

TEXAS REGISTER

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How to Use the Texas Register

Information Available: The 10 sections of the Texas Register represent various facets of state government. Documents contained within them include:

Governor - Appointments, executive orders, and proclamations.

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

Secretary of State - opinions based on the election laws.

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

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

Proposed Rules - sections proposed for adoption.

Withdrawn Rules - sections withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the Texas Register six months after the proposal publication date.

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

Open Meetings - notices of open meetings.

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

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

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

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

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

Texas Administrative Code

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

The TAC volumes are arranged into Titles (using

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

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

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

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

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

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

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

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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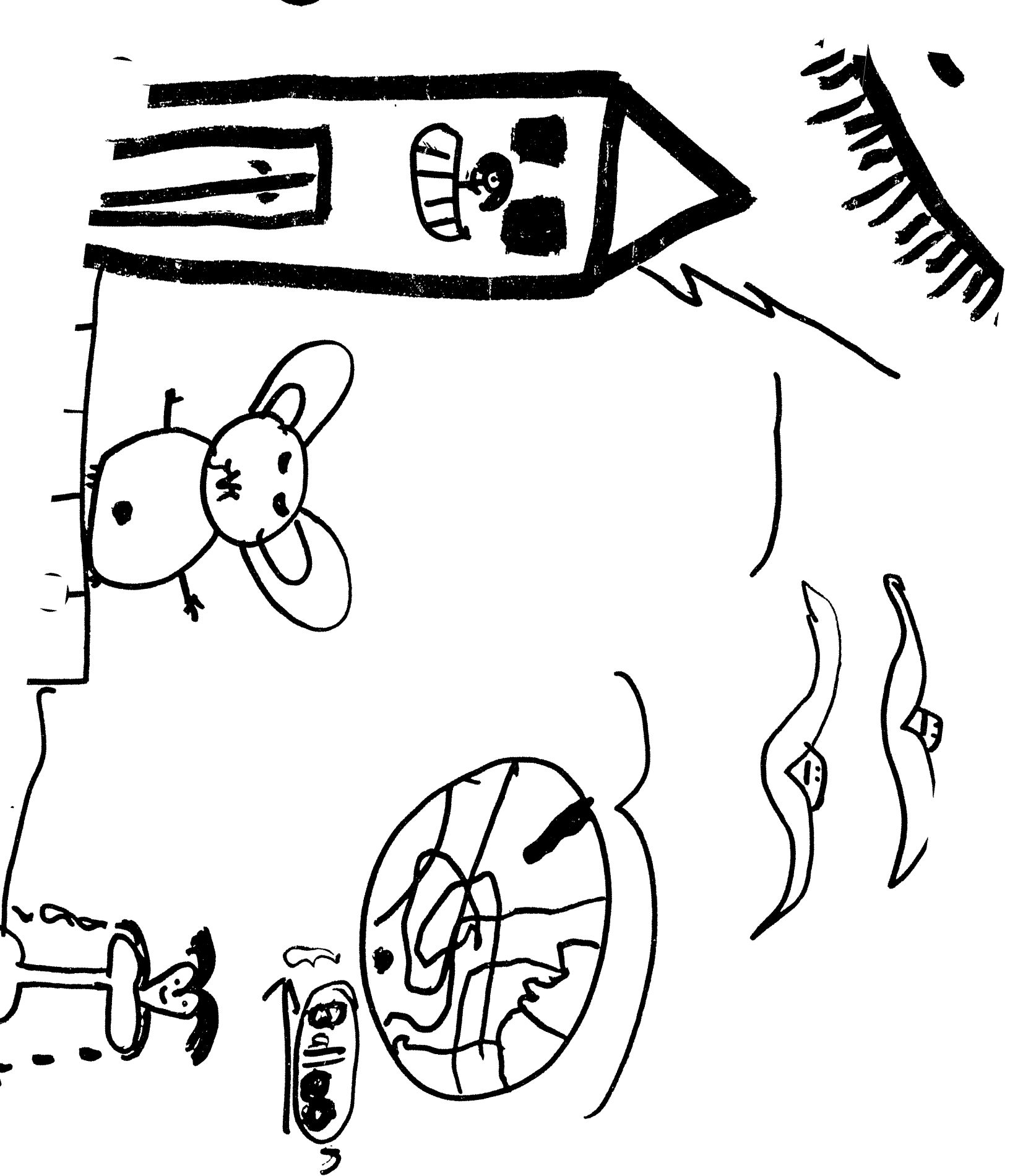
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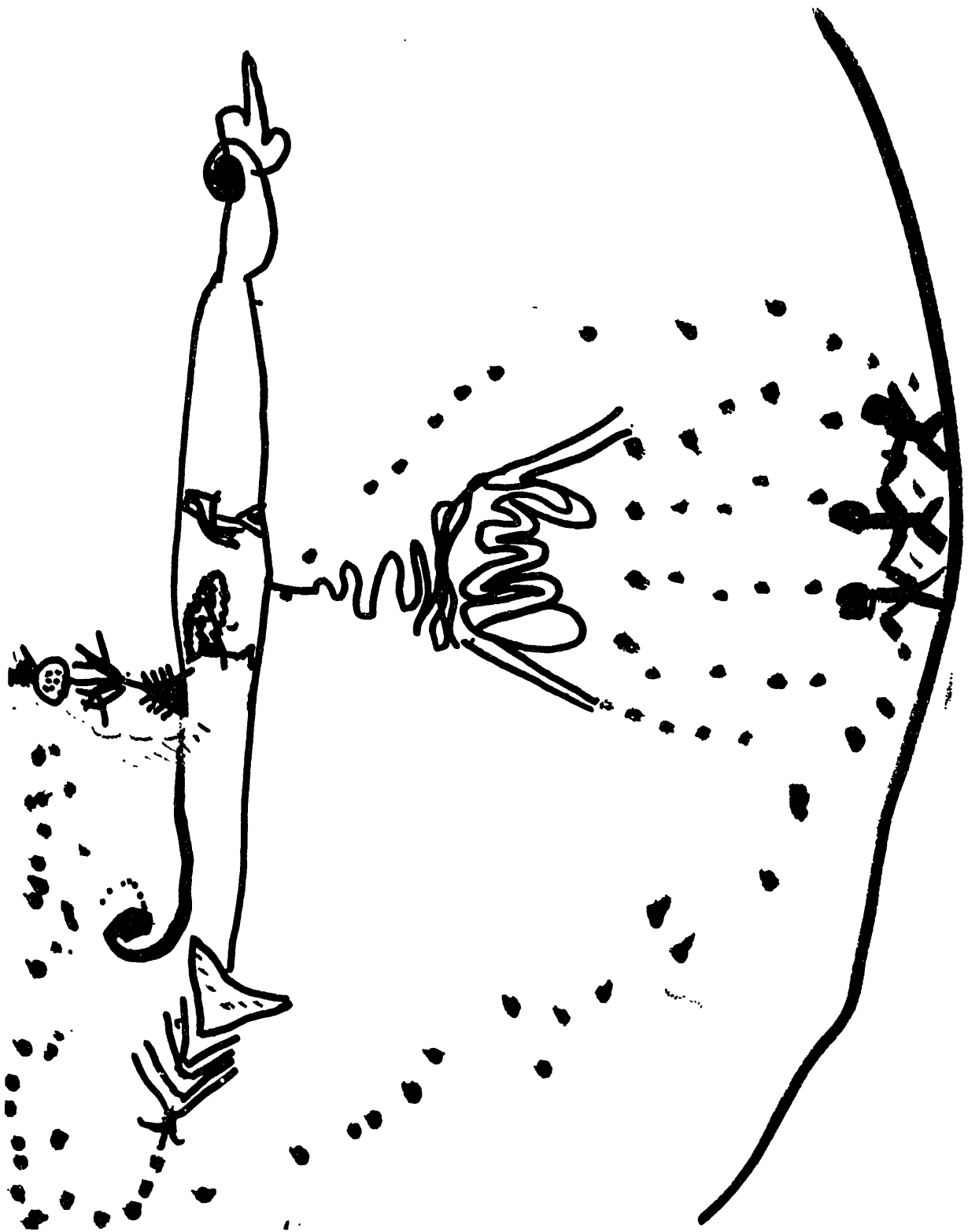
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**Texas Department of
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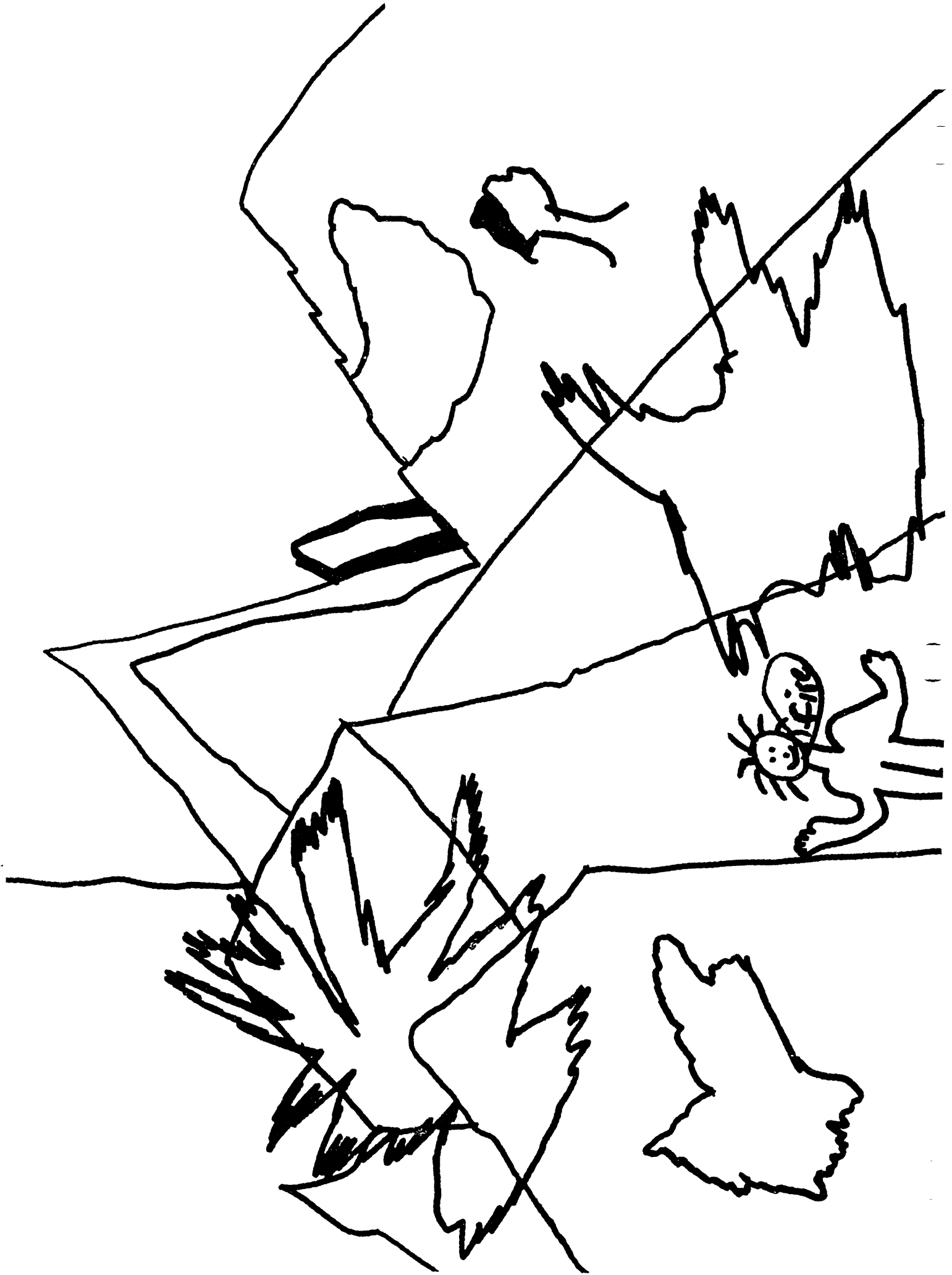
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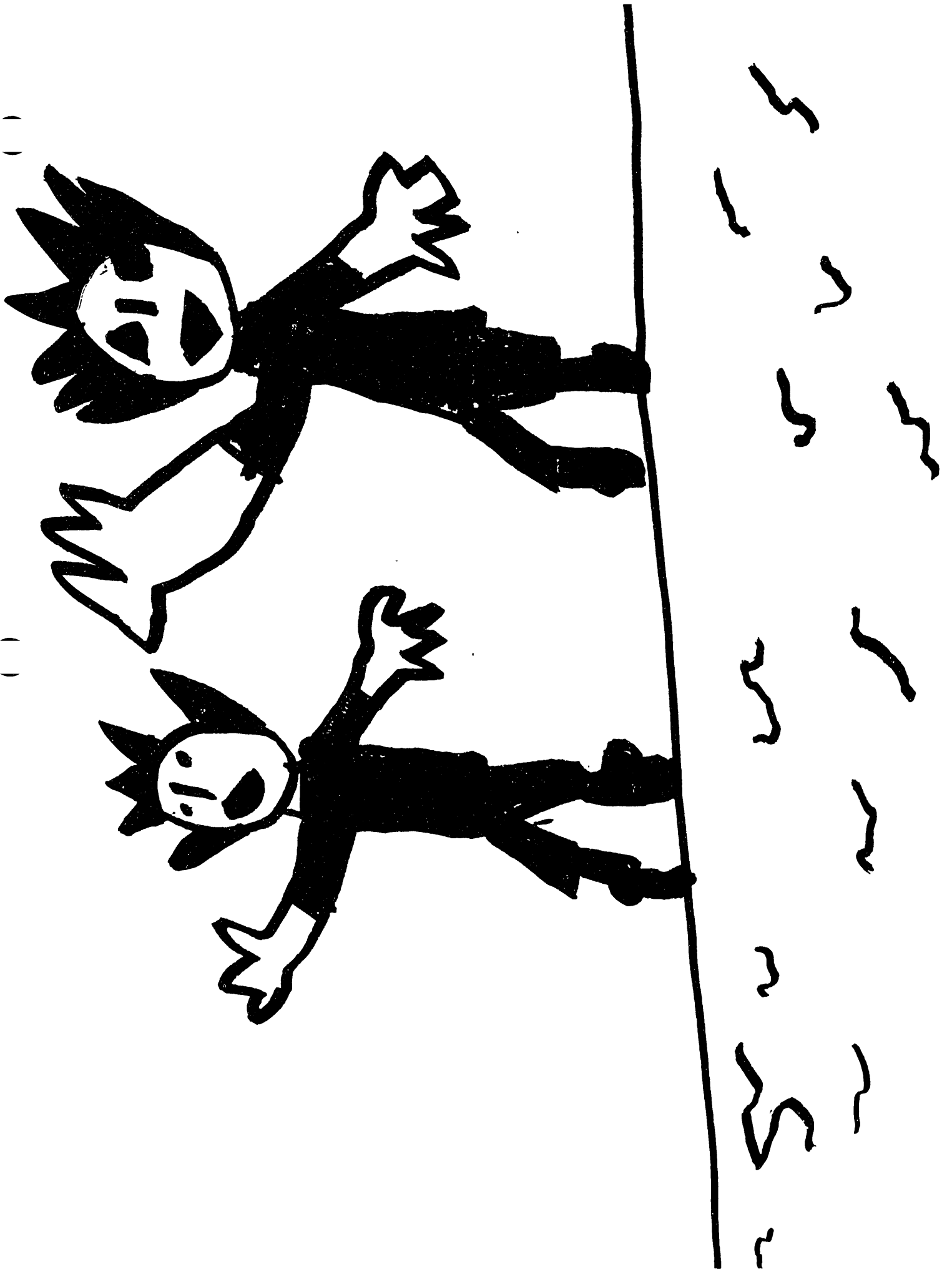












