m.

TRD-9437680

Thursday, April 14, 1994, 9:00 a.m.

3006B Longhorn Boulevard

Austin

According to the complete agenda, the Fire Protection (Sprinkler) Advisory Council will discuss and possible action regarding proposed rule amendments, new sections, or repeals to 37 TAC Chapter 541 concerning fire sprinkler systems; discussion and possible action regarding application of Article 5. 43-3, Texas Insurance Code, to unlicensed sprinkler contractors; discussion and possible action regarding interpretations of sprinkler statute and rules and discussion and possible action on future meetings dates.

Contact: Carol Menchu, 3006B Longhorn Boulevard, Austin, Texas 78758, (512) 873-1700.

Filed: March 15, 1994, 4:24 p.m.

TRD-9437627

Health Professions Council

Thursday, March 24, 1994, 10:00 a.m.

1812 Centre Creek Drive, Room 203

Austin

According to the agenda summary, the Council will receive the minutes from the January 25, 1994 organizational meeting, receive reports from interim committees for rules and bylaws, board member training and budget and planning; review correspondence from the office of the Attorney General and consider new business related to posting of meetings, statutory changes sought for various acts and review meetings held with the Governor's Office of Budget and Planning and the General Services Commission.

Contact: Louise Waddill, 9101 Burnet Road, Suite 104, Austin, Texas 78758, (512) 835-8655. TRD-9437603.

Filed: March 15, 1994, 11:45 a.m.

TRD-9437603

Texas Department of Housing and Community Affairs

Friday, March 25, 1994, 9:30 a.m.

Clements Building, Committee Room 1, Fifth Floor, 300 West 15th Street

Austin

According to the agenda summary, the Board of the Texas Department of Housing and Community Affairs will meet to con-

sider and possibly act on: approval of minutes of February 21-22, 1994; Community Development Block Grant proposed final statement; review of annual budget; income limits for multi-family properties; approval to form a non-profit organization, Texas Housing Corporation, and authorize executive director to execute all documents necessary to create the non-profit; executive session-THA MF Housing revenue bonds (Mutual Benefit Life Mortgage Loan Guarantor) and anticipated litigation (general counsel to give report on litigation under \$551,071 and \$551,103, Texas Government Code, litigation exception); act on recommendations and information provided during executive session under litigation item; executive director's report; and adjourn.

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

Filed: March 16, 1994, 3:39 p.m.

TRD-9437700

Tuesday-Wednesday April 5-6, 1994, at 2:00 p.m. and 9:00 a.m. respectively

John H. Reagan Building, Room 101, West 15th and North Congress

Austin

According to the complete agenda, the State Review Committee will discuss funding recommendations on the planning/capacity building fund applications; funding recommendations on the community development fund and appeals for the community development fund and planning/capacity building fund.

Individuals who require auxiliary aids or services for this meeting should contact Aurora Carvajal, ADA responsible employees, 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: Ruth Cedillo, P.O. Box 13941, Austin, Texas 78711, (512) 475-3882.

Filed: March 15, 1994, 4:33 p.m.

TRD-9437630

Department of Information Resources

Friday, March 25, 1994, 9:30 a.m.

John H. Reagan Building, Room 106, 105 West 15th Street

Austin

According to the agenda summary, the Board will consider adoption of December 17, 1993, meeting minutes; discussion and final adoption of proposed 1 TAC 201.5(g) related to Quality Assurance Process for Major Information Resources Projects; discussion and action on issues related to proposed transfer of functions between the De-

partment and the General Services Commission; update on actions related to the Council on Competitive Government Recommendations regarding the Information Services Division; update on Angelo State University Project; executive session; and Executive Director's report.

Contact: John Hawkins, 300 West 15th Street, Austin, Texas 78701, (512) 475-4714.

Filed: March 15, 1994, 5:10 p.m.

TRD-9437636

Texas Department of Insurance

Thursday, March 31, 1994, 2:00 p.m.

Houston City Council Chambers, 901 Bagby Street

Houston

According to the agenda summary, the Commissioner of Insurance will hold a public hearing in Docket Number 2089, to discuss difficulties in the purchase of insurance coverage by residents and small businesses in the inner city. This will be a meeting for discussion only and no decisions will be made. The meeting will begin at 2:00 p.m. and close at 7:00 p.m. The general public is invited to attend and if desiring to comment, completion of a witness card is requested. Witness cards will be available at the meeting place prior to the meeting.

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

Filed: March 16, 4:30 p.m.

TRD-9437707

Monday, April 4, 1994, 9:00 a.m.

333 Guadalupe Street, Room 100

Austin

According to the complete agenda, the Commissioner of Insurance will hold a hearing in Docket Number 2090, to consider two nominations for reappointment to the Board of Directors of the Texas Catastrophe Property Insurance Association (TCPIA), pursuant to Article 21.49, §5A, Texas Insurance Code. Any person may appear and testify for or against the proposed reappointments.

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

Filed: March 16, 1994, 4:30 p.m.

TRD-9437706

Texas Board of Professional Land Surveying

Friday, April 1, 1994, 9:00 a.m.

7701 North Lamar Boulevard, Suite 400
Austin

According to the complete agenda, the Board will meet to approve the minutes of the previous meeting; to hear a presentation from Ron Hall; to consider and act upon complaints #92-22 and 25, #93-28, and #94-24; to hear presentations of all active complaints and show cause actions; to hear presentation of committee reports; to discuss correspondence; to discuss old business and to consider new business. Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services such as interpreters for persons who are deaf or hearing impaired, readers, large print or braille, are requested to contact Sandy Smith at (512) 452-9427 two work days prior to the meeting so that appropriate arrangements can be made.

Contact: Sandy Smith, 7701 North Lamar Boulevard, Suite 400, Austin, Texas 78752, (512) 452-9427.

Filed: March 15, 1994, 2:09 p.m.

TRD-9437615

Texas Lottery Commission

Friday, March 25, 1994, 10:00 a.m.

6937 North IH-35, American Founders Building, Fifth Floor, Room 523

Austin

According to the complete agenda, the Texas Lottery Commission will call the meeting to order; approval of minutes of the February 17, 1994, meeting; consideration and possible approval and/or execution and possible delegation from the Texas Lottery Commission to the Executive Director of a transition agreement and related interagency contracts between the Texas Lottery Commission and the Texas Alcoholic Beverage Commission; consideration and possible proposal of future locations of Texas Lottery Commission meetings; consideration and possible proposal of rules relating to the lottery security plan; consideration and possible adoption of rule relating to compliance of lottery licensees and applicants with the Americans with Disabilities Act; consideration and possible adoption of rules relating to the administration of the State Lottery Act, including rules relating to practice and procedures before the Texas Lottery Commission and rules relating to licensing of sales agents; consideration and possible proposal of rules relating to sales criteria for lottery retailers; consideration and possible entry on an order in contested case hearing

Number L-23-A, regarding Bon Ton Liquor Store; may meet in executive session on any items listed above as authorized by the Open Meetings Act; and adjournment.

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

Contact: Michelle Guerrero, 6937 North IH-35, Austin, Texas 78758, (512) 323-3791.

Filed: March 15, 1994, 2:28 p.m.

TRD-9437690

Texas State Board of Medical Examiners

Thursday, March 24, 1994, 9:00 a.m.

1812 Centre Creek Drive, Suite 300

Austin

According to the agenda summary, the Hearings Division will consider probation appearances, modification requests, and termination requests.

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

Filed: March 16, 1994, 4:30 p.m.

TRD-9437705

Texas Department of Mental Health and Mental Retardation

Thursday, March 24, 1994, 6:00 p.m.

Travis State School, Recreation Building, Gymnasium, 8509 FM 969

Austin

According to the complete agenda, the Travis State School Alternate Use Committee will consider chairman's comments; public comments on draft of "Goals and Objectives for the Alternate Use of Travis State School"; consideration of adoption of goals and objectives for recommendation to the TXMHMR Board; presentation of Travis County Community Justice Center Proposal; public comments on Travis County Community Justice Center Proposal; consideration of a recommendation to the TXMHMR Board regarding the Travis County Community Justice Center Proposal; and adjourn.

Contact: Steve Craddock, 909 West 45th Street, Austin, Texas 78711, (512) 454-3761.

Filed: March 16, 1994, 9:47 a.m.

TRD-9437674

Friday, March 25, 1994, 9:30 a.m.

TXMHMR Central Office, 909 West 45th Street

Austin

Revised Agenda

According to the agenda summary, the TXMHMR Board will call to order; roll call; citizens' comments; and issues to be considered per revised agenda: item 7 added to agenda.

If ADA assistance or deaf interpreters are required, notify TXMHMR, (512) 323-3255, Ernest Fuentes, 72 hours prior to the meeting.

Contact: Dennis R. Jones, 909 West 45th Street, Austin, Texas 78751, (512) 465-4506.

TRD-9437735

Texas National Guard Armory Board

Friday, March 25, 1994, 3:00 p.m.

Armory Board Conference Room, 2200 West 35th, Building 64, Camp Mabry

Austin

According to the agenda summary, the Texas National Guard Armory Board will consider administrative matters; executive director's update; construction/renovation/maintenance update; property/leases; and establish date of next meeting.

Contact: Sandra Hille, P.O. Box 5426, Austin, Texas 78763, (512) 406-6907.

Filed: March 17, 1994, 9:15 a.m.

TRD-9437723

Texas Natural Resource Conservation Commission

Thursday, March 24, 1994, 10:00 a.m.

6300 Ocean Drive, Texas A&M University-Corpus Christi, Conrad Butcher Institute, Main Conference Room

Corpus Christi

According to the complete agenda, the Management Committee of the Corpus Christi Bay National Estuary Program will call to order/introduction/minutes; State-EPA Management Conference agreement; fiscal year 1995 annual work plan; staff report and discussion; and additional items/adjourn.

Contact: Mary Ruth Holder, 12124 Park 35 Circle, Austin, Texas 78753, (512) 463-8069.

Filed: March 16, 1994, 3:26 p.m.

TRD-9437698

Tuesday, March 29, 1994, 10:00 a.m.

Stephen F. Austin State Office Building,
Room 1149B, 1700 North Congress Avenue
Austin

According to the agenda summary, the Office of Hearings Examiners will meet for a hearing before a hearings examiner on an appeal (Docket Number 30371-A) by Highsaw Water Corporation, concerning the City of Coffee City's City Council decision adopted on December 4, 1993, setting water rates to customers at a lower rate than requested by Highsaw Water Corporation.

Contact: Pat Robards, P.O. Box 13087,
Austin, Texas 78711-3087, (512) 463-7875.

Filed: March 15, 1994, 4:01 p.m.

TRD-9437621

Tuesday, April 5, 1994, 10:00 a.m.

Stephen F. Austin State Office Building,
Room 211, 1700 North Congress Avenue
Austin

According to the agenda summary, the Office of Hearings Examiners will meet for a hearing before a hearings examiner on an appeal by the City of Knollwood concerning wholesale water and sewer rates charged by the City of Sherman (Certificate of Convenience and Necessity Numbers 10203 and 20076) in Grayson County, Texas. This matter has been designated Docket Number 30294-A.

Contact: Jim Bateman, P.O. Box 13087,
Austin, Texas 78711-3087, (512) 463-7875.

Filed: March 15, 1994, 5:11 p.m.

TRD-9437637

Wednesday, April 6, 1994, 10:00 a.m.

Bonham Civic Center (also known as Old Armory Building), at the corner of Highway 56 (formerly Highway 82) and Highway 121

Bonham

Rescheduled from February 23, 1994

According to the agenda summary, the Office of Hearings Examiners will hold a public hearing before a hearings examiner of the Texas Natural Resource Conservation Commission on application made by City of Bonham Municipal Water Authority for a proposed renewal of Permit Number 11172-01, which authorizes the discharge of settled, filtered backwash water at a volume not to exceed an average low of 285,000 gallons per day from the water treatment plant. The plant site is north of the City of Bonham on Lake Bonham just west of FM Road 898, approximately two miles north of the intersection of FM Road 898 and State Highway 78 in Fannin County, Texas.

Contact: Carol Wood, P.O. Box 13087,
Austin, Texas 78711-3087, (512) 463-7875.

Filed: March 15, 1994, 5:12 p.m.

TRD-9437641

Thursday, April 7, 1994, 10:00 a.m.

City of Harlingen City Hall-Town Hall, 118 East Tyler

Harlingen

According to the agenda summary, the Office of Hearings Examiners will hold a public hearing before a hearings examiner of the Texas Natural Resource Conservation Commission on application made by Palm Valley Estates Utility District for proposed amendment to Permit Number 10972-02 to authorize the disposal of sludge from the facility on 20 acres of land. The amendment will also enforce more stringent effluent limitations as needed. The permit authorizes the disposal of treated domestic wastewater by evaporation and irrigation on a 145-acre golf course. The disposal volume is not to exceed an average of 280,000 gallons per day. Application rates for the irrigated land shall not exceed 3.6 acre-feet/acre/year. The facility and irrigation site are at 5400 Bougainvilles Drive in Harlingen, Cameron County, Texas. The proposed sludge land application site is approximately 1.5 miles north-northwest of Santa Rosa on North Rabb Road in Cameron County, Texas.

Contact: Elizabeth Todd, P.O. Box 13087,
Austin, Texas 78711-3087, (512) 463-7875.

Filed: March 15, 1994, 5:12 p.m.

TRD-9437642

Friday, April 8, 1994, 10:00 a.m.

Building C, Room 107W, 12124 Park 35 Circle

Austin

According to the agenda summary, the Office of Hearings Examiners will hold a hearing before a hearings examiner on application for sale, transfer, or merger to amend and transfer Certificate of Convenience and Necessity Number 11837 from GRD Water, Inc. to S-Estates Water Supply Corporation. CCN Number 11837 authorizes the provision of water utility service in Parker County, Texas. The proposed utility area is located approximately four miles north of downtown Weatherford, Texas, and general bounded on the west by State Highway 51 and on the north by Green Branch Road. The total area being requested includes approximately 240 acres and 105 current customers. Docket Number 30059-S.

Contact: Joe O'Neal, P.O. Box 13087,
Austin, Texas 78711-3087, (512) 463-7875.

Filed: March 15, 1994, 5:11 p.m.

TRD-9437638

Office of Hearings Examiners

Monday, April 11, 1994, 10:00 a.m.

Building C, Room 308E, 12124 Park 35 Circle

Austin

According to the agenda summary, the Office of Hearings Examiners will meet for a hearing before a hearings examiner on application by Richland Hidden Springs, Ltd. for a Certificate of Convenience and Necessity to provide water utility service in Bexar County, Texas. The proposed service area is approximately 19 miles northwest of downtown San Antonio, Texas, and generally bounded on the east by Camp Bullis Military Reservation, on the south by Dominion Drive, on the west by Aue Road, and on the north by Camp Bullis Military Reservation. The total area being requested includes approximately 115 acres and no current customers. Docket Number 30276-C.

Contact: Cindy Hurd, P.O. Box 13087,
Austin, Texas 78711-3087, (512) 463-7875.

Filed: March 15, 1994, 5:11 p.m.

TRD-9437639

Tuesday, April 12, 1994, 10:00 a.m.

Odessa City Hall, First Floor Conference Room, 411 West Eighth Street

Odessa

According to the agenda summary, the Texas Natural Resource Conservation Commission will hold a public hearing on application for Air Quality Permit Number 21351 by Lee-Co Coating, to construct and operate a metalizing facility located at 2406 West County Road 140 in Midland, Midland County, Texas.

Contact: Dois Webb, P.O. Box 13087,
Austin, Texas 78711, (512) 239-1575.

Filed: March 15, 1994, 11:30 a.m.

TRD-9437599

Wednesday, April 13, 1994, 10:00 a.m.

TNRCC, 12118 IH-35 North, Building D, Room 100-13N

Austin

According to the agenda summary, the Texas Natural Resource Conservation Commission will hold a public hearing on application for Air Quality Permit Number 411A by Trinity Industries, Inc., to authorize an increase in volatile organic compound emissions from the rail car manufacturing and steel fabricating plant located at 3001 West Pafford, Fort Worth, Tarrant County, Texas. This hearing will also consider whether existing permit numbers R411A, R412A, and R413A will be combined into permit number 411A.

Contact: Mike Coldiron, P.O. Box 13087, Austin, Texas 78711, (512) 239-1260.

Filed: March 15, 1994, 11:31 a.m.

TRD-9437600

Wednesday, April 13, 1994, 10:00 a.m.

Brazos River Authority, Conference Room, 4400 Cobbs Drive

Waco

According to the agenda summary, the Office of Hearings Examiners will hold a public hearing before a hearings examiner of the Texas Natural Resource Conservation Commission on application made by Axtell Independent School District for proposed Permit Number 11576-02 to authorize a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 16,000 gallons per day. The proposed wastewater treatment facility will serve an Axtell Independent School District elementary school. The site is at a point 2,500 feet northeast of the intersection of FM Road 1330 and St. Louis Southwestern Railway, near the community of Axtell, McLennan County, Texas

Contact: Leslie Limes, P.O. Box 13087, Austin, Texas 78711-3087, (512) 463-7875.

