

# 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Withdrawn Rules - sections withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the Texas Register six months after the proposal publication date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 §2.15:

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

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

TITLE 40 SOCIAL SERVICES AND ASSISTANCE
Part I. Texas Department of Human Services
40 TAC §3.704.....950, 1820

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

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

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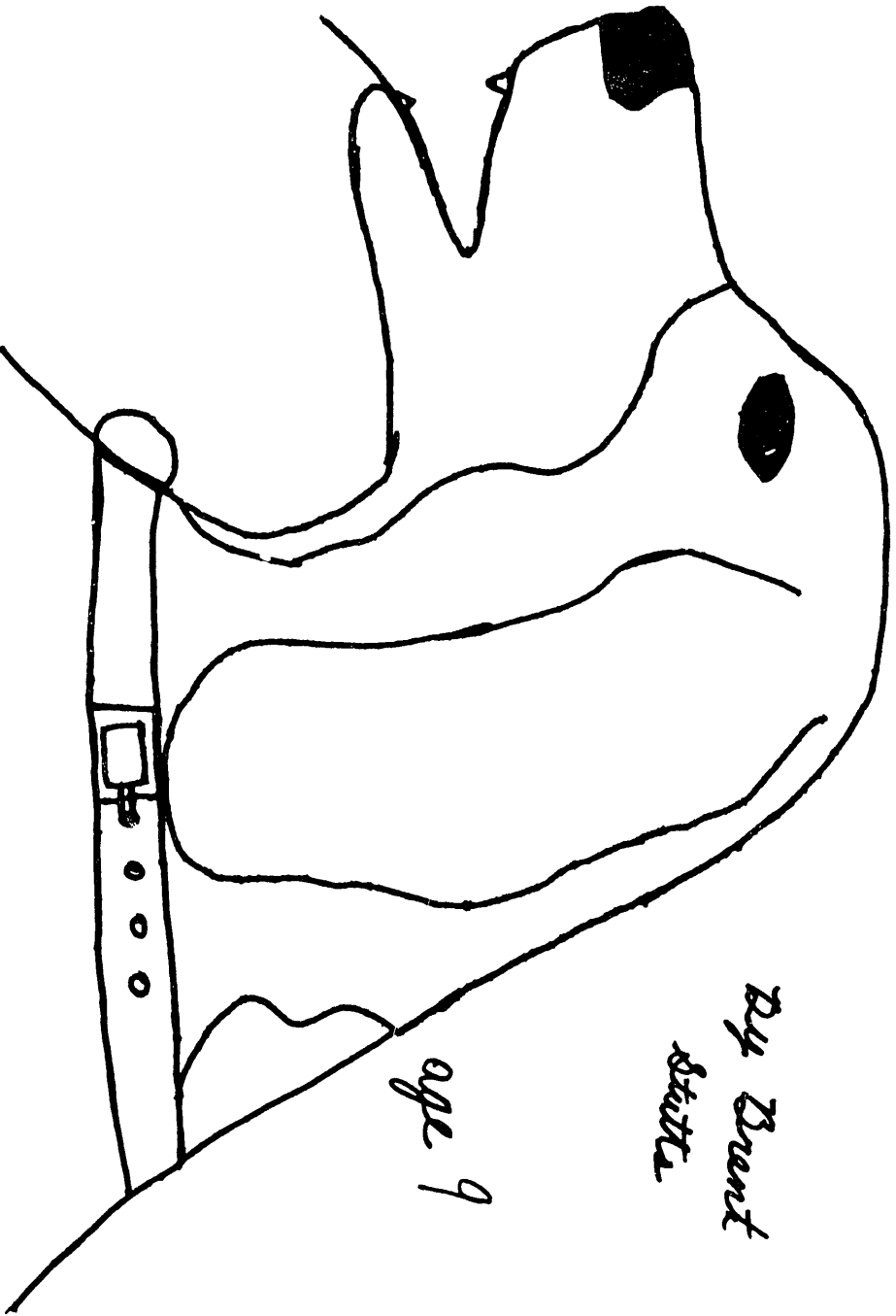
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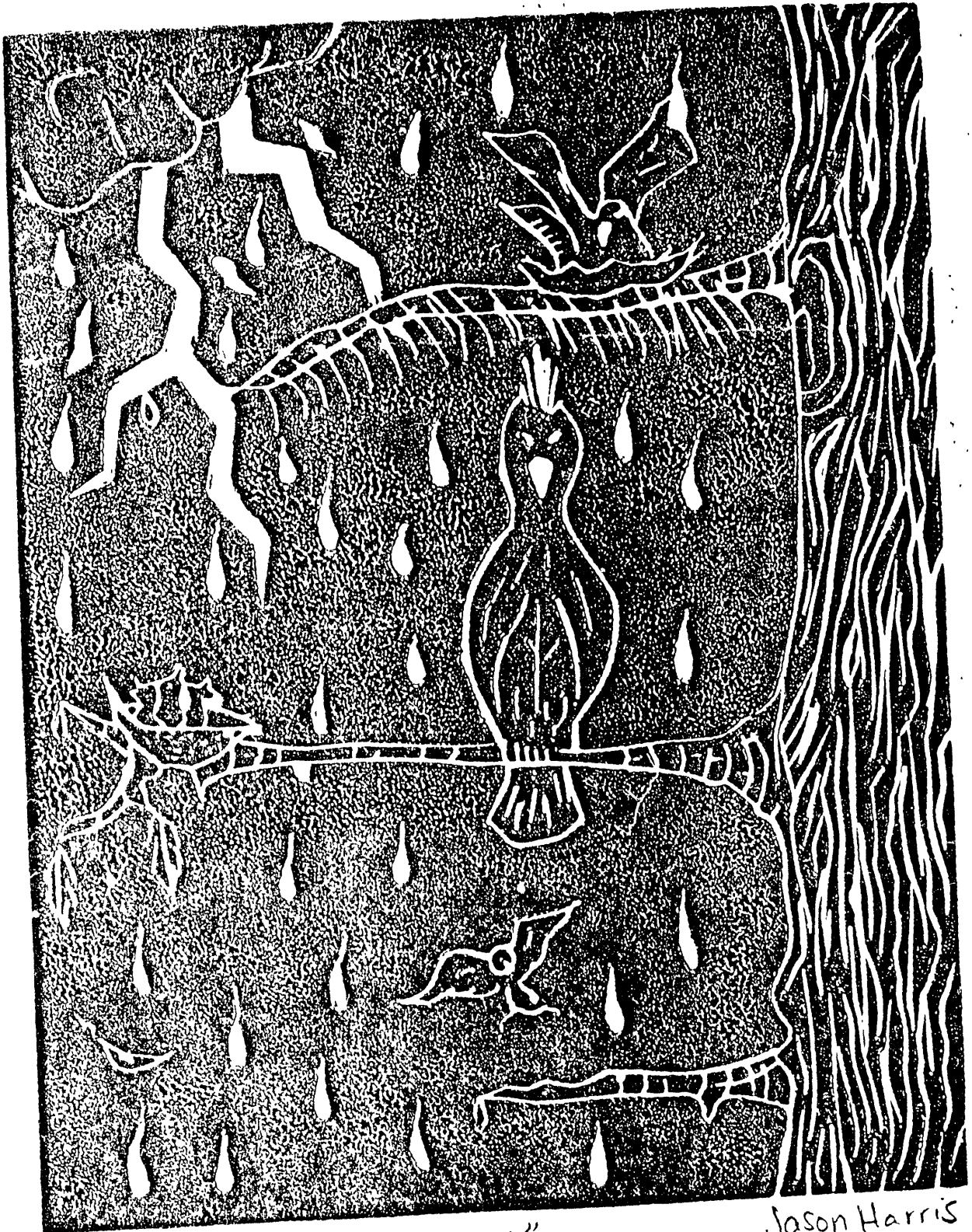
Name: Brent Stuits  
Grade: 3  
School: Rockdale Elementary, Rockdale ISD





Name: Darivs Rogers  
Grade: 5  
School: Rockdale Elementary, Rockdale ISD

Ernie Rogers EB



2/6

"Rainy Days"

Jason Harris

Name: Jason Harris  
Grade: 4th  
School: Richardson High School, Richardson ISD



2/7

"Elsie"

Nancy Waller

Name Nancy Waller  
Grade 11  
School Richardson High School, Richardson ISD

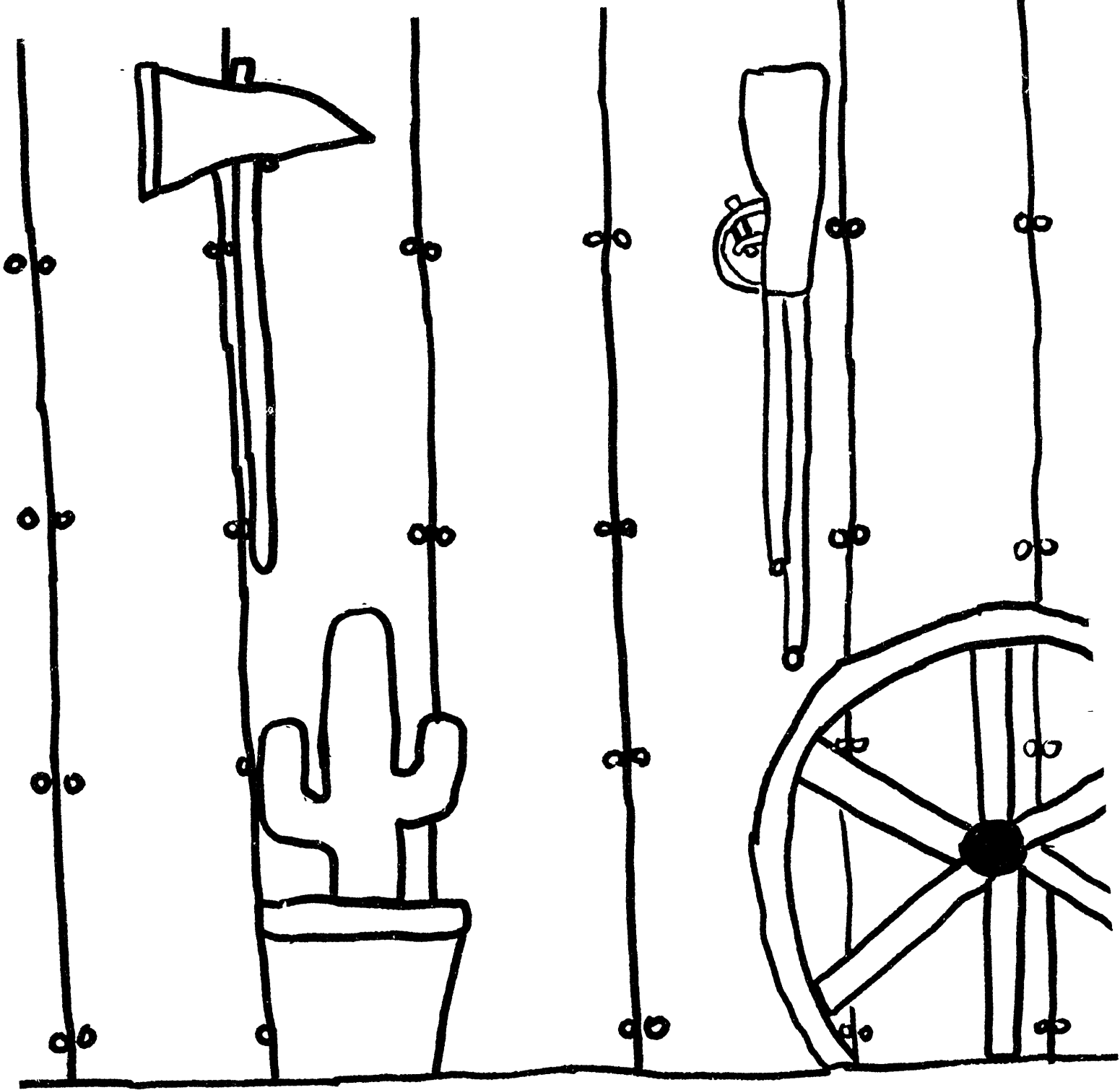




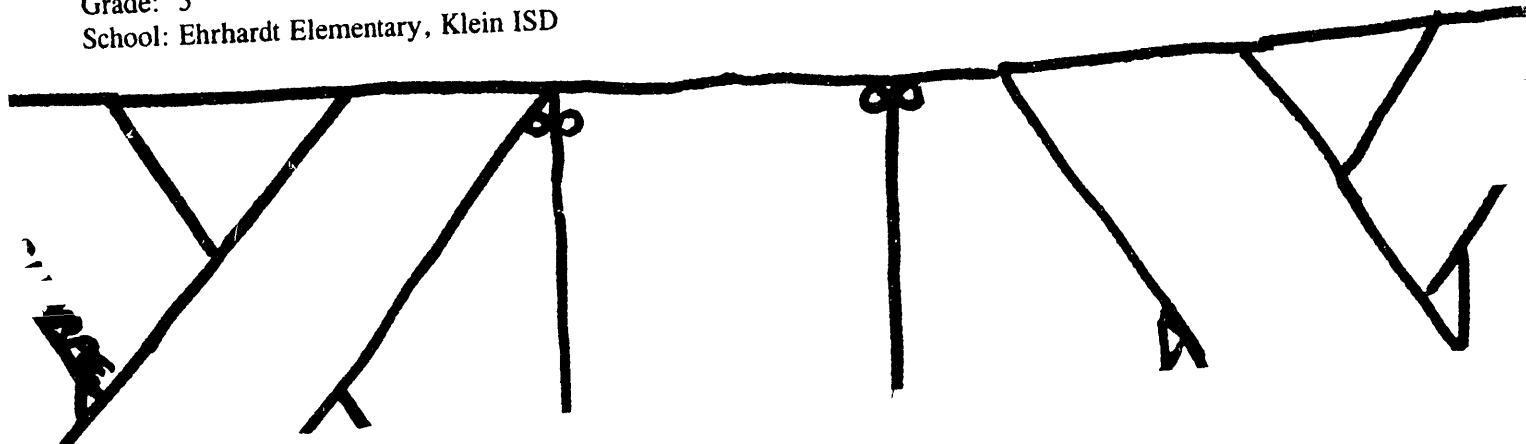
Name: Isaac Lopez

Grade: 5

School: Rockdale Elementary, Rockdale ISD



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



# THE GOVERNOR

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

## Appointments Made March 9, 1994

To be a member of the Texas State Board of Podiatry Examiners for a term to expire July 10, 1999 Paul Schwarzentraub, D.P.M., P.O. Box 64457, Lubbock, Texas 79464-4457 Dr. Schwarzentraub will be replacing Dr Eugene Scioli of Lubbock, whose term expired

## Appointments Made March 10, 1994

To be a member of the Texas Low-Level Radioactive Waste Disposal Authority for a term to expire February 1, 1999 Macario Marquez, Jr., P O Box 156, Sierra Blanca, Texas 79851. Mr. Marquez will be replacing Tom Ingram of Midland, whose term expired.

To be a member of the Texas Higher Education Coordinating Board for a term to

expire August 31, 1997: Juan Jesus Hinojosa, P.O. Box 720008, McAllen, Texas 78502. Mr Hinojosa will be filling the unexpired term of Dr. Carlos D. Godinez of McAllen, who is deceased.

## Appointments Made March 15, 1994

To be a member of the College Opportunity Act Committee for a term to expire February 1, 1999: Dr. Robert L Marion, 8706 Azalea Trail, Austin, Texas 78759. Dr. Marion will be replacing Linda Perryman of Dallas, who resigned.

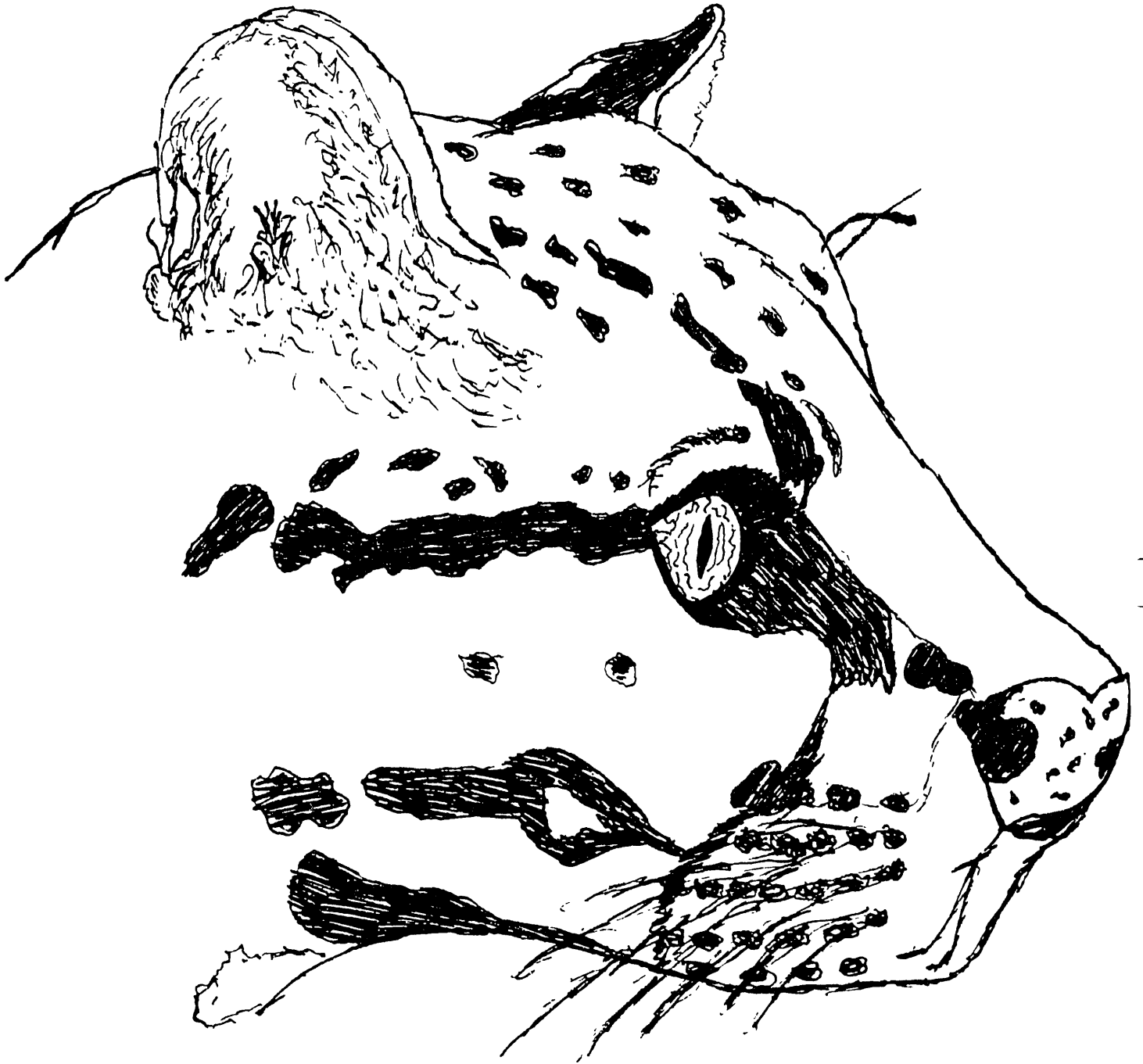
To be a member of the College Opportunity Act Committee for a term to expire February 1, 1997: Dr. Susan Snider Osterberg, 11222 Wilding Lane, Houston, Texas 77024 Dr. Osterberg will be filling the unexpired term of Barbara Dugas-Patterson, who resigned

## Appointments Made March 16, 1994

To serve as Judge of the 205th Judicial District Court, Culberson, El Paso, and Hudspeth Counties, until the next General Election and until her successor shall be duly elected and qualified Kathleen H Olivares, 5913 Quinta Real Court, El Paso, Texas 79912 Judge Olivares will be replacing Judge Sam W Callan of El Paso, who retired.

To be my official representative to the Interstate Mining Compact Commission for a term at the pleasure of the Governor The Honorable Mary Scott Nabers, Commissioner, Railroad Commission of Texas, P O Box 12967, Austin, Texas 78711-2967 Commissioner Nabers will be replacing Lena Guerrero of Austin.

# Texas Ocelot



Zach Gallop  
8th Grade  
Rockdale Jr. High  
Rockdale ISD

# TEXAS ETHICS COMMISSION

---

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

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

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## Texas Ethics Commission

### Opinions

**AOR-227.** The Texas Ethics Commission has been asked to consider whether an incumbent elected officeholder who is not a candidate for reelection may enter into negotiations with a state or local governmental body about future employment and also whether an incumbent elected officeholder who is not a candidate for reelection may enter into such negotiations with a private business that does business with the state or is affected by state regulations or legislation

**AOR-228.** The Texas Ethics Commission has been asked to consider what source of funds should be used to pay a late fine assessed by the Ethics Commission under the Election Code, §254.042

**AOR-229.** Concerning whether reasonable reliance on a rule adopted by the Texas

Ethics Commission has the same effect as reliance on an advisory opinion

**SP-2.** Concerning whether the Texas Board of Nursing Facility Administrators is a major state agency

The Texas Ethics Commission is authorized by the Government Code, Chapter 571, Subchapter D, §1.29 to issue advisory opinions in regard to the following statutes: (1) the Government Code, Chapter 572, Subchapter D, (2) Government Code, Chapter 302, (1) Government Code, Chapter 305, (3) Election Code, Title 15, (5) Penal Code, Chapter 36, and (6) Penal Code, Chapter 39

Questions on particular submissions should be addressed to the Texas Ethics Commission, P.O. Box 12070, Austin, Texas 78711-2070, (512) 463-5800

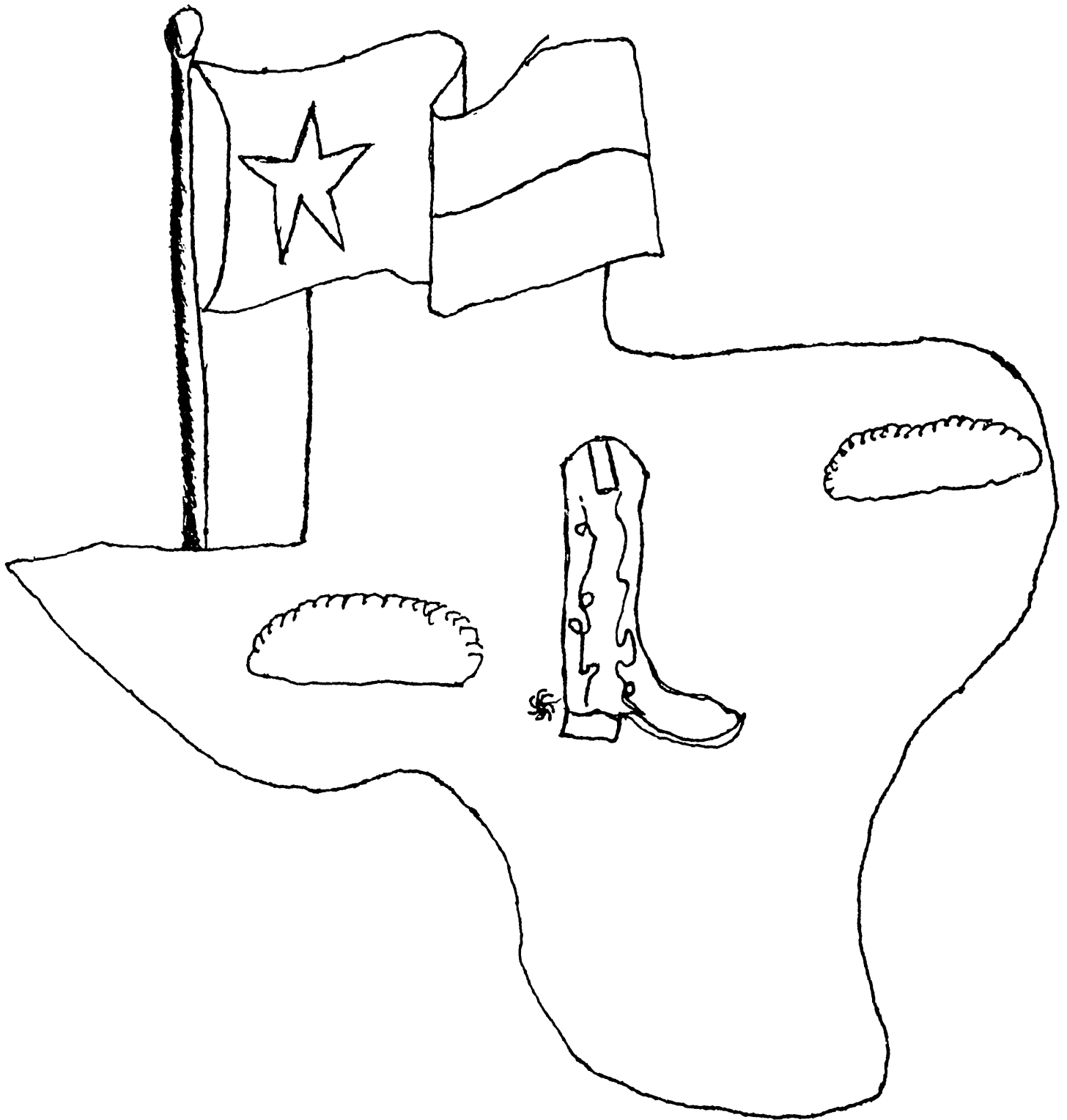
Issued in Austin, Texas, on March 17, 1994

TRD-9437846

Sarah Woelk  
Director, Advisory Opinions  
Texas Ethics Commission

Filed March 18, 1994





Eric Towns  
6th Grade  
Rockdale Jr. High  
Rockdale ISD

*Eric Towns*

# EMERGENCY RULES

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

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

## TITLE 40. SOCIAL SERVICES AND ASSISTANCE

### Part VIII. Children's Trust Fund of Texas Council

#### Chapter 203. Advisory Committees

##### • 40 TAC §§203.1-203.5

The Children's Trust Fund of Texas Council (CTF) adopts on an emergency basis new §§203.1-203.5, concerning advisory committees, to comply with the provisions of Senate Bill 383 (73rd Legislature) requiring agencies to outline in rule form all advisory committees and for which expense reimbursement will be sought

The new sections define commonly used terms, identify existence, purpose, tasks, and evaluation, and set policies and procedures for the advisory committees. CTF was established in 1985 to provide financial support for community-based efforts to address child abuse and neglect through prevention. Prevention programs, along with education and public awareness, encourage all citizens to be advocates for Texas children and youth. The Trust Fund is affiliated with other child advocacy organizations at both the national and international level.