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EMERGENCY RULES

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 31. NATURAL RESOURCES AND CONSERVATION

Part II. Texas Parks and Wildlife Department

Chapter 57. Fisheries

Emergency Shrimp Season Closure

• 31 TAC §57.352

The Texas Parks and Wildlife Department adopts on an emergency basis new §57.352, concerning provisions for an early opening of the shrimping season in Gulf (outside) waters of the Texas territorial sea (nine nautical miles). Based on sound biological data, the executive director has determined that migration of small brown shrimp from the bays to the Gulf of Mexico will occur earlier than the

May 15 regulatory closure date. The emergency rule is adopted to adjust the July 15 opening date to July 12, providing for a maximum closure of 60 days.

The purpose of the closed Gulf season is to protect brown shrimp during their major period of emigration from the bays to the Gulf of Mexico until they reach a larger, more valuable size before harvest and to prevent waste caused by the discarding of smaller individuals. The executive director found imminent peril to the public welfare which required the closing date be moved forward to May 13, 1994. This emergency measure minimizes social and economic hardship in a depressed industry by closing the season two days earlier than scheduled. Early closure is also intended to obtain optimum yield from the shrimp resource.

The new section is adopted on an emergency basis under the authority of the Texas Parks and Wildlife Code, §77.062. In April 1978, the Texas Parks and Wildlife Commission dele-

gated to the executive director the duties and responsibilities of opening and closing the shrimping season under this section.

§57.352 *Early Closure of the Gulf Shrimping Season*. The 1994 general closed season for shrimp as defined in the Texas Parks and Wildlife Code, §77.061(a)(1), extends from 30 minutes after sunset May 13, 1994 to 30 minutes after sunset July 12, 1994.

Issued in Austin, Texas, on May 6, 1994

TRD-9440585

Paul M. Shinkawa
Director of Legal Services
Texas Parks and Wildlife
Department

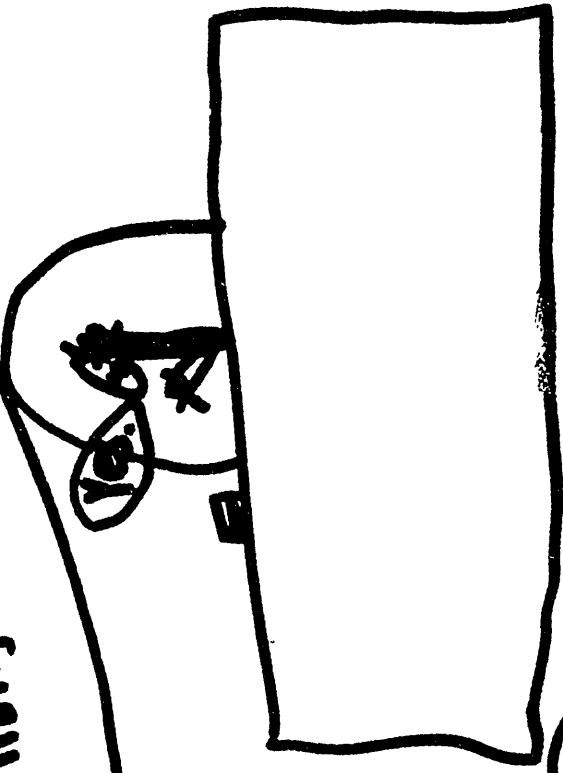
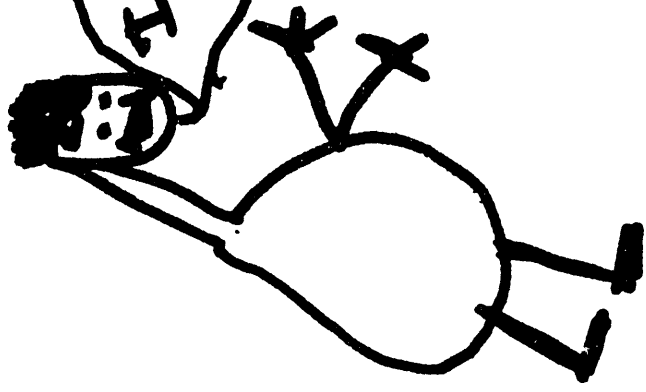
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Expiration date: July 9, 1994

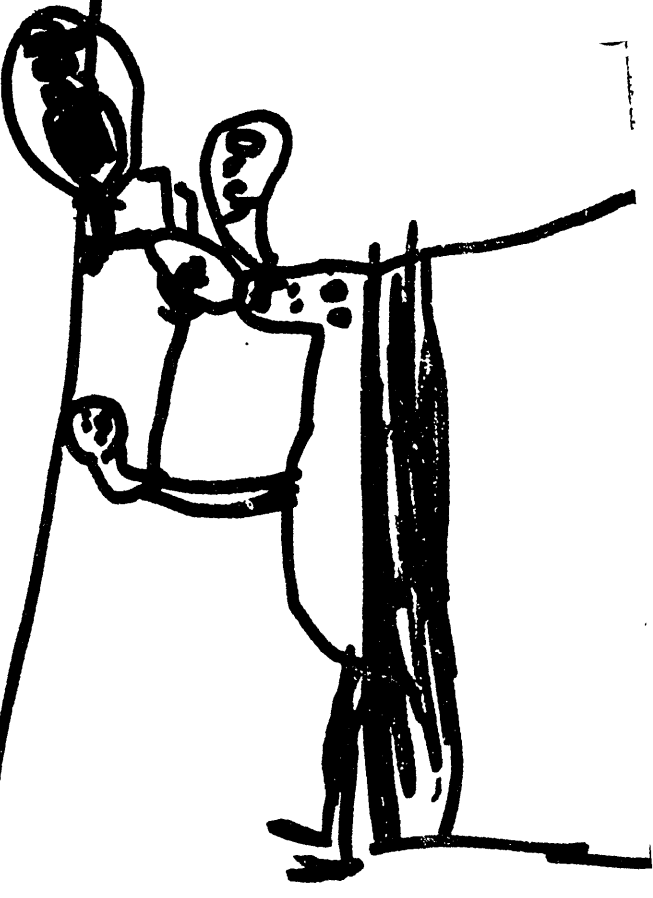
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PROPOSED RULES

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 13. CULTURAL RESOURCES

Part IV. Texas Antiquities Committee

Chapter 41. Practice and Procedure

• 13 TAC §41.20

The Texas Antiquities Committee (committee) proposes an amendment to §41.20, concerning Archeological Permit Categories. The amendment is needed to add other permit categories that allow for greater flexibility in designing mitigation alternatives for archeological investigations under antiquities permits issued by the Committee. The current permit categories allow data recovery as the only mitigation option. Experience by the committee staff has demonstrated that other mitigation options, such as site monitoring or historical documentation, are warranted in certain instances to insure that the type of mitigation is appropriate.