Filed: March 15, 1994, 5:17 p.m.

TRD-9437645

Wednesday, April 13, 1994, 1:00 p.m.

Harris County Hockley Community Service Center, 28515 Old Washington Road

Hockley

According to the agenda summary, the Office of Hearings Examiners will hold a public hearing before a hearings examiner of the Texas Natural Resource Conservation Commission on application made by Empak Inc. for a proposed Permit Number 03627 to authorize an intermittent, flow-variable discharge of stormwater. The applicant proposes to operate a railcar cleaning service facility. The plant site is at 17020 Premium Drive in the City of Hockley, Harris County, Texas.

Contact: Bill Zukauckas, P.O. Box 13087, Austin, Texas 78711-3087, (512) 463-7875.

Filed: March 15, 1994, 5:18 p.m.

TRD-9437646

Thursday, April 14, 1994, 10:00 a.m.

TNRCC, 12118 IH-35 at Yager, Building D, Room 100-13N

Austin

According to the agenda summary, the Texas Natural Resource Conservation Commission will hold a public hearing on application for Air Quality Permit Number 23382 by Greenwall Insulation Company to construct and operate an overhead door and

insulation manufacturing facility located one and one-half miles east of downtown Athens on the south side of FM Road 2495 (the former Curtis Mathes plant) immediately east of State Highway 31, in Athens, Henderson County, Texas.

Contact: Matt Baker, P.O. Box 13087, Austin, Texas 78711, (512) 239-1091.

Filed: March 15, 1994, 11:31 a.m.

TRD-9437601

Thursday, April 14, 1994, 10:00 a.m.

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

According to the agenda summary, the Office of Hearings Examiners will meet for a hearing before a hearings examiner on application for sale, transfer, or merger to buy and transfer Certificate of Convenience and Necessity (CCN) Number 11415 from Acton Water Company to Suburban Utilities Company, Inc. (CCN Number 11943) and to amend CCN Number 11943. CCN Number 11415 authorizes the provision of water utility service to the Highland-Royal Oaks Subdivision in Hood County, Texas. The area being transferred is approximately five miles east of downtown Granbury, Texas and is generally bounded on the south and east by FM 208, and on the north by State Highway 377. Docket Number 30265-S.

Contact: Mike Rogan, P.O. Box 13087, Austin, Texas 78711-3087, (512) 463-7875.

Filed: March 15, 1994, 5:12 p.m.

TRD-9437640

Thursday, April 14, 1994, 10:00 a.m.

Dunbar Community Center, 801 MLK
San Marcos

According to the agenda summary, the Office of Hearings Examiners will hold a public hearing before a hearings examiner of the Texas Natural Resource Conservation Commission on application made by City of San Marcos for renewal of Permit Number 10273-02, which will authorize a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 6,250,000 gallons per day from the Plant Number 2 wastewater treatment facilities. The plant site is on the north bank of the San Marcos River, approximately 4,000 feet east of the intersection of State Highway 123 and Interstate Highway 35 in the City of San Marcos, Hays County, Texas.

Contact: Tommy Broyles, P.O. Box 13087, Austin, Texas 78711-3087, (512) 463-7875.

Filed: March 15, 1994, 5:18 p.m.

TRD-9437647

Thursday, April 21, 1994, 9:00 a.m.

Ellis County Courthouse, Commissioner's Courtroom, 113 West Franklin

Waxahachie

According to the agenda summary, the Office of Hearings Examiners will hold a public hearing before a Hearings Examiner of the Texas Natural Resource Conservation Commission on application made by Petroleum Wholesale, Inc. for a proposed Permit Number 13677-01 to authorize the disposal of treated domestic sewage effluent by evaporation. The disposal volume is not to exceed an average of 15,000 gallons per day. The wastewater treatment facility will be located on the northwest corner of the intersection of Interstate Highway 35 and FM Road 1304, approximately one mile north of the City of Abbott in Hill County, Texas. The disposal/evaporation site will be approximately 0.25 mile south-southeast of the treatment facility.

Contact: Linda Sorrells, P.O. Box 13087, Austin, Texas 78711-3087, (512) 463-7875.

Filed: March 15, 1994, 5:19 p.m.

TRD-9437650

Thursday, April 21, 1994, 10:00 a.m.

City Hall, Council Room, 111 North Church Street

Dayton

According to the agenda summary, the Office of Hearings Examiners will hold a public hearing before a hearings examiner of the Texas Natural Resource Conservation Commission on application made by Baker Performance Chemicals Incorporated for an amendment to Permit Number 01969 in order to change from a discharge permit with provisions for irrigation to a direct discharge from a modified wastewater treatment system. The proposed amendment would authorize a direct discharge not to exceed an average flow of 26,500 gallons per day via Outfall 001 and eliminate Outfall 002. The proposed amendment will also enforce more stringent effluent limitations and requirements as needed. The plant site is north of and adjacent to U.S. Highway 90, approximately five miles southwest of the City of Dayton, and approximately 1/2 mile east of FM Road 1413 in Liberty County, Texas.

Contact: Joe O'Neal, P.O. Box 13087, Austin, Texas 78711-3087, (512) 463-7875.

Filed: March 15, 1994, 5:18 p.m.

TRD-9437648

Thursday, April 21, 1994, 1:00 p.m.

Ellis County Courthouse, Commissioner's Courtroom, 113 West Franklin

Waxahachie

According to the agenda summary, the Office of Hearings Examiners will hold a public hearing before a hearings examiner of the Texas Natural Resource Conservation

Commission on application made by City of Bardwell for proposed Permit Number 13675-01 to authorize a discharge of treated domestic wastewater effluent at a final volume not to exceed an average flow of 59,000 gallons per day. The applicant is also requesting a variance to the buffer zone requirements. The proposed wastewater treatment facility will serve the City of Bardwell and is located approximately 1,500 feet northeast of the intersection of FM Road 984 and State Highway 34, and approximately 1,000 feet northwest of State Highway 34 and FM Road 985 in Ellis County, Texas.

Contact: Linda Sorrells, P.O. Box 13087, Austin, Texas 78711-3087, (512) 463-7875.

Filed: March 15, 1994, 5:18 p.m.

TRD-9437649

Texas Board of Pardons and Paroles

Monday-Friday, March 28-April 1, 1994, 9:00 a.m.

1212 North Velasco, Suite 201

Angleton

According to the agenda summary, a panel(s) of the Board of Pardons and Paroles composed of three board members will meet to receive, review, and consider information and reports concerning prisoners/inmates and administrative releasees subject to the board's jurisdiction and initiate and carry through with appropriate actions to include decisions involving the withdrawal of warrants, issuing of subpoenas, the imposition of special conditions of parole, and requests for parole services.

Contact: Juanita Llamas, 8610 Shoal Creek Boulevard, Austin, Texas 78758, (512) 406-5407.

Filed: March 17, 1994, 8:46 a.m.

TRD-9437717

Monday-Friday, March 28-April 1, 1994, 1:30 p.m.

2503 Lake Road, Suite #2

Huntsville

According to the agenda summary, a panel(s) of the Board of Pardons and Paroles composed of three board members will meet to receive, review, and consider information and reports concerning prisoners/inmates and administrative releasees subject to the board's jurisdiction and initiate and carry through with appropriate actions to include decisions involving the withdrawal of warrants, issuing of subpoenas, the imposition of special conditions of parole, and requests for parole services.

Contact: Juanita Llamas, 8610 Shoal Creek Boulevard, Austin, Texas 78759, (512) 406-5407.

Filed: March 17, 1994, 8:46 a.m.

TRD-9437721

Monday-Wednesday, March 28-30, 1994, 1:30 p.m.

1550 East Palestine, Suite 100

Palestine

According to the agenda summary, a panel(s) of the Board of Pardons and Paroles composed of three board members will meet to receive, review, and consider information and reports concerning prisoners/inmates and administrative releasees subject to the board's jurisdiction and initiate and carry through with appropriate actions to include decisions involving the withdrawal of warrants, issuing of subpoenas, the imposition of special conditions of parole, and requests for parole services.

Contact: Juanita Llamas, 8610 Shoal Creek Boulevard, Austin, Texas 78759, (512) 406-5407.

Filed: March 17, 1994, 8:46 a.m.

TRD-9437719

Thursday-Friday, March 31-April 1, 1994, 9:30 a.m.

1550 East Palestine, Suite 100

Palestine

According to the agenda summary, a panel(s) of the Board of Pardons and Paroles composed of three board members will meet to receive, review, and consider information and reports concerning prisoners/inmates and administrative releasees subject to the board's jurisdiction and initiate and carry through with appropriate actions to include decisions involving the withdrawal of warrants, issuing of subpoenas, the imposition of special conditions of parole, and requests for parole services.

Contact: Juanita Llamas, 8610 Shoal Creek Boulevard, Austin, Texas 78759, (512) 406-5407.

Filed: March 17, 1994, 8:46 a.m.

TRD-9437718

Thursday-Friday, March 31-April 1, 1994, 1:00 p.m. and 9:00 a.m. respectively

Route 5, Box 258 A

Gatesville

According to the agenda summary, a panel(s) of the Board of Pardons and Paroles composed of three board members will meet to receive, review, and consider information and reports concerning prisoners/inmates and administrative releasees subject to the board's jurisdiction and initiate and

carry through with appropriate actions to include decisions involving the withdrawal of warrants, issuing of subpoenas, the imposition of special conditions of parole, and requests for parole services.

Contact: Juanita Llamas, 8610 Shoal Creek Boulevard, Austin, Texas 78759, (512) 406-5407.

Filed: March 17, 1994, 8:46 a.m.

TRD-9437720

Texas Parks and Wildlife Department

Wednesday, March 23, 1994, 10:00 a.m.

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

Austin

According to the agenda summary, the Regulation Committee of the Texas Parks and Wildlife Commission will approve committee minutes from the January 19, 1994 meeting; statewide hunting and fishing proclamation; public hunting proclamation; list of state parks proposed for public hunting wildlife management association areas hunting lease license rules; briefing on migratory game bird harvest information program (HIP); briefing on proposed early season migratory games bird hunting proclamation; shrimp management proclamation; tarpon tag fee; Fayette petition and exotic permit rules.

Contact: Andrew Sansom, 4200 Smith School Road, Austin, Texas 78744, (512) 389-4802.

Filed: March 15, 1994, 1:09 p.m.

TRD-9437607

Wednesday, March 23, 1994, 1:00 p.m.

Parks and Wildlife Headquarters-Executive Office Conference Room, 4200 Smith School Road

Austin

According to the agenda summary, the Policy and Planning Committee of the Texas Parks and Wildlife Commission will approve committee minutes from January 19, 1994 meeting; briefing on status of the Pedernales Falls State Park Environmental Audit; briefing on proposal to develop guidelines for easements and similar activities; briefing proposal to develop a mitigation policy; update of strategic plan revision process; briefing on international affairs coordinator activities; update on other activities of the intergovernmental affairs office-A. update on land classification activities, B. land classification activities, C. commission policy manual revisions and other business.

Contact: Andrew Sansom, 4200 Smith School Road, Austin, Texas 78744, (512) 389-4802.

Filed: March 15, 1994, 1:09 p.m.

TRD-9437608

Wednesday, March 23, 1994, 2:00 p.m.

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

Austin

According to the agenda summary, the Finance Committee and Capital Projects Committee (Joint Meeting) of the Texas Parks and Wildlife Commission will approve committee minutes from the January 19, 1994 meeting; revenue and expenditure projections for Fiscal Year 1995; license fee proposal; internal audit report and other business. NOTE: Finance Committee and Capital Projects Committee-Joint Meeting.

Contact: Andrew Sansom, 4200 Smith School Road, Austin, Texas 78744, (512) 389-4802.

Filed: March 15, 1994, 1:09 p.m.

TRD-9437609

Wednesday, March 23, 1994, 2:00 p.m.

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

Austin

According to the agenda summary, the Capital Projects Committee of the Texas Parks and Wildlife Commission will hold a notice of closed meeting to approve committee minutes from the January 19, 1994 meeting; land acquisition-Presidio county.

Contact: Andrew Sansom, 4200 Smith School Road, Austin, Texas 78744, (512) 389-4802.

Filed: March 15, 1994, 1:09 p.m.

TRD-9437610

Wednesday, March 23, 1994, 6:00 p.m.

Ruth's Chris Steakhouse, 3010 Guadalupe Street

Austin

According to the agenda summary, the members of the Texas Parks and Wildlife Commission plan to have dinner at 6:30 p.m., March 23, 1994. Although this function is primarily a social event and no formal action is planned, the Commission may discuss items on the public hearing scheduled for 9:00 a.m., March 24, 1994.

Contact: Andrew Sansom, 4200 Smith School Road, Austin, Texas 78744, (512) 389-4802.

Filed: March 15, 1994, 1:08 p.m.

TRD-9437604

Thursday, March 24, 1994, 9:00 a.m.

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

Austin

According to the agenda summary, the Texas Parks and Wildlife Commission will approve commission minutes from January 20, 1994 meeting; presentation of retirement certificates and service awards; proposed 1994-1995 shrimp management regulations; proposed 1994-1995 statewide hunting and fishing regulations; proposed tarpon tag fees; proposed amendments to the public hunting lands hunting and fishing proclamation and public hunts on state parks; proposed new regulations relating to wildlife association area hunting lease licenses; marking of vehicles; wildlife rehabilitation permits; urban park and recreation recovery program and land acquisition-Presidio county.

Contact: Andrew Sansom, 4200 Smith School Road, Austin, Texas 78744, (512) 389-4802.

Filed: March 15, 1994, 1:08 p.m.

TRD-9437605

Thursday, March 24, 1994, 9:00 a.m.

Parks and Wildlife Headquarters-Executive Office Conference Room, 4200 Smith School Road

Austin

According to the agenda summary, the Texas Parks and Wildlife Commission will hold a notice of closed meeting to approve minutes from the January 20, 1994, executive session; land acquisition-presidio county.

Contact: Andrew Sansom, 4200 Smith School Road, Austin, Texas 78744, (512) 389-4802.

Filed: March 15, 1994, 1:09 p.m.

TRD-9437606

Texas State Board of Pharmacy

Monday, April 4, 1994, 10:00 a.m.

Clements Building, 300 West 15th, Fourth Floor, Room 408

Austin

According to the complete agenda, the Office of Administrative Hearings will conduct a disciplinary hearing in the matter of Texas State Board of Pharmacy vs. Duane Bourett Asp, R.Ph., License #28525.

Contact: Carol Fisher, 8505 Cross Park Drive #110, Austin, Texas 78754-4594, (512) 832-0661.

Filed: March 16, 1994, 10:26 a.m.

TRD-9437681

Texas State Board of Physical Therapy Examiners

Friday, March 24, 1994, 1:00 p.m.

3001 South Lamar Boulevard, Suite 101

Austin

According to the agenda summary, the Rules Committee will consider discussion and possible committee recommendation on the 60 hours of non-physical therapy credits required in the Act and rules; discussion and possible committee recommendations on the review of board-approved education credential evaluators, current and possible; and discussion and possible committee recommendations on the elimination of the second temporary license.

Contact: Sherry L. Lee, 3001 South Lamar Boulevard, Suite 101, Austin, Texas 78704, (512) 443-8202.

Filed: March 15, 1994, 4:28 p.m.

TRD-9437629

Public Utility Commission of Texas

Wednesday, March 23, 1994, 9:00 a.m.

7800 Shoal Creek Boulevard

Austin

According to the agenda summary, the Public Utility Commission of Texas will hold an open meeting at which the Commission will consider the following dockets: P-11232, P-11365, P-11543, P-12190, P-12353, P-12756, P-12805, 12569, 12063, 12064, 12238, 12751, 11870, 12700, and 11292.

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

Filed: March 15, 1994, 1:22 p.m.

TRD-9437613

Wednesday, March 23, 1994, 9:05 a.m.

7800 Shoal Creek Boulevard

Austin

According to the agenda summary, the Administrative Committee will discuss reports, discussion, and action on DOE Comments-IRP Impact on Utility Systems and Consumers; funding for consultant to review the STP audit; current federal notices; 1993 inventory of telecommunications services offered by Texas local exchange companies; legislation pertaining to federal telecommunication issues; revisions to strategic plan

elements; Commissioner Rabago's visits to Piedras Negras and Laredo; Quality Steering Committee and subcommittees; Interim Legislative Committees and/or Sunset Commission; commission press policy; budget and fiscal matters; adjournment for executive session to consider personnel matters; reconvene for discussion and decisions on matters considered in executive session; set time and place for next meeting; and final adjournment.

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

Filed: March 15, 1994, 2:14 p.m.

TRD-9437616

Friday, March 25, 1994, 10:00 a.m.
7800 Shoal Creek Boulevard

Austin

According to the complete agenda, the Hearings Division has scheduled a prehearing conference in Docket Number 12592-application of Cap Rock Electric Cooperative, Inc. to amend Certificate of Convenience and Necessity for proposed transmission line within Midland, Glasscock, Reagan, Upton, Howard, and Mitchell Counties.