The new rules are adopted on an emergency basis under Human Resources Code, Chapter 74, Title 3, §74.003(a)(11), which authorizes the Children's Trust Fund of Texas Council to adopt rules governing the administration of the agency and its programs.

**§203.1 Purpose** The purpose of this chapter is to identify and set procedures for the advisory committees of the Children's Trust Fund of Texas Council (CTF). CTF is advised by advisory committees established under its enabling legislation, and by advisory committees established by other state and federal laws

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

Chair-Presiding officer of the Council.

CTF-Children's Trust Fund of Texas Council

Trust fund-Dedicated fund within the State Treasury which receives the marriage license fees and interest for the Children's Trust Fund of Texas Council (Government Code, §118.022)

Operating fund-Children's Trust Fund of Texas Council operating fund as specified in the Human Resources Code, Chapter 74, §74.001(2)

Advisory Committee-A committee, commission, task force, or other entity in the executive branch of state government that

(A) is not a state agency,

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

(C) has as its primary function advising a state agency (Any group established by CTF, by statute, or by federally-mandated regulations, to promote a broad range of citizen participation)

##### §203.3 Advisory Committees

(a) Members receive no compensation, unless otherwise specified by law or the General Appropriations Act. Advisors are generally entitled to reimbursement for transportation expenses and the per diem allowance for state employees. The manner and amount of reimbursement for travel, meals, and other expenses is prescribed by the General Appropriations Act. If the committee is created after it is practical to address the existence of the committee in the General Appropriations Act, CTF will adhere to the budget execution process under the Government Code, Chapter 317, in order to reimburse expenses

(b) Annual reports to the CTF Council will be submitted on each committee's activities, usefulness, and costs relating to the committee's existence, including the cost of CTF staff time spent in support of the committee's activities. Copies of the report will be filed biennially with CTF's request for appropriations

(c) An advisory committee is automatically abolished on the fourth anniversary of the date of its creation, unless a different date is established by statute or CTF

(d) The presiding officer of an advisory committee is selected from advisory committee members, unless a different procedure for selection is prescribed by other law

##### §203.4 CTF Fiscal Advisory Committee

(a) Legal Basis The CTF Fiscal Advisory Committee is created by the Children's Trust Fund of Texas Council (CTF) pursuant to the authority granted to them by the Texas Human Resources Code, §74.003

(b) Purpose The CTF Fiscal Advisory Committee will study fiscal issues that influence the effectiveness of the CTF Council and examine ways to maximize available funds and appropriation of these funds to achieve the highest levels of productivity and efficiency. The Committee will make recommendations to the Council

##### (c) Structure

(1) The committee will have up to 18 members, with representatives of business, legislative, financial companies, and consumers or users of the human services provided by CTF

(2) Appointments for two-year terms are made by the CTF Chair or Vice-Chair.

(d) Responsibilities The advisory committee will

(1) review and analyze the financial transfer schedule, particularly relating to

(A) validity and reliability of the current transfer schedule based upon present economic and financial data, and

(B) recommendations for monitoring and evaluation standards for ongoing review and update of schedule

(e) Reports. The advisory committee will report regularly through CTF staff assigned to the committee, prepare and submit a final report to the CTF Council, and keep such records as the CTF Council finds necessary to verify such reports.

(f) Funding. The committee is funded through state funds appropriated from the Children's Trust Fund of Texas Operating Fund created by the Texas Human Resource Code, §§74 001-74.013

(g) Abolishment Date This advisory committee will be abolished September 1, 1995

*§203.5 CTF Public Awareness Advisory Committee*

(a) Legal Basis The CTF Public Awareness Advisory Committee is created by the Children's Trust Fund of Texas

Council (CTF) pursuant to the authority granted by the Texas Human Resources Code, §§74 001-74.013

(b) Purpose The CTF Public Awareness Advisory Committee provides guidance on the development of printed and electronic materials for prevention of child abuse and neglect general releases, assists in establishing standards for working with the media, and reviews proposals which emphasize public education and information The Committee will make recommendations to the Council

(c) Structure

(1) The committee has six members, with representatives of business, legislative, marketing and/or public relations companies, and consumers or users of the human services provided by CTF

(2) Appointments for two-year terms are made by the CTF Chair or Vice-Chair

(d) Responsibilities. The advisory committee will:

(1) review and analyze the printed and electronic materials developed and distributed by CTF to educate the general public about the prevention of child abuse and neglect.

(2) review methods and standards for working with the news media, and

(3) review and make recommendations to the Council on proposals

Issued in Austin, Texas, on March 18, 1994

TRD-9437833

Sue Marshall  
Business Manager  
Children's Trust Fund of  
Texas Council

Effective date March 18, 1994

Expiration date July 17, 1994

For further information, please call (512) 458-1281





# PROPOSED RULES

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

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

## TITLE 1. ADMINISTRATION

### Part IV. Office of the Secretary of State

#### Chapter 78. Athlete Agents

##### Administrative Penalties

###### • 1 TAC §78.53

The Office of the Secretary of State proposes new §78.53, concerning athlete agent administrative penalties pertaining to late contract filings. The proposed §78.53 specifies when an administrative penalty may be imposed for the late filing of an athlete agent contract. In addition, the proposed rule delineates the formula that will be used to determine the amount that will be assessed.

Guy Joyner, staff attorney, has determined that for the first five-year period the section is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the section.

Mr. Joyner also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be to provide individuals and companies with a clarification of the procedure that is used to assess an administrative penalty when a contract is deemed filed late. There will be no effect on small businesses.

There is no anticipated additional economic cost to persons or businesses that are required to comply with the section as proposed.

Comments on the proposal may be submitted to Guy Joyner, Chief, Legal Support Unit, Statutory Documents Sections, P.O. Box 12887, Austin, Texas 78711-2887.

The new rule is proposed under the Government Code, §2001.004(1), and the Athlete Agents Act, Texas Civil Statutes, Article 8871, which provide the secretary of state with the authority to prescribe and adopt rules. The amendments affect Article 8871 of the Texas Civil Statutes.

###### §78.53 Late Contract Filings

(a) An athlete agent contract is deemed filed when it is properly addressed

and placed in the United States Post Office or in the hands of a common or contract carrier. The post office cancellation mark or the receipt mark of a common or contract carrier is prima facie evidence of the date the contract was deposited with the post office or carrier.

(b) Contracts not filed within the time period established by §78.50 of this title (relating to Initial Filing Date) are late.

(c) Contracts not received by the Office of the Secretary of State within ten days of the date the athlete signs the contract are subject to an administrative penalty. Said penalty will be assessed on the following basis:

(1) a fine of \$100, plus,

(2) \$20/day for each day that the contract is late.

(d) Assessment of the fine described in subsection (c) of this section does not preclude the secretary of state from taking other disciplinary action authorized by the Act.

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 21, 1994.

TRD-9437861

Audrey Selden  
Assistant Secretary of  
State  
Office of the Secretary of  
State

Earliest possible date of adoption: April 25, 1994.

For further information, please call (512) 463-5558.



## TITLE 10. COMMUNITY DEVELOPMENT

### Part V. Texas Department of Commerce

#### Chapter 187. Job Training Partnership Act Rules

##### Subchapter A. General Provisions and Definitions

###### • 10 TAC §§187.101-187.105

The Texas Department of Commerce proposes new §§187.101-187.105, concerning rules to implement the Job Training Partnership Act, pursuant to the Texas Government Code, §481.0044, which authorizes the policy board of the Texas Department of Commerce to adopt rules to administer department programs. The sections provide the short title and purpose of these rules, define terms commonly used in the federal and state Job Training Partnership Acts (29 United States Code, §1501 et seq., as amended; Texas Labor Code, §301.001 et seq.; Texas Civil Statutes, Article 4413(52), as amended); and establish the authority and designate the entities for state administration. These sections are proposed to define and facilitate the establishment of a statewide program delivery system for the Job Training Partnership Act.

Fabian S. Gomez, staff attorney, Texas Department of Commerce, has determined that for the first five-year period the sections are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the sections.

Mr. Gomez also has determined that for each year of the first five years the proposed sections are in effect the public benefit anticipated as a result of enforcing the sections will be facilitating the development and implementation of effective state and local systems for managing job training, employment and related programs in this state. There will be no effect on small businesses.

There is no anticipated economic cost to persons or entities who are required to comply with the sections as proposed.

Comments on the proposal may be submitted, in duplicate, to Fabian S. Gomez, Staff Attorney, Work Force Development Division,

Texas Department of Commerce, P O Box 12728, Austin, Texas 78711, within 30 days of the publication of the proposed sections

The new sections are proposed under the Texas Government Code, §481.004(a), which authorizes the policy board to adopt rules necessary for the administration of department programs; and Texas Civil Statutes, Article 4413(52), §5A, (as amended by Senate Bill 405, Acts 1993, 73rd Legislature), which gives the policy board of the Texas Department of Commerce the authority to adopt necessary rules for the implementation and management of the job training program. The sections are also proposed pursuant to the Administrative Procedure Act, Texas Government Code, Chapter 2001, Subchapter B, which mandates the rulemaking procedures for state agencies

The following statutes are affected by the proposed §§187 101-187 134 Texas Labor Code, §301 001, et seq, Texas Civil Statutes, Article 4413(52), §5A

*§187 101 Short Title and Purpose* These rules may be cited as the Texas Job Training Partnership Act Rules. The purpose of these rules is to implement and interpret the provisions of the federal and state Job Training Partnership Acts, (29 United States Code, §1501 et seq, as amended, Texas Labor Code, §301 001 et seq, Texas Civil Statutes, Article 4413(52), as amended)

*§187 102 General Definitions* For purposes of implementing the state and federal Job Training Partnership Acts, the definitions found in the State Act, Texas Labor Code, §301 005, the Federal Act, 29 United States Code, §1503, and the Code of Federal Regulations, 29 Code of Federal Regulations, §626 5, are adopted herein. In addition, the following words and terms when used in this chapter shall have the following meanings, unless the context clearly indicates otherwise

*Department*—The Texas Department of Commerce

*DOL*—The United States Department of Labor

*Federal Act*—The federal Job Training Partnership Act (29 United States Code, §1501 et seq), hereinafter cited with references to Public Law 97-300, October 13, 1982, 96 Statute 1322, as amended

*Federal Regulations*—The Interim Final Rules of the United States Department of Labor, Job Training Partnership Act (20 Code of Federal Regulations, Parts 626-631 and 637)

*Governor*—The governor of the State of Texas

*JTPA*—The federal and state Job Training Partnership Acts and the various programs established under such laws to prepare youth and adults facing serious barriers to employment for participation in the labor force by providing job training and other job services

*Private industry council*—A local council whose members reasonably represent the industrial and demographic composition of the private and business communities, and whose responsibility is to provide guidance and oversight with respect to JTPA activities within their respective service delivery area. The private industry council is sometimes referred to herein as a PIC

*Program year*—The 12-month period beginning on July 1 in the fiscal year for which appropriations are made for programs and activities under the state or federal Job Training Partnership Act

*Secretary*—The Secretary of the U.S. Department of Labor or the Secretary's designated representative(s)

*Service delivery area*—A geographic area designated as a service delivery area under Texas Labor Code, §301 041, also referred to as an SDA

*State Act*—The Texas Job Training Partnership Act (Texas Labor Code, §301 001 et seq)

*State Council*—The Texas Council on Workforce and Economic Competitiveness (Acts 1993, 73rd Legislature, Chapter 668, effective September 1, 1993)

*§187 103 General Duties of Governors Of fice* The governor is responsible for the planning, monitoring, implementing, and evaluating of job training, employment and related programs under the authority of the Texas Labor Code, §301 021, and the provisions of the Federal Act and Federal Regulations, including, without limitation, the specific duties and procedures described in these rules. The governor may develop policies the governor deems necessary to implement the provisions of the State and Federal Acts, independent of these rules.

*§187 104 General Duties of the Texas Department of Commerce*

(a) Pursuant to the Texas Labor Code, §301.022, the Texas Department of Commerce has the primary responsibility for implementing and managing the Job Training and Partnership Act, and performing other functions relating to the JTPA as assigned by the governor

(b) The policy board of the department adopts rules necessary to implement and manage the JTPA, as provided in Acts 1993, 73rd Legislature, Chapter 986, §29

(c) A proceeding of the department involving the JTPA is not subject to the provisions of the Administrative Procedure Act and its subsequent amendments relating to contested cases

*§187 105 The Texas Council on Workforce and Economic Competitiveness.*

(a) Pursuant to the provisions of Senate Bill 642, Acts 1993, 73rd Legislature, the members of the Texas Council on Workforce and Economic Competitiveness (State Council) are appointed by the governor.

(b) Pursuant to §211, Senate Bill 642, Acts 1993, 73rd Legislature, and as authorized by Federal Act §122 and Texas Labor Code, §301 024, the duties of the former State Job Training Coordinating Council are assumed by the State Council

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 14, 1994

TRD-9437752

Deborah Kasinn  
Acting Executive Director  
Texas Department of  
Commerce

Proposed date of adoption September 1, 1994

For further information, please call (512) 320-9630

## Subchapter B Program Delivery System

### • 10 TAC §§187.120-187.134

The Texas Department of Commerce proposes new §§187 120-187 134 concerning rules to implement the Job Training Partnership Act, pursuant to Texas Government Code, §481 0044, which authorizes the policy board of the Texas Department of Commerce to adopt rules to administer department programs. The sections prescribe the procedures and requirements for designation of service delivery areas and certification of private industry councils. These sections are proposed to define and facilitate the establishment of a statewide program delivery system for the Job Training Partnership Act.

Fabian S Gomez, staff attorney, Texas Department of Commerce, has determined that for the first five-year period the sections are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the sections

Mr Gomez also has determined that, for each year of the first five years the proposed sections are in effect the public benefit anticipated as a result of enforcing the sections will be facilitating the development and implementation of effective state and local systems for managing job training, employment and related programs in this state. There will be no effect on small businesses.

There is no anticipated economic cost to persons or entities who are required to comply with the sections as proposed

Comments on the proposal may be submitted, in duplicate, to Fabian S Gomez, Staff Attorney, Work Force Development Division, Texas Department of Commerce, P O Box 12728, Austin, Texas 78711, within 30 days of the publication of the proposed sections

The new sections are proposed under the Texas Government Code, §481 0044(a), which authorizes the policy board to adopt rules necessary for the administration of department programs; and Texas Civil Statutes, Article 4413(52), §5A, (as amended by Senate Bill 405, Acts 1993, 73rd Legislature), which gives the policy board of the Texas Department of Commerce the authority to adopt necessary rules for the implementation and management of the job training program. The sections are also proposed pursuant to the Administrative Procedure Act, Texas Government Code, Chapter 2001, Subchapter B, which mandates the rulemaking procedures for state agencies.

The following statutes are affected by the proposed §§187 101-187 134 Texas Labor Code, §301 001, et seq. Texas Civil Statutes, Article 4413(52), §5A

**§187 120 Designation of Service Delivery Areas** After receiving the recommendations of the State Council, the governor designates service delivery areas for the state, pursuant to the Federal Act, §101(a)(1), and the Texas Labor Code, §301 041, as further defined in Federal Regulations §§628 400-628 430

**§187 121 Procedure for Service Delivery Area Designation**

(a) Pursuant to Federal Act §101, after receiving the State Council's proposal, the governor publishes in the *Texas Register* a proposed designation of service delivery areas for the state

(b) For purposes of Service Delivery Area (SDA) designations, "substantial part" and "substantial portion" of a labor market area shall mean 50% of the population of a labor market area. This definition does not apply to redesignations that rearrange boundaries of existing SDAs, but only to designations or redesignations that create new SDAs

**§187 122 Form and Procedure for Petitions**

(a) A petition for designation as an Service Delivery Area must be submitted to the executive director of the State Council no later than six months prior to the beginning of a program year

(b) A petition to be designated as an SDA may be submitted in any form, but must include the following

(1) documentation provided by the chief elected official(s) (CEOs) that the request is an official act of the local governmental unit or consortium of units, which documentation may be in the form of a resolution from the governing unit(s) requesting SDA designation,

(2) a geographic description of the proposed SDA,

(3) a population count based on the most current census data;

(4) a description of the labor market area as defined in Federal Act, §4(13), and

(5) a timeline for establishing a private industry council

**§187 123 Redesignation of an Existing Service Delivery Area**

(a) Under the authority of Federal Act, §101(c), the governor may redesignate Service Delivery Areas no more frequently than every two years and not later than four months before the beginning of a program year, except for possible redesignations under the following circumstances

(1) if an SDA continually fails to meet performance standards for two consecutive program years, or

(2) if an SDA is in substantial violation of a specific provision of the JIPA state or federal acts or regulations

(b) A petition for redesignation by the CEO(s) of a unit or units specified in Federal Act, §101(c)(2), must include the following

(1) documentation of the request from the CEO(s) of the petitioning unit(s) of general local government, with evidence that a consortium arrangement or agreement is being developed,

(2) a geographic description of the proposed revision to the current SDA,

(3) reasons for requesting redesignation of the existing SDA, and

(4) a population count of the proposed SDA based on the most current census data

(c) Except as provided in this section, existing SDAs are not required to petition for redesignation every two years

**§187 124 Public Comment** After review by the State Council and recommendation to the governor, requests for designation or redesignation as a Service Delivery Area will be published for public review and comment in the *Texas Register*. Public comments will be forwarded to the governor for consideration prior to final designation

**§187 125 Establishment of Private Industry Councils**

(a) A private industry council (PIC) for every service delivery area shall be established pursuant to the Federal Act, §102, and the Texas Labor Code, §301 044. As required and further defined in the Federal Act, §102, each PIC shall consist of representatives of

(1) the private sector, who shall constitute a majority of the membership of the PIC,

(2) organized labor and community-based organizations, who shall constitute not less than 15% of the membership of the council, and

(3) representatives of each of the following

(A) educational agencies in the service delivery area,

(B) vocational rehabilitation agencies,

(C) public assistance agencies, one of whom must always be from the local Texas Department of Human Services region,

(D) economic development agencies, and

(E) the public employment service

(b) No individual member shall be a representative of more than one sector or category described in this section

(c) Whenever possible, at least one-half of the private sector representatives described in subsection (a)(1) of this section shall be from small business, including historically underutilized businesses, as that term is defined in the Texas Government Code, §481 101(1). To be eligible to represent the private sector, at least 51% of an individual's annual income must be from private sector sources

**§187 126 Nomination and Appointment of PIC Representatives**

(a) All nominating organizations shall submit to the CEO(s) of the service delivery area a completed *Private Industry Council Nomination Slate* (SDA/PIC Form A)

(b) Documentation in the form of a vita, resume or work history supporting the qualifications of the nominations must accompany the nomination slate

(c) Once nominations are submitted to and appointments are made by the CEO(s), the appointments and documentation shall be forwarded to the Director of the Work Force Development Division, Texas Department of Commerce. Only nominations forwarded by the CEO(s) will be accepted by the department. The documentation submitted by the CEO(s) must include the following

(1) a *Private Industry Council Nomination Slate* (SDA/PIC Form A) for each of the appointments; and

(2) a *Private Industry Council Appointments* form (SDA/PIC Form C) indicating the official beginning and expiration dates of all appointments.

(d) The Federal Act, §102(c)(1)(A), requires that the number of private sector nominations be at least 150% of the number to be appointed. After private sector nominees are selected for appointment by the CEO(s), only the nominations of those appointed shall be forwarded to the department for processing.

(e) PIC reappointments shall be processed under the provisions of this rule.

#### §187.127 Certification of a Private Industry Council

(a) An application for Private Industry Council (PIC) certification will be submitted to the governor for approval after the chief elected official (CEO) of an Service Delivery Area (SDA) has established a PIC, pursuant to the State and Federal Acts and §187.125 and §187.126 of this title (relating to Establishment of Private Industry Councils, Nomination and Appointment of PIC Representatives), and the following items have been submitted to the governor and have been reviewed by the department:

(1) a written statement providing the names and qualifications of the nominated persons and describing the PIC composition which shall be consistent with the requirements of §187.125 and §187.126 of this title.

(2) a description of the nomination process.

(3) a copy of the Agreement for Local Procedures as required in §187.129 of this title (relating to Agreement for Local Procedures), and any other written agreements between the CEO(s) and the Private Industry Council (PIC), and

(4) a description of the basic organizational structure and operational framework by which the PIC will function.

(b) Written notice stating that the PIC has been certified shall be provided to the CEO(s) with a copy to the PIC.

#### §187.128 Recertification of Private Industry Council.

(a) A Private Industry Council (PIC) must be recertified biennially one year prior to the date for submittal of the two-year Service Delivery Area (SDA) job training plan to the governor. Such recertification shall be conducted under the same procedures established in §187.127 of this title (relating to Certification of a Private Industry Council).

(b) The following items must be submitted for recertification:

(1) the current PIC membership list, including each member's name, address, telephone number, category, term dates, gender and ethnicity.

(2) copies of written agreements by and between the chief elected officials and the PIC.