Dr. James E. Bruseth, deputy state historic preservation officer, has determined that for the first five-year period the rule is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the rule.

Dr. Bruseth also has determined that for each year of the first five-year period the rule is in effect, the public benefit anticipated as a result of administering the rule will be that more options will be available for state agencies and political subdivisions undertaking archeological mitigation. The expansion of the number of permit categories allows for the consideration of a range of reasonable mitigation options, as well as possible decreases in construction project costs depending upon the form of archeological mitigation chosen by agencies and political subdivisions in consultation with the committee. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Dr. James E. Bruseth, Deputy State Historic Preservation Officer, Texas Historical Commission, Department of Antiquities Protection, P.O. Box 12276, Austin, Texas 78711.

The amendment is proposed under the Natural Resources Code, Title 9, Chapter 191 (revised by Senate Bill 231, 68th Legislature, 1983, and by House Bill 2056, 70th Legislature, 1987), §191.02, which provides the Texas Antiquities Committee with authority to promulgate rules and require contract or permit conditions to reasonably effect the purposes of Chapter 191.

Title 9, Natural Resources Code is affected by this amendment.

§41.20 Archeological Permit Categories. Several categories or permits oriented toward specific types of investigation are issued by the Antiquities Committee.

(1) Reconnaissance survey. This permit category is [These permits are designed] for the purpose of location, inventory, and assessment of cultural resources of a specific area by conducting archival searches and by searching for sites. Reconnaissance is limited to recording site locations, mapping, photographing, controlled surface sampling, and possible site testing. A reconnaissance survey does not take the place of an intensive survey and construction clearance cannot be granted relative to this level of research. Specific requirements are included in the permit.

(2) Intensive survey. This permit category is for the purpose of an [An] intensive 100% pedestrian survey of a project or permit area. Components of an intensive survey may include, but are not limited to archival research, pedestrian survey, shovel and/or mechanical subsurface probing, inventory, site recordation, and site assessment. Such a survey can be performed in many ways but must, at a minimum, include walking transects no more than 75 feet apart in open terrain and 30 feet apart in dense ground cover. Construction clearance may be granted relative to this level of investigation, if the intensive survey results in negative findings. Specific requirements are included in the permit.

(3) Testing. This permit category is for the purpose of [allows] detailed subsurface examination of cultural re-

sources including systematic test excavations of a particular site or area. Testing must be oriented toward sampling a representative portion of a particular site or sites in all environmental contexts and may be conducted to determine if a landmark contains significant materials. Construction clearance may be granted relative to this level of investigation. Specific requirements are included in the permit.

(4) Monitoring [Data Recovery]. This permit category is for the purpose of having a professional archeologist or architect on-site to observe construction activities that may or will damage cultural resources, and for them to report findings and impacts to sites to the committee. Monitoring may be conducted during or after other phases of archeological investigation and may not involve the need for a separate permit. However, if monitoring is the only investigation deemed necessary relative to a construction activity, then a monitoring permit will be required. If previously unrecorded and significant archeological deposits are recorded during a monitoring investigation, then construction activities in the immediate area of the find must stop and the principal investigator or other shall notify the Department of Antiquities Protection within 24 hours. Specific requirements of monitoring are included in the permit. [This permit covers full investigation and extensive excavation of a particular archeological sites. Data recovery must be based on a research design approved by the committee. Construction clearance may be granted relative to this level of investigation. Specific requirements are included in the permit.]

(5) Data Recovery [Preservation of rock art]. This permit category is for the purpose of full investigation and extensive excavation of particular archeological site or sites. Data recovery must be based on a research design approved by the Committee. Construction clearance may be granted relative to this level of investigation. Specific requirements are included in the permit. [This

permit is issued for purposes of preserving, removing, recording, and copying all manner of rock art. Preservation techniques which involve application of brushes, heat, chemicals, water, chalk, petroleum products, or other preparations to the rock surfaces are prohibited unless specifically authorized by the Antiquities Committee. Specific requirements are included in the permit]

(6) **Alternative Mitigation** [Underwater Survey]. When mitigation of an archeological site by data recovery is not appropriate, a permit may be issued for an alternative form of mitigation, as approved by the Committee. Alternative forms of mitigation may include, but not be limited to: monitoring of a proposed construction to record and report the discovery of unanticipated important archeological deposits; conducting archival and historical research to document the significance of the site; capping or burying in place important archeological deposits when appropriate studies have been undertaken to demonstrate that capping or sealing is the most prudent and feasible alternative and that sensors and other types of monitoring will be used by the sponsor to verify that the capping or burying does not disturb the site; and protecting significant remaining portions of a site by donation of the undisturbed area (provided the area equals at least half of the site's original significant deposits) to a nonprofit organization, or a political subdivision of the state, with the demonstrated capability to protect archeological resources. A permit issued for a mitigation alternative may require additional conditions including studies, investigations, or other actions as deemed necessary by the Committee, and will be specified in the terms and conditions of the permit. [Underwater resources include shipwrecks and drowned prehistoric and historic sites. Surveys for these cultural resources are conducted with electronic instrumentation including the proton magnetometer, side scan and subbottom sonar, and radio and radar positioning systems. In some instances divers using scuba gear are used to search for and examine a specific site or structure. Work is conducted under the direct supervision of an underwater archeologist or under a survey technician reporting to an underwater archeologist who is responsible for the quality of the work. Data acquired are to be rendered to the committee along with an analysis and report. Specific requirements are included in the permit]

(7) **Preservation of rock art** [Underwater test excavations] This permit category is for the purposes of preserving, removing, recording, and copying all manner of rock art. Preservation techniques which involve application of

brushes, heat, chemicals, water, chalk, petroleum products, or other preparations to the rock surfaces are prohibited unless specifically authorized by the Committee. Specific requirements are included in the permit. [Significant magnetic and/or acoustic anomalies discovered during survey must be tested by excavation under the direct supervision of an underwater archeologist in order to determine the cause of the anomalies. Inspection by divers, coring, or other appropriate means must be used to test the nature of suspected prehistoric or historic sites. In the case of magnetic anomalies, sediment must in many cases be removed to allow identification, approximate dating, and determination of importance of objects and sites found. Any artifacts recovered from the state lands are property of the State of Texas. Extensive recovery during testing is discouraged. Accepted standards for provenience control and archeological data recovery must be maintained. Data must be analyzed and rendered to the committee in a written report. Proper conservation of any artifacts recovered must be carried out. Specific requirements are included in the permit]

(8) **Underwater Survey** [Underwater excavations] Underwater resources include shipwrecks and drowned prehistoric and historic sites. Surveys for these cultural resources are conducted with electronic instrumentation including the proton magnetometer, side scan and subbottom sonar, and positioning systems. In some instances divers using scuba gear are used to search for and examine a specific site or structure. Work is conducted under the direct supervision of an underwater archeologist or under a survey technician reporting to an underwater archeologist who is responsible for the quality of the work. Data acquired are to be rendered to the committee along with an analysis and report. Specific requirements are included in the permit. [Significant magnetic and/or acoustic anomalies discovered during survey must be tested by excavation under the direct supervision of an underwater archeologist in order to determine the cause of the anomalies. Inspection by divers, coring, or other appropriate means must be used to test the nature of suspected prehistoric or historic sites. In the case of magnetic anomalies, sediment must in many cases be removed to allow identification, approximate dating, and determination of importance of objects and sites found. Any artifacts recovered from the state lands are property of the State of Texas. Extensive recovery during testing is discouraged. Accepted standards for provenience control and archeological data recovery must be maintained. Data must be analyzed and rendered to the committee in a written report. Proper conservation of any artifacts recov-

ered must be carried out. Specific requirements are included in the permit]

(9) **Underwater test excavations** [Destruction]. Significant magnetic and/or acoustic anomalies discovered during survey must be tested by excavation under the direct supervision of an underwater archeologist in order to determine the cause of the anomalies. Inspection by divers, coring, or other appropriate means must be used to test the nature of suspected prehistoric or historic sites. In the case of magnetic anomalies, sediment must in many cases be removed to allow identification, approximate dating, and determination of importance of objects and sites found. Any artifacts recovered from the state lands are property of the State of Texas. Extensive recovery during testing is discouraged. Accepted standards for provenience control and archeological data recovery must be maintained. Data must be analyzed and rendered to the committee in a written report. Proper conservation of any artifacts recovered must be carried out. Specific requirements are included in the permit. Under exceptional circumstances, when all preservation alternatives have been exhausted and the public welfare clearly requires destruction of a State Archeological Landmark, the Committee may issue a destruction permit after thorough mitigation has been accomplished. Following any permitted archeological investigation, a clearance letter may be issued by the committee which authorizes destruction of all or part of a cultural resource without an antiquities permit. [Under exceptional circumstances, when all preservation alternatives have been exhausted and the public welfare clearly requires destruction of a State Archeological Landmark, the Antiquities Committee may issue a destruction permit after thorough mitigation has been accomplished. Following any permitted archeological investigation, a clearance letter may be issued by the committee which authorizes destruction of all or part of a cultural resource without an antiquities permit]

(10) **Underwater excavations.** In order to fulfill justified research objectives, or if damage to significant historic and prehistoric sites cannot be avoided, a full-scale underwater archeological excavation must be carried out under the direct supervision of an underwater archeologist. The intensive investigation and excavation this calls for must include documentary research and, for shipwrecks, detailed magnetometer work. Excavations must be supported by adequate equipment and supplies to insure proper recording, preservation, and the recovery of the maximum amount of data. Thorough analysis and a complete report are

required. Proper antiquities conservation is required for all artifacts, and all specimens recovered are state property. Specific requirements are included in the permit.

(11) Destruction. Under exceptional circumstances, when all preservation alternatives have been exhausted and the public welfare clearly requires destruction of a State Archeological Landmark, the Committee may issue a destruction permit after thorough mitigation has been accomplished. Following any permitted archeological investigation, a clearance letter may be issued by the Committee that authorizes destruction of all or part of a cultural resource without issuing an antiquities permit for destruction.