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

Filed: March 15, 1994, 4:24 p.m.

TRD-9437626

Wednesday, April 6, 1994, 9:00 a.m.
7800 Shoal Creek Boulevard

Austin

Rescheduled from March 22, 1994

According to the complete agenda, the Hearings Division will hold a rescheduled hearing in Docket Number 11870-application of Brazos Electric Power Cooperative, Inc., to amend its Certificate of Convenience and Necessity for a proposed transmission line and substation in Cooke County, Texas.

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

Filed: March 16, 1994, 10:03 a.m.

TRD-9437678

Thursday, June 2, 1994, 10:00 a.m.
7800 Shoal Creek Boulevard

Austin

According to the complete agenda, the Hearings Division has scheduled a hearing on the merits in Docket Number 11635: application of Southwestern Public Service Company for approval of calculation of House Bill 11 tax adjustment factors for 1993 pursuant to Substantive Rule 23.21(d).

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

Filed: March 17, 1994, 8:23 a.m.

TRD-9437714

Wednesday, July 6, 1994, 10:00 a.m.
7800 Shoal Creek Boulevard

Austin

According to the complete agenda, the Hearings Division has scheduled a hearing on the merits in Docket Number 11637: application of GTE Southwest, Inc. for approval of calculation of House Bill 11 tax adjustment factors for 1993 pursuant to Substantive Rule 23.21(d).

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

Filed: March 17, 1994, 8:23 a.m.

TRD-9437716

Thursday, August 11, 1994, 10:00 a.m.
7800 Shoal Creek Boulevard

Austin

According to the complete agenda, the Hearings Division has scheduled a hearing on the merits in Docket Number 11629: application of Texas-New Mexico Power Company for approval of calculation of House Bill 11 tax adjustment factors for 1993 pursuant to Substantive Rule 23.21(d).

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

Filed: March 17, 1994, 8:23 a.m.

TRD-9437715

Railroad Commission of Texas

Thursday, March 24, 1994, 9:00 a.m.

1701 North Congress Avenue, 12th Floor
Conference Room 12-126

Austin

According to the complete agenda, the Railroad Commission of Texas shall hear oral argument on Transportation Docket Number 000104DN388, David L. Reynolds doing business as Reynolds Feed and Seed.

Contact: Carrie McLarty, P.O. Box 12967, Austin, Texas 78711, (512) 463-7086.

Filed: March 16, 1994

TRD-9437703

Council on Sex Offender Treatment

Friday, March 25, 1994, 8:45 a.m.

205 West 14th Street, Suite 103

Austin

According to the complete agenda, the Council on Sex Offender Treatment will call to order, Collier Cole, chair; executive session to consider the employment and evaluation of the executive director, pursuant to Texas Revised Civil Statutes, Annotated Article 6252-17, 2(g); other business; and adjourn.

Contact: Kerry Moles, P.O. Box 12546, Austin, Texas 78711, (512) 463-2323.

Filed: March 17, 1994, 9:48 a.m.

TRD-9437734

Friday, March 25, 1994, 10:00 a.m.

909 West 45th Street, Suite 295

Austin

According to the complete agenda, the Credentialing Committee will call to order; discussion and possible action on amendments to the proposed rules for the Registry, Collier Cole, chair; discussion and possible action on establishing guidelines for Continuing Education; and adjourn.

Contact: Kerry Moles, P.O. Box 12546, Austin, Texas 78711, (512) 463-2323.

Filed: March 16, 1994, 4:41 p.m.

TRD-9437709

Friday, March 25, 1994, 12:30 p.m.

909 West 45th Street, Suite 295

Austin

According to the complete agenda, the Interagency Advisory Committee will call to order, Pam Rogers, co-chair; adoption of minutes of the February 25, 1994, meeting; discussion of bylaws; discussion on committee work; planning for the future; and adjourn.

Contact: Kerry Moles, P.O. Box 12546, Austin, Texas 78711, (512) 463-2323.

Filed: March 16, 1994, 4:41 p.m.

TRD-9437710

Friday, March 25, 1994, 1:30 p.m.

909 West 45th Street, Suite 295

Austin

According to the complete agenda, the Joint Meeting of the Council on Sex Offender Treatment and the Interagency Advisory Committee will call to order; adoption of the minutes of the February 25, 1994, meeting; presentation on TDCJ-JD Sex Offender Treatment Program, Joseph Bon-Jorno, acting director, TDCJ-JD Sex Offender Treatment Program; report from the executive director; report from the Interagency Advisory Committee, Pam Rogers, co-chair; discussion and possible action on the adoption of the proposed rules for the Registry, in

accordance with the Government Code, Title 10, Subchapter A, Chapters 2001.023 and 2001.036, Dr. Collier Cole, chair; discussion and possible action on report from the Treatment and Evaluation Committee, Dr. Linda Reyes, chair; discussion and possible action on the exploration of MH-MR Sex Offender Treatment services, Dr. Walter Meyer; discussion and possible action on Standards of Practice draft, Norma Reed; discussion and consideration of amendments to the Enabling Statute; other business; public testimony; and adjourn.

Contact: Kerry Moles, P.O. Box 12546, Austin, Texas 78711-2546, (512) 463-2323.

Filed: March 16, 1994, 4:41 p.m.

TRD-9437711

The Texas A&M University System, Board of Regents

Wednesday, March 23, 1994, 2:00 p.m.

Texas A&M University, MSC Annex, Clark Street, Board of Regents Meeting Room
College Station

According to the agenda summary, the Facilities Planning and Building Committee will consider appropriations for designs and preliminary designs; action on bids for construction projects; reports from system and university administration; selection of architects/engineers; contract actions by the Chancellor/CEOs; construction project appropriations by the Chancellor; revisions to delegations of authority pertaining to construction projects; and initiation of construction projects.

Contact: Vickie Running, The Texas A&M University System, College Station, Texas 77843, (409) 845-9600.

Filed: March 16, 1994, 11:38 a.m.

TRD-9437686

Thursday, March 24, 1994, 8:00 a.m.

Texas A&M University, MSC Annex, Clark Street, Board of Regents Meeting Room
College Station

According to the agenda summary, the Committee for Academic Campuses will consider resolutions on Martin Luther King Day and intercollegiate athletics; establishment of official name for TAMU Galveston campus; authorization for CEO and campus dean's residence for TAMU Galveston campus; authorization to negotiate a contract for library automation system; and policies of food services and student housing.

Contact: Vickie Running, The Texas A&M University System, College Station, Texas 77843, (409) 845-9600.

Filed: March 16, 1994, 11:38 a.m.

TRD-9437684

Thursday, March 24, 1994, 10:00 a.m.

Texas A&M University, MSC Annex, Clark Street, Board of Regents Meeting Room
College Station

According to the agenda summary, the Texas A&M University System, Board of Regents, will consider correction and approval of minutes; resolutions on Martin Luther King Day and intercollegiate athletics; designation of Financial Officer for Revenue Financing System; requirements for Revenue Financing System; establish, increase, and implement fees, rates, and tuition; renewal of natural gas pipeline agreement; oil, gas, and sulphur lease; delegation of authority relating to construction projects; appropriations for construction projects; action on bids for construction projects; initiation of construction projects; establishment of official name for TAMU Galveston campus; authorization for CEO and Campus Dean's residence; naming of facilities; name of a college; authorization to negotiate contracts; authorization for memoranda of agreement and license agreements; policies on food services and student housing; acquisition, lease, exchange, disposition, and value of real estate; reports from System and University Administration; pending and threatened litigation; consult with System attorneys; personnel matters; negotiated contracts for prospective gifts or donations; selection of architect/engineers; Emeritus titles; appointments and promotions; terminations; tenure; contract actions by the Chancellor/CEOs; construction project appropriations by the Chancellor; appropriations from unappropriated sources; budget and fiscal transfers; gifts and grants; and appointment of Vice Chancellor and General Counsel.

Contact: Vickie Running, The Texas A&M University System, College Station, Texas 77843, (409) 845-9608.

Filed: March 16, 1994, 4:50 p.m.

TRD-9437712

Thursday, March 24, 1994, 2:30 p.m.

Texas A&M University, MSC Annex, Clark Street, Board of Regents Meeting Room
College Station

According to the agenda summary, the Board of Regents, Special Workshop Meeting, will review the budget development process and other related issues.

Contact: Vickie Running, The Texas A&M University System, College Station, Texas 77843, (409) 845-9600.

Filed: March 16, 1994, 3:42 p.m.

TRD-9437701

University of Houston

Monday, March 21, 1994, 2:00 p.m.

S&RII Building, Room 201, University of Houston, 4800 Calhoun Boulevard
Houston

According to the agenda summary, the Animal Care Committee will discuss and/or act upon the following: approval of February minutes; renewal protocols; and review of new protocol forms.

Contact: Julie T. Norris, 4800 Calhoun Boulevard, Houston, Texas 77204, (713) 743-9222.

Filed: March 15, 1994, 10:19 a.m.

TRD-9437593

University Interscholastic League

Wednesday, March 23, 1994, 9:00 a.m.

Region X Service Center, 400 East Spring Valley Road
Richardson

According to the agenda summary, the State Executive Committee will consider: alleged violation, Amateur Rule and Athletic Code transferred re: Walter Miller, Western Hills High School, Fort Worth; alleged unsportsmanlike conduct by Coach Anthony Leamon, Wilmer Hutchins High School; alleged verbal abuse of officials by the coaching staff, student participants, and fans of Carrollton Turner High School; alleged verbal abuse and physical contact of officials by Burkburnett High School parent/fan; alleged verbal abuse and physical contact of official by Garland High School parent/fan; and alleged verbal abuse and physical contact of officials by Blum High School parents and fans.

Contact: C. Ray Daniel, 3001 Lake Austin Boulevard, Austin, Texas 78703, (512) 471-5883.

Filed: March 17, 1994, 9:42 a.m.

TRD-9437728

Wednesday, March 23, 1994, 1:00 p.m.

Wyndham Hotel, IH-35 at Ben White Boulevard
Austin

According to the agenda summary, the State Executive Committee will consider: alleged verbal abuse and physical contact of officials by Georgetown High School fans; alleged verbal and physical contact by School District Personnel and Student Representative of El Paso Jefferson High School; alleged physical contact of officials by Deer Park High School fan; alleged verbal abuse

of officials by Pasadena South Houston High School fan and Student Representative; alleged physical abuse of officials by Corpus Christi King High School fan; and appeal of automatic penalty for violation of Athletic Code by: Allyn Chizer, Kingsville King High School, Lee Posell Pilot Point I.S. D., and Brian Cain, North Mesquite High School.

Contact: C. Ray Daniel, 3001 Lake Austin Boulevard, Austin, Texas 78703, (512) 471-5883.

Filed: March 17, 1994, 9:41 a.m.

TRD-9437727

On-Site Wastewater Treatment Research Council

Wednesday, March 30, 1994, 1:00 p.m.

Texas Natural Resource Conservation Commission, 12100 Park 35 Circle, IH-35 North, Building E, Room 202-S

Austin

According to the agenda summary, the On-Site Wastewater Treatment Research Council will call roll of members, hold election of officers; hear and act on previous meetings minutes as well as the chairman's, vice-chairman's, and executive secretary reports and TNRCC staff comments; discuss and act on 1992-1993 services voucher and consideration to request extension of the Texas Water Institute newsletter; hear reports of rule revision and technical committees; hear and respond to public comments and schedule future meetings.

Contact: Theodore H. Johns, 1700 North Congress Avenue, Austin, Texas 78711, (512) 463-3109.

Filed: March 16, 1994, 9:58 a.m.

TRD-9437677

Texas Water Development Board

Thursday, March 17, 1994, 9:00 a.m.

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

Austin

Emergency Revised Agenda

According to the complete agenda, the Texas Water Development Board will add Emergency Consent Item #22: consider the sufficiency of rates and charges under the contract for water supply between Lavaca-Navidad River Authority and the Inteplast Corporation.

Reason for emergency: Request not received nor reasonably anticipated in time to

meet the regular notice publication schedule, and immediate board action is necessary before an April 11 validation suit.

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

Filed: March 15, 1994, 3:22 p.m.

TRD-9437618

Texas Workers' Compensation Commission

Tuesday-Wednesday, March 22-23, 1994, 9:00 a.m.

Room 910-911, Southfield Building, 4000 South IH-35

Austin

According to the agenda summary, the Texas Workers' Compensation Commission will call to order; approval of minutes; discussion and possible action on revisions to the Second Opinion/Spinal Surgery Process and adoption, amendment, or repeal of Spinal Surgery rules: Chapter 133; discussion and possible action on rules for proposal; Chapter 134; discussion and possible action on medical fee guidelines; discussion and possible action on rules for adoption: Chapter 165 and Chapter 152; discussion and possible action on rules for possible proposal and/or amendment: Chapters 129, 130, 124, 126, and 141; discussion and possible action on issues regarding rules or policy; executive session; action on matters considered in executive session; general reports and action on issues relating to Commission activities; confirmation of future public meetings; and adjournment.

Contact: Todd K. Brown, 4000 South IH-35, Austin, Texas 78704, (512) 440-5690.

Filed: March 16, 1994, 3:25 p.m.

TRD-9437697

Texas Council on Workforce and Economic Competitiveness

Thursday-Friday, March 24-25, 1994, 1:30 p.m. and 8:30 a.m. respectively

816 Congress Avenue, 11th Floor Board Room

Austin

According to the agenda summary, the Apprenticeship and Career Pathways Program Design Committee will consider approval of the minutes of the Committee's February 21-22, 1994, meeting; public comment/testimony; a staff report on the results of TEA's "Raising Expectations" forums, the

status of the school-to-work implementation grant, the state of school-to-work contracts, and the status of the state plan for Career and Technology Education; discussion and a presentation on the Certificate of Initial Mastery by Lynne Sacks from the National Center on Education and the Economy; discussion on "Ability Group Tracking"; a panel presentation on Workers' Compensation; and discussion and a presentation on "Child Labor Laws" by Edgar Berlin from the Texas Employment Commission.

Persons with disabilities who plan to attend who may need auxiliary aids or services, or assistance in having English translated into Spanish, should contact Val Blaschke, (512) 305-7008, at least two days before this meeting so arrangements can be made.

Contact: Val Blaschke, 816 Congress Avenue, Suite 1293, Austin, Texas 78701, or P.O. Box 2241, Austin, Texas 78768, (512) 305-7008.

Filed: March 15, 1994, 1:22 p.m.

TRD-9437612

Meetings Filed March 15, 1994

The Deep East Texas Council of Governments Board of Directors will meet at the Cape Royale, FM 224, Coldspring, March 24, 1994, at 1:00 p.m. Information may be obtained from Walter G. Diggles, 274 East Lamar Street, Jasper, Texas 75951, (409) 384-5704. TRD-9437611.

The Hunt County Appraisal District Hunt County Appraisal Review Board will meet in the Board Room, 4801 King Street, Greenville, March 29, 1994, at 1:30 p.m. Information may be obtained from Shirley Gregory, 4801 King Street, Greenville, Texas 75403, (903) 454-3510. TRD-9437597.

The Middle Rio Grande Development Council (Emergency Revised Agenda.) Board of Directors met at the Holiday Inn, Sage Room, 920 East Main Street, Uvalde, March 16, 1994, at 1:00 p.m. Information may be obtained from Paul A. Edwards, P.O. Box 1199, Carrizo Springs, Texas 78834, (210) 876-3533. TRD-9437614.

Meetings Filed March 16, 1994

The Central Counties Center for MHMR Services Board of Trustees will meet at 3401 Range Road, Temple, March 24, 1994, at 7:45 p.m. Information may be obtained from Eldon Tietje, 304 South 22nd Street, Temple, Texas 76501, (817) 778-4841, Ext. 301. TRD-9437708.

The Golden Crescent Private Industry Council (Emergency Revised Agenda.) Executive Committee met at 2401 Houston Highway, Victoria, March 16, 1994, at 6:30 p.m. Information may be obtained from Sandy Heiermann, 2401 Houston Highway, Victoria, Texas 77901, (512) 576-5872 TRD-9437685.

The Grayson Appraisal District Board of Directors will meet at 205 North Travis, Sherman, March 23, 1994, at Noon. Information may be obtained from Angie Keeton, 205 North Travis, Sherman, Texas 75090, (903) 893-9673. TRD-9437667.

The Gulf Bend Center Board of Trustees will meet at 1404 Village Drive, Victoria, March 24, 1994, at Noon. Information may be obtained from Sharon Pratkan, 1404 Village Drive, Victoria, Texas 77901, (512) 575-0611. TRD-9437693.

The MHMR Authority of Brazos Valley Board of Trustees will meet in Conference Room A, 804 Texas Avenue, Bryan, March 24, 1994, at 1:00 p.m. Information may be obtained from Leon Bawcom, P.O. Box 4588, Bryan, Texas 77805, (409) 822-6467. TRD-9437702.