(3) proposed procedures for developing the SDA job training plan.

(4) identification of the grant recipient and the administrative entity.

(5) the PIC budget, and

(6) the current PIC organizational plan or bylaws, signed and dated by the PIC Chair. Such plan or bylaws must include, as a minimum:

(A) a mission statement,

(B) the committee structure,

(C) a staffing outline showing responsibilities,

(D) a description of the PIC operational policies, such as meeting procedures and schedules.

(E) a description of the PIC policies governing conflict of interest, and

(F) a description of the nomination process.

(c) The items listed in subsection(b) of this section must be submitted by January 15th of the year before the first year of an SDA's two-year Program Year period.

(d) If the PIC membership list is amended, such membership list must be submitted to the department within 30 calendar days of such amendment.

#### §187.129 Agreement for Local Procedures

(a) Pursuant to the Texas Labor Code, §301.045, the Chief Elected Officers (CEO(s)) in a service delivery area shall enter into an agreement with the PIC for the area to determine procedures for selection of the grant recipient, the planning entity, the administrative entity for the service delivery area, and for the development of the local job training plan.

(b) Such agreement (PIC-CEO agreement) must be signed by the current chief elected official(s) and Private Industry Council (PIC) chair.

(c) Any amendments to PIC-CEO agreements, changes to a PIC's organizational plan or bylaws, or the election of new

chief elected official(s) or PIC chairs must be submitted to the department for review within 15 calendar days of the adoption of such amendment or the new official's election.

(d) If a CEO or PIC chair is newly elected during the then current two-year program planning cycle, such newly elected individual must submit correspondence identifying the newly elected individual, including a *Statement of Understanding* (SDA/PIC Form B), to acknowledge that the newly elected official:

(1) has read and understands the current PIC-CEO Agreement, and

(2) reserves the option to request negotiations to amend the agreement at any time during the official's tenure as CEO or PIC chair.

(e) All PIC-CEO agreements and PIC organizational plans or bylaws shall state that PIC members will not be permitted to delegate any PIC duties to proxies or alternates.

#### §187.130 Private Industry Council Vacancies

(a) If a PIC member vacancy occurs due to resignation, termination or any other reason, the Private Industry Council (PIC) chair shall provide notice to the Chief Elected Official(s) (CEO(s)) of the Service Delivery Area (SDA) and to the department within 20 calendar days of such event. Such notice shall be on a *Private Industry Council Vacancies* form (SDA/PIC Form D) and shall include:

(1) the name of the council member,

(2) the category represented, and

(3) the effective date of resignation, termination or other event causing the vacancy.

(b) The original of any resignation letter or other official action documentation must be maintained at the local PIC level.

(c) The CEO(s) shall fill a vacancy in a required category, in the same manner as the original appointments, within 60 calendar days from the effective date of the resignation, termination or other event causing a vacancy. During the 60 day period, the PIC will be able to conduct business. Any action taken by the PIC, with a vacancy in a required category, beyond such 60 day period shall be void.

(d) If the CEO(s) fails to fill a vacancy in a required category within 60 calendar days of the effective date of the vacancy, and remains in noncompliance with this section beyond that time, the department may withhold administrative funds.

and/or decertify the PIC until compliance is achieved, and the governor may make such appointments.

§187.131. *Address for all Submissions or Notices.* All nominations, appointments, notices and other related or required documents for private industry councils must be submitted to the following address: Texas Department of Commerce, Work Force Development Division, Division Director, P. O. Box 12728, Austin, Texas 78711-2728.

§187.132. *PIC/CEO Review of Project Proposals.*

(a) Appropriate Private Industry Councils (PIC(s)) and Chief Elected Officials (CEO(s)) will be provided with a copy of any Request for Proposal (RFP) involving any activity to be funded by the governor under the state or federal acts, within their service delivery area.

(b) A copy of a response to an RFP must be sent by the proposer to the PIC chair and CEO of any Service Delivery Area (SDA) where services are to be provided. The response must be sent on or before the published due date of the response.

(c) The PIC chair and CEO shall provide the department with their review and recommendations on the responses to an RFP, together with a *PIC/CEO Proposal Review Form* (SDA/PIC Form E), within 30 days of their receipt of the responses from the proposers.

(d) A majority of the members of a PIC may submit to the department written objections to any response to an RFP involving their SDA.

(e) To avoid conflict of interest, only the department will review project proposals from an SDA, grant recipient, administrative entity of a PIC, or other local competitor

(f) Any bidder submitting a project proposal for services in six or more service delivery areas shall be considered a state-wide program, and such project proposals shall be exempt from the PIC-CEO review requirements of this section.

§187.133. *Private Industry Council Conflict of Interest.*

(a) Pursuant to Federal Act, §141(f), and the guidelines of Federal Regulations, §627.420(c), this section sets forth the state's Private Industry Council (PIC) Conflict of Interest Policy for disclosure and declaration of a conflict of interest by a PIC member.

(b) Prior to taking office, PIC members must provide to the PIC chair a

written declaration of all substantial business interests or relationships they, or their immediate families, have with a business or organization which has received, currently receives, or is likely to receive JTPA funding. Such declarations shall be updated to reflect any changes in such business interests or relationships. The council shall appoint an individual to timely review the disclosure information and advise the PIC chair and appropriate members of potential conflicts.

(c) Prior to a discussion, vote or decision on any matter before a PIC, if a member, or the immediate family of such member, has a substantial interest in or relationship to a business entity, organization or property that would be pecuniarily affected by any official PIC action, that member shall disclose the nature and extent of the interest or relationship and shall abstain from voting on the matter. All such abstentions shall be recorded in the minutes of the PIC meeting.

(d) Each PIC must include in its organizational plan or bylaws, or in a separate Code of Conduct, provisions for penalties, sanctions or other disciplinary actions for any direct violations of the PIC conflict of interest policy. The following definitions must be incorporated into those provisions:

(1) Immediate Family—Any person related within the first degree of affinity (marriage) or consanguinity (blood) to the person involved.

(2) Substantial Interest—A person has a substantial interest:

(A) in a business entity if:

(i) the person owns 10% or more of the voting stock or shares of the business, or owns either 10% or more or \$5,000 or more of the fair market value of a business; or

(ii) funds received by the person from the business exceed 10% of the person's gross income for the previous year;

(B) in real property if the interest is an equitable or legal ownership with a fair market value of \$2,500 or more;

(C) if the PIC member is related to a person in the first degree of consanguinity or affinity who has a substantial interest as defined in subparagraphs (A) or (B) of this paragraph.

§187.13. *SDA/PIC Forms Adopted by Reference.*

(a) The various forms developed for processing SDA designations and PIC certifications are listed as follows and hereby adopted by reference:

(1) *Private Industry Council Nomination Slate* (SDA/PIC Form A);

(2) *Statement of Understanding* (SDA/PIC Form B);

(3) *Private Industry Council Appointments* (SDA/PIC Form C);

(4) *Private Industry Council Vacancies* (SDA/PIC Form D);

(5) *PIC/CEO Proposal Review Form* (SDA/PIC Form E).

(b) Such forms may be reproduced as needed and are available from Texas Department of Commerce, Work Force Development Division, Division Director, P. O. Box 12728, Austin, Texas 78711-2728.

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 14, 1994.

TRD-9437753

Deborah Kastrin  
Acting Executive Director  
Texas Department of  
Commerce

Proposed date of adoption: September 1, 1994

For further information, please call: (512) 320-1806

## TITLE 22. EXAMINING BOARDS

### Part XI. Board of Nurse Examiners

#### Chapter 217. Licensure and Practice

##### • 22 TAC §217.19

The Board of Nurse Examiners proposes a new §217.19, concerning the non reporting of minor incidents. Texas Civil Statutes, Article 4525a, §6(A)(b), require the Board to adopt rules to minimize the reporting of minor incidents. The proposed rule will reduce complaints concerning incident which would not result in disciplinary action by the board.

Louise Waddill, Ph.D., R.N., 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.

Ms. Waddill also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be that the Board's staff can spend more time investigating RNs who might actually pose a risk of harm, thus enabling staff to resolve those cases in a more timely manner. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Louise Waddill, Ph.D., R.N., Executive Director, Board of Nurse Examiners, Box 140466, Austin, Texas 78714. Comments are requested as soon as possible to enable the Practice Committee to review them at their next meeting on April 13, 1994.

The new section is proposed under Texas Civil Statutes, Article 4514, §1, which provide the Board of Nurse Examiners with the authority to make and enforce all rules and regulations necessary for the performance of its duties and conducting of proceedings before it.

#### §217.19 Minor Incidents.

(a) The Board believes protection of the public is not enhanced by the reporting of every minor incident that may be a violation of the Nursing Practice Act. This is particularly true when there are mechanisms in place in the RN's employment setting to take corrective action, remediate deficits and detect patterns of behavior. This rule is intended to clarify both what constitutes a minor incident and when a minor incident need not be reported to the Board.

(b) A "minor incident" is defined by Texas Civil Statutes, Article 4525a, § 6A(b) as "conduct that does not indicate the nurse's continuing to practice professional nursing poses a risk of harm to the client or other person." An RN involved in an incident which is determined to be minor need not be reported to the Board or the Peer Review Committee if all of the following factors exist:

(1) potential risk of physical, emotional, or financial harm to the client due to the incident is very low;

(2) the incident is a one time event with no pattern of poor practice;

(3) the RN exhibits a conscientious approach to and accountability for his/her practice; and

(4) the RN appears to have the knowledge and skill to practice safely

(c) Other conditions which may be considered in determining that mandatory reporting is not required are:

(1) the significance of the event in the particular practice setting;

(2) the situation in which the event occurred; and

(3) the presence of contributing or mitigating circumstances in the nursing care delivery system

(d) A minor incident need not be reported to the Board or the Peer Review Committee. When a decision is made that the incident is minor, the following steps are required:

(1) an incident/variance report shall be completed according to the employing facility's policy;

(2) the nurse's manager shall maintain a record of each minor incident involving those RNs under his/her supervision;

(3) the nurse's manager shall assure that the incident/variance report contains a complete description of the incident, patient record number, witnesses, RN involved and action taken to correct or remediate the problem;

(4) the nurse's manager shall report a RN to the Peer Review Committee if three minor incidents involving that RN are documented within a one-year time period; and

(5) the Peer Review Committee shall review the three minor incidents and make a determination as to whether a report to the Board is warranted.

(e) In employment settings where no Peer Review Committee is required to exist, the nurse's manager shall review minor incidents involving those RNs under his/her supervision and keep the same reports as required in subsection (c)(1), (2), and (3) of this section. A nurse's manager shall report any RN involved in three minor incidents within one year to the Board.

(f) Nothing in this rule is intended to prevent reporting of a potential violation directly to the Board.

(g) Failure to classify an event appropriately in order to avoid reporting may result in violation of the mandatory reporting statute.

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 18, 1994.

TRD-9437845

Louise Waddill, Ph.D., R.N.  
Executive Director  
Texas Board of Nurse  
Examiners

Proposed date of adoption: May 10, 1994

For further information, please call: (512) 835-8650



## TITLE 37. PUBLIC SAFETY AND CORRECTIONS

### Part III. Texas Youth Commission

#### Chapter 91. Discipline and Control

##### Control

##### • 37 TAC §91.55

The Texas Youth Commission (TYC) proposes an amendment to §91.55, concerning escape and apprehension. The amendments will allow TYC to enter directives to apprehend TYC youth who have escaped from a TYC facility into the Texas/National Crime Information Center system to which all levels of law enforcement have access.

John Franks, director of fiscal affairs, has determined that for the first five-year period the section is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the section.

Mr. Franks also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be a more efficient system of apprehending TYC youth who are on escape. 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 Gail Graham, Policy and Manuals Coordinator, Texas Youth Commission, 4900 North Lamar, P.O. Box 4260, Austin, Texas 78765.

The amendments are proposed under the Human Resources Code, §51.093, which provides the Texas Youth Commission with the authority to allow law enforcement to take into custody of the commission a child who has been committed to the commission and placed by it in any institution or facility and escaped.

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

##### §91.55. Escape and Apprehension

(a) Policy. When a youth escapes or is apprehended while on escape from his authorized placement, Texas Youth Commission (TYC) staff notify law enforcement officials, staff and other affected parties. A designated terminal agency coordinator issues Directives to Apprehend according to Texas/National Crime Information Center (TCIC/NCIC) policy and procedures and DPS/FBI guidelines.

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

(b) Rules.

(1) Notification of Escape.

(A) When it is determined that a youth has escaped, a copy of the Directive to Apprehend, LS-126, is faxed to the director of security at Brownwood State School (BSS) [the local law enforcement authorities are notified immediately].

(B) The BSS director of security or his designee enters the Directive to Apprehend into the TCIC/NCIC system [local sheriff's department is requested to register the notice on the National Crime and Information Center (NCIC) computer] to which all levels of law enforcement have access.

(C)[(D)] The [A] Directive to Apprehend is issued to alert police and other appropriate law enforcement agencies (i.e., sheriffs' departments, constables, etc.) of the escape.

(D)[(C)] The youth's parole officer is notified of the escape by electronic mail.

(E) The original Directive to Apprehend is mailed to the BSS director of security.

(F)[(E)] Copies of the directive are sent to youth's parole officer in the committing county, county where the youth's parents reside, and area where it is believed the youth may be going.

(G)[(F)] The youth's parents are notified.

(2) (No change.)

(3) Notification of Apprehension.

(A) Upon verifying that a youth has been apprehended the BSS director of security immediately cancels the NCIC notice to notify [location issuing the escape notification informs] local authorities [immediately].

[(B) The sheriff's department is requested to cancel the NCIC notice.]

(B)[(C)] The youth's parole officer is notified by electronic mail.

(C)[(D)] The directive is canceled and Cancellation of Directive forms, LS-127 [notices of cancellation] are issued to all locations who were sent copies of the Directive to Apprehend.

(D)[(E)] The youth's family is notified within 24 hours.

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 17, 1994.

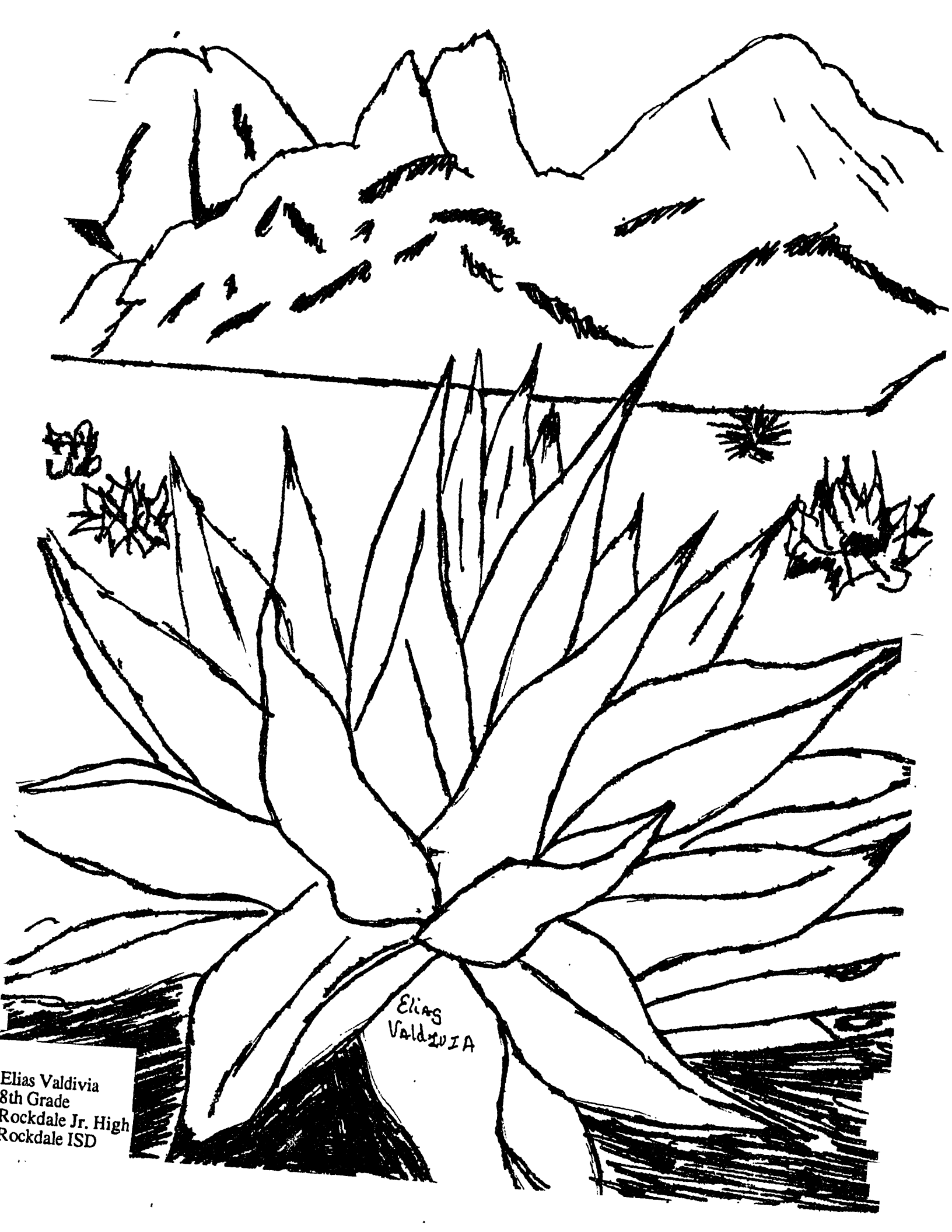
TRD-9437751

Steve Robinson  
Executive Director  
Texas Youth Commission

Earliest possible date of adoption: April 25, 1994

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





Elias  
Valdivia

Elias Valdivia  
8th Grade  
Rockdale Jr. High  
Rockdale ISD



# ADOPTED RULES

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

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

## TITLE 1. ADMINISTRATION

### Part V. General Service Commission

#### Chapter 113. Central Purchasing Division

##### Purchasing

###### • 1 TAC §§113.11, §113.12

The General Services Commission adopts amendments to §§113.11 and §113.12 concerning the certification of delegated authority of all agencies and the certification program for research in higher education, without changes to the proposed text as published in the February 1, 1994, issue of the *Texas Register* (19 TexReg 686).

The amendments to §113.11 and §113.12 update rule negated by the implementation of the Uniform Statewide Accounting System (USAS) on September 1, 1993.

The amendments will delete obsolete language resulting from the implementation of the Uniform Statewide Accounting System and associated procedures.

No comments were received regarding adoption of the amendments.

The amendments are adopted under Texas Civil Statutes, Article 601b, §3. 01, which provide the General Services with the authority to promulgate rules necessary to accomplish the purpose of Article 3.

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 17, 1994

TRD-9437754  
Rose-Michel Munguia  
Legal Counsel  
General Services  
Commission

Effective date: April 7, 1994

Proposal publication date: February 1, 1994

For further information, please call: (512) 463-9974

## TITLE 40. SOCIAL SERVICES AND ASSISTANCE

### Part 19. Texas Department of Protective and Regulatory Services

#### Chapter 700. Child Protective Services

##### Subchapter N. AIDS Policies for Children in PRS Conservatorship

###### • 40 TAC §§700.1401-700.1406

The Texas Department of Protective and Regulatory Services (TDPRS) adopts the repeal of §§700.1401-700.1406 and new §§700.1401-700.1406, without changes to the proposed text as published in the February 8, 1994, issue of the *Texas Register* (19 TexReg 893).

The justification for the repeals and new sections is to update the department's policies for serving children in TDPRS's conservatorship who have or are at risk of getting Acquired Immune Deficiency Syndrome (AIDS), in light of current medical knowledge about AIDS. The new sections update and clarify the department's policies for testing children to determine whether they have been infected with human immunodeficiency virus (HIV), which is the virus that causes AIDS; counseling children in conjunction with their testing, notifying caregivers about the results of the testing of children in their care; protecting the confidentiality of information about a child's HIV status; managing the medical care of children who have been infected with HIV, training caregivers to prevent the transmission of HIV, and to care for children who are already infected; and providing developmentally appropriate sex-education to children in TDPRS's conservatorship, including education about the prevention of AIDS.

The proposal will function by ensuring appropriate testing, counseling, medical care, and residential care for children in TDPRS's conservatorship who are either infected with HIV or are at risk of becoming infected.

No comments were received regarding adoption of the proposal

The repeals are adopted under the Human Resources Code, Title 2, Chapter 22, which authorizes the department to administer public assistance programs, and Chapter 41, which authorizes the department to enforce laws for the protection of children. The repeals are also adopted under the Texas Family Code, Title 2, Chapter 34, which authorizes the department to provide services to alleviate the effects of child abuse and neglect. In addition, the repeals are adopted under Texas Civil Statutes, Article 4413(503), which transferred all functions, programs, and activities related to the child protective services program from the Texas Department of Human Services (TDHS) to TDPRS. And finally, the repeals implement Texas Family Code, §14.02, concerning the rights, privileges, duties, and powers of a conservator.

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 17, 1994.

TRD-9437752  
Nancy Murphy  
Section Manager, Policy  
and Document Support  
Texas Department of  
Protective and  
Regulatory Services

Effective date: May 1, 1994

Proposal publication date: February 8, 1994

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

##### Subchapter N. AIDS Policies for Children in TDPRS's Conservatorship

###### • 40 TAC §§700.1401-700.1406

The new sections are adopted under the Human Resources Code, Title 2, Chapter 22, which authorizes the department to administer public assistance programs, and Chapter 41, which authorizes the department to enforce laws for the protection of children. The new sections are also adopted under the Texas Family Code, Title 2, Chapter 34, which authorizes the department to provide services to alleviate the effects of child abuse and neglect. In addition, the new sections are adopted under Texas Civil Statutes, Article 4413, which transferred all functions, pro-

grams, and activities related to the child protective services program from TDHS to TDPRS. And finally, the new sections implement Texas Family Code, §14.02, concerning the rights, privileges, duties, and powers of a conservator.

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 17, 1994.

TRD-9437726

Nancy Murphy  
Section Manager, Policy  
and Document Support  
Texas Department of  
Protective and  
Regulatory Services

Effective date: May 1, 1994

Proposal publication date: February 8, 1994

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



# 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).

## Advisory Commission on State Emergency Communications

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

John H. Reagan Building, Room 106, 15th Street and North Congress Avenue  
Austin

Emergency Meeting, Revised Agenda

According to the complete agenda, the Administration Committee called to order and recognize guests; hear public comment; staff reports: ACSEC financial reports; Public Education Program; discuss and consider ACSEC office space lease renewal; survey results and proposed budget for the Interagency Emergency Communications Instructor Training Program; audit of ACSEC financial operations by State auditor; potential 9-1-1 related legislative items and process for handling same; South Texas Development Council's proposed amendment to administrative budget; Golden Crescent Council of Governments' proposed amendment to administrative budget; strategic plan implementation issues; and adjourn.

Reason for emergency: Need to make decision on office space lease renewal due to negotiations currently underway with General Services Commission.

Contact: Jim Goerke, 1101 Capital of Texas Highway South, B-100, Austin, Texas 78746, (512) 327-1911. Persons requesting interpreter services for the hearing

and speech-impaired should contact Velia Williams at (512) 237-1911 at least two working days prior to the meeting.

Filed: March 21, 1994, 4:36 p.m.

TRD-9437922

Wednesday, March 23, 1994, 3:00 p.m.

John H. Reagan Building, Room 106, 15th Street and North Congress Avenue

Austin

Emergency Meeting, Revised Agenda

According to the agenda summary, the Advisory Commission on State Emergency Communications met to call the meeting to order; approve minutes of February 2 meeting; old business: report on actions taken on grant rules by The 9-1-1 Commission, report on actions taken on grant rules by The Board of Health, discussion and consideration of proposed charges to grant rules by PCCC, discussion and consideration of role of point control centers within their region, new business: report on monies collected and deposited, report on short and long term goals, discussion of letters of agency; and adjourn.