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-9440593 Mark H Denton
Staff Archeologist
Texas Antiquities
Committee

Earliest possible date of adoption June 17, 1994

For further information, please call (512) 463-6096

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Services

Chapter 19. Long-Term Care Nursing Facility Requirements for Licensure and Medicaid Certification

The Texas Department of Human Services (DHS) proposes amendments to §19.1104 and §19.1807, concerning the rehabilitative services system and reimbursement methodology for nursing facilities, in its Long-Term Care Nursing Facility Requirements rule chapter. The purpose of the amendment to §19.1104 is to add a cross reference to §19.1807. The purpose of the amendment to §19.1807 is to strengthen qualifications for the rehabilitation clinical group. To qualify for the rehabilitative clinical group, there must be a documented restorative treatment plan for the resident and documentation of a resident's response to the treatment plan.

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

Mr. Rairford also has determined that for each year of the first five years the amendments are in effect the public benefit anticipated as a

result of enforcing the amendments will be documentation that nursing facility residents require a treatment plan designed to help them attain a certain level of rehabilitation, and their response to that treatment. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the proposed amendments.

Questions about the content of the proposal may be directed to Geri Bischoff at (512) 450-3171 in DHS's Institutional Policy Section. Comments on the proposal may be submitted to Nancy Murphy, Agency Liaison, Policy and Document Support-110, Texas Department of Human Services W-402, P O Box 149030, Austin, Texas 78714-9030, within 30 days of publication in the *Texas Register*.

Subchapter L. Specialized Rehabilitative Services

• 40 TAC §19.1104

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

The amendment implements the Human Resources Code, §§32.021(c) and 32.024

§19.1104 Rehabilitative Services [System]

(a)-(g) (No change)

(h) Rehabilitative services provided by licensed professionals must provide a written discharge plan of care to the nursing facility staff. The professional [nursing] staff (nursing or therapy) should use this to develop an individual restorative nursing plan of care. The nursing staff is responsible for implementing this plan. Restorative nursing care refers to nursing interventions that promote the resident's ability to adapt and adjust to living as independently and safely as possible. Rehabilitative services may qualify for reimbursement under the Texas Index for Level of Effort (TILE) 202. Refer to §19.1807(b)(5)(A) of this title (relating to Rate-Setting Methodology) which provides the clinical description of the rehabilitative group.

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

Issued in Austin, Texas, on May 10, 1994

TRD 9440616 Nancy Murphy
Section Manager, Policy
and Document Support
Texas Department of
Human Services

Proposed date of adoption July 1, 1994

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

Subchapter S. Reimbursement Methodology for Nursing Facilities

• 40 TAC §19.1807

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

The amendment implements the Human Resources Code, §§32.021(c) and §32.024

§19.1807 Rate Setting Methodology

(a) (No change)

(b) Rate determination. The Texas Board of Human Services determines general reimbursement rates for medical assistance programs for Medicaid recipients under provisions of the Human Resources Code, Chapter 24 (relating to Reimbursement Methodology). The Texas Board of Human Services determines reimbursement rates for nursing facilities based on consideration of Texas Department of Human Services (DHS) staff recommendations. To develop reimbursement rate recommendations for nursing facilities, DHS staff apply the following procedures:

(1)-(4) (No change)

(5) The TILE classification system. The Texas Index for Level of Effort (TILE) classification system is defined in terms of recipient condition and service-descriptors on the Texas Nursing Facility Client Assessment, Review, and Evaluation (CARE) form. Classifications are based on criteria for frequency and duration for each descriptor. The TILE classification system includes four clinical categories. These categories are subdivided on the basis of an activities of daily living (ADL) scale that measures functional abilities for eating, transferring, and toileting. The combination of clinical categories and ADL measurements yields an array of 11 TILE case-mix classifications.

(A) Clinical categories. Each recipient is assigned to one of the following four clinical categories:

(i) (No change)

(ii) The rehabilitation group. To qualify for the rehabilitation clinical group, a recipient must be receiving physical or occupational therapy at least three times per week and have a documented restorative treatment plan established by the physical or occupational therapist for nursing facility staff.

to follow. The resident's response to the treatment plan must be documented in the clinical record, and an ongoing review must be conducted by a licensed therapist or nursing staff. The therapy must be ordered by a licensed physician, must be rehabilitative in intent, and must be reimbursed by Medicare or through DHS's Rehabilitative Services System Specialized services that are identified by a Preadmission Screening and Annual Resident Review (PASARR) and are categorized as maintenance services, are not eligible for this category, unless there is a medical condition or injury that qualifies the resident for rehabilitation services

(iii)-(iv) (No change)

(B)-(C) (No change)

(6)-(7) (No change)

(c)-(e) (No change)

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

Issued in Austin, Texas, on May 10, 1994

TRD-9440617

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

Proposed date of adoption July 1, 1994

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

Chapter 90. Nursing Facilities and Related Institutions

Subchapter D. Facility Construction

Introduction, Application, and General Requirements for Construction Standards for Facilities Serving Persons with Mental Retardation or Related Conditions

• 40 TAC §90.92

The Texas Department of Human Services (DHS) proposes an amendment to §90.92, concerning introduction, application, and general requirements in its Nursing Facilities and Related Institutions rule chapter. The purpose of the amendment is to include methods for determining the evacuation capability of ICF-MR residents under Chapter 21 of the Life Safety Code of the National Fire Protection Association. Ratings of "impractical," "slow," or "prompt" are based on a score validated at the time of the Life Safety Code and Health Survey. Each rating has special evacuation requirements for the facility to follow and must be consistent with client characteristics and fire drills

DHS initially proposed this amendment as a new section in its Chapter 27, Intermediate Care Facilities for the Mentally Retarded (ICFs-MR) in the April 22, 1994, issue of the *Texas Register* (19 TexReg 3049). DHS is withdrawing that proposal in this issue of the *Texas Register* in order to propose the policy in Chapter 90.

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

Mr. Raiford also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be improved safety of ICF-MR residents. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the proposed section.

Questions about the content of the proposal may be directed to Maxine Tomlinson at (512) 450-3169 in DHS's Institutional Programs Section. Comments on the proposal may be submitted to Nancy Murphy, Agency Liaison, Policy and Document Support-081, Texas Department of Human Services W-402, P.O. Box 149030, Austin, Texas 78714-9030, within 30 days of publication in the *Texas Register*.

The amendment is proposed under the Health and Safety Code, Chapter 242 which provides the department with the authority to regulate long-term care nursing facilities and under Texas Civil Statutes, Article 4413 (502), 72nd Legislature, which transferred all functions, programs, and activities related to long-term care licensing, certification, and surveys from the Texas Department of Health to the Texas Department of Human Services.

The amendment implements the Health and Safety Code, §§242.001-242.186.

§90.92 Introduction, Application, and General Requirements

(a) (No change)

(b) Purpose

(1) (No change)

(2) The method of determining the evacuation capability of residents under NFPA 101, Chapter 21, is by rating each resident and each staff member to determine an evacuation ("E") score. If the "E" score is 1.5 or less, the evacuation capability of the facility is prompt, greater than 1.5 to five is slow, greater than five is impractical. The worksheets to be completed are located in NFPA 101, 1985 Edition, Appendix F: Intermediate Care Facilities for the Mentally Retarded (ICFs-MR) with 15 beds or fewer to meet the evacuation requirement for their designated Chapter 21 rating. The ratings and their requirements are as follows:

(A) Impractical rating.

(i) The facility must have one evacuation and/or fire drill per shift each calendar quarter (minimum of 12 drills per year).

(ii) The facility must actually evacuate clients once a year on each shift.

(iii) All facility staff, including relief and substitute staff, must participate in drills as soon as possible after beginning employment on their shift.

(iv) For initial certification, one client must be admitted.

(v) E-scores are not required for certification under this rating.

(B) Slow rating.

(i) The facility must have one evacuation and/or fire drill per shift each calendar quarter (minimum of 12 drills per year).

(ii) The facility must actually evacuate clients once a year on each shift.

(iii) Staff on each shift must participate in drills.

(iv) New and/or relief or substitute staff must participate in a drill within ten days of employment on their assigned shift.

(v) For initial certification, two clients must be admitted.

(vi) E-scores must be calculated as soon as possible, but within ten calendar days of admission.

(vii) Initial E-scores are based on four drills, as follows:

(I) two conducted during the daytime; and

(II) two conducted during the nighttime, after the first 30 minutes and within the first three hours of sleep.

(viii) All newly admitted clients must have evacuation capability calculated as described in clause (vii) of this subparagraph.

(ix) E-scores must be updated annually or sooner if significant changes occur that would affect a client's evacuation capability. These updated scores are based on the client's overall performance during fire drills throughout the year. Scores do not have to be calculated in accordance with the drills required for newly admitted clients based

on the requirements stated in clause (vii) of this subparagraph.

(C) Prompt rating.

(i) The facility must have one evacuation and/or fire drill per shift each calendar quarter (minimum of 12 drills per year).

(ii) The facility must actually evacuate clients once a year on each shift.

(iii) Staff on each shift must participate in drills.

(iv) New and/or relief or substitute staff must participate in a drill within ten days of employment on their assigned shift.

(v) For initial certification, all six clients must be admitted.

(vi) E-scores must be calculated as soon as possible, but within ten calendar days of admission.

(vii) Initial E-scores are based on four drills, as follows:

(I) two conducted during the daytime; and

(II) two conducted during the nighttime, after the first 30 minutes and within the first three hours of sleep.

(viii) All newly admitted clients must have evacuation capability calculated as described in clause (vii) of this subparagraph.

(ix) E-scores must be updated annually or sooner if significant

changes occur that would affect a client's evacuation capability.

(3) (No change.)

(c)-(f) (No change.)