The North Central Texas Council of Governments Executive Board will meet at 616 Six Flags Drive, Centerpoint Two, Second Floor, Arlington, March 24, 1994, 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-9437679.

The Rusk County Appraisal District Board of Directors will meet at the Administrative Office, 107 North Van Buren, Henderson, March 24, 1994, 1:30 p.m. Informa-

tion may be obtained from Melvin R. Cooper, P.O. Box 7, Henderson, Texas 75653-0007, (903) 657-3578. TRD-9437695.

The West Central Texas Council of Governments Executive Committee will meet at 1025 East North Tenth Street, Abilene, March 23, 1994, at 12:45 p.m. Information may be obtained from Brad Helbert, Box 3195, Abilene, Texas 79604, (915) 672-8544. TRD-9437699.

The Wheeler County Appraisal District Board of Directors met at the District's Office, County Courthouse Square, Wheeler, March 21, 1994, at 6:30 p.m. Information may be obtained from Larry M. Schoenhals, P.O. Box 1200, Wheeler, Texas 79096, (806) 826-5900. TRD-9437666

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Meetings Filed March 17, 1994

The Concho Valley Council of Governments Private Industry Council will meet at the First National Bank of West Texas, 33 Beauregard, San Angelo, March 23, 1994, at 3:00 p.m. Information may be obtained from Monette Molinar, 5002 Knickerbocker Road, San Angelo, Texas 76904, (915) 944-9666 TRD-9437730.

The Houston-Galveston Area Council will meet at 3555 Timmons, Second Floor, Room A, Houston, April 21, 1994, at Noon and 6:00 p.m. Information may be obtained from Kathy H. Lang, 3555 Timmons, Suite 500, Houston, Texas 77227, (713) 993-4501 TRD-9437737.

The North Texas Private Industry Council NorTex Regional Planning Commission will meet at 4309 Jacksboro Highway, Suite 200, Wichita Falls, March 30, 1994, at 12:15 p.m. Information may be obtained from Earl Nunnley, 601 West Cedar, Nocona, Texas 76255, (817) 825-3222. TRD-9437729.

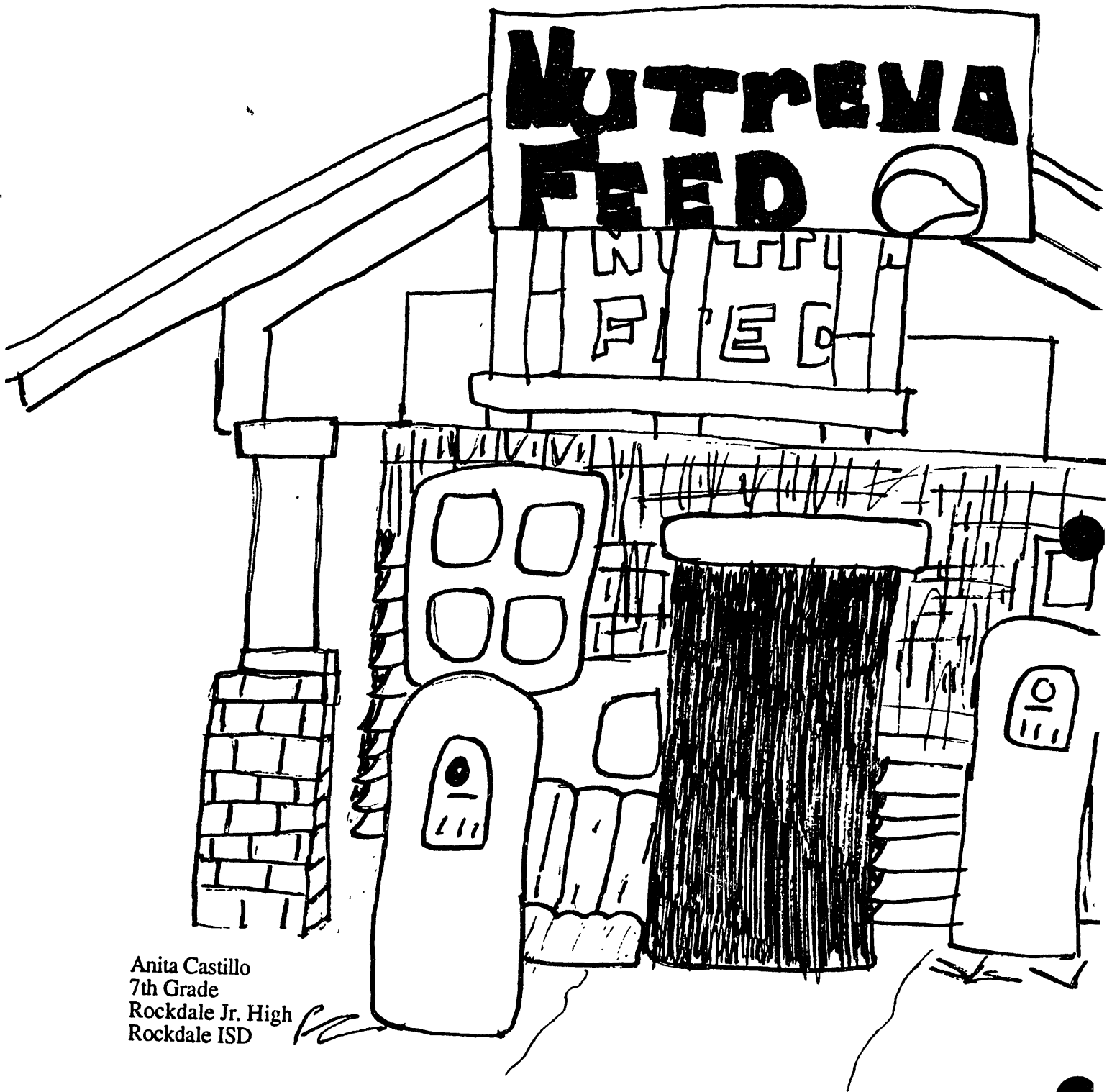
The Panhandle Regional Planning Commission Board of Directors will meet at 415 West Eighth Avenue, PRPC Board Room, Amarillo, March 24, 1994, at 1:30 p.m. Information may be obtained from Rebecca Rusk, P.O. Box 9257, Amarillo, Texas 79105-9257, (806) 372-3381 9437713.

The Region VIII Education Service Center Board of Directors will meet at 2230 North Edwards, Mount Pleasant, March 24, 1994, at 7:00 p.m. Information may be obtained from Scott Ferguson, P.O. Box 1894, Mt Pleasant, Texas 75456-1894, (903) 572-8551 TRD-9437722

The Sharon Water Supply Corporation Annual Shareholders Meeting met at Winnsboro City Auditorium near the Rodeo Arena, Winnsboro, March 21, 1994, at 7:00 p.m. Information may be obtained from Gerald Brewer, Route 5, Box 50361, Winnsboro, Texas 75494, (903) 342-3525. TRD-9437731

The Wood County Appraisal District Appraisal Review Board will meet at 217 North Main, Conference Room, Wood County, Appraisal District, Quitman, March 25, 1994, at 9:00 a.m. Information may be obtained from W Carson Wages or Lou E. Brooke, P.O. Box 518, Quitman, Texas 75783-0518. TRD-9437736.

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Anita Castillo
7th Grade
Rockdale Jr. High
Rockdale ISD

IN ADDITION

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

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

Texas Commission on Alcohol and Drug Abuse

Statewide Advisory Council Meeting

The Statewide Advisory Council of the Texas Commission on Alcohol and Drug Abuse will meet Thursday, March 24, 1994, 8:30 a.m. to 5:00 p.m. and Friday, March 25, 1994, 8:15 a.m. to Noon. The meeting will be held at the Driskill Hotel, 604 Brazos Street, Austin, Texas.

Issued in Austin, Texas, on March 11, 1994.

TRD-9437568 David P. Tatum
Interim Executive Director
Texas Commission on Alcohol and Drug
Abuse

Filed: March 14, 1994

Office of the Attorney General Texas Clean Air Act Enforcement Settlement Notice

Notice is given by the State of Texas of the following resolution of an environmental enforcement lawsuit under the Texas Clean Air Act. Section 382.096 of the Texas Health and Safety Code provides that the State shall permit the public to comment in writing on the judgment. The Attorney General will consider any written comments and may withdraw consent to the agreed judgment if the comments disclose facts or considerations that indicate the consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the Texas Clean Air Act.

Case Title and Court: Harris County, Texas and State of Texas v. Eurocat U.S. Inc., Cause Number 92-038328 in the 164th District Court of Harris County, Texas.

Nature of Defendant's Operations: Eurocat U.S., Inc., catalyst regeneration business operates a company at 13100 Bay Park Road, Pasadena, in Harris County, Texas.

Proposed Agreed judgment: The Agreed Final judgment contains provisions for injunctive relief.

Injunctive Relief: The judgment contains injunctive requirements to comply with the Texas Clean Air Act.

For a complete description of the settlement, the complete Agreed Final Judgment should be reviewed. Requests for copies of the judgment, and written comments on the judgment, should be directed to Susan Theisen, Assistant Attorney General, Office of the Attorney General, P.O. Box 12548, Austin, Texas 78711-2548, (512) 463-2012. Written comments must be received by April 25, 1994, at 5:00 p.m. Written comments may be sent by facsimile

machine to Susan Theisen at (512) 320-0052

Issued in Austin, Texas, on March 15, 1994

TRD-9437596 Jerry Benefield
Assistant Attorney General
Office of the Attorney General

Filed: March 15, 1994

Texas Bond Review Board Bi-Weekly Report on the 1994 Allocation of the State Ceiling on Certain Private Activity Bonds

The information that follows is a report of the allocation activity for the period of February 26-March 11, 1994

Total amount of state ceiling remaining unreserved for the \$252,434,000 subceiling for the qualified mortgage bonds under the Act as of March 11, 1994 \$97,016,750

Total amount of state ceiling remaining unreserved for the \$157,771,250 subceiling for state-voted issues under the Act as of March 11, 1994 \$157,771, 250

Total amount of state ceiling remaining unreserved for the \$67,616,250 subceiling for qualified small issues under the Act as of March 11, 1994 \$57, 106,250

Total amount of state ceiling remaining unreserved for the \$45,077,500 subceiling for residential rental project issues under the Act as of March 11, 1994 \$1,002,500

Total amount of state ceiling remaining unreserved for the \$378,651,000 subceiling for all other bonds requiring an allocation under the Act as of March 11, 1994 \$28,651,000

Total amount of the \$901,550,000 state ceiling remaining unreserved as of March 11, 1994 \$41,457,750

Following is a comprehensive listing of applications which have received a reservation date pursuant to the Act from February 26, 1994-March 11, 1994.

<u>ISSUER</u>	<u>USER</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
1) Travis County HFC	Prime MFP Ltd. Partnership	Bent Oaks Apts. Residential Rental	\$6,500,000

Following is a comprehensive listing of applications which were either withdrawn or cancelled pursuant to the Act from February 26, 1994-March 11, 1994:

<u>ISSUER</u>	<u>USER</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
1) Southeast Texas HFC	La Quinta Apts LLC	Residential Rental Bermuda Dunes Apts.	\$ 5,200,000

Following is a comprehensive listing of applications which released a portion of their reserved amount pursuant to the Act from February 26, 1994-March 11, 1994:

<u>ISSUER</u>	<u>DESCRIPTION</u>	<u>AMOUNT RELEASED</u>
1) Travis County HFC	Mortgage Revenue Bonds	\$350.
2) Winter Garden HFC	Mortgage Revenue Bonds	\$850.

Issued in Austin, Texas, on March 14, 1994.

TRD-9437581 Albert L. Bacarisse
Executive Director
Texas Bond Review Board

Filed: March 14, 1994

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Texas Department of Commerce
Request for Proposals

In accordance with the Job Training Partnership Act (JTPA), Public Law 97-300, the Texas Department of Commerce (Commerce) announces a Request for Proposals (RFP) to create or enhance local partnerships which serve JTPA eligible out-of-school youth and adults that are most educationally disadvantaged. The literacy partnership initiative was approved by the Texas Council On Workforce and Economic Competitiveness in accordance with §123 of the JTPA. The projects will provide community partnerships to serve JTPA eligible persons who are

most educationally disadvantaged. The partnership must provide the basic literacy skills required for participants to enter employment training.

Detailed information regarding the project format is set forth in the Request for Proposal Instructions which will be available on March 24, 1994 at the Texas Department of Commerce, Work Force Development Division, 816 Congress Avenue, Suite 1300, P.O. Box 12728, Austin, Texas 78711.

The deadline for receipt of proposals in response to this request will be May 24, 1994, at 5:00 p.m. (CST). Responses received after this deadline will not be considered.

Commerce reserves the right to accept or reject any or all proposals submitted. Commerce is under no legal requirement to execute a resulting contract on the basis of this advertisement and intends the materials provided only as a means of identifying the various contractor alternatives. Commerce intends to use responses as a basis for further negotiation of specific project details with potential contractors. Commerce will base its choice on demonstrated competence, qualifications, and evidence of conformance

with criteria.

This RFP does not commit Commerce to pay any costs incurred prior to execution of a contract. Issuance of this material in no way obligates Commerce to award a contract or to pay any costs incurred in the preparation of a response. Commerce specifically reserves the right to vary all provisions set forth any time prior to execution of a contract where Commerce deems it to be in the best interest of the State of Texas.

Availability of funds for the JTPA Partnership grants is subject to the approval of Commerce.

For further information regarding this notice, or to obtain copies of the RFP Instructions, please contact Sheila Rosenberg, Work Force Development Division, Texas Department of Commerce, 816 Congress Avenue, Suite 1300, P.O. Box 12728, Austin, Texas 78711, (512) 320-9527.

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

TRD-9437623 Deborah C. Kastrin
Acting Executive Director
Texas Department of Commerce

Filed: March 15, 1994

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**Texas Education Agency
Notice of Consultant Contract Award**

In accordance with Texas Civil Statutes, Article 6252-11c, the Texas Education Agency publishes this notice of consultant contract award. The consultant proposal request appeared in the October 19, 1993, issue of the *Texas Register* (18 TexReg 7310). The consultant is to provide assistance in conducting site visits to school districts, institutes of higher education, and alternative teacher certification programs to collect and analyze data concerning teacher preparation in the State of Texas.

The consultant selected to perform this study is Evaluation and Data Analysis Services, Inc., 2270 Triway, Houston, Texas 77043. The maximum amount of this contract is \$60,000. The contract will begin January 24, 1994, and will terminate August 31, 1994.

At the conclusion of this project, the consultant will prepare a final report and submit it to the Texas Education Agency no later than August 31, 1994. The documentation of this report will include, but is not limited to, findings, conclusions, and recommendations reflective of the purpose of this study.

Issued in Austin, Texas, on March 14, 1994.

TRD-9437668 Lionel R. Meno
Commissioner of Education
Texas Education Agency

Filed: March 16, 1994

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**Texas Department of Health
Designation of Sites Serving Medically
Underserved Populations**

The Department of Health (department) is required under Texas Civil Statutes, Article 4495b, §3.06, to designate sites serving medically underserved populations. In addition, the department is required to publish notice of its designations in the *Texas Register* and to provide an

opportunity for public comment on the designations.

Accordingly, the department has designated the following as a site serving medically underserved populations: The medical practice of Laura Stiles, D.O., located at 1012 North Galloway, #101, Mesquite (Dallas County), Texas. Designation is based on proven eligibility as a site serving a disproportionate number of clients eligible for federal, state or locally funded health care programs.

Oral and written comments on the designation may be directed to Carol Daniels, Deputy Commissioner for Programs, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7261. Comments will be accepted for 30 days from the date of this notice.

Issued in Austin, Texas, on March 16, 1994.

TRD-9437655 Susan K. Steeg
General Counsel, Office of General
Counsel
Texas Department of Health

Filed: March 16, 1994

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**Notice of Emergency Cease and Desist
Order**

Notice is hereby given that the Bureau of Radiation Control (bureau) ordered Clinica Del Sol (registrant-R13201) of Houston to cease and desist operating any source of radiation for the purpose of performing x-ray examinations on patients until all health-related violations found during a recent inspection of the facility have been corrected. The bureau determined that the excessive and unnecessary radiation exposure patients have received from diagnostic x-ray procedures at the facility constitutes an immediate threat to public health and safety. The registrant is further required to provide evidence satisfactory to the bureau regarding the actions taken to correct the health-related violations and the methods for preventing a recurrence of these violations.

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

Issued in Austin, Texas, on March 16, 1994.

TRD-9437654 Susan K. Steeg
General Counsel, Office of General
Counsel
Texas Department of Health

Filed: March 16, 1994

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Notice of Rescission of Orders

Notice is hereby given that the Bureau of Radiation Control, Texas Department of Health, rescinded the following orders: Emergency Cease and Desist Order and Notice of Violation issued January 3, 1994, to Houston Medical and Dental Center, 2323 Wirt Road, Houston, Texas 77055, holder of Certificate of Registration Number R20764; and Emergency Cease and Desist Order and Notice of Violation issued July 15, 1993, to Robert E. Phillips, D.D. S., 201 Dallas, Weatherford, Texas 76086, holder of Certificate of Registration Number R10180.