Reason for emergency: Need to make decision on office space lease renewal due to negotiations currently underway with General Services Commission.

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

Filed: March 21, 1994, 4:35 p.m.

TRD-9437921

## Texas Department of Agriculture

Thursday, April 7, 1994, 1:30 p.m.

Gulf Coast Compress, 201 North 19th Street

Corpus Christi

According to the complete agenda, the Lower Coastal Bend Pest Management Committee will discuss opening remarks; boll weevil eradication update; overview and introduction of new employees; planting/destruction dates, industry perspective; pest management update; and questions and answers.

Contact: Rick Smathers, P.O. Box 12847, Austin, Texas 78711, (512) 475-8946.

Filed: March 18, 1994, 3:31 p.m.

TRD-9437849

## Texas School for the Blind and Visually Impaired

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

1100 West 45th Street, Room 110  
Austin

According to the complete agenda, the Subcommittee on Policies will consider review and discussion of policies: AF-E, BBD, BE, BE-E-A, BE-E-B, BE-E-C, BE-E-D, BE-E, BED, BF, BJCD, BJCE, BJCG, CBA, CBB, CDA, CF, CFA, CFC, CFG, CG, CKB, CL, CR, CRF, DAA, DBC, DBD, DBE, DC, DDA, DDC, DEA, DEAA, DEB, DEC, DECA, DED, DEE, DG, DGA, DGB, DGBA, DGBA-R, DGBA(E) and DHC.

**Contact:** Marjorie L. Heaton, 1100 West 45th Street, Austin, Texas 78756-3494, (512) 454-8631, Ext. 133.

**Filed:** March 17, 1994, 3:24 p.m.

TRD-9437772

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

1100 West 45th Street, Room 150

Austin

According to the complete agenda, the Subcommittee on Personnel will discuss consideration/approval of a retirement system—Employees Retirement System or Teachers Retirement System, consideration of approval of proposed contract renewals and nonrenewals for non-probationary staff; and superintendent's evaluation

**Contact:** Marjorie L. Heaton, 1100 West 45th Street, Austin, Texas 78756-3494, (512) 454-8631, Ext. 133.

**Filed:** March 17, 1994, 3:24 p.m.

TRD-9437771

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

1100 West 45th Street, Room 116

Austin

According to the complete agenda, the Subcommittee on Finance and Audit will consider approval of minutes from January 21, 1994; resolution authorizing equipment lease financing, second quarter, fiscal year 1994 budget status report; and report from internal auditor.

**Contact:** Marjorie L. Heaton, 1100 West 45th Street, Austin, Texas 78756-3494, (512) 454-8631, Ext. 133.

**Filed:** March 17, 1994, 3:24 p.m.

TRD-9437770

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

1100 West 45th Street, Room 116

Austin

According to the agenda summary, the Board of Trustees will call to order; award of Certificate of Appreciation; presentation on Vocational Education at TSBVI, public comments/open forum, consideration of approval of minutes of January 21, 1994, board meeting; consideration of approval of board policies; proposed revision of the

school's enabling legislation; development of board's vision statement for TSBVI; consideration of resolution authorizing the superintendent to enter into an agreement with the Texas Public Finance Authority to purchase technology equipment utilizing the Master Equipment Lease Program, superintendent's evaluation; consideration of approval of proposed contract renewals and nonrenewals for non-probationary staff; consideration/approval of a retirement system—Employees Retirement System or Teachers Retirement System; consideration of approval of 1994-1995 school calendar and waiver request; approval of Textbook Committee recommendations, progress report on site-based decision making, summary of contracts approved at the administrative level (under \$5,000), superintendent's report; report on the board member reimbursement system; report on fiscal year 1994 operating budget: year-to-date expenditures; internal auditor's report; projection on the future of curriculum development, other business; and adjournment.

**Contact:** Marjorie L. Heaton, 1100 West 45th Street, Austin, Texas 78756-3494, (512) 454-8631, Ext. 133

**Filed:** March 17, 1994, 3:24 p.m.

TRD-9437769

## Texas Education Agency

**Sunday, March 27, 1994, 9:00 a.m.**

Camino Real Paso Del Norte Hotel, Salon A and B, 101 South El Paso Street

El Paso

According to the complete agenda, the Commission on Standards for the Teaching Profession will consider opening activities: roll call, adoption of agenda, approval of minutes for March 3, 1994, and introductions; information update: SBOE report and Assessment report, action items: Alternative Certification Program reviews, Region 2-Certification: Generic Secondary, Region 6-Certification. Generic Special Education-Pre-K-12 ESL and Pre-K-6 Bilingual Education, lunch break; discussion items: request from Rice University to present interim report, CSTP brochure, conference reports: 48th Annual Conference on Teacher Education Report (October 27-29, 1994), 49th Annual Conference on Teacher Education 1995, roundtable discussion strategy, EEIS prototype, action research model, view performance-based accountability institute video; summary, suggestions for follow-up (items for May 5 agenda. Austin, Texas), and adjourn.

**NOTE:** Meeting taking place in El Paso, Texas, as part of the Spring Teacher Education Conference, March 26-29, 1994

**Contact:** Delia G. Quintanilla, 1700 North Congress Avenue, Austin, Texas 78701, (512) 463-9337.

**Filed:** March 18, 1994, 10:04 a.m.

TRD-9437811

## Texas Employment Commission

**Tuesday, March 29, 1994, 9:00 a.m.**

TEC Building, Room 644, 101 East 15th Street

Austin

According to the agenda summary, the Texas Employment Commission will consider prior meeting notes; staff reports; consideration and possible adoption of business plan for operation of print shop; internal procedures of Commission appeals; consideration and action on tax liability cases and higher level appeals in unemployment compensation cases listed on Commission Docket 13, and set date of next meeting

**Contact:** C Ed Davis, 101 East 15th Street, Austin, Texas 78778, (512) 463-2291

**Filed:** March 21, 1994, 4:06 p.m.

TRD-9437919

## Texas Ethics Commission

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

1101 Camino La Costa, Room 235

Austin

According to the agenda summary, the Texas Ethics Commission will take roll call; hear comments by the commissioners and the executive director, and communications from the public; approve the minutes of the January 27, 1994, meeting; conduct a briefing, discussion, and possible action regarding the project to establish an electronic database under Government Code, §571.066; conduct briefing, discussion, and possible action regarding the strategic plan; conduct briefing, discussion, and possible action to waive certain fines assessed for the late filing of a report, public hearing and possible action to adopt the following proposed rule published in the *Texas Register*: Chapter 48. Gifts to Regulatory Agency Officers and Employees/Subchapter A. Prohibition on Acceptance of a Benefit; Recusal. 1 TAC §§48.1, 48.3, 48.5, 48.7, and 48.9, public hearing and possible action to adopt the following proposed rules published in the *Texas Register*: Chapter 20. Reporting Political Contributions and Expenditures/Subchapter C. Reporting Requirements for a Candidate 1 TAC §20.206 and Chapter 34. Conduct of Lobby-

ists/Subchapter A. Restrictions on Lobby Expenditures. 1 TAC §§34.7, 34.9, and 34.11; public hearing and possible action to repeal the following proposed rules as published in the *Texas Register*: Chapter 34. Conduct of Lobbyists/Subchapter A. Restrictions on Lobby Expenditures. 1 TAC §§34.9, 34.11, and 34.13; discussion and possible action to propose a revision to rules concerning the number of votes required to act in connection with a sworn complaint; discussion and possible action in response to the following Advisory Opinion Requests Numbers 191, 192, 207, 210, 212, 213, 215, 216, 217, 218, 219, 221, 222, 223, 224, 225, 226, 229, and SP-2; and Adjournment.

Contact: John Steiner, 1101 Camino La Costa, Austin, Texas 78752, (512) 463-5800.

Filed: March 17, 1994, 3:28 p.m.

TRD-9437773

### ◆ ◆ ◆ Fire Fighters' Pension Commission

Wednesday-Thursday, March 30-31, 1994, 1:00 p.m. and 9:00 a.m. respectively

Royce Hotel, IH-35 at Woodward

Austin

According to the agenda summary, the Administrative Division will meet for the purpose of presentations by the consultant, accountant, and actuary as well as staff reports, discussion and action on committee guidelines, custodian wrap fees, and issues at Grand Prairie and El Paso Fire Departments.

Contact: Helen L. Campbell, 3910 South IH-35, Suite 235, Austin, Texas 78704, (512) 462-0222.

Filed: March 22, 1994, 9:12 a.m.

TRD-9437930

### ◆ ◆ ◆ General Services Commission

Tuesday, March 29, 1994, 9:30 a.m.

Central Services Building, 1711 San Jacinto, Room 402

Austin

According to the agenda summary, the General Services Commission will discuss consideration of final adoption of repeal of §§111.61-111.63, concerning the cost of copies of open records, and final adoption of §§111.61-111.70, concerning the cost of copies of open records, consideration of final adoption of amendments to §111.12 and §111.19, concerning the addition of

Asian-Indian-American-owned businesses in the HUB program; consideration of publication of proposed rule 123.32 concerning prevailing wage rate determinations; consideration of proposed amendments to §§113.81-113.87, concerning additional entities being allowed to participate in the cooperative purchasing program; consideration of proposed rule 123.41, regarding Small Contractor Participation Assistance Program; consideration and approval of resolution authorizing continuation of equipment lease; resolution for financing request and bond sale for construction of the rehabilitation of the Sam Houston Building, Austin; consideration of lease with option to purchase (award of lease for the Texas Rehabilitation Commission); consideration of proposed change orders-various projects; consideration of real property acquisition in McLennan County; division issues, executive session to consider personnel matters, executive session to receive a report from counsel concerning the status of pending litigation, and executive session to consider the status of the purchase of real property pursuant to the provisions of Texas Civil Statutes, Article 601b.

Contact: Judith M. Porras, 1711 San Jacinto, Austin, Texas 78701, (512) 463-3446.

Filed: March 18, 1994, 9:14 a.m.

TRD-9437809

### ◆ ◆ ◆ Interagency Council for Genetic Services

Monday, March 28, 1994, 9:00 a.m.

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

Austin

According to the complete agenda, the Interagency Council for Genetic Services will discuss and possibly act on a resource allocation plan for the 1996-1997 fiscal biennium.

Contact: Bill Moore, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7700. For ADA assistance, call Richard Butler (512) 458-7695 or T.D. D. (512) 458-7708 at least two days prior to the meeting.

Filed: March 17, 1994, 4:42 p.m.

TRD-9437788

### ◆ ◆ ◆ Texas Department of Health

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

Texas Department of Health, Room M-741, 1100 West 49th Street

Austin

According to the complete agenda, the Board Briefing Committee will discuss and possibly act on items for the March 26, 1994, meeting of the Texas Board of Health.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484. For ADA assistance, call Richard Butler (512) 458-7695 or T.D. D. (512) 458-7708 at least two days prior to the meeting.

Filed: March 17, 1994, 4:42 p.m.

TRD-9437793

Friday, March 25, 1994, 11:00 a.m.

Texas Department of Health, Room M-739, 1100 West 49th Street

Austin

According to the complete agenda, the Health and Clinical Services Committee will discuss approval of the minutes from the February 26, 1994, meeting; and discuss and possibly act on: presentation of resolution to the students of Rene Mulkey's fourth grade class, James Bowie Elementary School, Baytown; approval of Texas Children's Hospital, Houston, and Children's Medical Center, Dallas, as Chronically Ill and Disabled Children-approved pediatric cardiovascular diagnostic and treatment centers; emergency and proposed amendments to rules concerning the Texas HIV Medication Program to comply with the National Institute of Allergies and Infectious Diseases recommendations for antiretrovirals and expand the eligibility criteria for Fluconazole and SMZ-TMP; and final adoption of rule concerning the Texas HIV Medication Program to expand the formulary to include Itraconazole.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484. For ADA assistance, call Richard Butler (512) 458-7695 or T.D. D. (512) 458-7708 at least two days prior to the meeting.

Filed: March 17, 1994, 4:42 p.m.

TRD-9437792

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

Texas Department of Health, Room M-652, 1100 West 49th Street

Austin

According to the complete agenda, the Strategic Management Committee will discuss approval of the minutes from the February 26, 1994, meeting, and discuss and possibly act on: strategic planning summit summary and follow-up; update concerning interagency work group on health reform; update on border health issues; report on homeless issues and concerns in the State of Texas; monthly update on the department's budget; status of internal audit work plan;

management letter from state auditor; and historically underutilized business (HUB) report.

**Contact:** Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484. For ADA assistance, call Richard Butler (512) 458-7695 or T.D. D. (512) 458-7708 at least two days prior to the meeting.

**Filed:** March 17, 1994, 4:42 p.m.

TRD-9437791

**Friday, March 25, 1994, 3:30 p.m.**

Texas Department of Health, Room M-652, 1100 West 49th Street

Austin

According to the complete agenda, the Human Resources Committee will discuss approval of the minutes of February 26, 1994, and discuss and possibly act on: appointments to the Criminal History Administrative Review Panel; designation of the San Antonio State Chest Hospital as the Texas Center for Infectious Disease; presentation from Sherry Matthews, Advertising and Public Relations, concerning the upcoming immunization campaign; equal employment opportunity report; and presentation concerning electronic mail system.

**Contact:** Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484. For ADA assistance, call Richard Butler (512) 458-7695 or T.D. D. (512) 458-7708 at least two days prior to the meeting.

**Filed:** March 17, 1994, 4:42 p.m.

TRD-9437790

**Saturday, March 26, 1994, 8:00 a.m.**

Texas Department of Health, Room M-652, 1100 West 49th Street

Austin

According to the agenda summary, the Regulatory Committee will discuss approval of the minutes from the February 26, 1994, meeting, and discuss and possibly act on: petition for rulemaking (massage therapy program; and Texas Regulations for Control of Radiation); proposed amendments (registration of code enforcement officers); final adoption (home health agency rules and regulations; home and community support agency rules and regulations; licensing and regulation of special care facilities; massage therapy program; licensing requirements and standards for general and special hospitals; and licensing requirements and standards for private psychiatric hospitals and crisis stabilization units); proposed rules concerning registration of dispensing opticians; appointments to the Criminal History Review Panel; and comments and announcements not requiring committee action.

**Contact:** Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484. For ADA assistance, call Richard Butler (512) 458-7695 or T.D. D. (512) 458-7708 at least two days prior to the meeting.

**Filed:** March 17, 1994, 4:42 p.m.

TRD-9437795

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

Texas Department of Health, Room M-739, 1100 West 49th Street

Austin

According to the complete agenda, the Health Financing Committee will discuss approval of the minutes from the February 26, 1994, meeting; and discuss and possibly act on: discussion with Richard Ladd, Commissioner, Health and Human Services Commission, concerning the Texas Department of Health's vision and direction; and recommendations to the State Medicaid Director (approval to publish a proposed new section on selective contracting; that the Texas Department of Health maintain the existing expense and profit factor for the Medicaid vendor drug program; approval of the proposed amendment to the purchased health services rules concerning reimbursement methodology for disproportionate share hospital programs; approval of proposed amendments to the purchased health services rules concerning inpatient hospital utilization review; and final adoption of amendments to expand the Medicaid coverage to include reimbursement for abortions for pregnancies resulting from acts of rape or incest).

**Contact:** Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484. For ADA assistance, call Richard Butler (512) 458-7695 or T.D. D. (512) 458-7708 at least two days prior to the meeting.

**Filed:** March 17, 1994, 4:42 p.m.

TRD-9437794

**Saturday, March 26, 1994, 1:00 p.m.**

Texas Department of Health, Room M-739, 1100 West 49th Street

Austin

According to the agenda summary, the Texas Board of Health will discuss approval of the minutes of the February 27, 1994, meeting, and discuss and possibly act on: commissioner's report; recommendation to the State Medicaid Director for approval of rules (selective contracting; Medicaid Vendor Drug Program; reimbursement methodology for disproportionate share hospital programs; inpatient hospital utilization review; Medicaid reimbursement for abortions for pregnancies resulting from acts of rape or incest); rules (Texas HIV Medica-

tion Program; massage therapy program; Texas Regulations for Control of Radiation; code enforcement officers; home health agencies; community support agencies; special care facilities; general and special hospital licensing; and private psychiatric hospitals and crisis stabilization units); committee reports (strategic management; health financing; health and clinical services; human resources; and regulatory); appointments (Criminal History Administrative Review Panel); Women, Infants and Children expansion update; approval of Texas Children's Hospital, Houston, and Children's Medical Center, Dallas, as approved pediatric cardiovascular diagnostic and treatment centers; designation of the San Antonio State Chest Hospital as the Texas Center for Infectious Disease; announcements and comments not requiring board action; and meeting dates for April, 1994.

**Contact:** Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484. For ADA assistance, call Richard Butler (512) 458-7695 or T.D. D. (512) 458-7708 at least two days prior to the meeting.

**Filed:** March 17, 1994, 4:42 p.m.

TRD-9437789

## Health and Human Services Commission

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

300 West 15th Street, Committee Room Five

Austin

According to the complete agenda, the Long-Term Care Task Force will hear public comment; discussion of March 8 meeting; check in form HHSC; observations of task force work to date; Steering Committee report; observable points of agreement, vision and definition, proposed use of grids, development of glossary, future work with Milbank; presentation by HHSC staff on current directions: Access: one-stop connection (TESS and pilots); case management, I and R, and Structure; RICs; lunch; discussion of apparent points of agreement; break; discussion of revised vision statement; and next steps (developing implementation recommendations for agreed policy recommendations; additional information/presentations: Deann, TDHCA).

NOTE: Please inform the Commission if you will need interpreter services. The Commission's phone number is (512) 502-3200. The Texas Relay number is 1-800-735-2989. Interpreters will be available throughout the morning; they will stay for the entire meeting if their services are needed.

Contact: Sonica Lieou, 4807 Spicewood Springs Road, Building Four, Austin, Texas 78759, (512) 502-3250.

Filed: March 17, 1994, 1:32 p.m.

TRD-9437747

◆ ◆ ◆  
**Texas Higher Education Co-ordinating Board**

Thursday, March 31, 1994, 10:00 a.m.

R. Jan LeCroy Center, Room 170, Richland College Campus, 9596 Walnut Street

Dallas

According to the agenda summary, the Technology Committee will discuss consideration of matters relating to the committee on Technology.

Contact: Roger Elliott, P.O. Box 12788, Austin, Texas 78711, (512) 483-6130.

Filed: March 21, 1994, 10:47 a.m.

TRD-9437869

◆ ◆ ◆  
**Texas Commission on Human Rights**

Tuesday, March 29, 1994, 1:00 p.m.

Wyndham Austin Hotel at Southpark, Southpark Room A, 4140 Governor's Row  
Austin

According to the agenda summary, the Texas Commission on Human Rights will consider discussion and vote on agenda item(s) covered in executive session as necessary or required; welcoming of guests; minutes; administrative reports; appointment of Avery Friedman to the pro-bono position of special counsel to the TCHR; quarterly cash flow statement; 1996-1997 strategic plan; advance information on the preparation of the Commission's 1996-1997 legislative appropriations request; rules related to the amendments to the TCHR Act; EEO compliance training; analysis of re-classifying commission employees to be competitive with other state agencies; IAOHRA Southern Regional Conference; staff positions; administrative enforcement project; report on Article V, §§98-100; annual EEO Conference; commissioner issues; and unfinished business.

Contact: William M. Hale, P.O. Box 13493, Austin, Texas 78711, (512) 837-8534.

Filed: March 18, 1994, 10:05 a.m.

TRD-9437813

**Texas Department of Insurance**

Wednesday, March 30, 1994, 9:00 a.m.

State Office of Administrative Hearings, 300 West 15th Street, Fourth Floor, Suite 408

Austin

According to the complete agenda, the Texas Department of Insurance will consider request by Speedway Erection Service Company for a hearing on additional premiums owed as a result of employees of Three C Erectors, Inc. being included in a 1990-1991 and 1991-1992 audit.

Contact: Melissa Slusher, 333 Guadalupe Street, Mail Code #113-2A, Austin, Texas 78701, (512) 463-6527.

Filed: March 18, 1994, 1:21 p.m.

TRD-9437840

◆ ◆ ◆  
**Texas Commission on Law Enforcement Officer Standards and Education**

Tuesday, March 29, 1994, 9:00 a.m.

Doubletree Hotel, 6505 IH-35 North

Austin

Revised Agenda

According to the agenda summary, the Texas Commission on Law Enforcement Officer Standards and Education has revised the agenda to add a new item: executive session to discuss the appointment of an interim executive director under the authority of the Texas Government Code, §551.074, of the Open Meetings Act.

Contact: Vera Kocian, 1033 LaPosada #175, Austin, Texas 78752, (512) 450-0188.

Filed: March 21, 1994, 1:49 p.m.

TRD-9437874

◆ ◆ ◆  
**Texas Department of Licensing and Regulation**

Tuesday, March 29, 1994, 9:00 a.m.

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

Austin

According to the complete agenda, the Manufactured Housing Inspections and Investigations Committee will hold an Administrative Hearing to consider the possible assessment of an administrative penalty and denial, suspension, and revocation of the license for C. P. Jones doing business as

AAA Midway Mobile Home Service, Inc. for violation of the Texas Revised Civil Statutes Annotated Article 5221f, §7(d) and §8(d), Article 9100, 16 T.A.C., §69.125(e)(1) and the Texas Government Code, Chapter 2001.

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

Filed: March 21, 1994, 4:05 p.m.

TRD-9437918

◆ ◆ ◆  
**Texas State Board of Medical Examiners**

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

1812 Centre Creek Drive, Suite 203

Austin

According to the agenda summary, the Texas State Board of Acupuncture Examiners/Grandfathering, Reciprocity, and Application Committee will approve minutes, listen to oral comments regarding automatic licensure for acupuncturists, and further discuss rules related to grandfathering, reciprocity, and application forms.

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

Filed: March 17, 1994, 3:19 p.m.

TRD-9437760

Friday, March 25, 1994, 11:00 a.m.

1812 Centre Creek Drive, Suite 203

Austin

According to the agenda summary, the Texas State Board of Acupuncture Examiners/Discipline and Ethics Committee will approve minutes, hear comments regarding proposed rules, and discussion formulation of rules related to discipline and ethics.

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

Filed: March 17, 1994, 3:23 p.m.

TRD-9437767

Friday, March 25, 1994, 1:30 p.m.

1812 Centre Creek Drive, Suite 203

Austin

According to the agenda summary, the Texas State Board of Acupuncture Examiners will approve minutes, hear and approve committee reports and recommendations, appoint Education Committee, hear reports from Texas State Board of Medical Examiners' staff, hear comments from public regarding proposed rules, and discuss possible appointment of a board consultant.

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

Filed: March 17, 1994, 3:24 p.m.

TRD-9437768

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**Texas Department of Mental Health and Mental Retardation**

Tuesday, March 29, 1994, 2:00 p.m.

Travis State School Administration Building, Conference Room, 8509 FM 969

Austin

According to the complete agenda, the Travis State School Alternate Use Committee will consider approval of minutes of meetings on March 15, 1994, and March 23, 1994; chairman's comments; consideration of action(s) taken by TXMHMR Board on March 25, 1994; consideration of proposal format and solicitation plan; and adjourn.

Contact: Steve Craddock, 909 West 45th Street, Austin, Texas 78751, (512) 206-4579.

Filed: March 21, 1994, 9:25 a.m.

TRD-9437862

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**Texas Natural Resource Conservation Commission**

Wednesday, March 30, 1994, 9:00 a.m.