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

Issued in Austin, Texas, on May 10, 1994

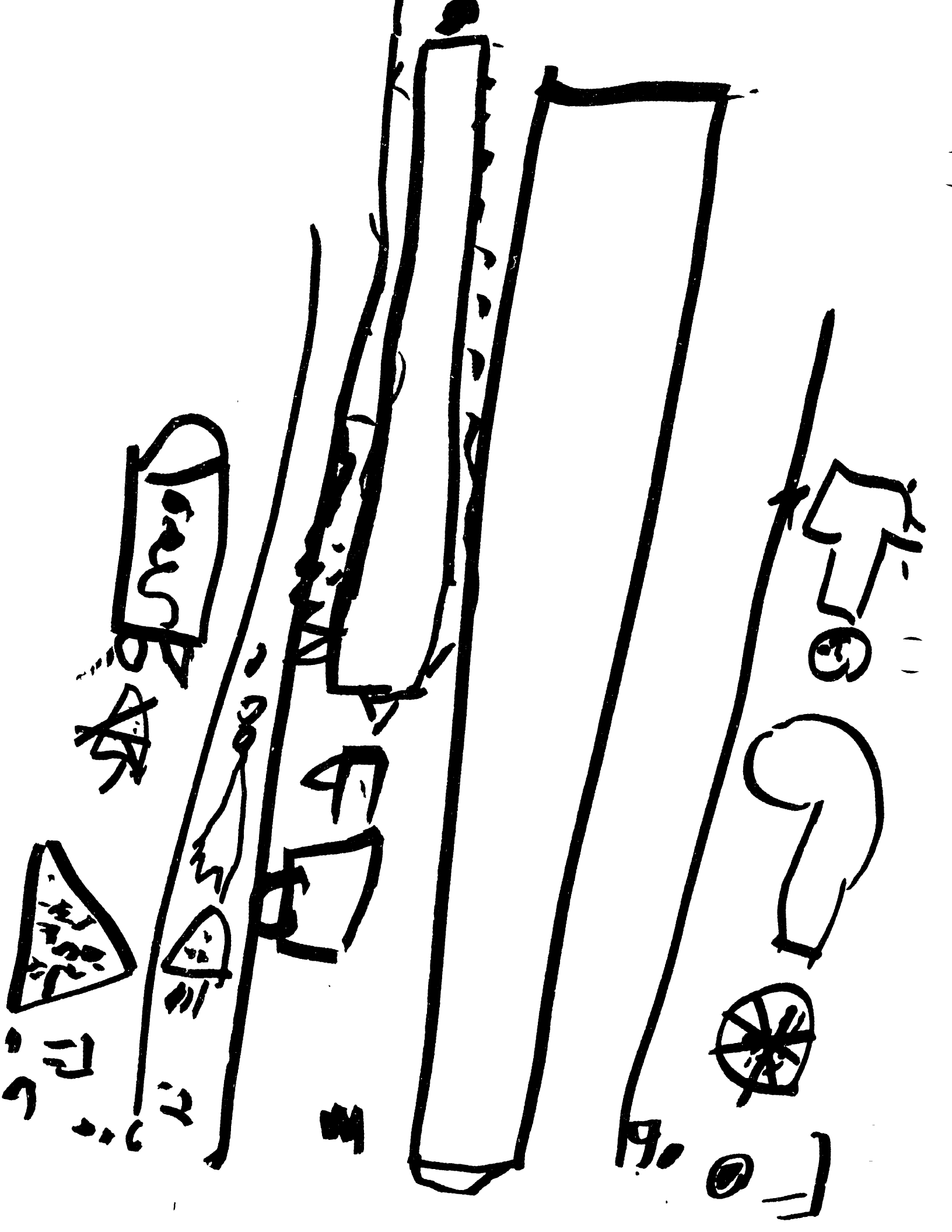
TRD-9440619

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

Proposed date of adoption: July 1, 1994

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

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WITHDRAWN RULES

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

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Services

Chapter 27. Intermediate Care Facilities for the Mentally Retarded (ICFs-MR)

Subchapter G. Additional Facility Responsibilities

• 40 TAC §27.721

The Texas Department of Human Services has withdrawn from consideration for permanent adoption a proposed new section, concerning compliance with the Life Safety Code, in its Intermediate Care Facilities for the Mentally Retarded (ICFs-MR) rule chapter, which appeared in the April 22, 1994, issue of the *Texas Register* (19 TexReg 3049). The effective date of this withdrawal is May 10, 1994.

Issued in Austin, Texas, on May 10, 1994.

TRD-9440618 Nancy Murphy
Section Manager, Policy
and Document Support
Texas Department of
Human Services

Effective date. May 10, 1994

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



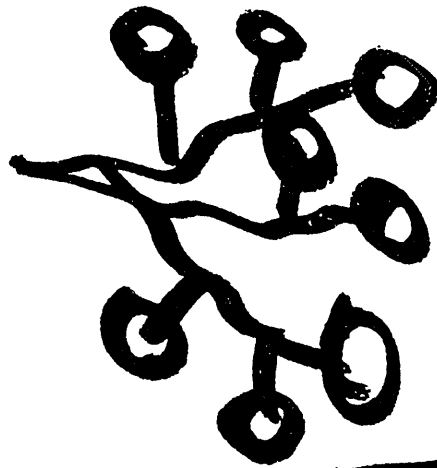
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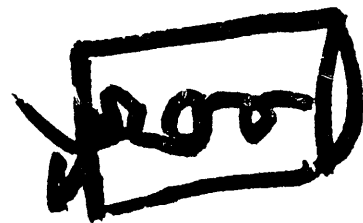
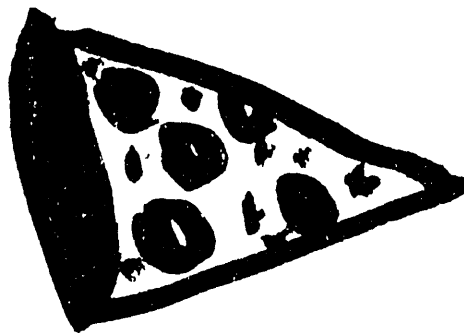
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Food



Food



OPEN MEETINGS

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

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

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

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

Texas Department of Agriculture

Wednesday, May 25, 1994, 10:30 a.m.

233 Twohig, Texas Sheep and Goat Raisers, Association, Board Room

San Angelo

According to the agenda summary, the Texas Sheep and Cattle Commodity Board, will have opening remarks, review and approval of minutes of last meeting, fiscal affairs, report officers and directors, discussion and action of new business-review of telephone messages and contacts with the office, unfinished business-review proposals form wildlife management associations; status reports from Gary Nunley with Animal Damage Control, discuss scheduling of the next meeting, other business and adjourn.

Contact: Minnie Savage, P.O. Box 3543, San Angelo, Texas 76902-3543.

Filed: May 11, 1994, 11.49 a.m.

TRD-9440702

Texas Commission on Alcohol and Drug Abuse

Wednesday, May 11, 1994, 10:00 a.m.

710 Brazos, Suite 609

Austin

Emergency Meeting

According to the complete agenda, the Criminal Justice Issues Committee called to

order; approved contract negotiations with approved vendors for three substance abuse felony punishment facility programs and one in-prison therapeutic community program; correctional medical systems-Brownwood SAFF Unit, Gateway Foundation-Breckenridge SAFF Unit, Right Turn, Inc.-San Diego SAFF Unit, Amity, Inc IPTC Unit (Beaumont), approved contract extension for Marty LaBarbera, approved Parents Anonymous proposal; new business; and adjourned.

Reason for emergency. Due to the accelerated construction schedule of the Texas Department of Criminal Justice units these programs must begin implementation. These processes had to be approved as soon as possible in order to begin treatment in these units on schedule.

Contact: Ted Sellers, 710 Brazos, Austin, Texas 78701, (512) 867-8132

Filed: May 10, 1994, 3 10 p.m.

TRD-9440636

Texas Bond Review Board

Thursday, May 19, 1994, 10:00 a.m.

Clements Building, Fifth Floor, Committee Room #5, 300 West 15th Street

Austin

According to the agenda summary, the Texas Bond Review Board will call to order, approval of minutes, consideration of proposed issues; other business, and adjourn

Contact: Albert L. Bacarisse, 300 West 15th, Suite 409, Austin, Texas 78701, (512) 463-1741

Filed: May 11, 1994, 2 58 p.m.

TRD-9440717

Texas Board of Chiropractic Examiners

Thursday, May 19, 1994, 2:00 p.m.

333 Guadalupe, Tower Three

Austin

According to the complete agenda, the Texas Board of Chiropractic Examiners will conduct a public hearing regarding proposed action on rules as published in the *Texas Register*, Volume 19, Number 27, April 12, 1994 (19 TexReg 2588). Comments or suggestions may be presented in person at the hearing, or may be submitted in writing to the Texas Board of Chiropractic Examiners, 333 Guadalupe, Tower Three, Suite 825, Austin, Texas 78701.

Contact: Patte B. Kent, 333 Guadalupe, Tower III, Suite 825, Austin, Texas 78701, (512) 305-6700.

Filed: May 10, 1994, 2.09 p.m.

TRD-9440624

Wednesday, May 25, 1994, 8:30 a.m.

333 Guadalupe, Tower Three, Suite 825

Austin

According to the complete agenda, the Enforcement Committee will meet to conduct

informal conferences on cases #94-98, #94-103, #94-104, #94-77, #94-95, #94-106, #94-20, #94-87, #94-107, and #94-96 regarding possible violations of its licenses
Contact: Patte B Kent, 333 Guadalupe, Tower III, Suite 825, Austin, Texas 78701, (512) 305-6700

Filed: May 10, 1994, 2 09 p m

TRD-9440623

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The Daughters of the Republic of Texas, Inc.

Wednesday-Thursday, May 18-19, 1994, 3:00 p.m. and 8:30 a.m. respectively.

801 Avenue Q

Lubbock

According to the agenda summary, the Board of Management will determine quorum-public session May 18, 1994, invocation, pledges to flags, US and Texas, reports and recommendations for action by committees operating state owned properties, recess to closed/executive session, open meeting, public session-motions arising from closed/executive session, adjourn open meeting, private meeting On Thursday, determination of quorum-public session, invocation, pledges to flags, US and Texas, reports and recommendations for action by committees operating state owned properties, recess to closed/executive session, open meeting, public session-motions arising from closed/executive session, adjourn open meeting and private meeting

Contact: Gail Loving Barnes, 801 Avenue Q, Lubbock, Texas 75801, (915) 366-7085

Filed: May 10, 1994, 5 17 p m

TRD-9440655

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Texas School for the Deaf

May 20, 1994, 8:30 a.m.

601 Airport Boulevard

Austin

According to the agenda summary, the Board of Budget and Audit will meet to present proposal for LAR 1996 1997 and discussion of proposals

Contact: Marvin Sallop, P O Box 12904, Austin, Texas 78711, (512) 440-5335

Filed: May 11, 1994, 4 21 p m

TRD-9440738

May 20, 1994, 9:00 a.m.

601 Airport Boulevard

Austin

According to the agenda summary, the Board Curriculum Committee will meet to

discuss philosophy, sex education seminars versus health education, overview of seminars and topic for next meeting.

Contact: Marvin Sallop, P.O. Box 12904, Austin, Texas 78711, (512) 440-5335

Filed: May 11, 1994, 4 22 p m

TRD-9440739

May 20, 1994, 9:30 a.m.

601 Airport Boulevard

Austin

According to the agenda summary, the Board of Policy Committee will meet on policy amendments and policy review

Contact: Marvin Sallop, P O Box 12904, Austin, Texas 78711, (512) 440-5335

Filed: May 11, 1994, 4 21 p m

TRD-9440736

May 20, 1994, 1:00 p.m.

601 Airport Boulevard

Austin

According to the agenda summary, the Governing Board will call to order, approval of minutes of March 25, 1994 meeting, business for information purposes, business requiring board action, comments by board members and adjournment

Contact: Marvin Sallop, P O Box 12904, Austin, Texas 78711, (512) 440-5335

Filed: May 11, 1994, 4 21 p m

TRD-9440737

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Texas Office for Prevention of Developmental Disabilities

Thursday, May 26, 1994, 12:30 p.m.