A copy of all relevant material is available for public inspection at the Bureau of Radiation Control, Exchange

Building, 8407 Wall Street, Austin, Monday-Friday, 8 a.m. to 5 p.m. (except holidays).

Issued in Austin, Texas, on March 16, 1994.

TRD-9437651 Susan K Steeg
General Counsel, Office of General
Counsel
Texas Department of Health

Filed, March 16, 1994

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**Notice of Revocation of Certificates of
Registration**

The Texas Department of Health, having duly filed complaints pursuant to Texas Regulations for Control of Radiation, Part 13 (25 TAC §289.112), has revoked the following certificates of registration: Joel M. Needleman, D.D.S., Ingleside, R03201, March 9, 1994; East Houston Medical and Surgical Clinic, Houston, R05380, March 9, 1994; Robert G Williams, D.D.S., Dallas, R07019, March 9, 1994; Jackson T. Devine, D.D.S., Arlington, R07403, March 9, 1994; First City, Texas-Houston, N.A., Houston, R10368, March 9, 1994; Houston Inspection, Inc., Houston, R17113, March 9, 1994; Neuro Diagnostics, Ltd., Pasadena, R17467, March 9, 1994; Melinda Cate, D.C., Lake Worth, R17530, March 9, 1994; I-10 East CT Scan, Channelview, R18211, March 9, 1994; Corales Dental Office, San Antonio, R19770, March 9, 1994, Oaklawn Partners, Ltd., Dallas, Z00429, March 9, 1994.

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

Issued in Austin, Texas, on March 16, 1994.

TRD-9437653 Susan K Steeg
General Counsel, Office of General
Counsel
Texas Department of Health

Filed March 16, 1994

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**Notice of Revocation of Radioactive
Material Licenses**

The Texas Department of Health, having duly filed complaints pursuant to Texas Regulations for Control of Radiation, Part 13 (25 TAC §289.112), has revoked the following radioactive material licenses: Canam Diagnostics Company, Inc., Arlington, L04172, March 9, 1994; Gulf Coast Hospital, Baytown, L04548, March 9, 1994.

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

Issued in Austin, Texas, on March 16, 1994.

TRD-9437652 Susan K Steeg
General Counsel, Office of General
Counsel
Texas Department of Health

Filed, March 16, 1994

Texas Department of Housing and Community Affairs

Request for Proposal for Comprehensive Professional Property Inspection Services

The Texas Department of Housing and Community Affairs ("TDHCA") announces a Request for Comprehensive Professional Property Inspection Services ("RFP").

I. Background on the Texas Department of Housing and Community Affairs.

A. Purpose. TDHCA, a public and official governmental agency of the state, was created pursuant to the Texas Government Code, Chapter 2306 ("the Act"), effective September 1, 1991; codified as Chapter 23 of the Texas Government Code, and as amended by Acts of the 73rd Legislative Session, Chapter 141, page 292, effective May 16, 1993; and Acts of the Legislative Session, Chapter 725, page 838, effective September 1, 1993. TDHCA is the successor agency to the Texas Housing Agency and the Texas Department of Community Affairs, both of which were abolished by the Act and their functions and obligations transferred to TDHCA. One of the purposes of TDHCA is to provide assistance to persons and families of low and very-low income and families of moderate income to obtain decent, safe and sanitary housing. Pursuant to the Act, TDHCA may issue bonds, notes or other obligations to finance or refinance residential housing and multi-family developments and to refund bonds previously issued by THA, TDHCA, or certain other quasi-governmental issuers.

TDHCA encourages the investment of private and public capital to stimulate the acquisition, construction and rehabilitation of residential housing to meet the needs of persons and families of low and very-low income, and further provides technical, consultative, and project assistance services to private non-profit sponsors, to assist in coordinating federal, state, regional, and local public and private efforts to preserve the quality of life in this state. TDHCA may acquire and own real property on an interim basis for sale or rental to persons and families of low and very-low income and to non-profit housing organizations and other housing organizations that serve the needs of persons and families of low, very-low and moderate income.

B. Organization. TDHCA is governed by an executive director, who is appointed by the governor with the advice and consent of the Texas Senate, and by a nine-member board. The members of the board are also appointed by the governor with the advice and consent of the Texas Senate for staggered six-year terms. The board is responsible for authorizing the issuance of all bonds of TDHCA and all other acts in connection therewith. The executive director, as administrator and head of TDHCA, is responsible for the overall administration of TDHCA and its programs and for employing its staff.

C. Property Ownership Program Non-Profit Capacity Building and Enhancement Program (Multi-Family Acquisitions). The Non-Profit Capacity Building and Enhancement Program has been created to enhance the technical expertise of local non-profit housing organizations in affordable property ownership and management. By acquiring properties from governmental agencies, such as the Resolution Trust Corporation ("RTC") and the

Department of Housing and Urban Development ("HUD"), TDHCA can provide training and technical assistance to local non-profit community housing development organizations during interim ownership and eventually sell the properties to the non-profit organization, thus creating stronger non-profit housing organizations and increasing the number of affordable housing units in Texas. By working with TDHCA during interim ownership, the non-profits will become familiar with ownership, management, budgeting, financing, tenant relations, compliance issues, and the various responsibilities associated with affordable housing property ownership.

II. Scope of Services. During the property pre-acquisition process, TDHCA requires the services of a professional organization(s) to perform certain inspections as described below. The Department will identify one or more professional contractors through this process to perform professional property inspections on certain properties located throughout the State which the Department may be interested in purchasing. This Request for Proposal will be utilized to select professional organization(s) to perform various inspections for a period of a year.

A. Nature of Services Required. TDHCA anticipates the need for comprehensive professional property inspection services to provide various property inspections prior to the purchase of properties by TDHCA from the RTC, HUD, or other sellers. The professional property inspection firm(s) will perform or cause to be performed one or all of the following inspections for properties being considered for purchase: 1. Civil Engineering Inspection; 2. Structural Engineering Inspection; 3. Electrical Inspection; 4. Plumbing Inspection; 5. Mechanical Inspection; 6. Termite Inspection; 7. Individual property condition inspection of a minimum of 35% percent of the units of every building to ensure a fair and reasonable sampling; 8. local building code inspection; and 9. Other inspections TDHCA may require, such as environmental, asbestos, and lead-based paint.

The selected firm(s) will be required to provide complete written inspection reports for each type of inspection performed with cost estimates for any necessary repairs or improvements to the properties. If there are indications of major problems the inspector should recommend that more detailed studies be performed. It is TDHCA's intent to select one firm or firm(s) to coordinate and/or perform all necessary inspections in a timely manner because of the contractual time frames involved in the purchase of properties from the sellers.

Inspections are required to be completed and reports are required to be submitted to the TDHCA within 45 days of written notification of requested inspections. Due to the time constraints of the Purchase and Sale Agreements and other statutory requirements the Department has 60 days to perform due diligence and must have inspection results within the required time frame to complete the sales transaction.

B. Terms of Agreement. Upon the approval of the selected firm(s) by TDHCA's Board of Directors or Executive Director, TDHCA and the selected firm(s) will execute an agreement for services. However, TDHCA will retain the right to terminate the contract for any reason and at any time upon the payment of fees and expenses then contractually earned. This proposal will allow TDHCA to issue contracts for professional services for over a period of one year.

C. Required Insurance Coverage. TDHCA will require

the selected firm(s) to provide a certificate of insurance evidencing public liability insurance with limits of at least \$1,000,000 for bodily or personal injury or death, property damage insurance in the amount of at least \$250,000 and contractual insurance for firm's obligations. Each required insurance policy must be written by a reputable insurance company having a rating of at least "A" by A.M. Best (or a comparable rating by a successor rating service), and will be otherwise reasonably satisfactory to TDHCA.

D. Inspection Guidelines. 1. Inspections will be performed during normal business hours with at least a two-day notice to TDHCA and in coordination with seller and their respective management companies. 2. No test or investigation involving physical disturbance of any portion of a property is to be conducted without TDHCA's and seller's prior approval of the specific tests or investigation in each instance. 3. A representative of TDHCA, the seller, or their assigned agent will have the right to be present during the inspections. 4. Property inspectors will not interfere with the use, occupancy, or enjoyment rights of any tenants or subtenants of any property or their respective guests. 5. Property inspectors will not have the authority to do anything that may result in a lien or encumbrance against the property. Inspectors agree to promptly pay all costs associated with the inspections and to not permit any lien or encumbrance to be placed upon any property in connection with any inspections. 6. Property inspectors will promptly fill and compact any holes, and otherwise restore any damage to any property caused by the conduct of any inspection. 7. Inspections are to be performed within specified time frames (45 days from date of written notification by TDHCA). If delays are unavoidable due to inclement weather conditions, written notice, requesting an extension must be provided to TDHCA indicating the reason for the delay, the anticipated completion date. TDHCA will then request the extension from RTC. 8. The selected firm(s) are fully responsible for the direct payment of any subcontractors engaged to perform any work on behalf of the firm(s). 9. The selected firms are responsible for quality of work performed by subcontractors and to select qualified, capable, professional subcontractors to perform any work.

E. Final Reports. Inspection reports should include a narrative of existing conditions, items needing repairs, types of repairs necessary, and an estimated cost for those repairs. Inspections reports should include, but not be limited to, roofing, structure, electrical, mechanical, plumbing, foundation, termites, and a general unit by unit property condition inspection for the specified number of units. The comprehensive inspection report(s) should address any items which may affect the present value of the properties as well as any items which may affect the future value of the property.

All final reports and any information contained therein will become the property of TDHCA to use in its sole discretion. This information may be released to the seller, or to any prospective agent or contractor engaged to perform any repairs resulting from inspections.

F. Number of Properties to be Inspected. I. Phase I of the multi-family property ownership program will include the following six properties: a. Wellington Place Apartments, 230 S. MacArthur, Coppell, Texas, a 240-unit garden-style apartment complex consisting of 11 buildings constructed in 1986; b. Peters Colony Apartments, 1810 Peters Colony, Carrollton, Texas, a 160-unit garden-style apartment complex consisting of 18 two-story buildings constructed in 1981; c. Desert Sun Apartments, 10406

Rushing Drive, El Paso, Texas, a 28-unit garden-style apartment complex consisting of three two-story buildings constructed in 1987; d. Oak Creek Condominiums, 2320 Jaguar Drive, Bryan, Texas, a 40-unit condominium project consisting of seven two story garden-style buildings constructed in 1983; e. Cedar Creek Condominiums, 1000 East University Boulevard, College Station, Texas, A 67-unit garden-style apartment complex consisting of 12 two-story buildings built in 1984; and f. Terrace Apartments, 1920 Shields, Sherman, Texas, A 22-unit apartment complex consisting of three two-story buildings constructed in 1968. 2. Phase II will consist of several comparable projects located throughout Texas offered for sale by the RTC and the HUD.

III. RFP Instructions.

A. Proposal Form and Format. Five copies of the proposal are requested and should be sent by registered mail or delivered in person to the attention of Wendy Maceo, Manager, Special Projects, Texas Department of Housing and Community Affairs, 811 Barton Springs Road, Suite 100, Austin, Texas 78704, no later than the deadline for submission of proposals specified below. The proposals must include each question or request for information, as specified herein, followed by the narrative as in the standard format for interrogatories; answers must be limited to one side of a single page 8-1/2 inches by 11 inches page. Supplemental information such as Annual Reports or other background material, if any, must be restricted to appendices following the responses. The pages of the proposal should be numbered sequentially with the name of the firm on each page. The proposal should be submitted in loose leaf binders.

B. Deadline for Submission. The deadline for submitting responses to this Request for Proposal is 5:00 p.m. on April 12, 1994. No proposal will be accepted after the deadline.

C. General Information. TDHCA reserves the right to accept or reject any (or all) proposals submitted. The information contained in this proposal request is intended to serve only as a general description of the services desired by TDHCA. Responses will be used as a basis for further negotiation of specific project details with offers as TDHCA deems necessary. This request does not commit TDHCA to pay for any costs incurred prior to the execution of a contract and is subject to availability of funds. Issuance of this request for proposal in no way obligates TDHCA to award a contract or to pay any costs incurred in the preparation of a response

D. Release of Information. Information submitted relative to this request for proposal shall not be released by TDHCA during the proposed evaluation process or prior to contract award. All information submitted to and retained by TDHCA becomes public record and subject to disclosure under the Texas Open Records Act, unless an exception under such Act is applicable

E. Proprietary Information. If a firm does not desire proprietary information in the proposal to be disclosed under the Texas Open Records Act or otherwise, it is required to clearly identify (and segregate, if possible) all proprietary information in the proposal, which identification shall be submitted concurrently with the proposal. If such information is requested under the Texas Open Records Act, the firm will be notified and given an opportunity to present its position to the Texas Attorney General, who shall make the final determination. If the firm fails to clearly identify proprietary information, it agrees, by the

submission of a proposal, that those sections shall be deemed non-proprietary and made available upon public request after the contract is awarded.

Requested Information. A. Please provide the following information: 1. name of firm; 2. year established; 3. type of organization, i. e. individual, partnership, corporation, joint venture, small business, or disadvantaged business as defined in Article 5, §5.001 of Texas House Bill 4; 4. former firm name(s), if any, and year(s) established; 5. home office business address and telephone number; 6. name of key contact person, address and phone number; 7. names of principals of firm; 8. names of associate members of firm; 9. names of key personnel and a resume of each, including a personal history statement of principals and associates within your firm, Include information such as years of experience (as principal and/or as associate) in firm or in other firms, education (college, year, degree), and membership in professional organizations (type, year, state); 10. indicate the scope of services provided by your firm without the use of outside associates or consultants on housing projects and inspection services; 11. present activities which your firm is designated architect or engineer of record. Include name and type of project; location; name and address of owner; estimated construction cost; percent of project completed; and 12. completed work which your firm was associated with other firms during the last ten years. Include all phases of work for which your firm was responsible; name of project and phase of work; location, name and address of owner; name and address of project manager; year work was completed; estimated construction costs, and associate firm name.

B. Provide a general narrative description of your architectural or engineering firm; including historical background; number and location of firm offices; and number of professionals associated with firm and major areas of expertise.

C. Provide a general description of your firm's experience in multi-family housing developments.

D. Provide a specific description of your firm's experience in performing multi-family property inspections.

E. Provide five client references, include name, addresses and telephone numbers.

F. Provide a copy of the firm's affirmative action policy and information concerning the firm's employment of female, black, Hispanic and other ethnic minority professionals, clerks, technical and other non-professional personnel. Describe the firm's degree of achievement of the affirmative action goals in the past 12 months and provide an employee profile showing the number and percentage of male, female, and minority employees by category.

V. Review. TDHCA will make its selection based upon its perception of the need for property inspectors, the demonstrated competence, experience, knowledge and qualifications, and on the efficacy of its affirmative action policy and practices. By this request proposal, however, TDHCA has not committed itself to employ a professional firm for any or all of the above described matters. TDHCA reserves the right to negotiate all elements which comprise the proposal of the firm(s) to ensure that the best possible consideration be afforded to all concerned. TDHCA reserves the right to reject any and all proposals and to resolicit in such an event. TDHCA permits proposals utilizing joint ventures of any two or more firms or professional property inspection companies, if appropriate.

VI. Additional Information. For additional information

concerning the requirements of this request for proposals, please contact Wendy Maceo, Special Projects Manager, at (512) 475- 3964.

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

TRD-9437802 Henry Flores
Executive Director
Texas Department of Housing and
Community Affairs

Filed: March 15, 1994

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**Texas Department of Insurance
Company License Application**

The following applications have been filed with the Texas Department of Insurance and are under consideration:

1. Application for admission in Texas for American Surety Company, a foreign fire and casualty company. The home office is in Burlingame, California.
2. Application for admission in Texas for Commercial Risk Re-Insurance Company, a foreign fire and casualty company. The home office is in Stamford, Connecticut.
3. Application for admission in Texas for ISAS Group Benefits Trust, a foreign multiple employer welfare arrangement. The home office is in Tulsa, Oklahoma.
4. Application for incorporation in Texas for Westmatt, Inc., doing business as Valu-Plus Dental Plan, a domestic health maintenance organization. The home office is in Houston, Texas.
5. Application for name change by The Millers Life Insurance Company of Texas, a domestic life insurance company. The proposed new name is Southwest Life and Health Insurance Company. The home office is in Amarillo, Texas.
6. Application for name change by Lawyers Surety Corporation, a foreign fire and casualty company. The proposed new name is Century American Casualty Company. The home office is in Durham, North Carolina.
7. Application for name change by The Victory Reinsurance Company of America, Inc. a foreign fire and casualty company. The proposed new name is Melbourne Reinsurance Corporation. The home office is in Wilmington, Delaware.
8. Application for admission in Texas by Kelsey National Corporation, a foreign third party administrator. The home office is in Los Angeles, California.
9. Application for admission in Texas for MHN Services assumed name in Texas for MHN Administrative Services, a foreign third-party administrator. The home office is in Los Angeles, California.