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

Austin

According to the agenda summary, the Texas Natural Resource Conservation Commission will consider approving the following matters on the attached contested agenda: air quality enforcement matters; water quality enforcement; municipal solid waste enforcement; solid waste management plan; rules; examiner's proposal for decision; executive session; in addition, the Commission will consider items previously posted for open meeting and at such meeting verbally postponed or continued to this date. With regard to any item, the Commission may take various actions, including, but not limited to, rescheduling an item in its entirety or for particular action at a future date and time.

Contact: Doug Kitts, P.O. Box 13087, Austin, Texas 78711-3087, (512) 463-7905.

Filed: March 18, 1994, 8:57 a.m.

TRD-9437808

Wednesday, March 30, 1994, 9:00 a.m.

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

Austin

According to the agenda summary, the Texas Natural Resource Conservation Commission will consider approving the following matters on the uncontested agenda: Class 2 modification; water quality permit renewal; water district matters; settled hearings; in addition, the Commission will consider items previously posted for open meeting and at such meeting verbally postponed or continued to this date. With regard to any item, the Commission may take various actions, including, but not limited to, rescheduling an item in its entirety or for particular action at a future date and time

Contact: Doug Kitts, P.O. Box 13087, Austin, Texas 78711-3087, (512) 463-7905.

Filed: March 18, 1994, 8:56 a.m.

TRD-9437807

Wednesday, March 30, 1994, 9:00 a.m.

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

Austin

Revised Agenda

According to the agenda summary, the Texas Natural Resource Conservation Commission will discuss addendum to contested agenda, executive session.

Contact: Doug Kitts, P.O. 13087, Austin, Texas 78711-3087, (512) 463-7905.

Filed: March 21, 1994, 3:22 p.m.

TRD-9437915

Wednesday, March 30, 1994, 2:00 p.m.

601 West 11th Street (between Rio Grande and Nueces), Regency Apartments, Club Room

Austin

According to the agenda, the Texas Natural Resource Conservation Commission will meet with senior management teams to discuss budget planning.

Contact: Doug Kitts, P.O. Box 13087, Austin, Texas 78711-3087, (512) 463-7905.

Filed: March 22, 1994, 9:22 a.m.

TRD-9437931

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

12118 Interstate Highway 35, Building E, Room 202S

Austin

According to the agenda summary, the Office of Hearings Examiners will hold a hearing on a water rate increase by Raymond C. Wiedenfeld doing business as

W W Service Utilities in Kerr County, Texas; Docket Number 30351-G.

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

Filed: March 17, 4:44 p.m.

TRD-9437804

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

Building E-Room 201S, 12118 Interstate Highway 35

Austin

According to the agenda summary, the Office of Hearings Examiners will hold a hearing on a water rate increase by Holly Ranch Water Company, Inc. in Wood County, Texas; Docket Number 30304-R.

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

Filed: March 17, 1994, 4:44 p.m.

TRD-9437803

Monday, April 11, 1994, 3:00 p.m.

Holiday Inn Brookhollow, Dorchester Room, 7050 Stemmons Freeway

Dallas

According to the agenda summary, the Texas Natural Resource Conservation Commission will hold a hearing on an application by American Med Waste Authority, Inc., Proposed Permit Number MSW2233, authorizing a Type V municipal solid waste facility to receive medical solid waste. The proposed site covers 3.403 acres and is located at 11221 Goodnight Road in Dallas, Dallas County, Texas.

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

Filed: March 18, 1994, 4:05 p.m.

TRD-9437853

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

City Hall, Community Room, 501 North Center

Sabinal

According to the agenda summary, the Texas Natural Resource Conservation Commission will hold a hearing on an application by the City of Sabinal, Proposed Permit Number MSW40034, for a registration to construct and to operate a Type V municipal solid waste transfer station. The proposed site contains .6 acres of land and will be located on County Road 386, approximately 7,900 feet northwest of the intersection of U.S. Highway 90 and FM Road 1877 in the City of Sabinal, Uvalde County, Texas.

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



Filed: March 18, 1994, 4:05 p.m.

TRD-9437854

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

Building B-Room 201A, 12124 Park 35 Circle

Austin

According to the agenda summary, the Office of Hearings Examiners will hold a hearing on a water rate increase by TCW Supply, Inc. in Hutchinson County, Texas, Docket Number 30295-R.

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

Filed: March 17, 1994, 4:44 p.m.

TRD-9437802

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

Building F-Room 240B, 12015 Park 35 Circle

Austin

According to the agenda summary, the Office of Hearings Examiners will hold a hearing on an appeal protesting Hickory Creek Water Supply Corporation's charges for new connections for water service. Hickory Creek Water Supply Corporation provides water service in Hunt County, Texas, Docket Number 30278-X.

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

Filed: March 17, 1994, 4:44 p.m.

TRD-9437801

Monday, April 18, 1994, 10:00 a.m.

John H. Reagan State Office Building, Room 101, 105 West 15th Street

Austin

According to the agenda summary, the Office of Hearings Examiners will hold a hearing on a water rate increase by Westwood Utility Corporation in Freestone County, Texas, Docket Number 30283-R.

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

Filed: March 17, 1994, 4:44 p.m.

TRD-9437800

Monday, April 18, 1994, 10:00 a.m.

Building B-Room 201A, 12124 Park 35 Circle

Austin

According to the agenda summary, the Office of Hearings Examiners will hold a hearing on a water rate increase by Franklin Water Service Company in Lubbock County, Texas, Docket Number 30264-G.

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

Filed: March 17, 1994, 4:43 p.m.

TRD-9437799

Friday, April 22, 1994, 10:00 a.m.

Building D-Room 100-13N, 12118 Interstate Highway 35

Austin

According to the agenda summary, the Office of Hearings Examiners will hold a hearing on a water rate increase by Aim Company, Inc. doing business as Wolfforth Place Water System in Lubbock County, Texas, Docket Number 30236-G.

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

Filed: March 17, 1994, 4:43 p.m.

TRD-9437798

Friday, April 22, 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 hold a hearing on a water rate increase by Willis Water Company in Grayson County, Texas, Docket Number 30251-R.

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

Filed: March 17, 1994, 4:43 p.m.

TRD-9437796

Monday, April 25, 1994, 10:00 a.m.

William B. Travis State Office Building, Room 1-100, 1700 North Congress Avenue

Austin

According to the agenda summary, the Office of Hearings Examiners will hold a hearing on an appeal by ratepayers concerning a sewer rate increase by Cameron County Fresh Water Supply District Number 1 in Cameron County, Texas, Docket Number 30346-W.

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

Filed: March 17, 1994, 4:43 p.m.

TRD-9437797

### Texas Council on Offenders With Mental Impairments

Monday, March 28, 1994, 3:00 p.m.

Texas Department of Criminal Justice-Pardons and Paroles Building, 8610 Shoal Creek Boulevard

Austin

According to the complete agenda, the Planning Committee will call the meeting to

order; hear introductions; approve minutes of previous meeting; review and discuss exchange of client information; memorandums of understanding; TCLEOSE and Jail Standards Senate Bill 252 directives; new business; old business; and adjourn.

Contact: Dee Kifowit, 8610 Shoal Creek Boulevard, Austin, Texas 78757, (512) 406-5466.

Filed: March 21, 1994, 8:48 a.m.

TRD-9437860

### Texas State Board of Licensure for Professional Medical Physicists

Tuesday, March 29, 1994, 3:00 p.m.

The Exchange Building, Room S-400, 8407 Wall Street

Austin

According to the complete agenda, the Credentials Committee will discuss and possibly act on applications under Title 22, Texas Administrative Code, §601.6.

Contact: Jeanette A. Hilsabeck, 1100 West 49th Street, Austin, Texas 78756, (512) 834-6655. For ADA assistance, call Richard Butler (512) 458-7695 or T.D.D. (512) 458-7708 at least two days prior to the meeting.

Filed: March 21, 1994, 3:05 p.m.

TRD-9437914

### Texas Board of Private Investigators and Private Security Agencies

Tuesday, March 29, 1994, 8:30 a.m.

The Doubletree Hotel, 6505 North IH-35

Austin

According to the complete agenda, the Board will consider new business: docket call and review of staff recommendation and board action on new licenses, suspension orders, reinstatement orders, revocations, denials, reprimands, requests for waivers, other proposals for decision, requests for rehearings, and related issues; old business: approval of minutes of December 1, 1993, board meeting; new business: discussion of Ad Hoc Committee reports, discussion and final adoption of proposed board rule change to implement provisions of House Bill 1808, discussion and final adoption of proposed board rule change to implement Ad Hoc Committee recommendations, discussion and possible board action on budgetary matters, and public comment.

It should be noted that a lunch break will be taken at an appropriate time.

Contact: Clema D. Sanders, P.O. Box 13509, Austin, Texas 78711, (512) 463-5545.

Filed: March 18, 1994, 8:56 a.m.

TRD-9437806

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**Public Utility Commission of Texas**

Monday, March 28, 1994, 9:00 a.m.

7800 Shoal Creek Boulevard

Austin

According to the complete agenda, the Hearings Division will hold a prehearing conference in Docket Number 12456-application of East Texas Electric Cooperative, Inc. to amend Certificate of Convenience and Necessity for a proposed transmission line within Anderson, Houston, Cherokee, Smith, and Van Zandt counties.

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

Filed: March 17, 1994, 4:08 p.m.

TRD-9437786

Thursday, March 31, 1994, 10:00 a.m.

7800 Shoal Creek Boulevard

Austin

According to the complete agenda, the Hearings Division will hold a prehearing conference in Docket Number 12065-complaint of Kenneth D. Williams against Houston Lighting and Power Company.

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

Filed: March 17, 1994, 2:30 p.m.

TRD-9437815

Monday, June 13, 1994, 9:00 a.m.

7800 Shoal Creek Boulevard

Austin

According to the complete agenda, the Hearings Division will hold a hearing on the merits in Docket Number 12814-application of Pedernales Electric Cooperative, Inc. for authority to change rates.

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

Filed: March 18, 1994, 4:08 p.m.

TRD-9437856

Thursday, June 30, 1994, 10:00 a.m.

7800 Shoal Creek Boulevard

Austin

According to the complete agenda, the Hearings Division will hold a hearing on the merits in Docket Number 11634-application of Southwestern Electric 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 18, 1994, 1:20 p.m.

TRD-9437836

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

7800 Shoal Creek Boulevard

Austin

According to the complete agenda, the Hearings Division will hold a hearing on the merits in Docket Number 11630-application of West Texas Utilities 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 18, 1994, 1:20 p.m.

TRD-9437838

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

7800 Shoal Creek Boulevard

Austin

According to the complete agenda, the Hearings Division will hold a hearing on the merits in Docket Number 11621-application of Sugar Land Telephone 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 18, 1994, 1:21 p.m.

TRD-9437839

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

7800 Shoal Creek Boulevard

Austin

According to the complete agenda, the Hearings Division will hold a hearing on the merits in Docket Number 11632-application of Texas Utilities Electric 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 18, 1994, 1:20 p.m.

TRD-9437837

Thursday, July 28, 1994, 10:00 a.m.

7800 Shoal Creek Boulevard

Austin

According to the complete agenda, the Hearings Division will hold a hearing on the merits in Docket Number 11636-application of Houston Lighting and 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 18, 1994, 1:20 p.m.

TRD-9437835

Thursday, August 4, 1994, 10:00 a.m.

7800 Shoal Creek Boulevard

Austin

According to the complete agenda, the Hearings Division will hold a hearing on the merits in Docket Number 11638-application of Southwestern Electric 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 18, 1994, 1:20 p.m.

TRD-9437834

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**Railroad Commission of Texas**

Monday, March 21, 1994, 9:30 a.m.

1701 North Congress Avenue, First Floor Conference Room 1-111

Austin

According to the complete agenda, the Railroad Commission of Texas considered and acted on the Automatic Data Processing Division Director's report on division administration, budget, procedures, equipment acquisitions, and personnel matters.

Contact: Bob Kmetz, P.O. Box 12967, Austin, Texas 78701, (512) 463-7251.

Filed: March 18, 1994, 10:52 a.m.

TRD-9437818

Monday, March 28, 1994, 9:30 a.m.

1701 North Congress Avenue, First Floor Conference Room 1-111

Austin

According to the complete agenda, the Railroad Commission of Texas will consider category determinations under

§§102(c)(1)(B), 102(c)(1)(C), 103, 107, and 108 of the Natural Gas Policy Act of 1978.

Contact: Margie Osborn, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6755.

Filed: March 18, 1994, 10:52 a.m.

TRD-9437819

**Monday, March 28, 1994, 9:30 a.m.**

1701 North Congress Avenue, First Floor Conference Room 1-111

Austin

According to the complete agenda, the Railroad Commission of Texas will consider and act on the Office of Information Services Director's report on division administration, budget, procedures, and personnel matters.

Contact: Brian W. Schaible, P.O. Box 12967, Austin, Texas 78701, (512) 463-6710.

Filed: March 18, 1994, 10:52 a.m.

TRD-9437820

**Monday, March 28, 1994, 9:30 a.m.**

1701 North Congress Avenue, First Floor Conference Room 1-111

Austin

According to the complete agenda, the Railroad Commission of Texas will consider and act on the Personnel Division Director's report on division administrations, budget, procedures, and personnel matters. The commission will meet in executive session to consider the appointment, employment, evaluation, re-assignment, duties, discipline and/or dismissal of personnel. The following matters will be taken up for consideration and/or decision by the commission: commission budget, fiscal, administrative or procedural matters, strategic planning; and personnel and staffing, including restructuring or transferring the Oil Field Theft Division.

Contact: Mark Bogan, P.O. Box 12967, Austin, Texas 78711, (512) 463-6981.

Filed: March 18, 1994, 10:52 a.m.

TRD-9437821

**Monday, March 28, 1994, 9:30 a.m.**

1701 North Congress Avenue, First Floor Conference Room 1-111

Austin

According to the complete agenda, the Railroad Commission of Texas will consider and act on the Automatic Data Processing Division Director's report on division administration, budget, procedures, equipment acquisitions, and personnel matters.

Contact: Bob Kmetz, P.O. Box 12967, Austin, Texas 78701, (512) 463-7251.

Filed: March 18, 1994, 10:53 a.m.

TRD-9437822

**Monday, March 28, 1994, 9:30 a.m.**

1701 North Congress Avenue, First Floor Conference Room 1-111

Austin

According to the complete agenda, the Railroad Commission of Texas will consider and act on the agency budget, fiscal and administrative matters and the Administrative Services Division Director's report on division administration, budget, procedures, and personnel matters.

Contact: Roger Dillon, P.O. Box 12967, Austin, Texas 78711-2967, (512) 463-7257

Filed: March 18, 1994, 10:53 a.m.

TRD-9437823

**Monday, March 28, 1994, 9:30 a.m.**

1701 North Congress Avenue, First Floor Conference Room 1-111

Austin

According to the complete agenda, the Railroad Commission of Texas will consider and act on the director's report on division administration, budget, procedures, and personnel matters.

Contact: Melvin B Hodgkiss, P.O. Box 12967, Austin, Texas 78711, (512) 463-6901.

Filed: March 18, 1994, 11:08 a.m.

TRD-9437828

**Monday, March 28, 1994, 9:30 a.m.**

1701 North Congress Avenue, First Floor Conference Room 1-111

Austin

According to the agenda summary, the Railroad Commission of Texas will consider various applications and other matters within the jurisdiction of the agency, including oral arguments. The Railroad Commission of Texas may consider the procedural status of any contested case if 60 days or more have elapsed from the date the hearing was closed or from the date the transcript was received.

The Commission may meet in executive session on any items listed above as authorized by the Open Meetings Act.

Contact: Carole J. Vogel, P.O. Box 12967, Austin, Texas 78711, (512) 463-6921.

Filed: March 18, 1994, 11:09 a.m.

TRD-9437830

**Monday, March 28, 1994, 9:30 a.m.**

1701 North Congress Avenue, First Floor Conference Room 1-111

Austin

According to the complete agenda, the Railroad Commission of Texas will consider and act on the Division Director's report on budget, personnel, and policy matters related to operation of the Alternative Fuels Research and Education Division.

Contact: Dan Kelly, P.O. Box 12967, Austin, Texas 78711-2967, (512) 463-7110.

Filed: March 18, 1994, 11:08 a.m.

TRD-9437829

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**Texas Rehabilitation Commission**

**Tuesday, April 19, 1994, 4:30 p.m.**

3605 Highway 75 South, Sheraton Inn Sherman

According to the agenda summary, the Texas Rehabilitation Commission will consider State Plan for Vocational Rehabilitation Services: welcome and introductions, rehabilitation engineering; statewide assessment of rehabilitation needs, transition services, expanding services to individuals with severe disabilities; order of selection, rehabilitation act and amendment of 1992-preliminary and comprehensive assessment, sixty-day limitation, consumer choice in selection of services and service providers, strategic plan for rehabilitation services; independent living services; and concluding remarks

Persons planning to attend this meeting who may need auxiliary aids or service such as interpreters, readers, large print, or braille should contact Lena Jackson several days before the meeting.

Filed: March 22, 1994, 9:23 a.m.

TRD-9437933

**Wednesday, April 27, 1994, 4:00 p.m.**

419 East Magnolia Avenue, Ruble Center San Antonio

According to the agenda summary, the Texas Rehabilitation Commission will consider State Plan for Vocation Rehabilitation Services: welcome and introductions; rehabilitation engineering; statewide assessment of rehabilitation needs; transition services; expanding services to individuals with severe disabilities; order of selection; rehabilitation act and amendment of 1992-preliminary and comprehensive assessment, sixty-day limitations, consumer choice in selection of services and service providers, strategic plan for rehabilitation services; independent living services; and concluding remarks.

Persons planning to attend this meeting who may need auxiliary aids or service such as interpreters, readers, large print, or braille

should contact Lena Jackson several days before the meeting.

Contact: Lena Jackson, 4900 North Lamar Boulevard, Austin, Texas 78751, (512) 483-4113.

Filed: March 22, 1994

TRD-9437932

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**Texas State Technical College System**

Friday, March 25, 1994, 2:00 p.m.

TSTC Waco Women's Resource Center, 3801 Campus Drive

Waco

According to the agenda summary, the Board of Regents will consider discussion and review of the following TSTC Policy Committee minute orders and reports: Committee of the Whole; Policy Committee for Instruction and Student Services; Policy Committee for Human Resources and Development; Policy Committee for Fiscal Affairs and Policy Committee for Facilities.

Contact: Sandra J. Krumnow, 3801 Campus Drive, Waco, Texas 76705, (817) 867-4890.

Filed: March 17, 1994, 11:17 a.m.

TRD-9437744

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

Hilton Hotel, North Central Room, 113 South University Parks Drive

Waco

According to the agenda summary, the Board of Regents will discuss and act on the following minute orders: classes meeting with less than ten students, scholastic honors, contagious disease, Certificate Program in diesel mechanics, heavy truck option, requests for budget change, reporting of fiscal abuse, housing deposit rate, sale of excess property, financial monitoring of construction projects, accept Aviation Technology Building and student housing-Phase II, approve plans and specifications for construction of Student Health and Recreation Center, advertise and accept bids for construction of Student Health and Recreation Center, condolences to family of Marion Rhodes, employee performance appraisals, AIDS/HIV in the workplace and learning environment, minute orders to be rescinded, preparation of system operating standards, and internal audit function.

Contact: Sandra J. Krumnow, 3801 Campus Drive, Waco, Texas 76705, (817) 867-4890.

Filed: March 17, 1994, 11:17 a.m.

TRD-9437746

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

Hilton Hotel North Central Room, 113 South University Parks Drive

Waco

Revised Agenda

According to the agenda summary, the Board of Regents, will add the following item to the agenda: memorandum of understanding between Vought Aircraft Company and TSTC Waco/Marshall.

Contact: Sandra J. Krumnow, 3601 Campus Drive, Waco, Texas 76705, (817) 867-4890.

Filed: March 21, 1994, 10:42 a.m.

TRD-9437871

Saturday, March 26, 1994, 9:15 a.m.

Hilton Hotel, North Central Room, 113 South University Parks Drive

Waco

According to the agenda summary, the Board of Regents, will go into executive session, following Item VIII of the agenda and shown as Item IX, in accordance with Chapter 551 of the Texas Government Code for the specific purpose provided in §§551.074, 551.071, and 551.072, and will discuss the following: litigation-Blankenship v. Cox, Goodwin and TSTC; Blankenship v. TSTC; discuss professional truck operations, commercial drivers license, and welding programs; and discuss evaluation of presidents.

Contact: Sandra J. Krumnow, 3601 Campus Drive, Waco, Texas 76705, (817) 867-4890.

Filed: March 17, 1994, 11:17 a.m.

TRD-9437745

Saturday, March 26, 1994, 9:15 a.m.

Hilton Hotel North Central Room, 113 South University Parks Drive

Waco

Revised Agenda

According to the agenda summary, the Texas State Technical College System, Board of Regents, will add the following items to the agenda: discuss internal audit and investigation of Amarillo operations; and discuss evaluations, job descriptions, assignments, and administrative responsibilities relative to Amarillo.

Contact: Sandra J. Krumnow, 3601 Campus Drive, Waco, Texas 76705, (817) 867-4890.

Filed: March 21, 1994, 10:51 a.m.

TRD-9437870

**University of Texas Health Science Center at San Antonio**

Wednesday, March 23, 1994, 3:00 p.m.

Room 422A, Medical School Building, 7703 Floyd Curl Drive

San Antonio

According to the agenda summary, the Institutional Animal Care and Use Committee considered approval of minutes; protocols for review; subcommittee reports; and other business.

Contact: Molly Greene, 7703 Floyd Curl Drive, San Antonio, Texas 78284-7822, (512) 567-3717.

Filed: March 17, 1994, 1:54 p.m.

TRD-9437749

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**Texas Commission on Children and Youth**

Monday, March 28, 1994, 9:00 a.m.

801 South Bowie at Durango, The University of Texas Institute of Texas Cultures Auditorium

San Antonio

According to the agenda summary, the Texas Commission on Children and Youth will consider organization matters; guest speakers; public testimony; lunch; public testimony continues; and adjourn.

Contact: Ginny McKay, P.O. Box 13106, Austin, Texas 78711, (512) 305-9056.

Filed: March 17, 1994, 3:23 p.m.

TRD-9437766

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**Regional Meetings**

**Meetings Filed March 17, 1994**

**The Alamo Area Council of Governments Planning and Program Development Committee** met at 118 Broadway, Suite 420, San Antonio, March 22, 1994, at 10:30 a.m. Information may be obtained from Al J. Notzon III, 118 Broadway, Suite 400, San Antonio, Texas 78205, (512) 225-5201. TRD-9437742.

**The Alamo Area Council of Governments Area Judges** met at 118 Broadway, Suite 420, San Antonio, March 22, 1994, at 11:30 a.m. Information may be obtained from Al J. Notzon III, 118 Broadway, Suite 400, San Antonio, Texas 78205, (512) 225-5201. TRD-9437743.

**The Alamo Area Council of Governments Board of Directors** met at 118 Broadway, Suite 420, San Antonio, March 22, 1994, at 1:00 p.m. Information may be obtained from Al J. Notzon III, 118 Broadway, Suite

400, San Antonio, Texas 78205, (512) 225-5201. TRD-9437765.

**The Brazos Valley Solid Waste Management Agency Board of Trustees** met at the College Station City Council Chambers, 1101 Texas Avenue, College Station, March 22, 1994, at 1:30 p.m. Information may be obtained from Cathy Locke, 1101 Texas Avenue, College Station, Texas 77840, (409) 764-3507. TRD-9437763.

**The Cash Water Supply Corporation Board of Directors** met at the Corporation Office, FM 1564 at Highway 34 South, Greenville, March 21, 1994, at 7:00 p.m. Information may be obtained from Eddy W. Daniel, P.O. Box 8129, Greenville, Texas 75404, (903) 883-2695. TRD-9437739.