4900 North Lamar Boulevard, Public Hearing Room, Section-1420

Austin

According to the complete agenda, the Head/Spinal Cord Injury Task Force will call to order, introductions, reports sub-committee for results based monitoring, bicycle helmet grant, bicycle helmet coalition, spinal cord injury reporting, traumatic brain injury reporting, other reports, new issues and discussion, meeting schedule, and adjournment

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

Filed: May 10, 1994, 11 40 a m

TRD 9440603

East Texas State University

Friday, May 13, 1994, 1:30 p.m.

Conference Room C, Lovefield Airport (Telephone Conference)

Dallas

Emergency Meeting

According to the agenda summary, the Board of Regents, Campus Planning, Finance, and Auditing Committees discussed a review of the investment policies of E T S U

Reason for emergency Potential investment losses, immediate action was needed.

Contact: Charles Turner, 2600 South Neal, Commerce, Texas 75428, (903) 886-5539

Filed: May 10, 1994, 1 37 p m

TRD-9440621

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Texas Education Agency

Tuesday-Wednesday, May 24-25, 1994, 9:00 a.m.

Texas School for the Blind and Visually Impaired, 1100 West 45th Street

Austin

According to the agenda summary, the Texas Committee on Braille Textbook Production will discuss. Tuesday, May 24: welcome, report on the current status of the commission, report on current status of braille production, reports from other commission members; lunch, discussion groups-topics to be discussed include the national distribution system, graphics, electronic instructional media systems, and tag documentation, and report on national distribution system Wednesday, May 25 Tour of the Texas School for the Blind and Visually Impaired, break, report on graphics, lunch, report on electronic media systems, report on tag documentation, summary, discussion of future directions and changes, and plans for future meetings

Contact: Patty McFarland, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9362

Filed: May 10, 1994, 3 11 p m

TRD-9440637

Wednesday, June 1, 1994, 8:00 a.m.

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

Austin

According to the complete agenda, the Language Arts Committee will consider presentations by publishers of textbooks and/or systems that will be reviewed by the 1994 State Textbook Language Arts Committee State Textbook Committee members remain

under no-contact rules until the close of the discussion and balloting meeting in August 1994.

Contact: Ann Smisko, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9601.

Filed: May 10, 1994, 11:44 a.m.

TRD-9440613

Wednesday, June 1, 1994, 1:30 p.m.

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

Austin

According to the complete agenda, the Trade and Industrial Education Committee will consider presentations by publishers of textbooks and/or systems that will be reviewed by the 1994 State Textbook Trade and Industrial Education Committee. State Textbook Committee members remain under no-contact rules until the close of the discussion and balloting meeting in August 1994.

Contact: Ann Smisko, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9601.

Filed: May 10, 1994, 11:44 a.m.

TRD-9440612

Thursday-Friday, June 2-3, 1994, 8:00 a.m.

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

Austin

According to the complete agenda, the Science Committee will consider presentations by publishers of textbooks and/or systems that will be reviewed by the 1994 State Textbook Science Committee. State Textbook Committee members remain under no-contact rules until the close of the discussion and balloting meeting in August 1994.

Contact: Ann Smisko, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9601.

Filed: May 10, 1994, 11:44 a.m.

TRD-9440611

Monday-Tuesday, June 6-7, 1994, 8:00 a.m. and 8:30 a.m. respectively.

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

Austin

According to the complete agenda, the Business Education Committee will consider presentations by publishers of textbooks and/or systems that will be reviewed by the 1994 State Textbook Business Education Committee. State Textbook Committee members remain under no-contact rules until the close of the discussion and balloting meeting in August 1994.

Contact: Ann Smisko, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9601.

Filed: May 10, 1994, 11:43 a.m.

TRD-9440610

Tuesday, June 7, 1994, 1:00 p.m.

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

Austin

According to the complete agenda, the General Music Committee will consider presentations by publishers of textbooks and/or systems that will be reviewed by the 1994 State Textbook General Music Committee. State Textbook Committee members remain under no-contact rules until the close of the discussion and balloting meeting in August 1994.

Contact: Ann Smisko, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9601.

Filed: May 10, 1994, 11:43 a.m.

TRD-9440609

Wednesday-Thursday, June 15-16, 1994, 8:00 a.m. and 8:30 a.m. respectively.

Austin

According to the complete agenda, the Art Committee will consider presentations by publishers of textbooks and/or systems that will be reviewed by the 1994 State Textbook Art Committee. State Textbook Committee members remain under no-contact rules until the close of the discussion and balloting meeting in August 1994.

Contact: Ann Smisko, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9601.

Filed: May 10, 1994, 11:43 a.m.

TRD-9440608

Friday, June 17, 1994, 8:30 a.m.

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

Austin

According to the complete agenda, the Economics Committee will consider presentations by publishers of textbooks and/or systems that will be reviewed by the 1994 State Textbook Economics Committee. State Textbook Committee members remain under no-contact rules until the close of the discussion and balloting meeting in August 1994.

Contact: Ann Smisko, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9601.

Filed: May 10, 1994, 11:43 a.m.

TRD-9440607

Friday, June 24, 1994, 8:30 a.m.

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

Austin

According to the complete agenda, the Pre-Kindergarten and Kindergarten Committee will consider presentations by publishers of textbooks and/or systems that will be reviewed by the 1994 State Textbook Pre-Kindergarten and Kindergarten Committee. State Textbook Committee members remain under no-contact rules until the close of the discussion and balloting meeting in August 1994.

Contact: Ann Smisko, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9601

Filed: May 10, 1994, 11:43 a.m.

TRD-9440606

Tuesday-Wednesday, June 28-29, 1994, 8:00 a.m. and 8:30 a.m. respectively.

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

Austin

According to the complete agenda, the Mathematics Committee will consider presentations by publishers of textbooks and/or systems that will be reviewed by the 1994 State Textbook Mathematics Committee. State Textbook Committee members remain under no-contact rules until the close of the discussion and balloting meeting in August 1994.

Contact: Ann Smisko, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9601.

Filed: May 10, 1994, 11:43 a.m.

TRD-9440604

Monday-Tuesday, June 20-21, 1994, 8:30 a.m.

William B. Travis Building, 1701 North Congress Avenue, Room 1-104 (Monday) and Room 1-111 (Tuesday)

Austin

According to the complete agenda, the Social Studies Committee will consider presentations by publishers of textbooks and/or systems that will be reviewed by the 1994 State Textbook Social Studies Committee. State Textbook Committee members remain under no-contact rules until the close of the discussion and balloting meeting in August 1994.

Filed: May 10, 1994, 11:43 a.m.

TRD-9440605

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Texas Department of Health

Friday, May 20, 1994, 10:00 a.m.

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

Austin

According to the complete agenda, the Joint Meeting of the Health Service Systems Advisory Committee and Community Advisory Committee will discuss and possibly act on Chronically Ill and Disabled Childrens Program update and budget issues, Title V vision and purpose; health care reform (impact on children with special health care needs), Women's and Children's Bureau reorganization, future of advisory committees, Early Periodic Screening, Diagnosis Treatment Program update and initiatives, children living in nursing homes, Title V update, other projects, and chairman's report

Contact: Paula Russell, 1100 West 49th Street, Austin, Texas 78756-3199, (512) 458-3046 For ADA assistance, call Richard Butler (512) 458-7695 or TDD (512) 458-7708 at least two days prior to the meeting

Filed: May 10, 1994, 3 51 p m

TRD-9440649

Texas House of Representatives

Tuesday, May 24, 1994, 1:00 p.m.

Capitol Extension, Room E2 030

Austin

According to the agenda summary, the Insurance Interim Oversight Subcommittee will consider organizational discussion, briefing by Commissioner of Insurance reorganization of the Texas Department of Insurance, implementation of House Bill 1461, functions of the National Association of Insurance Commissioners, and privatization of the calculations of the experience modifier for Worker's Compensation Insurance, public testimony, discussion of future agenda topics, and adjournment

Contact: Frank Galinski, P O Box 2190, Austin, Texas 78768, (512) 463-0788

Filed: May 10, 1994, 2 09 p m

TRD-9440622

Tuesday, June 7, 1994, 1:00 p.m.

Capitol Extension, Room E2 028

Austin

According to the agenda summary, the Subcommittee on Legislative Reporting Requirements will call to order, roll call, explanation of charge and opening remarks, invited testimony, closing remarks, set date for next meeting, and adjourn

Contact: Mance Bowden, P.O. Box 2910,
Austin, Texas 78768, (512) 463-0766

Filed: May 10, 1994, 12:02 p.m.

TRD-9440620

Texas Department of Human Services

Friday, May 20, 1994, 10:30 a.m.

701 West 51st, Public Hearing Room

Austin

According to the complete agenda, the Texas Board of Human Services will consider approval of minutes of April 15, 1994, meeting, election of a board chairman and vice chairman, chairman's comments and announcements, EET in AFDC and Food Stamp Programs, proposed new rule and rule changes to the child care services rule base regarding CCMS client eligibility and limitations on child care services, CCMS contractor operations, and CCMS vendor requirements and agreements, revisions to PASARR, case management rate for CLASS Waiver program, rates for primary home care services and for nursing facility waiver personal assistance services, rates for the residential care program, amendments to policies and procedures, approval of agency strategic plan, fiscal year 1996-1997 funding options, and commissioner's report

Contact: Sherron Heinemann, P O Box 149030, Austin, Texas 78714-9030, (512) 450-3048

Filed: May 12, 1994, 9 25 a m

TRD-9440756

Lamar University System, Board of Regents

Wednesday, May 11, 1994, 4:00 p.m.

Reaud Morgan & Quinn, Main Conference Room, 801 Laurel Street

Beaumont

Revised Agenda

According to the complete agenda, the Personnel Committee agenda has not changed, however, there is a change in location of the meeting. Please note that the meeting has been moved from the John Gray Institute to Reaud Morgan & Quinn, Main Conference Room, 801 Laurel Street, Beaumont, Texas 77701

Contact: James A. (Dolph) Norton, P.O. Box 11900, Beaumont, Texas 77710, (409) 880-2304

Filed: May 10, 1994, 4 02 p m

TRD-9440652

Wednesday, May 11, 1994, 4:00 p.m.

Reaud Morgan & Quinn, Main Conference Room, 801 Laurel Street

Beaumont

Revised Agenda

According to the complete agenda, the Personnel Committee agenda has not changed, however, there is a change in location of the meeting. Please note that the meeting has been moved from the John Gray Institute to Reaud Morgan & Quinn, Main Conference Room, 801 Laurel Street, Beaumont, Texas 77701

Contact: James A. (Dolph) Norton, P.O. Box 11900, Beaumont, Texas 77710, (409) 880-2304

Filed: May 10, 1994, 5 15 p m

TRD-9440653

Thursday, May 12, 1994, 9:00 a.m.