Issued in Austin, Texas, on March 16, 1994.

TRD-9437872 Linda K. von Quintus-Dorn
Chief Clerk
Texas Department of Insurance

Filed: March 16, 1994

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**Legislative Budge Board
Budget Execution Proposal**

Pursuant to Texas Government Code, §317.002(b)(2), relating to budge execution authority, I make the following

budget execution proposal:

The Texas Department of Criminal Justice requests authority to expend funds appropriated for an additional purpose. Appropriations made to the Department relating to capital budget items will be affected.

I find that the significant increase in the backlog of offenders confined in the county jails awaiting transfer to state prisons, now numbering in excess of 28,000, creates an emergency requiring the construction of 15,000 additional prison beds and the acceleration of 6,000 state jail beds.

I therefore propose that during the 1994-1995 biennium, the Department may have full transferability within the total amount of its capital budget rider provided in the General Appropriations Act (Acts of the 73rd Legislature, Regular Session, 1993) for the projects necessary to meet this emergency.

Issued in Austin, Texas, on March 1, 1994.

TRD-9437567 Jim Oliver
Director
Legislative Budget Board

Filed: March 14, 1994

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**The Texas Department of Mental
Health and Mental Retardation
(TXMHMR)**

Notice of Public Hearing

The Texas Department of Mental Health and Mental Retardation will hold a public hearing at 2:00 p.m., Monday, April 11, 1994, in the Central Office Auditorium located at 909 West 45th Street, Austin, Texas. The purpose of this public hearing will be to accept oral and written testimony concerning the department's annual review of reimbursement rates for rehabilitation services for persons with mental illness; case management; and diagnostic services for persons with mental retardation. The rates are established using cost reports from providers. The department's methodology for rate-setting involves the establishment of a median cost and/or calculated rate for each service and/or component of service. The adopted rate is the lesser of these rates. Rehabilitative Services for Persons with Mental Illness. Three rates for rehabilitative services for persons with mental illness would be changed based on an amendment to the Medicaid State Plan necessary to ensure consistency in reimbursement methodology across outpatient programs. (Each unit is 15 minutes of client time.) They are: development and revision of a plan of care, which would increase from \$23.43 to \$27.90 per unit; structured rehabilitative day or evening treatment program, which would increase from \$10.30 to \$15.19 per unit; and plan of care monitoring, which would increase from \$18.78 to \$21.69 per unit. The revised rates are scheduled to take effect March 24, 1994. The rate for rehabilitative therapies which was previously determined in error, would decrease from \$17.65 to \$15.85 per unit and is scheduled to take effect March 24, 1994. The rates for the remaining five rehabilitative services would not change. They are: crisis resolution, \$20.95 per unit; medication maintenance by M.D. or D.O., \$50.72 per unit; medication monitoring/administration, \$15.42 per unit; medication training, \$13.34 per unit; and psychosocial rehabilitation, \$3.63 per unit. Case Management. The rates for case management would not change. The rates for case management for

would not change. The rates for case management for persons with mental illness are \$45.21 per face-to-face contact, and \$16.40 per telephone contact. The rates for case management for persons with mental retardation are \$54.58 per face-to-face contact, and \$18.00 per telephone contact. Diagnostic Services for Persons with Mental Retardation. The rate for diagnostic services for persons with mental retardation would not change. It remains at \$1,819.58 per completed comprehensive diagnostic and evaluation. Additional copies of this rate structure are available from TXMHMR, Policy Development, P.O. Box 12668, Austin, Texas, 78711-2668. Individuals requiring an interpreter for the hearing impaired should contact Linda Logan, Director, Policy Development, by calling (512) 206-4516 at least 72 hours prior to the hearing.

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

TRD-9437644 Ann K Utley
Chair
Texas Committee on Mental Health and
Mental Retardation

Filed: March 15, 1994

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**Texas Natural Resource Conservation
Commission**

**Notice of Opportunity to Comment on
Permitting Actions**

The following applications are subject to a Commission resolution adopted August 18, 1993, which directs the Commission's Executive Director to act on behalf of the Commission and issue final approval of certain permit matters. The Executive Director will issue the permits unless one or more persons file written protests and/or requests for hearing within ten days of the date notice concerning the application(s) is published in the *Texas Register*.

If you wish to request a public hearing, you must submit your request in writing. You must state your names, mailing address and daytime phone number; the permit number or other recognizable reference to this application; the statement "I/we request a public hearing"; a brief description on how you, or the persons you represent, would be adversely affected by the granting of the application; a description of the location of your property relative to the application's operations; and your proposed conditions which would satisfy your concerns and cause you to withdraw your request for hearing. If one or more protests and/or requests for hearing are filed, the Executive Director will not issue the permit and will forward the application to the application to the Office of Hearings Examiners where a hearing may be held. If no protests or requests for hearing are filed, the Executive Director will sign the permit ten days after publication of this notice or thereafter. If you wish to appeal a permit issued by the Executive Director, you may do so by filing a written Motion for Reconsideration with the Chief Clerk of the Commission no later than 20 days after the date the Executive Director signs the permit.

Requests for public hearing on this application should be submitted in writing to the Chief's Office, Texas Natural Resources Conservation Commission, P.O. Box 13087, Austin, Texas 78711.

Application by City of Kerrville, has applied to the Texas Natural Resource Conservation Commission for a minor

amendment to Permit Number 10576-01 to authorize changing the method of disinfection from chlorination to an ultraviolet light system in the final phase. The permit currently authorizes a discharge of treated domestic wastewater effluent at a final volume not to exceed an average flow of 3,520,000 gallons per day, which will remain the same. The proposed amendment will enforce more stringent effluent limitations and requirements as needed, in order to meet existing applicable rules and regulations. The wastewater treatment plant is at 3650 Loop 534, at the end of Beach Street on the City Farm in the southeast section of the City of Kerrville in Kerr County, Texas.

Application by William J. Gavranovic; Application Number TA-7233 for temporary permit to divert and use a total of 475 acre-feet of water for a three-year period from the Colorado River, Colorado River Basin, for irrigation purposes in Wharton County, Texas. The proposed point of diversion is on the Colorado River just west of FM 1299 and approximately 4 1/2 miles south of Wharton, Wharton County, Texas where water will be diverted at a maximum rate of 3.12 cfs (1,400 gpm).

Application by Diana S. De Del Rio for a Texas Code, §11.122, Water Use Permit Application. Application to combine 888.6935 acre-feet of Class "A" irrigation water authorized by Certificate of Adjudication Number 23-242, 23. 284 and 23-289, as amended, with the 335.54 acre-feet of Class "A" irrigation water rights owned under Certificate of Adjudication Number 23-243.

Application Number 23-284 by Reinaldo S. Santiso for a Texas Water Code, §11.122, Water Use Permit Application. Application to combine 523.4585 acre-feet of Class "A" irrigation water authorized by Certificate of Adjudication Numbers 23-242 and 23-243 with the 244.254 acre-feet of Class "A" irrigation water rights owned under Certificate of Adjudication Numbers 23.284.

Issued in Austin, Texas, on March 11, 1994.

TRD-9437619 Gloria A. Vasquez
Chief Clerk
Texas Natural Resource Conservation
Commission

Filed: March 15, 1994

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Texas Parks and Wildlife Department
Notices of Public Hearing

Notice is hereby given that the City of Llano, whose address is 301 West Main, Llano, Texas 78643, as of March 3, 1994, filed an administratively complete renewal application with the Texas Parks and Wildlife Department for a nonrevenue permit: to remove up to 30 cubic yards of sand and 20 cubic yards of gravel total per month from the Llano River by the use of a front end loader at the following sites:

Site 1: located inside the city limits of Llano, Texas starting at a point . 45 miles upstream from the Llano River Bridge where Oregon Street meets the Llano River (Llano City Lake) and extending downstream for 33 yards adjacent to the properties of Donald Day, Richard Sutton, Charles S. Deaver, Leonard Rainwater, and Mrs. T.J. and Iva Moore.

Site 2: located inside the city limits of Llano, Texas starting at a point . 33 miles downstream of the Llano River Bridge where Ash Street meets the Llano River

(Llano City Lake) and extending downstream for 33.3 yards adjacent to the properties of Gretchen McKinney, Eugene Russell, Lola L. Smith, Rex Wooten, Dorothy Walker, W. E. Gould, and Eunice Godwin.

Site 3: located east of Llano, Texas starting at a point .8 miles downstream of Llano River Bridge at the Sewer Farm and extending downstream for 100 yards adjacent to the properties of August Otto Jr., Richard Castro, Miles Leverett, and Harold M. Otto.

This permit is requested under the authority granted to the Texas Parks and Wildlife Commission in Chapter 86 of the Parks and Wildlife Code and will not authorize the crossing of any private property.

The hearing to receive public comment on this application will be conducted April 19, 1994, 3:00 p.m., Conference Room A-200, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, Travis County, at which time all interested persons may appear and be heard. Comments may be mailed to the Department at the address listed as follows, or presented orally or in writing at the hearing. Comments sent by mail should be received by the Department prior to the public comment hearing.

In addition, any person who can demonstrate a justiciable interest may request a formal contested case hearing pursuant to the Administrative Procedure and Texas Government Code, §2001.054. Any person wishing to request such a hearing should submit a written request to Catherine Livingston at the address listed as follows. Such a request should include a short statement of the nature of any objections to the requested permit and a description of the potential adverse impact that may be suffered by the requestor. Requests for formal case hearings must be received by the Department no later than 30 days after the date of issuance of this notice as listed below or by the close of the public comment hearing, whichever is later.

Further information concerning any aspect of the application or hearing may be obtained by contacting Catherine Livingston, Environmental Attorney, Legal Services Division.

Issued in Austin, Texas, on March 16, 1994.

TRD-9437670 Catherine Livingston
Legal Services
Texas Parks and Wildlife Department

Filed: March 16, 1994



Notice is hereby given that Delta County, whose address is 200 West Dallas, Cooper, Texas 75432, as of January 10, 1994, filed an administratively complete renewal application with the Texas Parks and Wildlife Department for a nonrevenue permit: to remove up to 2,000 cubic yards total per month from the North Sulfur River by the use of a front end loader at the following sites:

Site 1: located approximately three miles northeast of Pecan Gap, Texas starting at a point two miles upstream of F.M. Highway 38 and extending downstream for 1.36 miles adjacent to the properties of J. C. Lancaster, Ellen Miller, and D. R. Foster.

Site 2: located approximately eight miles north of Cooper, Texas starting at a point 3,200 feet upstream of F.M. Highway 2675 and extending downstream for 1,400 feet adjacent to the properties of Ms. Billy Joe Stanley and Bruce Shirley.

Site 3: located approximately eight miles north of Cooper, Texas starting at a point 300 feet downstream of F.M. Highway 2675 and extending downstream for 2,600 feet adjacent to the property of Billy J. Stanley.

Site 4: This site has been deleted.

Site 5: located approximately 3 1/2 miles northeast of Enloe, Texas starting at a point 1,250 feet downstream of the Southern Pacific Bridge and extending downstream for 1,350 feet adjacent to the property of Joe Foust.

Site 6: located approximately 3 1/2 miles northeast of Enloe, Texas starting at a point 1,550 feet upstream of the Mount Joy Crossing and extending downstream 1,550 feet adjacent to the properties of Dean Gillean, Dr. Pat Cox and William Justice, Jr.

Site 7: located approximately 3 1/2 miles northeast of Enloe, Texas starting at a point 3,300 feet downstream of the Mount Joy Crossing and extending downstream for 2,225 feet adjacent to the properties of W. B. Burns, Rae Davis, and Pat Cox.

Site 8: located approximately two miles north of Vasco, Texas starting at a point 11.9 miles downstream of the State Highway 24 bridge and extending downstream for 2,800 feet adjacent to the properties of Wesley Cochran, W. W. Vernon, L. D. Malone, and John McCorley. To reach the proposed site, turn north at the Vasco Store on an unnamed road and go 1.5 miles to the site.

Site 9: located approximately three miles north of Pacio, Texas starting at a point 8.2 miles downstream of the State Highway 24 bridge and extending downstream for 3,000 feet adjacent to the properties of Cotton McDarrell. To reach the proposed site, turn north at the Pacio Store on an unnamed road, and go one mile to the site.

Site 10: located approximately one mile north of Kensing, Texas starting at a point 14 miles downstream of the State Highway 24 bridge and extending downstream for 3,120 feet adjacent to the properties of Alvin Malone. To reach the proposed site, turn north from Highway 19 in Kensing at the ASGS Ranch Signpost onto an unnamed road and go one mile to the site. This permit is requested under the authority granted to the Texas Parks and Wildlife Commission in Chapter 86 of the Parks and Wildlife Code and will not authorize the crossing of any private property.

The hearing to receive public comment on this application will be conducted: April 19, 1994, 3:00 p.m., Conference Room A-200, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, Travis County at which time all interested persons may appear and be heard. Comments may be mailed to the Department at the address listed as follows, or presented orally or in writing at the hearing. Comments sent by mail should be received by the Department prior to the public comment hearing.

In addition, any person who can demonstrate a justiciable interest may request a formal contested case hearing pursuant to the Administrative Procedure and the Texas Government Code, §2001.054. Any person wishing to request such a hearing should submit a written request to Catherine Livingston at the address listed as follows. Such a request should include a short statement of the nature of any objections to the requested permit and a description of the potential adverse impact that may be suffered by the requestor. Requests for formal contested case hearings must be received by the Department no later than 30 days after the date of issuance of this notice as listed below or by the close of the public comment hearing.

ing, whichever is later.

Further information concerning any aspect of the application or hearing may be obtained by contacting Catherine Livingston, Environmental Attorney, Legal Services Division.

Issued in Austin, Texas, on March 16, 1994.

TRD-9437669 Catherine Livingston
Legal Services
Texas Parks and Wildlife Department

Filed: March 16, 1994



Notice is hereby given that Sabine River Authority of Texas, whose address is P.O. Box 579, Orange, Texas 77630, as of March 7, 1994, filed an administratively complete new application with the Texas Parks and Wildlife Department for a revenue permit: to remove up to 1,990 cubic yards of marl from the Sabine River using a front end loader at a location approximately three miles southwest of Longview at the City of Kilgore's exiting pump station site 100 feet upstream from the Union Pacific Railroad line and extending 110 feet further upstream adjacent to the properties of the City of Kilgore and the Porter Horton Estate. The Sabine River Authority will be constructing a channel and widening the left bank of a raw water intake channel as necessary for the construction of a raw water pumping facility.

This permit is requested under the authority granted to the Texas Parks and Wildlife Commission in Chapter 86 of the Parks and Wildlife Code and will not authorize the crossing of any private property.

The hearing to receive public comment on this application will be conducted: April 19, 1994, 3:00 p.m., Conference Room A-200, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, Travis County, at which time all interested persons may appear and be heard. Comments may be mailed to the Department at the address listed below, or presented orally or in writing at the hearing. Comments sent by mail should be received by the Department prior to the public comment hearing.

In addition, any person who can demonstrate a justiciable interest may request a formal contested case hearing pursuant to the Administrative Procedure and the Texas Government Code, §2001.054. Any person wishing

to request such a hearing should submit a written request to Catherine Livingston at the address listed as follows. Such a request should include a short statement of the nature of any objections to the requested permit and a description of the potential adverse impact that may be suffered by the requestor. Requests for formal contested case hearings must be received by the Department no later than 30 days after the date of issuance of this notice as listed below or by the close of the public comment hearing, whichever is later.

Further information concerning any aspect of the application or hearing may be obtained by contacting Catherine Livingston, Environmental Attorney, Legal Services Division.

Issued in Austin, Texas, on March 16, 1994.

TRD-9437671 Catherine Livingston
Legal Services
Texas Parks and Wildlife Department

Filed: March 16, 1994



Public Utility Commission of Texas Notice of Proceeding for Approval of Extended Area Service

Notice is given to the public of the filing with the Public Utility Commission of Texas of a joint petition on February 23, 1994, seeking approval of optional extended area service (EAS) pursuant to §23.49(b)(8) of the Public Utility Commission of Texas substantive rules. The following is a summary of the joint petition:

Docket Title and Number. Joint Petition for Extended Area Service Between Southwestern Bell Telephone Company's Cuero Exchange and its Victoria Exchange, Project Number 12792, before the Public Utility Commission of Texas.

The Joint Petition. In Project Number 12792, Southwestern Bell Telephone Company (SWB) and the Cuero Exchange seek approval of a joint petition to offer optional, two-way EAS to customers residing within the telephone exchange boundary of the Victoria Exchange and will provide two-way calling between Cuero and Victoria Exchange on a flat-rate basis. Customers choosing to subscribe to EAS will pay the currently approved rates, in addition to basic local service, as follows:

<u>Class of Service</u>	<u>Monthly Rate</u>
Residence per line	\$ 15.00
Business per line	\$ 30.00

Persons who wish to intervene in the proceeding or comment upon action sought should contact the Public Utility Commission of Texas, at 7800 Shoal Creek Boulevard, Suite 400N, Austin, Texas 78757, or call the Public Utility Commission Public Information Office at (512) 458-0256

by Monday, May 23, 1994. The telecommunications device for the deaf (TDD) number for the Public Information Office is (512) 458-0221.