**The Cash Water Supply Corporation Board of Directors** will meet at the Lone Oak Elementary School Cafetorium, Highway 69, Lone Oak, April 5, 1994, at 7:00 p.m. Information may be obtained from Eddy W. Daniel, P.O. Box 8129, Greenville, Texas 75404, (903) 883-2695. TRD-9437740.

**The Central Counties Center for MHMR Services (Revised agenda.) Board of Trustees** met 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-9437738.

**The Deep East Texas Council of Governments Deep East Texas Regional Economic Development Committee** met at Cafe Royale, FM 224, Coldspring, March 24, 1994, at 10:00 a.m. Information may be obtained from Rusty Phillips, 274 East Lamar, Jasper, Texas 75951, (409) 384-5704. TRD-9437750.

**The Hays County Appraisal District Appraisal Review Board** met at 21001 North IH-35, Kyle, March 24, 1994, at 9:00 a.m. Information may be obtained from Lynnell Sedlar, 21001 North IH-35, Kyle, Texas 78640, (512) 268-2522. TRD-9437816.

**The Johnson County Rural Water Supply Corporation Special Board** met at the JCRWSC Office, Highway 171 South, Cleburne, March 22, 1994, at 6:00 p.m. Information may be obtained from Peggy Johnson, P.O. Box 509, Cleburne, Texas 76033, (817) 645-6646. TRD-9437748.

**The Lamb County Appraisal District Appraisal Review Board** will meet at 331 LFD Drive, Littlefield, April 5, 1994, at 8:00 a.m. Information may be obtained from Vaughn E. McKee, P.O. Box 950, Littlefield, Texas 79339-0950, (806) 385-6474. TRD-9437741.

**The Lower Colorado River Authority Ad Hoc Committee on Evaluation of General Manager** met in the Board Conference Room, Hancock Building, 3701 Lake

Austin Boulevard, Austin, March 21, 1994, at 2:00 p.m. Information may be obtained from Glen E. Taylor, P.O. Box 220, Austin, Texas 78767, (512) 473-3287. TRD-9437774.

**The Lower Colorado River Authority Ad Hoc Committee on Community Resources and Development** met in the Board Conference Room, Hancock Building, 3701 Lake Austin Boulevard, Austin, March 22, 1994, at 10:00 a.m. Information may be obtained from Glen E. Taylor, P.O. Box 220, Austin, Texas 78767, (512) 473-3287. TRD-9437784.

**The Lower Colorado River Authority Retirement Benefits Committee** met in the Board Room, Hancock Building, 3701 Lake Austin Boulevard, Austin, March 22, 1994, at 11:00 a.m. Information may be obtained from Glen E. Taylor, P.O. Box 220, Austin, Texas 78767, (512) 473-3283. TRD-9437775.

**The Lower Colorado River Authority Planning and Public Policy and Energy Operations Committees** met in the Board Room, Hancock Building, 3701 Lake Austin Boulevard, Austin, March 22, 1994, at 2:00 p.m. Information may be obtained from Glen E. Taylor, P.O. Box 220, Austin, Texas 78767, (512) 473-3287. TRD-9437785.

**The Lower Colorado River Authority Board of Directors** met in the Board Room, Hancock Building, 3701 Lake Austin Boulevard, Austin, March 23, 1994, at 9:00 a.m. Information may be obtained from Glen E. Taylor, P.O. Box 220, Austin, Texas 78767, (512) 473-3287. TRD-9437776.

**The Lower Colorado River Authority Natural Resources Committee** met in the Board Room, Hancock Building, 3701 Lake Austin Boulevard, Austin, March 23, 1994, at 9:00 a.m. Information may be obtained from Glen E. Taylor, P.O. Box 220, Austin, Texas 78767, (512) 473-3287. TRD-9437777.

**The Lower Colorado River Authority Energy Operations Committee** met in the Board Room, Hancock Building, 3701 Lake Austin Boulevard, Austin, March 23, 1994, at 9:00 a.m. Information may be obtained from Glen E. Taylor, P.O. Box 220, Austin, Texas 78767, (512) 473-3287. TRD-9437778.

**The Lower Colorado River Authority Planning and Public Policy Committee** met in the Board Room, Hancock Building, 3701 Lake Austin Boulevard, Austin, March 23, 1994, at 9:00 a.m. Information may be obtained from Glen E. Taylor, P.O. Box 220, Austin, Texas 78767, (512) 473-3287. TRD-9437779.

**The Lower Colorado River Authority Conservation and Environmental Protection**

Committee met in the Board Room, Hancock Building, 3701 Lake Austin Boulevard, Austin, March 23, 1994, at 9:00 a.m. Information may be obtained from Glen E. Taylor, P.O. Box 220, Austin, Texas 78767, (512) 473-3287. TRD-9437780.

**The Lower Colorado River Authority Finance and Administration Committee** met in the Board Room, Hancock Building, 3701 Lake Austin Boulevard, Austin, March 23, 1994, at 9:00 a.m. Information may be obtained from Glen E. Taylor, P.O. Box 220, Austin, Texas 78767, (512) 473-3287. TRD-9437781.

**The Lower Colorado River Authority Audit Committee** met in the Board Room, Hancock Building, 3701 Lake Austin Boulevard, Austin, March 23, 1994, at 9:00 a.m. Information may be obtained from Glen E. Taylor, P.O. Box 220, Austin, Texas 78767, (512) 473-3287. TRD-9437782.

**The Lower Colorado River Authority Ad Hoc Committee on Community Resources and Development** met in the Board Room, Hancock Building, 3701 Lake Austin Boulevard, Austin, March 23, 1994, at 9:00 a.m. Information may be obtained from Glen E. Taylor, P.O. Box 220, Austin, Texas 78767, (512) 473-3287. TRD-9437783.

**The Nortex Regional Planning Commission General Membership Committee** will meet in the Conference Room, Nortex Regional Planning Commission, The Galaxy Center, Suite 200, 4309 Jacksboro Highway, Wichita Falls, March 31, 1994, at noon. Information may be obtained from Dennis Wilde, P.O. Box 5144, Wichita Falls, Texas 76307-5144, (817) 322-5281. TRD-9437805.

**The Pecan Valley Mental Health Mental Retardation Region Board of Trustees** met at the Pecan Valley MHMR Region Clinical Office, 104 Pirate Drive, Granbury, March 23, 1994, at 8:30 a.m. Information may be obtained from Dr. Theresa Mulloy, P.O. Box 973, Stephenville, Texas 76401, (817) 965-7806. TRD-9437764.

**The San Antonio-Bexar County Metropolitan Planning Organization Technical Advisory Committee** met in the MPO Conference Room, 434 South Main, Suite 205, San Antonio, March 22, 1994, at 9:00 a.m. Information may be obtained from Michael C. Riojas, 434 South Main, #205, San Antonio, Texas 78204, (210) 227-8651. TRD-9437787.

**The South Texas Development Council Board of Directors** met in the Commissioners Courtroom, Courthouse Annex, Zapata, March 24, 1994, at 11:00 a.m. Information may be obtained from Julie Saldana, P.O. Box 2187, Laredo, Texas 78041, (210) 722-3995. TRD-9437758.

**The STED Corporation Board of Trustees** met in the Commissioners Courtroom,

Courthouse Annex, Zapata, March 24, 1994, at 10:00 a.m. Information may be obtained from Robert Mendiola, P.O. Box 2187, Laredo, Texas 78041, (210) 722-3995. TRD-9437759.

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**Meetings Filed March 18,  
1994**

**The Atascosa County Appraisal District Agricultural Advisory Board** met at Fourth and Avenue J, Poteet, March 24, 1994, at 9:00 a.m. Information may be obtained from Vernon A. Warren, P.O. Box 139, Poteet, Texas 78065, (210) 742-3591. TRD-9437831.

**The Austin-Travis County MHMR Center Finance and Control Committee** met at 1430 Collier Street, Austin, March 22, 1994, at noon. Information may be obtained from Sharon Taylor, 1430 Collier Street, Austin, Texas 78704, (512) 447-4141. TRD-9437844.

**The Austin-Travis County MHMR Center Board of Trustees** met at 1430 Collier Street, Board Room, Austin, March 24, 1994, at 8:00 a.m. Information may be obtained from Sharon Taylor, P.O. Box 3548, Austin, Texas 78764-3548, (512) 447-4141. TRD-9437858.

**The Bosque County Central Appraisal District Board of Directors** met at 202 South Highway 6, Meridian, March 24, 1994, at 7:00 p.m. Information may be obtained from Don Whitney, P.O. Box 393, Meridian, Texas 76665-0393, (817) 435-2304. TRD-9437810.

**The Dallas Area Rapid Transit Committee-of-the-Whole** met in Conference Room "C", 1401 Pacific Avenue, First Floor, Dallas, March 22, 1994, at 1:00 p.m. Information may be obtained from Sophia Rosales, P.O. Box 660163, Dallas, Texas 75266-0163, (214) 749-3256. TRD-9437847.

**The Dallas Area Rapid Transit Board of Directors** met in the Board Room, First Floor, 1401 Pacific Avenue, Dallas, March 22, 1994, at 6:30 p.m. Information may be obtained from Sophia Rosales, P.O. Box 660163, Dallas, Texas 75266-0163, (214) 749-3256. TRD-9437848.

**The Education Service Center, Region XVI Board of Directors** met in Conference Room J, Region XVI Education Service Center, 1601 South Cleveland, Amarillo, March 22, 1994, at noon. Information may be obtained from Jim Holmes, P.O. Box

30600, Amarillo, Texas 79120, (806) 376-5521. TRD-9437812.

**The Golden Crescent Private Industry Council** met at 2401 Houston Highway, Victoria, March 23, 1994, at 6:30 p.m. Information may be obtained from Sandy Heiermann, 2401 Houston Highway, Victoria, Texas 77901, (512) 576-5872. TRD-9437841.

**The Hays County Appraisal District Board of Directors** met at 21001 North IH-35, Kyle, March 24, 1994, at 3:30 p.m. Information may be obtained from Lynnell Sedlar, 21001 North IH-35, Kyle, Texas 78640, (512) 268-2522. TRD-9437851.

**The Houston Galveston Area Council H-GAC 1994 General Assembly** will meet at 5050 West Alabama, Monarch Room, 24th Floor, Westin Galleria Hotel, Houston, March 25, 1994, at 6:30 p.m. Information may be obtained from Cynthia Marquez, P.O. Box 22777, Houston, Texas 77227, (713) 627-3200. TRD-9437817.

**The Kempner Water Supply Corporation Board of Directors** met at the Kempner Water Supply Corporation Office, Highway 190, Kempner, March 24, 1994, at 7:00 p.m. Information may be obtained from Doug Lavender, P.O. Box 103, Kempner, Texas 76539, (512) 932-3701. TRD-9437843.

**The Middle Rio Grande Development Council Texas Review and Comment System Committee** met at the Civic Center, Reading Room, 300 East Main, Uvalde, March 23, 1994, at 4:00 p.m. Information may be obtained from Dora T. Flores, P.O. Box 1199, Carrizo Springs, Texas 78834, (210) 876-3533. TRD-9437857.

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**Meetings Filed March 21,  
1994**

**The Central Plains Center for MHMR and SA Board of Trustees** met at 308 South Columbia, Plainview, March 24, 1994, at 6:00 p.m. Information may be obtained from Gail Davis, 2700 Yonkers, Plainview, Texas 79072, (806) 293-2536. TRD-9437872.

**The Education Service Center, Region VI, Executive Committee** will meet in the Conference Room at the Downtown Location, 13th and Sam Houston Avenue, Huntsville, March 30, 1994, at 1:00 p.m. Information may be obtained from Bobby Roberts, 3332 Montgomery Road, Huntsville, Texas 77340, (409) 295-9161. TRD-9437864.

**The Education Service Center, Region XV, Board of Directors** met in Conference Room #1, ESC Region XV, 612 South Irene Street, San Angelo, March 24, 1994, at 1:30 p.m. Information may be obtained from Clyde Warren, P. O. Box 5199, San Angelo, Texas, (915) 658-6571. TRD-9437867.

**The Lee County Appraisal District Board of Directors** will meet at 218 East Richmond Street, Giddings, March 30, 1994, at 9:00 a.m. Information may be obtained from Roy L. Holcomb, 218 East Richmond Street, Giddings, Texas 78942, (409) 542-9618. TRD-9437917.

**The Nortex Regional Planning Commission (Revised Agenda.) General Membership Committee** will meet at the Galaxy Center, Suite 200, 4309 Jacksboro Highway, Wichita Falls, March 31, 1994, at noon. Information may be obtained from Dennis Wilde, P.O. Box 5144, Wichita Falls, Texas 76307-5144, (817) 322-5281. TRD-9437916.

**The North Central Texas Council of Governments for the North Central Texas Job Training Consortium (Emergency Meeting.) Private Industry Council** met at 616 Six Flags Drive, Suite 200, Arlington, March 22, 1994, at 9:30 a.m. (Reason for emergency: Approval of 2A2C program plans and Title 3 program plan.) Information may be obtained from Mike Gilmore, P.O. Box 5888, Arlington, Texas 76005-5888, (817) 695-9175. TRD-9437868.

**The Northeast Texas Municipal Water District Board of Directors** will meet at Highway 250 South, Hughes Springs, March 28, 1994, at 10:00 a.m. Information may be obtained from J. W. Dean, P.O. Box 955, Hughes Springs, Texas 75656, (903) 639-7538. TRD-9437863.

**The San Antonio-Bexar County Metropolitan Planning Organization Transportation Steering Committee** will meet in the Internal Conference Center of the Convention Center Complex, San Antonio, March 28, 1994, at 1:30 p.m. Information may be obtained from Janet A. Kennison, 434 South Main #205, San Antonio, Texas 78204, (210) 227-8651. TRD-9437866.

**The Upper Leon River Municipal Water District Board of Directors** met at the General Office of the Filter Plant, Lake Proctor, March 24, 1994, at 6:30 p.m. Information may be obtained from Gary D. Lacy, P.O. Box 67, Comanche, Texas 76442, (817) 879-2258. TRD-9437920.

# IN ADDITION

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

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

## Texas Department on Aging Correction of Error

The Texas Department on Aging proposed new 40 TAC §§254.1, 254.3, 254.5, 254.7, 254.9, 254.11, and 254.13, concerning the operations of the Texas Department on Aging. The rules appeared in the March 15, 1994, *Texas Register* (18 TexReg 1795).

The Texas Department on Aging requests corrections be made. The corrections to be made are as follows.

On page 1800, §254.9(2)(F)(ii) should read "...in subsection (2) of this section".

On page 1801, §254.9(3)(E) should read "Adversely affected parties involved in an action or proceeding described in subsection 254.9(3)(D) of this section, relating to due process, may bring an appeal as provided in subsection 254.9(3)(F) of this section, relating to appeals to the Assistant Secretary on the basis of the following."

On page 1801, §254.9(3)(F) should read "Appeals to the assistant secretary. The assistant secretary's decision on the appeals described in subsection (3)(E)..."

On page 1803, §254.13(4) starting with "...destination shall provide an opportunity.... and including (A), (B), (C), (D)(5) and (6) ending with ... which are currently designated in the state." should be deleted from this portion of the text.



## Coastal Coordination Council Correction of Error

The Coastal Coordination Council submitted a miscellaneous document titled Coastal Management Program Rules. The document appeared in the March 18, 1994, issue of the *Texas Register* (19 TexReg 2025).

Due an error by the Texas Register the subtitle was omitted. It should read "Dissenting Statement of Commissioner Barry Williamson".

## Texas Department of Commerce Notification of Consulting Contract

This notification is filed pursuant to Texas Government Code, §2254.030. This consultant will conduct the following services.

**Scope of Services-Cost Allocation Plan.** The successful candidate will be required to develop detailed cost allocation plans, and render the following services and reports: identify the sources of financial information to be used; classify all Commerce divisions, commissions, and boards; inventory all Federal and other programs administered by Commerce; determine administrative departments; determine allocation bases for allocating services to benefiting divisions; develop allocation data for each allocation base; prepare cost allocation worksheet based upon actual expenditures for fiscal year 1993; identify in a separate schedule the federally reimbursable indirect costs; summarize costs by benefiting division; collect cost data for all of the programs included in the inventory of Federal programs and other programs administered by Commerce; determine indirect cost rates throughout Commerce on an annual basis; formalize plan and present to the United States Department of Labor; negotiate final plan and secure approval from the United States Department of Labor; provide indoctrination session for assigned personnel.

Consultant staff will accumulate and analyze all data that is required. Commerce is not expected to provide any staff time to the consultant; no time sheets will be required and no accounting methods or records need be changed. The cost allocation plan must be completed and submitted to the United States Department of Labor no later than May 30, 1994.

Consultant staff will accumulate and analyze all data that is required. The contractor selected for this project: David M. Griffith & Associates, Ltd., 8100 Springwood Drive, Suite 200, Irving, Texas 75063.

David M. Griffith & Associates, Ltd., will perform the consulting services for a cost not to exceed \$20,000. The contract shall begin March 11, 1994, and end August 31, 1994. This consultant will provide cost allocation plans to Commerce by May 30, 1994. After the plans are submitted to Commerce, they will be submitted to the cognizant federal agency and the negotiation process for approval of the plans will begin.

Issued in Austin, Texas, on March 14, 1994.

TRD-9437873

Deborah Kastin  
Acting Executive Director  
Texas Department of Commerce

Filed: March 21, 1994



**Office of Consumer Credit  
Commissioner**

**Notice of Rate Ceilings**

The Consumer Credit Commissioner of Texas has ascertained the following rate ceilings by use of the formu-

las and methods described in Texas Civil Statutes, Title 79, Article 1.04 as amended (Texas Civil Statutes, Article 5069-1.04).

<u>Types of Rate Ceilings</u>	<u>Effective Period (Dates are Inclusive)</u>	<u>Consumer (1)/Agricultural/ Commercial (2) thru \$250,000</u>	<u>Commercial(2) over \$250,000</u>
Indicated (Weekly) Rate - Art. 1.04(a)(1)	03/21/94-03/27/94	18.00%	18.00%

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

Issued in Austin, Texas, on March 14, 1994.

TRD-9437696 Al Endsley  
Commissioner  
Consumer Credit Commissioner

Filed: March 15, 1994

The first paragraph of the preamble should read "...This section provides guidelines to a candidate when transferring his or her appointment...".

The fifth paragraph of the preamble should read "...and by Texas Election Code, section 252.010 (relating to Transfer of Appointment).

**Request for Interpretation of Article 79**

Under provisions of §10, Article 2.02A, Title 79, Revised Statutes (Article 5069-2.02A (10), Vernon's Texas Civil Statutes), the consumer credit commissioner may issue interpretations of Title 79, Revised Statutes (Article 5069-1.01 et seq., Vernon Texas Civil Statutes). The commissioner has received the following request for an interpretation.

Request Number 94-2. May a retail installment contract, subject to Chapter 6, 6A, or 7 of Subtitle Two of the Texas Credit Code, require a consumer to arbitrate disputes (under either the Federal Arbitration Act, 9 United States Code, §1 et seq., or Texas General Arbitration Act, Texas Revised Civil Statutes, Annotated Article 224 et seq., or other applicable arbitration act) arising under the retail installment contract as to either violations of the Texas Credit Code an/or breaches of the sales agreement, including claims of misrepresentation or breach of warranty?

Issued in Austin, Texas, on March 18, 1994.

TRD-9437832 Al Endsley  
Commissioner  
Office of Consumer Credit

Filed: March 18, 1994

The Texas Ethics Commission (the commission) proposed new 1 TAC §§34.7, 34.9, and 34.11, concerning the conduct of persons registered as lobbyists with the commission. The rules appeared in the February 4, 1994, issue of the *Texas Register* (19 TexReg 749).

The first paragraph of the preamble should read "..., and are proposed as new rules only to change the section numbers. Except for a reference to a renumbered section in proposed section 34.11, the text of these new rules is identical to the text previously adopted by the commission as sections 34.9, 34.11, and 34.13.

The third paragraph of the preamble should read "...statutory provisions regulating gifts and loans from a registrant to a member of the legislature or the executive branch...."

The Texas Ethics Commission proposed the repeal of §§34.9, 34.11, and 34.13 concerning the conduct of those persons registered as lobbyists with the commission pursuant to Chapter 305 of the Government Code. The rules appeared in the February 4, 1994, issue of the *Texas Register* (19 TexReg 750).

The first paragraph of the preamble should read "...The repeal is proposed to accomplish a renumbering of those sections".

**Texas Ethics Commission**

**Correction of F .or**

The Texas Ethics Commission (the "commission") proposed new 1 TAC §20.206, concerning the reporting of political contributions and expenditures by certain candidates, officeholders, and political committees. The rule appeared in the February 4, 1994, issue of the *Texas Register*. (19 TexReg 749).

The commission inadvertently left off certain information and listed erroneous information on others in the preambles.

The Texas Ethics Commission (the "commission") proposed new §§48.1, 48.3, 48.5, 48.7, and 48.9, concerning the solicitation or acceptance of gifts by regulatory agency officers and employees. The rules appeared in the February 4, 1994, issue of the *Texas Register* (19 TexReg 750).

The first paragraph of the preamble should read "...concerning the solicitation or acceptance...".



The third paragraph of the preamble should read "...to implement a standard of ethical conduct between a government agency and those persons the agency regulates. Specifically, these rules limit the acceptance of benefits by an agency officer or employee from a person who appears before or is regulated by that agency."

## Governor's Office

### Consultant Proposal Requests

This request for consulting services is filed pursuant to the provisions of Texas Government Code, Chapter 2254.

**Notice of Invitation.** Historically Underutilized Businesses (HUBS) are encouraged to bid, and all businesses that bid are encouraged to give particular attention in preparing their bids to include HUBS as subcontractors and material providers at the first tier. The State of Texas operates under the basic principles of free and vigorous competition. In accordance with House Bill 2626, 73rd Legislature, all state agencies are to give a good faith effort to award at least 30% of the total value of all contracts to certified HUBS. Achievement of the goal may be reached by the state contracting directly with HUB firms or by the state's general contractors establishing contracts with HUB firms as subcontractors, suppliers, or material providers

The State Energy Conservation Office (SECO) on behalf of the Sustainable Energy Development Council invites proposals from qualified firms, non-profit organizations, state and local government agencies, institutions of higher education, or individuals to conduct a comprehensive study of the technical and economic potential for energy savings and energy cost savings in the Texas industrial sector.

**Background.** The Sustainable Energy Development Council (the Council) was established by Governor Ann W. Richards and is funded for two years by the Texas Legislature using a portion of the oil overcharge funds returned to the state pursuant to the Exxon Court Order. A major objective of the Council is to integrate sustainable energy concepts and opportunities into the state's current and near-term energy policy. During the first year, the Council will solicit several studies to provide information on various aspects of the regulatory and economic climate. The second phase will be devoted to development of a strategic plan to ensure optimum utilization of the state's renewable energy and energy efficiency resources.

**Budget.** The maximum budget for this project is \$290,000. Detailed budget estimates products are indicated in the following section.

**Services to be Performed.** The successful proposer will be expected to produce four products:

- 1) An estimate of energy savings and energy cost savings opportunities available to all Texas industries specific to the level of two-digit Standard Industrial Classification (SIC) codes; (Estimated budget for this deliverable is \$60,000.)
- 2) An analysis of the energy audits conducted by the Energy Analysis and Diagnostic Centers in Texas; (Estimated budget for this deliverable is \$40,000.)
- 3) A detailed study of each of the following energy-intensive Texas industries: Food and Kindred Products (SIC Code 20); Paper (26); Chemicals (28), Petroleum

Refining (29); Rubber and Plastic Products (30); Stone, Shell, Clay, Glass and Concrete Products (32); Primary Metal Industries (33); Fabricated Metal Products (34); Machinery, including Selected Electrical and Electronic Machinery (35); Electrical and Electronic Machinery Equipment (36); Transportation Equipment (37). (Estimated budget for this deliverable is \$160,000.)