John Gray Institute, Map Room, 855 Florida

Beaumont

Emergency Revised Agenda

According to the complete agenda, the Lamar University System, Board of Regents added executive session item 993-consider property acquisition at Lamar University-Port Arthur, and Building and Grounds Committee item 993 consider property acquisition at Lamar University-Port Arthur

Reason for emergency Pursuant to Article 6252-17, §3A(h)

Contact: James A Norton, P O Box 11900, Beaumont, Texas 77710, (409) 880-2304

Filed: May 11, 1994, 2 57 p m

TRD-9440713

Texas State Library and Archives Commission

Friday, May 27, 1994, 10:00 a.m.

1201 Brazos Street, Lorenzo de Zavala Archives and Library Building, Room 314

Austin

According to the complete agenda, the Texas State Library and Archives Commission will approve minutes of March 24, 1994 commission meeting, consider the report from the Records Management and Preservation Advisory Committee, consider internal audit on the State and Local Records Management Division, approve rules regarding fees for providing public records and registration requirements for customers and provisions under which services are provided, approve payment for building survey of the Sam Houston Regional Library and Research Center in Liberty, Texas, ap-

prove the Library and Archives Commission's Strategic Plan 1995-1999, and committee reports.

Contact: Raymond Hitt, P.O. Box 12927, Austin, Texas 78711, (512) 463-5440

Filed: May 11, 1994, 3:00 p.m.

TRD-9440721

Friday, June 3, 1994, 10:00 a.m.

1201 Brazos Street, Lorenzo de Zavala Archives and Library Building, Room 202

Austin

According to the complete agenda, the Library Systems Act Advisory Board will welcome review of system plans of service, discussion of impact of Cash Management Improvement Act, staff reports. Access Texas, library development biennial budget request, status of 1995 budget, other, discussion of possible changes in the Library Systems Act and Rules, and adjournment

Contact: Ed Seldenberg, P.O. Box 12927, Austin, Texas 78711, (512) 463-5459

Filed: May 11, 1994, 3:00 p.m.

TRD-9440720

Texas Department of Licensing and Regulation

Monday, May 23, 1994, 9:00 a.m.

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

Austin

According to the complete agenda, the Inspections and Investigations, Manufactured Housing will hold an administrative hearing to consider the possible assessment of an administrative penalty and denial, suspension or revocation of the license for A & A Super Toters for violation of the Texas Revised Civil Statutes, Article 5221f, §7(d), Article 9100, 16 T.A.C. §69.125(e)(1), and the Texas Government Code, Chapter 2001

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

Filed: May 11, 1994, 12:13 p.m.

TRD-9440708

May 25, 1994, 10:00 a.m.

920 Colorado Street, E.O. Thompson State Building, Room 1012

Austin

According to the agenda summary, the Air Conditioning and Refrigeration Contractors Advisory Board will discuss staff reports, exam analysis and other information, exams give and licenses issued, enforcement and administration; and task group reports

Contact: Carolyn Jackson, P.O. Box 12157, Austin, Texas 78711, (512) 463-7348.

Filed: May 11, 1994, 11:48 a.m.

TRD-9440701

Texas Natural Resource Conservation Commission

Wednesday, May 18, 1994, 9:00 a.m.

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

Austin

Revised Agenda

According to the agenda summary, the Texas Natural Resource Conservation Commission will discuss addendum to contested agenda, concerning the petition of City of Highland Village for review of the Wholesale Sewer rates charged by the City of Lewisville

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

Filed: May 10, 1994, 3:11 p.m.

TRD-9440639

Thursday, May 26, 1994, 10:00 a.m.

1700 North Congress Avenue

Austin

According to the agenda summary, the Municipal Solid Waste Management and Resource Recovery Advisory Council Regulatory Oversight Committee will discuss approval of minutes of April 28, 1994 meeting, alternative ground water monitoring for arid exempt landfills, financial assurance provisions of the new rules, methane monitoring and gas management, building over old landfills, and public comments

Contact: Gary W. Irim, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-6708

Filed: May 12, 1994, 9:05 a.m.

TRD-9440748

Texas Board of Pardons and Paroles

Monday-Friday, May 23-27, 1994, 9:30 a.m.

1212 North Veiasco, Suite 201

Angleton

According to the agenda summary, the Parole Board Panel(s) composed three board members will receive, review, and consider information and reports concerning prisoners/inmates and administrative releasees subject to the board's jurisdiction and initiate and carry through with appropriate ac-

tions to include decisions involving the withdrawal of warrants, issuing of subpoenas, the imposition of special conditions of parole, and requests for parole services

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

Filed: May 11, 1994, 3:01 p.m.

TRD-9440724

Monday-Wednesday, May 23-25, 1994, 1:30 p.m.

1550 East Palestine, Suite 100

Palestine

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

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

Filed: May 11, 1994, 3:01 p.m.

TRD-9440725

Monday-Friday, May 23-27, 1994, 1:30 p.m.

2503 Lake Road, Suite #2

Huntsville

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

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

Filed: May 11, 1994, 3:01 p.m.

TRD-9440723

Thursday-Friday, May 26-27, 1994, 1:00 p.m. and 9:00 a.m. respectively.

Route 5, Box 258-A

Gatesville

According to the agenda summary, the Parole Board Panel(s) composed of three board members will receive, review, and consider information and reports concerning prisoners/inmates and administrative releasees subject to the board's jurisdiction and initiate and carry through with appro-

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

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

Filed: May 11, 1994, 3:01 p.m.

TRD-9440726

Thursday-Friday, May 26-27, 1994, 9:30 a.m.

1550 East Palestine, Suite 100
Palestine

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

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

Filed: May 11, 1994, 3:00 p.m.

TRD-9440722

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**Texas Parks and Wildlife
Department**

Wednesday, May 18, 1994, 9:00 a.m.

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

Austin

According to the agenda summary, the Capital Projects Committee will discuss approval of committee minutes from March 23, 1994 meeting, action-Big Bend Ranch Plan; and other business.

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

Filed: May 10, 1994, 2:27 p.m.

TRD-9440629

Wednesday, May 18, 1994, 9:00 a.m.

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

Austin

According to the agenda summary, the Capital Projects Committee will meet in closed meeting to discuss approval of committee minutes from the March 23, 1994 executive session, and Land Acquisition Program update.

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

Filed: May 10, 1994, 2:27 p.m.

TRD-9440630

Wednesday, May 18, 1994, 10:30 a.m.

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

Austin

According to the agenda summary, the Policy and Planning Committee will discuss approval of committee minutes from March 23, 1994 meeting; action-proposed mitigation policy, action-proposed easement guidelines, action-Texas Recreation and Park account guidelines, briefing-Public Lands Reclassification Program, and other business.

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

Filed: May 10, 1994, 2:27 p.m.

TRD-9440631

Wednesday, May 18, 1994, 2:00 p.m.

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

Austin

According to the agenda summary, the Regulations Committee will discuss approval of committee minutes from the March 23, 1994 meeting, action-1994-1994 Statewide Hunting and Fishing Proclamation, briefing-proposed 1994-1995 Early Season Migratory Game Bird Proclamation, and action-Exotic Species Permit

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

Filed: May 10, 1994, 2:27 p.m.

TRD-9440632

Wednesday, May 18, 1994, 3:00 p.m.

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

Austin

According to the agenda summary, the Finance Committee, Texas Parks and Wildlife Commission will discuss approval of committee minutes from the March 23, 1994 meeting, action-Legislative Budget Board funding reduction, action-fishing license fees; briefing-update on Fiscal Year 1995 operating budget and legislative appropriations request, and other business.

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

Filed: May 10, 1994, 2:27 p.m.

TRD-9440633

Wednesday, May 18, 1994, 6:30 p.m.

Ruth's Chris Steakhouse, 3010 Guadalupe
Austin

According to the agenda summary, the Texas Parks and Wildlife Commission will have dinner. Although this function is primarily a social event and no formal action is planned, the commission may discuss items of the public hearing scheduled for 9:00 a.m., May 19, 1994.

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

Filed: May 10, 1994, 2:28 p.m.

TRD-9440634

Thursday, May 19, 1994, 9:00 a.m.

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

Austin

According to the agenda summary, the Texas Parks and Wildlife Commission will discuss approval of commission minutes from March 24, 1994 meeting, presentation of retirement certificates and service awards, action proposed 1994-1995 hunting and fishing regulations, action fishing license fees, briefing strategic plan, action-mitigation policy for Fish and Wildlife Resources, and action Big Bend Ranch Plan

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

Filed: May 10, 1994, 2:28 p.m.

TRD-9440635

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**Texas State Board of Licen-
sure for Professional Medi-
cal Physicists**

Wednesday, May 18, 1994, 10:15 a.m.

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

Austin

According to the complete agenda, the Credentials Committee will discuss and possibly act on the minutes from March 30, 1994 meeting, the chairman's report, the executive secretary's report, budget, proposed rules pertaining to the licensure of professional medical physicists, 22 Texas Administrative Code, Chapter 601, guidelines for delineating the practice of medical physics, ratification of applications approved by executive secretary, ratification of applications

approved by the Credentials Committee, and setting of the next meeting date. The committee may discuss other matters relating to the regulation of professional medical physicists not requiring board action.

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

Filed: May 10, 1994, 3:50 p.m.

TRD-9440648

Texas Public Finance Authority

Wednesday, May 18, 1994, 10:00 a.m.

300 West 15th Street, Fifth Floor Committee Room Five

Austin

According to the complete agenda, the Board will call to order, approval of minutes of April 20, 1994 board meeting, consider a resolution authorizing the issuance of Texas Public Finance Authority (National Guard Armory Board) Refunding and Armory Improvement Revenue Bonds Series 1994 to finance certain projects for the National Guard Armory Board and the refunding of revenue bonds previously issued for certain projects for the NGAB, the execution and delivery of documents in connection therewith, and the taking of action to affect the sale and delivery of the bonds and resolving related matters, consider a Request for Financing from the Texas Mental Health and Mental Retardation for \$26,159,307, consider a Request for Financing from the General Services Commission for \$15,491,840, consider selection of Bond Counsel for the issuance of \$143,000,000 of general obligation bonds for the Texas Department of Criminal Justice and discussion of policy pertaining thereto, other business, set date and time for meeting of Board of Directors, and adjourn.

Persons with disabilities, who have special communication or other needs, who are planning to attend the meeting should contact Brett Larson or Michell Conner at (512) 463-5544. Request should be made as far in advance as possible.

Contact: Michell Conner, 300 West 15th, Suite 411, Austin, Texas 78701, (512) 463-5544.

Filed: May 10, 1994, 11:49 a.m.

TRD-9440614

Public Utility Commission of Texas

Tuesday, July 12, 1994, 1:00 p.m.

7800 Shoal Creek Boulevard

Austin

According to the complete agenda, the Hearings Division will hold a hearing on the merits in Docket Number 11823-complaint of Raye E. Stiles against GTE Southwest, Inc.