Issued in Austin, Texas, on March 14, 1994.

TRD-9437620 John M. Renfrow
Secretary of the Commission
Public Utility Commission of Texas

Filed: March 15, 1994

Public Notice

This notice is given to correct the notice previously published on March 15, 1994, for Docket Number 11690, containing incorrect dates. The correct notice reads as follows:

On December 23, 1992, Southwestern Bell Telephone Company, Inc., (SWB) filed an application with the Public Utility Commission of Texas (the Commission) for special amortization of the imbedded net investment of items costing between \$200 to \$500. The Commission's General Counsel, the General Services Commission, and SWB have filed a written stipulation with the Commission requesting approval of an agreed amortization methodology.

SWB's application has been designated as Docket Number 11690; *Application of Southwestern Bell Telephone Company For Special Amortization of the Embedded Net Investment of Items Costing Between \$200-\$500*. Persons who wish to intervene in the proceeding or comment upon the action sought should contact the Commission at 7800 Shoal Creek Boulevard, Suite 400N, Austin, Texas 78757, or call the Commission's Public Information Section at (512) 458-0256, or (512) 458-0221 for teletypewriter for the deaf on or before April 4, 1994.

Issued in Austin, Texas, on March 15, 1994

TRD-9437631 John M. Renfrow
Secretary of the Commission
Public Utility Commission of Texas

Filed: March 15, 1994

The Texas A&M University System, Board of Regents Public Notice

Pursuant to Article 6252-17a, §3(a)(23), Texas Civil Statutes, the following candidates are the finalists for the position of President of Texas A&M University and upon the expiration of 21 days, final action is to be taken by the Board of Regents of The Texas A&M University System:

1. Dr. Ray M. Bowen
2. Dr. James N. Corbridge, Jr.
3. Dr. Luis M. Proenza

Issued in College Station, Texas, on March 11, 1994.

TRD-9437543 Vickie Running
Secretary of the Board of Regents
The Texas A&M University System, Board
of Regents

Filed: March 14, 1994

Texas Southern University Request for Proposal

The TSU Financial Aid Delivery System Project Texas Southern University is seeking Consulting Services for the TSU Financial Aid Delivery Systems Project

There will be a bidders conference at 2:00 p.m., March 25, 1994 at the following location. Senior Vice President for Academic Affairs, Hannah Hall, Conference Room 111, Texas Southern University, 3100 Cleburne Avenue, Houston, Texas 77004. All questions for the bidders conference must be submitted in writing by March 22, 1994. Questions received subsequent to the March 22, 1994 due date will be forwarded to the attendees after the conference.

All proposals must be received no later than 5:00 p.m., April 15, 1994, or postmarked a minimum of two days prior to the due date in order to be eligible for review. Modifications to submitted proposals must be completed prior to the closing date and time.

Under no circumstances will delayed proposals be accepted.

Description of Services. Texas Southern University is soliciting proposals to enhance the current Financial Aid Delivery System of the University, to develop a Student Financial Aid Delivery System Strategies Plan, and to design and implement a University-wide Financial Aid Delivery System that emphasizes improved customer service and a more effective and efficient coordination of all University resources related to the financial aid process. The University would like to re-engineer all financial aid processes to be able to obtain full utilization of modern technology (including the optimal use of the Financial Aid Module of the University's newly acquired information system); to ensure compliance with all applicable laws and regulations; and to provide TSU students with the most effective financial aid packaging available. The consultant(s) should also develop and implement strategies to ensure that the Financial Aid Delivery System is adequately staffed with qualified personnel, and to provide on-site support to the University personnel in the implementation and management of the reorganized Financial Aid Delivery System during the term of the project

Proposal Requirements. Proposals must contain a proposed plan of work for the engagement, references, including client contact information, from similar consulting engagements (preferably in a public research institution). The names, current resumes, and two client references for each staff member that would be engaged to work on the project must be included. A guaranteed starting date after confirmation of the award is given. An estimate of TSU resources, staff, faculty, etc. and your expectations of each, necessary to facilitate the goal. The proposal must also include the proposed fee and expenses and an anticipated completion date for review and consideration

Issued in Austin, Texas, on March 16, 1994

TRD-9437588 Everett Bell
Executive Director for Board Relations
Texas Southern University

Filed: March 14, 1994

University of North Texas Health Science Center at Fort Worth Request for Proposals

Purpose. The University of North Texas Health Science Center at Fort Worth (the Center) seeks proposals in response to this Request for Proposal from firms with the qualifications and experience required to provide financial advisory services.

Background of the University of North Texas Health Science Center at Fort Worth. The University of North Texas Health Science Center at Fort Worth (Texas) was opened in 1970 as Texas College of Osteopathic Medicine, privately funded. The institution became state-supported in 1975, under the jurisdiction of the North Texas State University Board of Regents. North Texas State University became the University of North Texas in 1988. The Board of Regents governing both institutions are appointed by the Governor and confirmed by the State Senate. Each of the nine members serves a six-year term. There are three new appointments every two years. The current Board members are: Jerry Farrington, Chairman; E. L. Langley, Vice Chairman; David Bayless, Sr.; R. L. Crawford, Jr.; Nancy Halbreich; Joe Kirven; Lucille G. Murchison; Don Rives; Topsy R. Wright.

On August 30, 1993, the medical school was redesignated by the Texas Legislature as the University of North Texas Health Science Center at Fort Worth. The Center currently has two schools: the Texas College of Osteopathic Medicine and the Graduate School of Biomedical Sciences.

The medical school is one of 16 colleges of osteopathic medicine in the nation, the only one in Texas. More than 400 students are enrolled; 1,443 have earned their doctor of osteopathy degrees. The graduate school offers master's and doctorate degrees in biomedical sciences. Approximately 70 students are enrolled, as of November 1, 1993.

Time Schedule. Two copies of your firm's proposal must be submitted by 3:00 p.m. on May 3, 1994 to: Mike Ferguson, Jr., CPA, Vice President for Fiscal and Administrative Affairs, University of North Texas Health Science Center at Fort Worth 3500 Camp Bowie Boulevard, Fort Worth, Texas 76107.

The submitted proposal must be executed by a duly authorized representative of the firm. An unsigned proposal will not be accepted. Clearly mark the envelopes containing the proposals with the following phrase in the lower left hand corner: "IN RESPONSE TO RFP: FINANCIAL ADVISOR". All proposals become the property of the Center. Proposals must set forth accurate and complete information as required by this RFP. Oral instructions or offers will not be considered.

It will not be necessary for a representative of your firm to be in attendance at 3:00 p.m. on May 3, 1994. A copy of your proposal will be reviewed by the Center's administration, and a decision to name a Financial Advisor will be made on or before May 11, 1994. All respondents to this "Request for Proposal" will be notified of the Center's decision. After the review, certain persons who have responded to the Request for Proposal may be requested to make oral presentations. If so, those persons will be given at least three business days' notice for that purpose and the date, time, and place for oral presentation. Information may be obtained by calling Mike Ferguson at (817) 735-2525.

Basis of Award. The Center will make its selection based upon the demonstrated competence, experience, knowledge and qualifications, as well as the reasonableness of the proposal fee for services to be rendered.

The Center will give first consideration to firms whose principal place of business is located in Texas. By this Request for Proposal, the Center has not committed itself to employ a Financial Advisor nor does the suggested scope of service or term of agreement below require that the Financial Advisor be employed for any or all of those

purposes. The Center reserves the right to make those decisions after the receipt of proposals and the Center's decision on these matters is final.

The Center reserves the right to negotiate individual elements of the Firm's proposal and to reject any and all proposals.

Scope of Services. The Financial Advisor is to be responsible for all duties and services necessary or advisable to facilitate the issuance of bonds as stated on the attached schedule.

Term of Agreement. The contract term for this engagement will be for the period of time from the date of selection by the Center and will terminate with the completion of work for the delivery and sale of the bonds. The Center retains the right to negotiate all elements of the contract. The Center also retains the right to terminate the contract for any reason subject to thirty 30 days prior written notice, and at any time upon the payment of their earned fees and expenses. The Center has the sole discretion and reserves the right to reject any and all responses to this RFP and to cancel the RFP if it is deemed in the best interest of the Center to do so. Issuance of this RFP in no way constitutes a commitment by the Center to award a contract, nor to pay any legal services incurred either in the preparation of a response to this RFP or for the production of any contract for legal services. The Financial Advisor may resign at any time during the term of the contract.

Form of Submission. The following is a suggested format for the submission of proposals.

1. As a minimum, your proposal should provide a brief description of your firm, its history, and general experience.
2. For the most recent five years list previous financial advisor, financial consultant, or negotiated underwriting experience with the State of Texas, with particular emphasis on Texas college and university issues. Indicate in what capacity your firm served.
3. For the most recent five years list previous financial advisor, financial consultant or negotiated underwriting experience with local or other governmental entities in Texas.
4. Name the individuals and provide resumes for those individuals who would be assigned to act as financial advisor(s) to the Center. Please indicate the role the individuals assumed in the five year history of Financial Advisor relationships. Indicate their particular expertise and how it would benefit the Center.
5. Outline the Firm's general experience during the past five years with the major rating agencies.
6. Clearly specify the firm's proposed hourly fee and fee based on a per \$1, 000 bond basis with a maximum amount as stated in the attached "Schedule of Financial Advisory Fees." Discussion of other forms and amounts of compensation may be included as additional information.
7. Discuss the management philosophy of the firm as it relates to the control of fees and expenses and the allowances for non-billable time. Explain your billing procedure.
8. Provide any other information about the firm that you feel is relevant to the consideration of your firm being chosen as Financial Advisor.

Minority Participation. It is the policy of the Center to encourage the participation of minorities and women in all facets of the Center's activities. To this end, the extent to which minorities and women participate in the ownership, management, and professional work force of a consultant firm will be a consideration by the Center in the selection of a firm to serve as Financial Advisor.

Cost Incurred in Responding. All costs directly or indirectly related to preparation of a response to this RFP or any oral presentation required to supplement and/or clarify the RFP which may be required by the Center shall be the sole responsibility of, and shall be borne by, your firm.

Release of Information. Information submitted relative to this request shall not be released by the Center during the proposal evaluation process or prior to contract award.

Open Record. All proposals shall be deemed, once submitted, to be the property of the Center and subject to the Open Records Act, Texas Civil Statutes, Article 6252-17a.

Schedule of Financial Advisory Fees. Financial Advisory Firm (the firm) offers professional services and facilities and will perform the following services for the University of North Texas Health Science Center at Fort Worth (the Center):

1. Consult with the Center's staff, consulting architects and engineers and attorneys to develop: (a) a comprehensive background on the proposed financing program, and (b) a projected schedule of events through the authorization, sale, issuance and delivery of the bonds.

2. If in the firm's professional judgement the financing is feasible and properly conceived, the firm will devise and recommend for the Center's approval a plan of financing to cover the proposed bonds. Such plan shall include a bond maturity schedule and other terms and conditions, as will, in the Firm's opinion, result in the issuance of the bonds under terms and conditions most advantageous to the Center consistent with obtaining a minimum effective interest rate.

3. The firm will compile from: (a) data provided by the Center's staff and consulting architects and engineers, (b) legal information provided by the Bond Attorneys, and (c) other general information, the necessary Official Statements, Notice of Sale and Bidding Instructions and Official Bid Forms, which shall be submitted for approval and certification after detailed review by the Center's staff and other parties involved. The foregoing Official Statements and other documents mentioned shall embody the recommended financing plan.

4. Under the direction of a firm of recognized municipal bond attorneys to be retained by the Center, and whose fees will be paid by the Center, the Financial Advisory Firm will assist and advise the Center upon the steps necessary to be taken in the authorization, sale, issuance, and delivery of the bonds. The firm will cooperate with and furnish financial showings which may be needed by the bond attorneys in their presentation of the required bond resolution and other proceedings.

5. The firm will advise the Center of current market conditions, forthcoming bond issues, and other general information and economic data which might normally be expected to influence interest rates or bidding conditions so that the date of the sale of the bonds can be set at a time which, in the firm's opinion, will not be unfavorable.

6. The firm will assemble the necessary material to make a

personal presentation of same to Moody's Investors Service, Incorporated and/or Standard & Poor's Corporation in New York for the purpose of obtaining favorable ratings on the bonds to be issued. Rating agencies' charges in this connection shall be paid by the Center.

7. After the Center's approval, the firm will arrange and pay for the printing of the Notices of Sale and Bidding Instructions, Official Statements, and Official Bid Forms in sufficient number of copies to permit the mailing to a list of prospective bidders which the firm also agrees to provide.

8. If desired by the Center, the firm will assist in developing duties and responsibilities of the registrar/paying agents as well as criteria for selecting same.

9. The firm will be present and assist the Center's staff at the time dealer bids on the bonds are received. In this connection, the firm will also check the bids received for accuracy and advise the Center which bid, in their opinion, represents the best bid. The firm will further make a recommendation as to the acceptance or rejection of the best bid.

10. Should the Center choose to utilize a negotiated sale rather than competitive bidding, the Firm will prepare a summary list of qualified underwriters and provide information to the Center's staff which will allow them to make an informed choice.

11. If desired by the Center, the firm will arrange for the printing of the definitive bond forms, the cost of which shall be paid by the Center.

12. The firm will furnish the information and supervise the finalization of the Official Statements to be provided to the purchasers of the bond issues. The cost of such finalization shall be paid by the firm.

13. The firm will prepare and furnish detailed schedules of debt service requirements on the proposed bond issues to the Center and the registrar/paying agent.

14. The firm will assist the Center in establishing delivery procedure of the Initial Bond and subsequent redelivery of the definitive bonds.

15. The firm will direct and coordinate the financial advisory phases of new money bond issuance in coordination and cooperation with the work of the Center's legal, engineering, and architectural consultants.

16. The firm will attend meetings of the Center's staff, the Board of Regents, and the State Bond Review Board to the extent required or requested.

17. The firm will assume and pay for their out-of-pocket expenses for Official Statement off-set printing and mailing, their travel, communication, and office expenses incurred in connection with the bond issue. It is specifically understood and agreed that the Firm's obligation to pay expenses is limited as stated above and shall not include any other bond issuance expenses, delivery expenses, or the expenses of any litigation.

As consideration for the services rendered by the firm on new bond issues and as reimbursement for the expense enumerated in paragraph 17 which the firm is to incur, it is understood and agreed that the Center is to pay and the firm is to accept a cash fee based upon the total new money bonds delivered in a single installment in accordance with the following fee schedule:

Issue Size

<u>More Than</u>	<u>And Not More than</u>	<u>Net Financial Advisory Fee Schedule</u>
\$1,500,000	\$5,000,000	\$ _____ plus \$ _____ per \$1,000 for all over \$1,500,000
\$5,000,000	\$10,000,000	\$ _____ plus \$ _____ per \$1,000 for all over \$5,000,000

The fee for issues or special projects requiring substantial time or research will be renegotiated between representatives of the Center and the firm at the inception of each issue or such work.

It is understood that there will be no additional charge for routine day-to-day consultations on any matter involving debt planning or management, including but not limited to special legislation; debt reporting procedures; rating agency and dealer relationships; refundings by consent, purchase or call; bond retirement by open-market discount; comparative bond issues data; bond market trends and conditions; and overall financing plans and policies.

Compensation as Financial Advisor on any new issue shall be due and payable out of the proceeds of the sale of the bonds and there shall be no individual liability on any member of the Board of Regents of the Center or other official of the Center for the payment of any amount due the Financial Advisory Firm.

(Firm)

By _____

(Type Name and Title of Representative)

(Date Signed)

The foregoing agreement is hereby accepted on behalf of the University of North Texas Health Science Center at Fort Worth pursuant to due authorization thereof on _____, 1994.

UNIVERSITY OF NORTH TEXAS HEALTH SCIENCE CENTER AT FORT WORTH

By _____

(Typed Name and Title of Representative)

(Date Signed)

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

TRD-9437594 Mike Ferguson, Jr., CPA
Vice President of Fiscal and Administrative Affairs
University of North Texas Health Science Center at Fort Worth

Filed: March 15, 1994



Purpose

The University of North Texas Health Science Center at Fort Worth (the Center) is requesting proposals from law firms (firm) desiring to serve as Bond Counsel to the Center.

Background of the University of North Texas Health Science Center at Fort Worth

The University of North Texas Health Science Center at Fort Worth (Texas) was opened in 1970 as Texas College of Osteopathic Medicine, privately funded. The institution became state-supported in 1975, under the jurisdiction of the North Texas State University Board of Regents. North Texas State University became the University of North Texas in 1988. The Board of Regents governing both institutions are appointed by the Governor and confirmed by the State Senate. Each of the nine members serves a six-year term. There are three new appointments every two years. The current Board members are: Jerry Farrington, Chairman; E. L. Langley, Vice Chairman; David Bayless, Sr.; R. L. Crawford, Jr.; Nancy Halbreich; Joe Kirven; Lucille G. Murchison; Don Rives; Topsy R. Wright.