Components of the detailed studies should include, at a minimum, the following:

- a. a detailed engineering analysis of end-use energy and waste heat patterns;
  - b. a literature search to identify technologies that are in development and their state of development as applicable to Texas industries;
  - c. an investigation of applicable process controls and new electro-technologies;
  - d. an investigation of the impact of energy reduction on production costs;
  - e. estimations of industry costs to industry to implement energy-saving technologies and possible funding sources;
  - f. an investigation of fuel-switching options;
  - g. identification of opportunities for and barriers to increased use of cogeneration;
  - h. identification and investigation of other aspects of energy use patterns and energy savings potential as warranted or requested
- 4) A final report recommending policy directions to address findings of the detailed studies (Estimated budget for this deliverable is \$30,000.)

In developing each of the above products, the Contractor will be expected to: (1) provide preliminary briefings and interim reports to the Council, (2) release copies of the draft reports for public comment, and (3) incorporate comments into the final report.

**Contact Person.** Additional information concerning this project may be obtained by contacting Judith Carroll, Sustainable Energy Development Council, at (512) 463-1871

**Closing Date.** Seven copies of the sealed proposal should be mailed to Grace Rios at the State Energy Conservation Office, P.O. Box 13047, Austin, Texas 78711-3047. For hand deliveries, SECO is located in the Insurance Annex Building, Suite 200, 221 East 11th Street, Austin, Texas 78701. In order to be considered, proposals must be received or postmarked by May 3, 1994. Proposals postmarked or hand delivered after that date and proposals submitted by fax will not be considered.

All potential proposers are encouraged to attend a pre-proposal conference in Austin from 10:00 a.m. to Noon in Room 101, John H. Reagan State Office Building located on the southwest corner of 15th Street and Congress Avenue. The purpose of this meeting is to answer any questions regarding the consultant proposal request, the required format, or the evaluation process.

Contractor selection will be made on or before June 7, 1994, and the contract period will extend from the date of signing through April 30, 1995.

**Format.** The submittal shall be organized in the sequence described below, and when appropriate, should include reference to the specific section being addressed by number and title.

**1) Proposer's Ability to Assign Qualified Personnel to the Project.**

**a. Business Organization.** State the full name and address of the Proposer's organization and identify parent company if applicable. Specify the branch office or other subordinate element which will perform, or assist in performing, the work described herein. Indicate whether the firm operated as a partnership, corporation, or sole proprietorship. Identify the state in which incorporated or licensed to operate. State the number of years the firm has been in business.

**b. Project Management Structure.** Provide an explanation, using charts or other exhibits if necessary, which specifies project leadership and reporting responsibilities, and interface with SECO. Provide a description of the methods which will be employed to organize, direct, monitor, control schedules and costs, and otherwise manage resources under the Proposer's control in the performance of the work. If the use of subcontractors is proposed, identify their placement in the primary project structure, and provide an internal management description for each subcontractor.

**c. Authorized Negotiator.** Include name and address, and telephone number of the person in Proposer's organization who is authorized to negotiate contract terms and render binding decisions on contract matters.

**2) Relevant Background of Assigned Personnel and Familiarity with Similar Work.**

**a) Prior Experience.** Describe only relevant corporate experience and individual experience for personnel who will be actively engaged in the project(s). Do not include corporate experience unless personnel assigned to this project actively participated. Describe all energy-related work. Do not include details of experience prior to 1988. Supply the project title, year, and reference name, title, present address, and phone number of principal party for whom prior projects were accomplished.

**b. Personnel.** Include names, qualifications and copies of resumes for all professional personnel who will be assigned to the project(s). State the primary work assigned to each person and the percentage of time each person will devote to this work. Identify key persons by name and title.

**3. Proposed Work Plan and Ability to Complete Tasks in a Timely Manner.**

**a. Proposed work plan,** including a description of proposed methodologies to be employed.

**b. Sequence and schedule of activities.**

**c. Proposer's current workload and staffing levels.** Specify the number of personnel, both technical and clerical who will be assigned to this project and the percentage of working hours for each person to be assigned.

**d. Three references** willing to attest to the proposer's timely completion of similar projects should be specified.

**4. Soundness of Budget.** The proposed budget should be detailed and reasonable.

**5. Conflicts of Interest.** Describe the quantity and nature of any work, interest in work, partnership interest or other interest in any property or business arrangement which may give rise to a potential conflict of interest with the proper execution of this work. Persons employed within past 12 months by the State Energy Conservation Office

(formerly the Governor's Energy Office) or its satellite offices are not eligible to participate in SECO contracts.

**Selection Criteria.** The Contractor selected will possess a comprehensive knowledge of industrial energy using systems and strategies for reducing energy use in industrial processes. In addition, the project team should exhibit expertise in the industrial processes dominant in Texas.

Proposals will be reviewed by a committee of staff and Council representatives, and evaluation scores will be based on the following criteria:

1) proposers' ability to assign qualified personnel to the project (0-20 points);

2) relevant background of assigned personnel and familiarity with industrial energy use and efficiency (0-20 points);

3) proposed work plan and procedure to be employed in developing each deliverable (0-40 points);

4) proposers' ability to complete the project in a timely manner (0-10 points);

5) soundness of budget (0-10 points).

Selection of a contractor will be based on the recommendations of the review panel. The review panel may require that finalists meet in Austin for a formal interview prior to selection of a contractor. Selection for interviews will be based on the proposer's ability to satisfy the five criteria listed above, and interviews will focus on published selection criteria. Recommendations of the review panel are not subject to appeal.

SECO reserves the right to negotiate both budget and scope of work with the finalist(s). SECO also reserves the right to reject any or all proposals and is under no legal requirement to execute a contract on the basis of the Consultant Proposal Request.

No respondent will be reimbursed for any costs incurred in the preparation, submission or clarification of a proposal.

This Consultant Proposal Request was funded with 100% of PVE-Exxon and 0% of Non-PVE funding authorized through the United States Department of Energy, Texas SECP/Sustainable Energy Development Council and through the administration of the Texas Governor's Office.

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

TRD-9437756

Patrice Parsons  
Director  
State Energy Conservation Office

Filed: March 17, 1994

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This request for consulting services is filed pursuant to the provisions of Texas Government Code, Chapter 2254.

**Notice of Invitation.** Historically Underutilized Businesses (HUBS) are encouraged to bid, and all businesses that bid are encouraged to give particular attention in preparing their bids to include HUBS as subcontractors and material providers at the first tier. The State of Texas operates under the basic principles of free and vigorous competition. In accordance with House Bill 2626, 73rd Legislature, all state agencies are to give a good faith effort to award at least thirty percent of the total value of all contracts to certified HUBS. Achievement of the goal may be reached by the state contracting directly with HUB firms or by the state's general contractors establishing contracts with HUB firms as subcontractors, suppliers, or

material providers. The State Energy Conservation Office (SECO) on behalf of the Sustainable Energy Development Council invites proposals from qualified firms, non-profit organizations, state and local government agencies, institutions of higher education, or individuals to assess recent electric resource methodology studies. The studies compare costs and benefits of renewable and demand-side management (DSM) resources with conventional supply-side options. The results of the assessment will be published in a final report.

The primary objective of the study is to develop the design of an electric resource planning methodology that would adequately value the unique attributes of renewable energy and DSM options for comparison with traditional electric resources in Texas. The contractor selected will analyze existing electric resource planning methodologies, assumptions, and data requirements to determine those that most accurately reflect the cradle-to-grave costs and benefits of resource alternatives.

**Background.** The Sustainable Energy Development Council (the Council) was established by Governor Ann W. Richards and is funded for two years by the Texas Legislature using a portion of the oil overcharge funds returned to the state pursuant to the Exxon Court Order. A major objective of the Council is to integrate sustainable energy concepts and opportunities into the state's current and near-term energy policy. During the first year, the Council will solicit several studies to provide information on various aspects of the regulatory and economic climate. The second phase will be devoted to development of a strategic plan to ensure optimum utilization of the state's renewable energy and energy efficiency resources.

**Budget.** The maximum budget for this study is \$50,000.

**Services to be Performed.** The successful proposer will be expected to perform the following services:

- 1) Identify recent cost/benefit studies prepared for national associations, states, units of local government and utilities which appraise a broad range of electric resources, including renewable energy and DSM options. The identified studies should address environmental costs, health and safety costs, and the effects on local economies, such as number and types of jobs created/lost and the impact of exporting capital for fuel.
- 2) Analyze approximately fifteen selected electric resource cost/benefit studies, including peer review comments, to define methodologies used to quantify and incorporate "social" costs.
- 3) Determine which methodologies can be extrapolated for statewide use in Texas.
- 4) Make recommendations regarding the methodologies, assumptions, and data requirements of an electric resource planning procedure that would adequately value the unique attributes of renewable energy and DSM options for comparison with traditional electric resources in Texas.
- 5) Release draft report of findings and recommendations for public comment and incorporate comments into the final report.
- 6) Provide preliminary briefings and interim reports to the Council.

**Contact Person.** Additional information concerning this project may be obtained by contacting Judith Carroll, Sustainable Energy Development Council, at (512) 463-1871.

**Closing Date.** Seven copies of the sealed proposal should be mailed to Grace Rios at the State Energy Conservation Office, P.O. Box 13047, Austin, Texas 78711-3047. For hand deliveries, SECO is located in the Insurance Annex Building, Suite 200, 221 East 11th Street, Austin, Texas 78701. In order to be considered, proposals must be received or postmarked by Monday, April 25, 1994. Proposals postmarked or hand delivered after that date and proposals submitted by fax will not be considered. All potential proposers are encouraged to attend a pre-proposal conference in Austin from 10:00 a.m. to Noon in Room 101, John H. Reagan State Office Building located on the southwest corner of 15th Street and Congress Avenue. The purpose of this meeting is to answer any questions regarding the consultant proposal request, the required format, or the evaluation process.

Contractor selection will be made on or before June 7, 1994, and the contract period will extend from the date of signing through September 30, 1994.

**Format.** The submittal shall be organized in the sequence described as follows, and when appropriate, should include reference to the specific section being addressed by number and title.

1) Proposer's Ability to Assign Qualified Personnel to the Project.

a. **Business Organization.** State the full name and address of the Proposer's organization and identify parent company if applicable. Specify the branch office or other subordinate element which will perform, or assist in performing, the work described herein. Indicate whether the firm operated as a partnership, corporation, or sole proprietorship. Identify the state in which incorporated or licensed to operate. State the number of years the firm has been in business.

b. **Project Management Structure.** Provide an explanation, using charts or other exhibits if necessary, which specifies project leadership and reporting responsibilities, and interface with SECO. Provide a description of the methods which will be employed to organize, direct, monitor, control schedules and costs, and otherwise manage resources under the Proposer's control in the performance of the work. If the use of subcontractors is proposed, identify their placement in the primary project structure, and provide an internal management description for each subcontractor.

c. **Authorized Negotiator.** Include name and address, and telephone number of the person in Proposer's organization who is authorized to negotiate contract terms and render binding decisions on contract matters.

2) Relevant Background of Assigned Personnel and Familiarity with Similar Work.

a. **Prior Experience.** Describe only relevant corporate experience and individual experience for personnel who will be actively engaged in the project(s). Do not include corporate experience unless personnel assigned to this project actively participated. Describe all energy-related work. Do not include details of experience prior to 1988. Supply the project title, year, and reference name, title, present address, and phone number of principal party for whom prior projects were accomplished.

b. **Personnel.** Include names, qualifications and copies of resumes for all professional personnel who will be assigned to the project(s). State the primary work assigned to each person and the percentage of time each person will

devote to this work. Identify key persons by name and title.

### 3. Proposed Work Plan and Ability to Complete Tasks in a Timely Manner.

a. Proposed work plan, including a description of proposed methodologies to be employed.

b. Sequence and schedule of activities.

c. Proposer's current workload and staffing levels. Specify the number of personnel, both technical and clerical who will be assigned to this project and the percentage of working hours for each person to be assigned.

d. Three references willing to attest to the proposer's timely completion of similar projects should be specified.

4. Soundness of Budget The proposed budget should be detailed and reasonable.

5. Conflicts of Interest. Describe the quantity and nature of any work, interest in work, partnership interest or other interest in any property or business arrangement which may give rise to a potential conflict of interest with the proper execution of this work. Persons employed within the past 12 months by the State Energy Conservation Office (formerly the Governor's Energy Office) or its satellite offices are not eligible to participate in SECO contracts.

**Selection Criteria.** The Contractor selected will possess a comprehensive knowledge of electric resource planning/acquisition and cost/benefit methodologies and a specific understanding of the unique attributes of renewable energy and energy efficiency options.

Proposals will be reviewed by a committee of staff and Council representatives, and evaluation scores will be based on the following criteria:

- 1) proposers' ability to assign qualified personnel to the project (0-20 points),
- 2) relevant background of assigned personnel and familiarity with similar work (0-20 points);
- 3) proposed work plan and procedure to be employed in selecting and evaluating cost/benefit methodologies, assumptions, and data requirements (0-40 points),
- 4) proposers' ability to complete the project in a timely manner (0-10 points),
- 5) soundness of budget (0-10 points).

Selection of a contractor will be based on the recommendations of the review panel. The review panel may require that finalists meet in Austin for a formal interview prior to selection of a contractor. Selection for interviews will be based on the proposer's ability to satisfy the five criteria listed above, and interviews will focus on published selection criteria. Recommendations of the review panel are not subject to appeal.

SECO reserves the right to negotiate both budget and scope of work with the finalist(s). SECO also reserves the right to reject any or all proposals and is under no legal requirement to execute a contract on the basis of the Consultant Proposal Request.

No respondent will be reimbursed for any costs incurred in the preparation, submission or clarification of a proposal.

This Consultant Proposal Request was funded with 100% of PVE-Exxon and 0% of Non-PVE funding authorized through the United States Department of Energy, Texas

SECP/Sustainable Energy Development Council and through the administration of the Texas Governor's Office.

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

TRD-9437757

Patrica Parsons  
Director  
State Energy Conservation Office

Filed: March 17, 1994

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This request for consulting services is filed pursuant to the provisions of Texas Government Code, Chapter 2254.

Notice of Invitation Historically Underutilized Businesses (HUBS) are encouraged to bid, and all businesses that bid are encouraged to give particular attention in preparing their bids to include HUBS as subcontractors and material providers at the first tier. The State of Texas operates under the basic principles of free and vigorous competition. In accordance with House Bill 2626, 73rd Legislature, all state agencies are to give a good faith effort to award at least thirty percent of the total value of all contracts to certified HUBS. Achievement of the goal may be reached by the state contracting directly with HUB firms or by the state's general contractors establishing contracts with HUB firms as subcontractors, suppliers, or material providers.

The State Energy Conservation Office (SECO) on behalf of the Sustainable Energy Development Council invites proposals from qualified firms, non-profit organizations, state and local government agencies, institutions of higher education, or individuals to conduct a comprehensive study of the technical and economic potential for energy savings and energy cost savings in the Texas industrial sector.

**Background** The Sustainable Energy Development Council (the Council) was established by Governor Ann W. Richards and is funded for two years by the Texas Legislature using a portion of the oil overcharge funds returned to the state pursuant to the Exxon Court Order. A major objective of the Council is to integrate sustainable energy concepts and opportunities into the state's current and near-term energy policy. During the first year, the Council will solicit several studies to provide information on various aspects of the regulatory and economic climate. The second phase will be devoted to development of a strategic plan to ensure optimum utilization of the state's renewable energy and energy efficiency resources.

**Budget.** The maximum budget for this project is \$290,000. Detailed budget estimates products are indicated in the following section.

**Services to be Performed.** The successful proposer will be expected to produce four products.

- 1) An estimate of energy savings and energy cost savings opportunities available to all Texas industries specific to the level of two-digit Standard Industrial Classification (SIC) codes, (Estimated budget for this deliverable is \$60,000.)
- 2) An analysis of the energy audits conducted by the Energy Analysis and Diagnostic Centers in Texas; (Estimated budget for this deliverable is \$40,000.)
- 3) A detailed study of each of the following energy-intensive Texas industries: Food and Kindred Products (SIC Code 20); Paper (26); Chemicals (28); Petroleum Refining (29); Rubber and Plastic Products (30); Stone,

Shell, Clay, Glass and Concrete Products (32); Primary Metal Industries (33); Fabricated Metal Products (34); Machinery, including Selected Electrical and Electronic Machinery (35); Electrical and Electronic Machinery Equipment (36); Transportation Equipment (37). (Estimated budget for this deliverable is \$160, 000.)

Components of the detailed studies should include, at a minimum, the following:

- a. a detailed engineering analysis of end-use energy and waste heat patterns;
  - b. a literature search to identify technologies that are in development and their state of development as applicable to Texas industries;
  - c. an investigation of applicable process controls and new electro-technologies;
  - d. an investigation of the impact of energy reduction on production costs;
  - e. estimations of industry costs to industry to implement energy-saving technologies and possible funding sources;
  - f. an investigation of fuel-switching options;
  - g. identification of opportunities for and barriers to increased use of cogeneration;
  - h. identification and investigation of other aspects of energy use patterns and energy savings potential as warranted or requested.
- 4) A final report recommending policy directions to address findings of the detailed studies. (Estimated budget for this deliverable is \$30,000.)

In developing each of the above products, the Contractor will be expected to: (1) provide preliminary briefings and interim reports to the Council, (2) release copies of the draft reports for public comment, and (3) incorporate comments into the final report.

Contact Person. Additional information concerning this project may be obtained by contacting Judith Carroll, Sustainable Energy Development Council, at (512) 463-1871.

Closing Date. Seven copies of the sealed proposal should be mailed to Grace Rios at the State Energy Conservation Office, P.O. Box 13047, Austin, Texas 78711-3047. For hand deliveries, SECO is located in the Insurance Annex Building, Suite 200, 221 East 11th Street, Austin, Texas 78701. In order to be considered, proposals must be received or postmarked by May 3, 1994. Proposals postmarked or hand delivered after that date and proposals submitted by fax will not be considered.

All potential proposers are encouraged to attend a pre-proposal conference in Austin from 10:00 a.m. to Noon in Room 101, John H. Reagan State Office Building located on the southwest corner of 15th Street and Congress Avenue. The purpose of this meeting is to answer any questions regarding the consultant proposal request, the required format, or the evaluation process.

Contractor selection will be made on or before June 7, 1994, and the contract period will extend from the date of signing through April 30, 1995.

Format. The submittal shall be organized in the sequence described below, and when appropriate, should include reference to the specific section being addressed by number and title.

#### 1) Proposer's Ability to Assign Qualified Personnel to the Project.

a. Business Organization. State the full name and address of the Proposer's organization and identify parent company if applicable. Specify the branch office or other subordinate element which will perform, or assist in performing, the work described herein. Indicate whether the firm operated as a partnership, corporation, or sole proprietorship. Identify the state in which incorporated or licensed to operate. State the number of years the firm has been in business.

b. Project Management Structure. Provide an explanation, using charts or other exhibits if necessary, which specifies project leadership and reporting responsibilities, and interface with SECO. Provide a description of the methods which will be employed to organize, direct, monitor, control schedules and costs, and otherwise manage resources under the Proposer's control in the performance of the work. If the use of subcontractors is proposed, identify their placement in the primary project structure, and provide an internal management description for each subcontractor.

c. Authorized Negotiator. Include name and address, and telephone number of the person in Proposer's organization who is authorized to negotiate contract terms and render binding decisions on contract matters.

#### 2) Relevant Background of Assigned Personnel and Familiarity with Similar Work.

a) Prior Experience. Describe only relevant corporate experience and individual experience for personnel who will be actively engaged in the project(s). Do not include corporate experience unless personnel assigned to this project actively participated. Describe all energy-related work. Do not include details of experience prior to 1988. Supply the project title, year, and reference name, title, present address, and phone number of principal party for whom prior projects were accomplished.

b. Personnel. Include names, qualifications and copies of resumes for all professional personnel who will be assigned to the project(s). State the primary work assigned to each person and the percentage of time each person will devote to this work. Identify key persons by name and title.

#### 3. Proposed Work Plan and Ability to Complete Tasks in a Timely Manner.

a. Proposed work plan, including a description of proposed methodologies to be employed.

b. Sequence and schedule of activities.

c. Proposer's current workload and staffing levels. Specify the number of personnel, both technical and clerical who will be assigned to this project and the percentage of working hours for each person to be assigned.

d. Three references willing to attest to the proposer's timely completion of similar projects should be specified.

4. Soundness of Budget. The proposed budget should be detailed and reasonable.

5. Conflicts of Interest. Describe the quantity and nature of any work, interest in work, partnership interest or other interest in any property or business arrangement which may give rise to a potential conflict of interest with the proper execution of this work. Persons employed within the past 12 months by the State Energy Conservation

Office (formerly the Governor's Energy Office) or its satellite offices are not eligible to participate in SECO contracts.

**Selection Criteria.** The Contractor selected will possess a comprehensive knowledge of industrial energy using systems and strategies for reducing energy use in industrial processes. In addition, the project team should exhibit expertise in the industrial processes dominant in Texas.

Proposals will be reviewed by a committee of staff and Council representatives, and evaluation scores will be based on the following criteria.

- 1) proposers' ability to assign qualified personnel to the project (0-20 points);
- 2) relevant background of assigned personnel and familiarity with industrial energy use and efficiency (0-20 points);
- 3) proposed work plan and procedure to be employed in developing each deliverable (0-40 points);
- 4) proposers' ability to complete the project in a timely manner (0-10 points);
- 5) soundness of budget (0-10 points).

Selection of a contractor will be based on the recommendations of the review panel. The review panel may require that finalists meet in Austin for a formal interview prior to selection of a contractor. Selection for interviews will be based on the proposer's ability to satisfy the five criteria listed above, and interviews will focus on published selection criteria. Recommendations of the review panel are not subject to appeal.

SECO reserves the right to negotiate both budget and scope of work with the finalist(s). SECO also reserves the

right to reject any or all proposals and is under no legal requirement to execute a contract on the basis of the Consultant Proposal Request.

No respondent will be reimbursed for any costs incurred in the preparation, submission or clarification of a proposal.

This Consultant Proposal Request was funded with 100% of PVE-Exxon and 0% of Non-PVE funding authorized through the United States Department of Energy, Texas SECP/Sustainable Energy Development Council and through the administration of the Texas Governor's Office.

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

TRD-9437755      Patrice Parsons  
Director  
State Energy Conservation Office

Filed: March 17, 1994

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## Texas Department of Health Licensing Actions for Radioactive Materials

The Texas Department of Health has taken actions regarding licenses for the possession and use of radioactive materials as listed in the table below. The subheading labeled "Location" indicates the city in which the radioactive material may be possessed and/or used. The location listing " Throughout Texas" indicates that the radioactive material may be used on a temporary basis at job sites throughout the state.

NEW LICENSES ISSUED:

Location	Name	License#	City	Amend- ment #	Date of Action
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Lubbock	University Medical Center	L04719	Lubbock	0	03/01/94
Throughout Texas	Ecology and Environment, Inc.	L04759	Dallas	0	03/09/94
Throughout Texas	Texas Association of School Boards, Inc.	L04763	Austin	0	03/08/94

AMENDMENTS TO EXISTING LICENSES ISSUED:

Location	Name	License#	City	Amend- ment #	Date of Action
-----	----	-----	----	-----	-----
Allen	ERMI Environmental Laboratories	L04538	Allen	2	02/25/94
Alvin	NOTAMI Hospitals of Texas, Inc.	L02474	Alvin	15	02/24/94
Arlington	Arlington Memorial Hospital	L02217	Arlington	34	02/18/94
Austin	St. David's Community Hospital	L00740	Austin	56	03/01/94
Austin	Radiology Consultants, L.L.P.	L03970	Austin	4	02/25/94
Baytown	San Jacinto Methodist Hospital	L02388	Baytown	18	03/11/94
Carrollton Center	Trinity Medical Center Center Hospital, Inc.	L03765	Carrollton	14	03/09/94
College Station	Texas A & M University	L00448	College Station	83	03/03/94
Corpus Christi	Doctors Regional Medical Center	L02816	Corpus Christi	30	02/28/94
Corpus Christi	Hoechst Celanese Corporation	L00409	Corpus Christi	52	03/09/94
Dallas	GAF Building Materials Corporation	L03811	Dallas	4	02/28/94
Dallas	Loral Vought Systems Corporation	L02670	Dallas	17	03/11/94
Denton	University of North Texas	L00101	Denton	42	03/03/94
El Paso	Columbia Diagnostic Center	L03395	El Paso	20	03/09/94
Eules	Instrument Specialties Company, Inc.	L03998	Eules	3	02/28/94
Fort Worth	Twin Oaks Medical Center	L03364	Fort Worth	15	02/28/94
Greenville	Presbyterian Hospital of Greenville	L01695	Greenville	21	03/10/94
Houston	Sperry-Sun Drilling Services, Inc.	L02603	Houston	37	02/28/94
Houston	Hermann Hospital	L00650	Houston	43	02/28/94
Houston	Texas Children's Hospital	L04612	Houston	3	02/28/94
Houston	McDonnell Douglas Space Systems Co.	L04595	Houston	3	02/28/94
Houston	The Methodist Hospital	L00457	Houston	73	03/03/94
Houston	Lyndon B. Johnson General Hospital	L04412	Houston	8	03/03/94
Houston	Ben Taub General Hospital	L01303	Houston	37	03/03/94

AMENDMENTS TO EXISTING LICENSES ISSUED CONTINUED:

Houston	Sam Houston Memorial Hospital	L01878	Houston	25	03/03/94
Houston	Trinity Industries, Inc.	L01539	Houston	27	02/22/94
Houston	The Institute for Rehabilitation and Research	L04000	Houston	11	03/08/94
Houston	Pace, Inc.	L02297	Houston	14	03/08/94
Houston	University of Texas M.D. Anderson Cancer Center	L00466	Houston	55	03/08/94
Lewisville	Lewisville Memorial Hospital	L02739	Lewisville	15	03/10/94
Lolita	AMTOPP Corporation	L04720	Lolita	1	03/09/94
Lone Star	Lone Star Steel Company	L01720	Lone Star	20	03/09/94
Lubbock	South Park Medical Center	L01560	Lubbock	19	03/04/94
Marshall	Memorial Hospital	L02572	Marshall	12	02/25/94
Odessa	West Texas Imaging Center	L04562	Odessa	2	02/28/94
Orange	Miles Inc.	L00976	Orange	36	03/08/94
Paris	Babcock and Wilcox Company	L00157	Paris	43	03/11/94
Point Comfort	Formosa Plastics Corporation Texas	L03893	Point Comfort	8	03/11/94
San Antonio	Baptist Memorial Hospital System	L00455	San Antonio	59	02/25/94
Texas City	Phibro Energy USA, Inc.	L02578	Texas City	15	02/28/94
Throughout Texas	Ground Technology Inc.	L03151	Houston	7	02/28/94
Throughout Texas	Brown & Root, Inc.	L03176	Glen Rose	18	03/03/94
Throughout Texas	Reece Albert Inc.	L02296	San Angelo	9	03/01/94
Throughout Texas	Halliburton Energy Services	L00442	Houston	76	03/03/94
Throughout Texas	Geoscience Engineering & Testing Inc.	L04157	Houston	6	03/03/94
Throughout Texas	Longview Inspection	L01774	Houston	78	03/09/94
Throughout Texas	Conam Inspection, Inc.	L00478	Houston	63	03/08/94
Throughout Texas	Goolsby Testing Laboratories Inc.	L03115	Humble	40	03/08/94
Throughout Texas	D-Arrow Inspection, Inc.	L03816	Houston	41	03/08/94
Throughout Texas	SiTECH, Inc.	L04073	Port Neches	27	03/08/94
Throughout Texas	Global X-Ray & Testing Corp.	L03663	Aransas Pass	35	03/08/94
Throughout Texas	Southwestern Laboratories, Inc.	L00299	Houston	84	03/09/94
Throughout Texas	Texas Department of Health	L01155	Austin	66	03/09/94
Throughout Texas	Petroleum Industry Inspectors	L04081	Houston	31	03/08/94
Throughout Texas	AnAid, Inc.	L03171	Dickinson	33	03/08/94
Throughout Texas	Southwestern Laboratories	L01934	Fort Worth	38	03/08/94
Throughout Texas	Kenneth E. Tand and Associates, Inc.	L03129	Houston	8	03/09/94
Throughout Texas	METCO	L03018	Houston	31	03/09/94
Throughout Texas	Hensel Phelps Construction Company	L04011	Austin	7	02/28/94
Throughout Texas	Houston Lighting and Power	L02063	Houston	53	03/10/94
Throughout Texas	Jobe Concrete Products, Inc.	L04021	El Paso	7	03/11/94
Throughout Texas	Isotag Specialist	L04498	Midland	4	03/14/94
Throughout Texas	Texas Association of School Boards, Inc.	L04763	Austin	1	03/14/94

RENEWALS OF EXISTING LICENSES ISSUED:

Location	Name	License#	City	Amend- ment #	Date of Action
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Houston	Smith International, Inc.	L02362	Houston	12	02/25/94
Throughout Texas	Texas Perforators	L03544	Seguin	8	02/28/94
Throughout Texas	Daniel Industries, Inc.	L03456	Houston	9	03/08/94
Throughout Texas	Great Guns, Inc.	L01990	Sour Lake	21	03/09/94



**TERMINATIONS OF LICENSES ISSUED:**

Location	Name	License#	City	Amend- ment #	Date of Action
-----	----	-----	----	-----	-----
Throughout Texas	Coastal Production Service Company	L00810	Orange	41	03/08/94

**AMENDMENTS TO EXISTING LICENSES DENIED:**

Location	Name	License#	City	Amend- ment #	Date of Action
-----	----	-----	----	-----	-----
Throughout Texas	Longview Inspection	L01774	Houston	0	03/09/94
Throughout Texas	American Wireline, Inc.	L04675	Brenham	0	02/22/94

In issuing new licenses and amending and renewing existing licenses, the Texas Department of Health, Bureau of Radiation Control, has determined that the applicants are qualified by reason of training and experience to use the material in question for the purposes requested in accordance with *Texas Regulations for Control of Radiation* in such a manner as to minimize danger to public health and safety or property and the environment; the applicants' proposed equipment, facilities, and procedures are adequate to minimize danger to public health and safety or property and the environment; the issuance of the license(s) will not be inimical to the health and safety of the public or the environment; and the applicants satisfy any applicable special requirements in the *Texas Regulations for Control of Radiation*.

This notice affords the opportunity for a hearing on written request of a licensee, applicant, or person affected within 30 days of the date of publication of this notice. A person affected is defined as a person who is resident of a county, or a county adjacent to the county, in which the radioactive materials are or will be located, including any person who is doing business or who has a legal interest in land in the county or adjacent county, and any local government in the county; and who can demonstrate that he has suffered or will suffer actual injury or economic damage due to emissions of radiation. A licensee, applicant, or person affected may request a hearing by writing Richard A. Ratliff, P.E., Acting Chief, Bureau of Radiation Control (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas, 78756-3189.

Any request for a hearing must contain the name and address of the person who considers himself affected by agency action, identify the subject license, specify the reasons why the person considers himself affected, and state the relief sought. If the person is represented by an agent, the name and address of the agent must be stated.

Copies of these documents and supporting materials are available for inspection and copying at the office of the Bureau of Radiation Control, Texas Department of Health, The Exchange Building, 8407 Wall Street, Austin, Texas, from 8:00 a.m. to 5:00 p.m. Monday-Friday (except holidays).

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

TRD-9437687 Susan K. Steeg  
General Counsel  
Texas Department of Health

Filed: March 16, 1994

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## Heart of Texas Council of Governments

### CY94 Title IIB Summer Youth Plan

The Heart of Texas Council of Governments (HOTCOG) announces the availability of its CY94 Title IIB Summer Youth Plan funded under the Job Training Partnership Act. Copies of the plan are available for review at HOTCOG, 300 Franklin Avenue, Waco, between the hours of 8:30 a.m. and 4:30 p.m., Monday-Friday.

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

Approximately 500 economically disadvantaged youth, ages 14-21, will be served during the CY 94 program. Activities include work experience, classroom training and program enrichment.

Written comments on the plan may be address to:

Morrison J. Parrott, Director of Employment and Training,  
Heart of Texas Council of Governments, 300 Franklin Avenue, Waco, Texas 76701-2244.

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

TRD-9437694 Leon A. Willhite  
Executive Director  
Heart of Texas Council of Governments

Filed: March 16, 1994

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## Texas Department of Human Services

### Notice of Contract Award

The Texas Department of Human Services (TDHS) announces the contract award for Texas Child Care Magazine Development. The request for proposals was published in the February 4, 1994, issue of the *Texas Register*, (19 TexReg 832).

Description of Services: Contracted services include the development of content for Texas Child Care magazine, including editorial content and support for photographic and artistic content; management of paid subscriptions; and sale of back copies.

Name of Contractor: The contractor is the partnership of Louise Parks and Barbara Langham, 9501 Capital of Texas Highway North, Suite 202, Austin, Texas 78759.

Terms and Amount: The contract is for one year (four issues): March 15, 1994 to February 28, 1995. The contract was for less than the \$80,000 limit for this contract.

Issued in Austin, Texas, of March 18, 1994.

TRD-9437825 Nancy Murphy  
Section Manager, Policy and Document  
Support  
Texas Department of Human Services

Filed: March 18, 1994



### Notice of Public Hearing

The Texas Department of Human Services (TDHS) will conduct a public hearing to receive comments on the department's proposed reimbursement rates for the Day Activity and Health Services (DAHS) program. The hearing is held in compliance with 40 TAC §24.102(j), which requires a public hearing on proposed reimbursement rates for medical assistance programs. The public hearing will be held on April 11, 1994, at 9 a.m. in Board Room (125 East) of the John H. Winters Building (701 West 51st Street, Austin, Texas, First Floor, East Tower). If you are unable to attend the hearing, but wish to comment on the rates, written comments will be accepted if received by 5 p.m. of the day of the hearing. Please address written comments to the attention of Sherri Williams. Written comments may be mailed to the address in this notice, delivered to the receptionist in the lobby of the John H. Winters Center or faxed to (512) 450-3014. Interested parties may request to have mailed to them or may pick up a briefing package concerning the proposed reimbursement rates on, or after March 28, 1994, by contacting Sherri Williams, MC W-425, P.O. Box 149030, Austin, Texas 78714-9030, (512) 450-4817.

Persons with disabilities planning to attend this hearing who may need auxiliary aids or services are asked to contact Sherri Williams (512) 450-4817 by April 1, 1994, so that appropriate arrangements can be made.

>Issued in Austin, Texas, on March 18, 1994

TRD-9437824 Nancy Murphy  
Section Manager, Policy and Document  
Support  
Texas Department of Human Services

Filed: March 18 1994



County Number	County Name	Number of Months Over	Number of Months					
			AUG	SEP	OCT	NOV	DEC	JAN
163	Menard	6	95.0	94.6	95.0	95.0	95.0	93.4

### Public Notice of Closed Solicitation

Pursuant to Title 2, Chapters 22 and 32, of the Human Resources Code and 40 TAC §19.2004, in the September 11, 1990, issue of the *Texas Register* (15 TexReg 5315), the Texas Department of Human Services (TDHS) is closing the solicitation for new Medicaid beds in Carson County, county Number 033, which appeared in the July 14, 1989, issue of the *Texas Register* (14 TexReg 3427). The solicitation is being closed effective the date of this public notice.

Issued in Austin, Texas on March 18, 1994.

TRD-9437826 Nancy Murphy  
Section Manager, Policy and Document  
Support  
Texas Department of Human Services

Filed: March 18, 1994



### Public Notice of Open Solicitation

Pursuant to Title 2, Chapters 22 and 32, of the Human Resources Code and 40 TAC §19.2004, in the September 11, 1990, issue of the *Texas Register* (15 TexReg 5315), the Texas Department of Human Services (TDHS) is announcing an open solicitation period of 30 days, effective the date of this public notice, for Menard County, county number 163, as identified, where Medicaid-contracted nursing facility occupancy rates exceed the threshold (90% occupancy) in each of six months in the continuous, August 1993-January 1994, six-month period. Potential contractors seeking to contract for existing beds which are currently licensed as nursing home beds or hospital beds in the county identified in this public notice must submit a written reply (as described in 40 TAC §19.2004) to TDHS, Gary L. Allen, Certification, Provider Enrollment, and Billing Services, Long-Term Care-Regulatory, Mail Code Y-976, Post Office Box 149030, Austin, Texas 78714-9030. The written reply must be received by TDHS by 5 p.m., April 25, 1994, the last day of the open solicitation period. Potential contractors will be placed on a waiting list for the primary selection process in the order that the beds which were being proposed for Medicaid certification were initially licensed. The primary selection process will be completed on May 6, 1994. If there are insufficient available beds after the primary selection to reduce occupancy rates to less than 90%, TDHS will place a public notice in the *Texas Register* announcing an additional open solicitation period for those individuals wishing to construct a facility.

TRD-9437827 Nancy Murphy  
Section Manager, Policy and Document  
Support  
Texas Department of Human Services

Issued in Austin, Texas, on March 18, 1994.

Filed: March 17, 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 name, mailing address, and daytime phone number; the permit number or other recognizable reference to this application; the statement "I/we request a public hearing"; a brief description of how you, or the persons you represent, would be adversely affected by the granting of the application; a description of the location of your property relative to the applicant's operations; and your proposed 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 Office of Hearings Examiners where a hearing may be held. If no protests or requests for hearing are filed, the Executive Director will sign the permit ten days after publication of this notice or thereafter. If you wish to appeal a permit issued by the Executive Director, you may do so by filing a written Motion for Reconsideration with the Chief Clerk of the Commission no later than 20 days after the date the Executive Director signs the permit.

Requests for a public hearing on this application should be submitted in writing to the Chief Clerk's Office, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

**Notice of Opportunity to Comment on Permitting Actions for Week ending March 18, 1994.**

Application of Bederkesa Water Company, Inc., Application Number 30371-T, to Transfer Water CCN Number 11521 from Bederkesa Addition Water System in Kaufman County, Texas.

Application by Intercontinental Terminals Company, Application Number TA-7259, seeks a permit to divert and use 31 acre-feet of water for a one-year period from the Houston Ship Channel (Buffalo Bayou), tributary of the San Jacinto River, San Jacinto River Basin, for industrial purposes in Harris County, Texas.

Issued in Austin, Texas, on March 18, 1994.

TRD-9437852      Gloria A. Vasquez  
Chief Clerk  
Texas Natural Resource Conservation Commission

Filed: March 18, 1994

**Notice of Receipt of Application and Declaration of Administrative Completeness on Municipal Solid Waste Application Number MSW1535-A**

Attached is a Notice of Receipt of Application and Declaration of Administrative Completeness for a municipal solid waste permit issued during the period of March 14-18, 1994.

This application has been determined to be administratively complete, and will now be subject to a technical evaluation by the staff of the Texas Natural Resource Conservation Commission. Persons should be advised that the application is subject to change based on such evaluation.

Notices are issued pursuant to the Texas Health and Safety Code, §361.0665. Any person who may be affected by the facility is entitled to request a hearing from the Commission. The Commission will issue further notice of the application and the terms of any proposed draft permit once the technical evaluation is completed.

Information concerning permit applications may be obtained by contacting the Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

**Notices of Receipt of Applications for Municipal Solid Waste Permits--for the Week Ending March 18, 1994.**

Sanifill of Texas, Inc.; Baytown; Type I; 4791 Tri-City Beach Road, approximately .25 miles northwest of the junction of FM Road 1405 and FM Road 2354, in Baytown, Chambers County, Texas; major amendment; MSW1535-A.

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

TRD-9437855      Gloria A. Vasquez  
Chief Clerk  
Texas Natural Resource Conservation Commission

Filed: March 18, 1994

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**Texas Department of Protective and Regulatory Services**

**Public Notice on Targeted Case Management Reimbursement**

The Texas Department of Protective and Regulatory Services (TDPRS) is submitting a Medicaid State Plan Amendment through the Health and Human Services Commission to facilitate implementation of Targeted Case Management for individuals receiving services from the Texas Department of Protective and Regulatory Services and to initially establish a reimbursement methodology for this service. It is estimated that there will be no increase in the annual aggregate expenditures for individuals receiving services from TDPRS, however, an estimated \$17,288,358 in Medicaid funds will become available for these services. The Targeted Case Management reimbursement methodology is available for review at local TDPRS offices or may be requested from Mary Ann Harvey, MC Y-941, P.O. Box 149030, Austin, Texas 78714-9030, (512) 834-3772. Written comments may be submitted to Ms. Harvey.

Issued in Austin, Texas, on March 21, 1994.

TRD-9437865

Nancy Murphy  
Section Manager, Policy and Document  
Support  
Texas Department of Protective and  
Regulatory Services

Filed: March 21, 1994

◆ ◆ ◆  
**Public Utility Commission**

**Notice of Intent to File Pursuant to  
Public Utility Commission Substantive  
Rule 23.27**

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

Docket Title and Number. Application of Southwestern Bell Telephone Company for Approval of Plexar-Custom Service for Pharr-San Juan Alamo ISD pursuant to Public Utility Commission Substantive Rule 23.27. Docket Number 12847.

The Application. Southwestern Bell Telephone Company is requesting approval of Plexar-Custom Service for Pharr-San Juan Alamo ISD. The geographic service market for this specific service is the Pharr, Texas area.

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

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

TRD-9437762

John M. Renfrow  
Secretary of the Commission  
Public Utility Commission of Texas

Filed: March 17, 1994

◆ ◆ ◆  
**State Securities Board**

**Correction of Errors**

The State Securities Board proposed amendments to 7 TAC §§117.1-117.5, concerning administrative guidelines for real estate programs. The rules appeared in the March 4, 1994, issue of the *Texas Register* (19 TexReg 1512).

The following errors were identified in the Board's rule sections as published.

Section 117.3(c)(2)(D)(iv) the text should remain bold and should not be italicized.

◆ ◆ ◆  
The State Securities Board proposed amendments to 7 TAC §§121.3, 121.4, and 121.10 concerning administrative guidelines for oil and gas programs. The rules appeared in the March 4, 1994, issue of the *Texas Register* (19 TexReg 1515).

The following error was identified in the Board's rule section as published.

Section 121.3(b)-The first letter of the word "material" should be capitalized.

◆ ◆ ◆  
The State Securities Board proposed an amendment to 7 TAC §123.3, to eliminate subsection (j) concerning the effective date of the conditional exemption for money market funds. The rules appeared in the March 4, 1994, issue of the *Texas Register* (19 TexReg 1518).

The following error was identified in the Board's rule section as published.

Section 123.3-In the cross-reference to statute in the preamble, the phrase "The proposed amendment implements" should be replaced with "The proposed amendment affects".

◆ ◆ ◆  
The State Securities Board proposed amendments to 7 TAC §§121.3, 121.4, and 121.10 concerning administrative guidelines for oil and gas programs. The rules appeared in the March 4, 1994, issue of the *Texas Register* (19 TexReg 1515).

The following error was identified in the Board's rule section as published.

Section 139.14(4)(A)(iii)(I) the words "§109.3 of this title (relating to "Sales to" should be plain text, rather than bold.

Section 139.14(4)(A)(iii)(II) the text of the subclause should be plain text, rather than bold.

Section 139.14(4)(A)(iii)(III) the text of the subclause should be plain text except for the period on line three between the parenthesis and the bracket, which should remain bold.

◆ ◆ ◆  
The State Securities Board proposed an amendment to §141.3, concerning administrative guidelines for equipment programs. The rule appeared in the March 4, 1994, (19 TexReg 1520).

The following errors were identified in the Board's rule section as published.

The phrase "Participants [the Participant]" in the section title should be italicized.

Section 141.3(b)-The subsection designation "(b)" and the catch line which follows should be in bold.

Section 141.3(c)(1)-The paragraph designation "(1)" should be in bold.

Section 141.3(c)(2)(D)(ii)-The text of the subclause should be in bold.

Section 141.3(c)(2)(D)(iv)-The text of the subclause should remain bold and should not be italicized.

Section 141.3(c)(2)(D)(v)-The phrase "the background and qualifications of the sponsor or persons responsible for directing and managing the program" should be in bold.

Section 141.3(e)-The subsection designation "(e)" should not be in bold.

Sections 143.1-143.8-In the first sentence of the second paragraph of the preamble, the word "in" should be inserted between "are" and "effect".

Section 143.2(a)(1)(A)-On line two, the semi-colon between "offering" and "or" should be a comma.

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## Texas Water Development Board Notice of Meeting

The Trans-Texas Water Program Policy Management Committee will meet at One Capitol Square Building, Committee Room Five, 300 West 15th Street, Austin, Texas on March 29, 1994, at 9:00 a.m. Information may be obtained from Dennis Crowley, P.O. Box 133231, Austin, Texas 78711, (512) 463-7976. The address was previously incorrectly published as East 15th Street.

Issued in Austin, Texas, on March 17, 1994.

TRD-9437761        Suzanne Schwartz  
                          General Counsel  
                          Texas Water Development Board

Filed: March 17, 1994

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## Texas Workers' Compensation Commission Notice of Extra-Hazardous Employer Data Change

Pursuant to the provisions of 28 TAC §164.14 (regarding Values Assigned for Computation of Extra-Hazardous Employer Identification), the Texas Workers' Compensation Commission hereby provides notice of a change in the 12-month period designated by the commissioners for counting injuries. For designating Extra-Hazardous employers after April 15, 1994, 12-month period shall be the period from July 1, 1992-June 30, 1993.

Issued in Austin, Texas, on March 17, 1994

TRD-9437724        Elaine Crease  
                          Rules Assistant  
                          Texas Workers' Compensation Commission

Filed: March 17, 1994

## Texas Youth Commission Request For Proposal, Managed Residential Program for Female Juvenile Offenders

The Texas Youth Commission (TYC) is requesting written proposals for a secure residential program to serve female juvenile offenders of the Texas Youth Commission.

### Description.

The female offender program will provide specialized treatment services to the female population of the Texas Youth Commission. TYC is interested in providing services in a way that is sensitive to female issues and to cultural differences between youth.

Eligible applicants include corporations, private non-profit agencies, private for profit agencies or individuals. The Texas Youth Commission encourages historically under-utilized businesses as defined in Article V, §106 of the current Appropriations Act (Acts 1992, 72nd Legislature, First Called Session, Chapter 19, page 1242) to respond to this request for proposal. Multiple contracts may be awarded. Bids must be received no later than 5:00 p. m., May 2, 1994.

### Evaluation and Selection.

Proposals will be evaluated and selections based on the program description of services, applicant's qualifications and past experience, reasonableness and competitiveness of cost and resources demonstrating ability of applicant to commence immediate services.

### Contact Person.

Bid packets and information may be obtained from Paula Morelock, Chief of Community Placement, Texas Youth Commission, Post Office Box 4260, Austin, Texas 78765, (512) 483-5093.

### Closing Date.

The closing date for receipt of proposals is May 2, 1994 at 5:00 p.m..

Issued in Austin, Texas, on March 21, 1994.

TRD-9437859        Steve Robinson  
                          Executive Director  
                          Texas Youth Commission

Filed: March 21, 1994