On August 30, 1993, the medical school was redesignated by the Texas Legislature as the University of North Texas Health Science Center at Fort Worth. The Center currently has two schools: the Texas College of Osteopathic Medi-

cine and the Graduate School of Biomedical Sciences.

The medical school is one of 16 colleges of osteopathic medicine in the nation, the only one in Texas. More than 400 students are enrolled; 1,443 have earned their doctor of osteopathy degrees.

The graduate school offers master's and doctorate degrees in biomedical sciences. Approximately 70 students are enrolled, as of November 1, 1993.

Time Schedule

Two copies of your firm's proposal must be submitted by 3:00 p.m. on May 3, 1994 to: Mike Ferguson, Jr., CPA, Vice President for Fiscal and Administrative Affairs, University of North Texas Health Science Center at Fort Worth, 3500 Camp Bowie Boulevard, Fort Worth, Texas 76107.

The submitted proposal must be executed by a duly authorized representative of the firm. An unsigned proposal will not be accepted. Clearly mark the envelopes containing the proposals with the following phrase in the lower left hand corner: "IN RESPONSE TO RFP: BOND COUNSEL". All proposals become the property of the Center. Proposals must set forth accurate and complete information as required by this RFP. Oral instructions or offers will not be considered.

It will not be necessary for a representative of the firm to be in attendance at 3:00 p.m. on May 3, 1994. A copy of your proposal will be reviewed by the Center's administration, and a decision to name a Bond Counsel will be made on or before May 11, 1994. All respondents to this "Request for Proposal" will be notified of the Center's decision. After the review, certain persons who have responded to the Request for Proposal may be requested to make oral presentations. If so, those persons will be given at least three business days' notice for the purpose and the date, time, and place for oral presentation.

Information may be obtained by calling Mike Ferguson at 817/735-2525.

Basis of Award

The Center will make its selection for Bond Counsel based upon its perception of demonstrated competence, familiarity with public finance and federal tax law, as well as the reasonableness of the proposed fee for services

The Center will give first consideration to firms whose principal place of business is located in Texas. By this Request for Proposal, the Center has not committed itself to employ a Bond Counsel nor does the suggested scope of service or term of agreement below require that the Bond Counsel be employed for any or all of those purposes. The Center reserves the right to make those decisions after receipt of proposals and the Center's decision on these matters is final.

The Center reserves the right to negotiate individual elements of the Bond Counsel's proposal and to reject any and all proposals.

Scope of Services

The Bond Counsel is to be responsible for all duties and services necessary or advisable to facilitate the issuance of bonds as stated on the attached schedule

Term of Agreement

The contract term for the engagement will be for the period of time from the date of selection by the Center and will terminate with the completion of work for the delivery and sale of the bonds. The Center retains the right to terminate the contract for legal services, for any reason, subject to 30 days prior written notice, and upon payment of earned fees and expenses accrued as of the date of termination. The Center has the sole discretion and reserves the right to reject any and all responses to this RFP and to cancel the RFP if it is deemed in the best interest of the Center to do so. Issuance of this RFP in no way constitutes a commitment by the Center to award a contract, nor to pay any legal services incurred either in the preparation of a response to this RFP or for the production of any contract for legal services. All legal fees and expenses, if any, for legal services under the terms of this engagement shall be paid only out of the cost of issuance and are therefore contingent upon the issuance of the bonds.

Form of Submission. The following is a suggested format for the submission of proposals. As a minimum your proposal should provide:

1. A brief description of your firm and its history, and general experience.
2. A description of your firm's past experience as Bond Counsel for State agencies, with particular emphasis on issues pertaining to Texas institutions of higher education.
3. A description of the insurance coverage carried by your firm, including, but not limited to, disclosure of the insurer and policy(ies) limits.
4. The identity of each of the lawyers who will be assigned to work with the Center and a description of his/her experience and legal background in rendering legal opinions in the area of public finance.
5. An outline of your firm's general experience during the past five years with the major rating agencies.
6. A clear and specific outline of your proposed hourly fee

and fee based on a per \$1,000 bond basis with a maximum amount as stated in the attached Schedule of Bond Counsel Fees. Discussion of other forms and amounts of compensation may be included as additional information.

7. A discussion of the management philosophy of the firm as it relates to the control of fees and expenses and the allowances for non-billable time. An explanation of your billing procedures.

8. Other information about the firm that you feel is relevant to the consideration of your firm being chosen as bond counsel.

Minority Participation. It is the policy of the Center to encourage the participation of minorities and women in all facets of the Center's activities. To this end, the extent to which minorities and women participate in the ownership, management, and professional work force of a consultant firm will be a consideration by the Center in the selection of a firm to serve as bond counsel.

Cost Incurred in Responding. All costs directly or indirectly related to preparation of a response to this RFP or any oral presentation required to supplement and/or clarify the RFP which may be required by the Center shall be the sole responsibility of, and shall be borne by, your firm.

Release of Information. Information submitted relative to this request shall not be released by the Center during the proposal evaluation process or prior to contract award.

Open Record. All proposals shall be deemed, once submitted, to be the property of the Center and subject to the Open Records Act, Texas Civil Statutes, Article 6252-17a.

Schedule of Bond Counsel Fees. The bond counsel will perform all usual and necessary legal services as bond counsel for the University of North Texas Health Science Center at Fort Worth (the Center). Specifically, they will prepare and direct legal proceedings and perform other necessary legal services with reference to the authorization, sale, and delivery of bonds, including the following:

1. Preparation of all resolutions and other instruments pursuant to which bonds will be authorized, sold, and delivered in consultation with the Board of Regents of the Center; the Underwriters with respect to the bonds, if any; the Financial Advisor, and the officers of the Center.
2. Preparation of any trust indenture or trust agreements authorizing or securing the bonds.
3. Attendance at meetings of the Board of regents of the Center to the extent required or requested with reference to the authorization and issuance of the bonds.
4. Attendance at meetings with prospective bond purchasers or rating agencies to the extent required or requested.
5. Attendance at meetings of the State Bond Review Board to the extent required or requested.
6. Obtaining the approval of the bonds by the Attorney General of the State of Texas and the registration of the bonds by the Comptroller of Public Accounts of the State of Texas, as required by law.
7. Supervising the execution of the bonds and delivery thereof to the purchasers.
8. When so delivered, rendering an opinion covering the validity of the bonds under Texas law and the tax exempt status of the interest thereon under federal income tax

laws.

9. Interpretations concerning bond covenants when requested by representatives of the Center.

For each separate installment or series of bonds fees covering legal services as Bond Counsel will be calculated as follows:

Minimum Fee of \$_____ for issues the principal amount of which is \$10,000,000 or less;

2. For issues the principal amount of which is equal to \$10,000,000 per \$1,000 increment of the principal amount;

The fee for bonds will be renegotiated between representatives of the Center and the undersigned at the inception of each issue.

The fee schedule does not include actual out-of-pocket expenses such as telephone, telegraph, telex, reproduction of documents and similar expenses (not including travel expenses). All such expenses will be reasonable and subject to approval by representatives of the Center.

The fees do not include any special services not normally included in the legal services performed by Bond Counsel described above, such as litigation; legal services involving direct Responsibility for proceedings before administrative agencies including, by way of example, the Texas Higher Education Coordinating Board; the Internal Revenue Service; the Securities and Exchange Commission; and the State Securities Administrator; preparation of any prospectuses, official statements, or other materials which must be prepared in accordance with various securities laws; title examinations or title opinions; and negotiating any special or unusual contracts not necessary for the issuance of bonds. However, for casual or intermittent services not related to a specific or future bond issue, no fee will be charged.

Compensation as Bond Counsel shall be due and payable only out of proceeds of the sale of bonds and there shall not be individual liability of any member of the Board of Regents or other officials of the Center for the payment of any amounts due hereunder.

(Firm)

By _____

(Typed Name and Title of Representative)

(Date Signed)

The foregoing agreement is hereby accepted on behalf of the University of North Texas Health Science Center at Fort Worth pursuant to due authorization thereof on _____, 1994.

UNIVERSITY OF NORTH TEXAS HEALTH SCIENCE CENTER AT FORT WORTH

By _____

(Typed Name and Title of Representative)

(Date Signed)

(Firm)

By _____

(Typed Name and Title of Representative)

(Date Signed)

The foregoing agreement is hereby accepted on behalf of the University of North Texas Health Science Center at Fort Worth pursuant to due authorization thereof on _____, 1994.

UNIVERSITY OF NORTH TEXAS HEALTH SCIENCE CENTER AT FORT WORTH

By _____

(Typed Name and Title of Representative)

(Date Signed)

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

TRD-9437595

Mike Ferguson, Jr., CPA
Vice President of Fiscal and Administrative
Affairs
University of North Texas Health Science
Center at Fort Worth

Filed: March 15, 1994



1994 Publication Schedule for the *Texas Register*

Listed below are the deadline dates for the January-December 1994 issues of the *Texas Register*. Because of printing schedules, material received after the deadline for an issue cannot be published until the next issue. Generally, deadlines for a Tuesday edition of the *Texas Register* are Wednesday and Thursday of the week preceding publication, and deadlines for a Friday edition are Monday and Tuesday of the week of publication. No issues will be published on March 11, July 22, November 11, and November 29. An asterisk beside a publication date indicates that the deadlines have been moved because of state holidays.

FOR ISSUE PUBLISHED ON	ALL COPY EXCEPT NOTICES OF OPEN MEETINGS BY 10 A.M.	ALL NOTICES OF OPEN MEETINGS BY 10 A.M.
1 Tuesday, January 4	Wednesday, December 29	Thursday, December 30
2 Friday, January 7	Monday, January 3	Tuesday, January 4
3 Tuesday, January 11	Wednesday, January 5	Thursday, January 6
4 Friday, January 14	Monday, January 10	Tuesday, January 11
5 Tuesday, January 18	Wednesday, January 12	Thursday, January 13
Friday, January 21	1993 ANNUAL INDEX	
6 Tuesday, January 25	Wednesday, January 19	Thursday, January 20
7 Friday, January 28	Monday, January 24	Tuesday, January 25
8 Tuesday, February 1	Wednesday, January 26	Thursday, January 27
9 Friday, February 4	Monday, January 31	Tuesday, February 1
10 Tuesday, February 8	Wednesday, February 2	Thursday, February 3
11 Friday, February 11	Monday, February 7	Tuesday, February 8
12 Tuesday, February 15	Wednesday, February 9	Thursday, February 10
13 Friday, February 18	Monday, February 14	Tuesday, February 15
14 Tuesday, February 22	Wednesday, February 16	Thursday, February 17
15 *Friday, February 25	Friday, February 18	Tuesday, February 22
16 Tuesday, March 1	Wednesday, February 23	Thursday, February 24
17 Friday, March 4	Monday, February 28	Tuesday, March 1
18 Tuesday, March 8	Wednesday, March 2	Thursday, March 3
Friday, March 11	NO ISSUE PUBLISHED	
19 Tuesday, March 15	Wednesday, March 9	Thursday, March 10
20 Friday, March 18	Monday, March 14	Tuesday, March 15
21 Tuesday, March 23	Wednesday, March 16	Thursday, March 17
22 Friday, March 25	Monday, March 21	Tuesday, March 22
23 Tuesday, March 29	Wednesday, March 23	Thursday, March 24
24 Friday, April 1	Monday, March 28	Tuesday, March 29
25 Tuesday, April 5	Wednesday, March 30	Thursday, March 31
26 Friday, April 8	Monday, April 4	Tuesday, April 5
27 Tuesday, April 12	Wednesday, April 6	Thursday, April 7
Friday, April 15	FIRST QUARTERLY INDEX	
28 Tuesday, April 19	Wednesday, April 13	Thursday, April 14

29 Friday, April 22	Monday, April 18	Tuesday, April 19
30 Tuesday, April 26	Wednesday, April 20	Thursday, April 21
31 Friday, April 29	Monday, April 25	Tuesday, April 26
32 Tuesday, May 3	Wednesday, April 27	Thursday, April 28
33 Friday, May 6	Monday, May 2	Tuesday, May 3
34 Tuesday, May 10	Wednesday, May 4	Thursday, May 5
35 Friday, May 13	Monday, May 9	Tuesday, May 10
36 Tuesday, May 18	Wednesday, May 11	Thursday, May 12
37 Friday, May 20	Monday, May 16	Tuesday, May 17
38 Tuesday, May 24	Wednesday, May 18	Thursday, May 29
39 Friday, May 27	Monday, May 23	Tuesday, May 24
40 Tuesday, May 31	Wednesday, May 25	Thursday, May 26
41 *Friday, June 3	Friday, May 27	Tuesday, May 31
42 Tuesday, June 7	Wednesday, June 1	Thursday, June 2
43 Friday, June 10	Monday, June 6	Tuesday, June 7
44 Tuesday, June 14	Wednesday, June 8	Thursday, June 9
45 Friday, June 17	Monday, June 13	Tuesday, June 14
46 Tuesday, June 21	Wednesday, June 15	Thursday, June 16
47 Friday, June 24	Monday, June 20	Tuesday, June 21
48 Tuesday, June 28	Wednesday, June 22	Thursday, June 23
49 Friday, July 1	Monday, June 27	Tuesday, June 28
50 Tuesday, July 6	Wednesday, June 29	Thursday, June 30
51 *Friday, July 8	Friday, July 1	Tuesday, July 5
Tuesday, July 12	SECOND QUARTERLY INDEX	
52 Friday, July 15	Monday, July 11	Tuesday, July 12
53 Tuesday, July 19	Wednesday, July 13	Thursday, July 14
Friday, July 22	NO ISSUE PUBLISHED	
54 Tuesday, July 26	Wednesday, July 20	Thursday, July 21
55 Friday, July 29	Monday, July 25	Tuesday, July 26
56 Tuesday, August 2	Wednesday, July 27	Thursday, July 28
57 Friday, August 5	Monday, August 1	Tuesday, August 2
58 Tuesday, August 9	Wednesday, August 3	Thursday, August 4
59 Friday, August 12	Monday, August 8	Tuesday, August 9
60 Tuesday, August 16	Wednesday, August 10	Thursday, August 11
61 Friday, August 19	Monday, August 15	Tuesday, August 16
62 Tuesday, August 23	Wednesday, August 17	Thursday, August 18
63 Friday, August 26	Monday, August 22	Tuesday, August 23
64 Tuesday, August 30	Wednesday, August 24	Thursday, August 25
65 Friday, September 2	Monday, August 29	Tuesday, August 30
66 Tuesday, September 6	Wednesday, August 31	Thursday, September 1
67 *Friday, September 9	Friday, September 2	Tuesday, September 6

68 Tuesday, September 13	Wednesday, September 7	Thursday, September 8
69 Friday, September 16	Monday, September 12	Tuesday, September 13
70 Tuesday, September 20	Wednesday, September 14	Thursday, September 15
71 Friday, September 23	Monday, September 19	Tuesday, September 20
72 Tuesday, September 27	Wednesday, September 21	Thursday, September 22
73 Friday, September 30	Monday, September 26	Tuesday, September 27
74 Tuesday, October 4	Wednesday, September 28	Thursday, September 29
75 Friday, October 7	Monday, October 3	Tuesday, October 4
Tuesday, October 11	THIRD QUARTERLY INDEX	
76 Friday, October 14	Monday, October 10	Tuesday, October 11
77 Tuesday, October 18	Wednesday, October 12	Thursday, October 13
78 Friday, October 21	Monday, October 17	Tuesday, October 18
79 Tuesday, October 25	Wednesday, October 19	Thursday, October 20
80 Friday, October 28	Monday, October 24	Tuesday, October 25
81 Tuesday, November 1	Wednesday, October 26	Thursday, October 27
82 Friday, November 4	Monday, October 31	Tuesday, November 1
83 Tuesday, November 8	Wednesday, November 2	Thursday, November 3
Friday, November 11	NO ISSUE PUBLISHED	
84 Tuesday, November 15	Wednesday, November 9	Thursday, November 10
85 Friday, November 18	Monday, November 14	Tuesday, November 15
86 Tuesday, November 22	Wednesday, November 16	Thursday, November 17
87 Friday, November 25	Monday, November 21	Tuesday, November 22
Tuesday, November 29	NO ISSUE PUBLISHED	
88 Friday, December 2	Monday, November 28	Tuesday, November 29
89 Tuesday, December 6	Wednesday, November 30	Thursday, December 1
90 Friday, December 9	Monday, December 5	Tuesday, December 6
91 Tuesday, December 13	Wednesday, December 7	Thursday, December 8
92 Friday, December 16	Monday, December 12	Tuesday, December 13
93 Tuesday, December 20	Wednesday, December 14	Thursday, December 15
94 Friday, December 23	Monday, December 19	Tuesday, December 20
95 Tuesday, December 27	Wednesday, December 21	Thursday, December 22
96 *Friday, December 30	Friday, December 23	Tuesday, December 27

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