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

Filed: May 11, 1994, 11:50 a.m.

TRD-9440705

Texas Sustainable Energy Development Council

Friday, June 3, 1994, 7:30 a.m.

1000 Red River, Teacher Retirement System Cafeteria

Austin

According to the complete agenda, the Executive Committee will call to order, discuss strategic planning, select contractors for consultant proposal requests, discuss administrative matters, and adjourn.

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

Filed: May 10, 1994, 3:20 p.m.

TRD-9440641

Teacher Retirement System of Texas

Friday, May 20, 1994, 10:00 a.m.

1000 Red River, Room 229

Austin

According to the complete agenda, the Board of Trustees Budget Committee will discuss consideration of amendment to the 1993-1994 Pension Trust Fund budget for personnel services, review and consideration of proposed 1994-1995 Pension Trust Fund budget, review and consideration of proposed 1994-1995 Group Insurance Fund related budget, and review and consideration of proposed 1994-1995 Group Insurance Fund active budget.

Contact: Mary Godzik, 1000 Red River, Austin, Texas 78701-2698, (512) 397-6400.

Filed: May 12, 1994, 9:35 a.m.

TRD-9440757

University of Houston

Monday, May 16, 1994, 2:00 p.m.

S&R11 Building, Room 201, University of Houston, 4800 Calhoun Boulevard

Houston

According to the agenda summary, the Animal Care Committee discussed and acted upon the following approval of April minutes, renewal protocols, review of new protocol forms, bring calendars for setting date of inspection, and Dr. Mailman's rewrite.

Contact: Julie T. Norris, 4800 Calhoun Boulevard, Houston, Texas 77204, (713) 743-9222.

Filed: May 11, 1994, 10:34 a.m.

TRD-9440664

University Interscholastic League

Wednesday, May 11, 1994, 9:00 a.m.

Holiday Inn Town Lake, 20 North III-35

Austin

Emergency Revised Agenda

According to the agenda summary, the State Executive Committee discussed alleged verbal abuse and physical abuse by Austin Travis High School fan, case referred from district committee, Gabe Duffy, Jasper Independent School District for various practice violations, case referred from district committee, Kal Kallenberger, Huffman Middle School re ineligible student, case referred from district committee, Tim Moore, Bullard High School Sunday practices violation, appeal by Galveston Ball High School of disqualification from district honors in football for 1994 season, case referred from district committee, Pat Culpepper, Galveston Ball High School, re ineligible student, case referred from district, Patrick Innskeep, Dallas Sunset High School, violation of athletic code, case referred from district, Roel Cortez, Corpus Christi Ray High School, violation of sight-reading contest, protest of student eligibility at Brownsville Pace High School, violation of Resident Camp Rule, and written appeals from Steve Chapman, Calallen High School and Chris Short, Rochelle Independent School District.

Reason for Emergency Region XIV Executive Committee determined violation and requested the SEC assess a penalty, and protest of eligibility made May 10, 1994. Eligibility must be determined prior to State Tennis Tournament, May 13, 1994.

Contact: C. Ray Daniel, 2622 Wichita Street, Austin, Texas 78705, (512) 471-5883.

Filed: May 10, 1994, 3:11 p.m.

TRD-9440638

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University of Texas MD Anderson Cancer Center

Tuesday, May 17, 1994, 9:00 a.m.

MD Anderson Cancer Center, Conference Room AW7 707, Seventh Floor, 1515 Holcombe Boulevard

Houston

According to the agenda summary, the Institutional Animal Care and Use Committee will discuss review of protocols for animal care and use and modifications thereof

Contact: Anthony Mastromarino, Ph.D., 1515 Holcombe Boulevard, Box 101, Houston, Texas 77030, (713) 792-3220

Filed: May 11, 1994, 3:17 p.m.

TRD 9440729

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Texas Board of Veterinary Medical Examiners

Tuesday, May 31, 1994, 9:30 a.m.

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

Austin

According to the complete agenda, the Texas Board of Veterinary Medical Examiners will hold a public hearing on the following two rules which were proposed in the *Texas Register* on the dates indicated: Rule 22 TAC §573.65 Definitions March 18, 1994, *Texas Register*, and Rule 22 TAC §573.12 Alternate Therapies-Chiropractic and Other Forms of Musculoskeletal Manipulation May 6, 1994, *Texas Register*

This public hearing will be limited to comments on these two rules. Discussion concerning 22 TAC §573.65-Definitions, will commence at 9:30 a.m. and end at Noon. Discussion concerning 22 TAC §573.12 Alternative Therapies-Chiropractic and Other Forms of Musculoskeletal Manipulation will begin at 1:30 p.m. and end at 4:00 p.m.

Contact: Ron Allen, 1946 South IH-35, #306, Austin, Texas 78704, (512) 447-1183

Filed: May 11, 1994, 10:31 a.m.

TRD-9440660

On-site Wastewater Treatment Research Council

Tuesday, May 24, 1994, 10:30 a.m.

Texas Natural Resource Conservation Commission, Building E, Room 202-S

Austin

According to the agenda summary, the Council will convene, call roll of members and hear and act on previous meetings minutes. Reports will be made by chairman, executive secretary and TNRC staff. Other agenda items to be discussed will be the procedures for rule adoption, Budget and fiscal reports, and the discussion of Council appointee to the Texas Water Development Board Committee on Economically Distressed Areas, action on council symposia, prioritization of research needs and setting future meetings.

Contact: Ted Johns, 1700 North Congress Avenue, Austin, Texas 78701, (512) 322-2770

Filed: May 12, 1994, 10:00 a.m.

TRD-9440759

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Texas Water Development Board

Wednesday, May 18, 1994, Noon.

4200 Smith School Road

Austin

According to the complete agenda, the Texas Water Development Board will gather for lunch with members of the Texas Parks and Wildlife Commission and the Texas Natural Resource Conservation Commission. Although, this is designed and anticipated to be a social event, it is possible that public business of the Board may be discussed, including consensus-based water planning.

Contact: Craig D. Pedersen, P.O. Box 13231, Austin, Texas 78711, (512) 463-7847

Filed: May 10, 1994, 2:10 p.m.

TRD-9440626

Wednesday, May 18, 1994, 3:00 p.m.

Stephen F. Austin Building, Room 513-F, 1700 North Congress Avenue

Austin

According to the complete agenda, the Policy and Finance Committee will consider approval of the minutes of the meeting of April 20, 1994, briefing and discussion on the status of a financial application from the El Paso Water Utilities Public Service Board (El Paso County) for the El Paso County Water Control and Improvement

District-Westway project, consider policy issues involving the use of Border Regionalization Appropriation money, consider revised unsolicited proposals for financial products and transactions, briefing and discussion on the development and results of the population and water demand projections for the Consensus-Based State Water Plan effort, presentation of Hydrographic Survey Program marketing video and status report on program, briefing on present and future EDAP projects, and may consider items on the agenda of the May 19, 1994 Board or Texas Water Resources Finance Authority meeting.

Contact: Craig D. Pedersen, P.O. Box 13231, Austin, Texas 78711, (512) 463-7847

Filed: May 10, 1994, 2:10 p.m.

TRD-9440625

Thursday, May 19, 1994, 9:00 a.m.

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

Austin

According to the agenda summary, the Texas Water Development Board will consider minutes, resolution supporting a Water Conservation and Education Program administered by the Harris-Galveston Coastal Subsidence District, executive, financial, and committees reports, extension to loan commitment for Sebastian Municipal Utility District, financial assistance for Sebastian Municipal Utility District, Jefferson County WCID Number 10, Mustang WSC, cities of Corpus Christi, Atlanta, Van, Carthage, and El Paso, amendment to facility planning contract for El Paso Water Utilities Public Service Board and transfer of funds, extending dates to contract for research and planning grants with Houston, Aransas County WCID Number 1, Lower Neches Valley Authority, El Paso County Water Authority MUD, and City of Nacogdoches, agricultural conservation equipment grants, contract for mediation services related to hearings on Lake Texana, qualification of bay and estuary release schedule, and transfer of funds, Chapter 363 amendments, use of Border Regionalization Appropriation money, transfer of funds from the Water Assistance Fund to the Storage Acquisition Fund to provide payment to UT-Marine Science Institute for existing research contract, unsolicited proposals submitted to the Policy and Finance Committee, agency strategic plan.

Contact: Craig D. Pedersen, P.O. Box 13231, Austin, Texas 78711, (512) 463-7847

Filed: May 11, 1994, 2:57 p.m.

TRD-9440714

Texas Water Resources Finance Authority

Thursday, May 19, 1994, 9:00 a.m.

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

Austin

According to the complete agenda, the Texas Water Resources Finance Authority will consider approval of the minutes of the meeting of April 21, 1994; consider actions to allow political subdivisions to amend collateral documents to allow for early redemption of bonds at any time following their initial call date; consider request from the City of Cooper to redeem its currently callable obligations prior to maturity; consider a request from the Village of Jamaica Beach for a waiver of its additional bonds test on an existing loan; and consider unsolicited proposals that were submitted to the Policy and Finance Committee on May 18, 1994

Contact: Craig D Pedersen, P.O. Box 13231, Austin, Texas 78711, (512) 463-7847

Filed: May 11, 1994, 2:57 p.m.

TRD-9440715

Texas Workers' Compensation Insurance Fund

Wednesday, May 18, 1994, 8:30 a.m.

100 Congress Avenue, Suite 600

Austin

According to the agenda summary, the Board of Directors will call to order; roll call; review and approval of the minutes of the April 27, 1994, board meeting; consideration of board committee structure and possible amendments to policies on governance and executive authority; report of the audit committee; report of the finance committee; fund status report, financial report; status update on the executive information system, consideration of possible amendments to fund underwriting policies and procedures regarding insuring public entities, public participation; executive session, action items resulting from executive session deliberations; announcements; and adjourn.

Contact: Beth Naylor, 100 Congress Avenue, Suite 300, Austin, Texas 78701, (512) 322-3886

Filed: May 10, 1994, 3:48 p.m.

TRD-9440646

Texas Youth Commission

Thursday, May 19, 1994, 9:30 a.m.

4900 North Lamar Boulevard, Room 1410

Austin

According to the agenda summary, the Board will hear presentation by Texas State Employees Union; report on TYC release policies and practices; report on consistency in disciplinary actions; report on training activities; report on efforts to reduce cost per bed for programs; approval of selection of architects for fiscal year 1994-1995 capital construction projects; status report on the Golden Triangle State School; approval of the strategic plan; and review of alleged mistreatment investigations

Contact: Steve Robinson, P.O. Box 4260, Austin, Texas 78765, (512) 483-5001.

Filed: May 11, 1994, 3:54 p.m.

TRD-9440732

Regional Meetings

Meetings Filed May 10, 1994

The Central Appraisal District of Taylor County Appraisal Review Board will meet at 1534 South Treadaway, Abilene, May 19, 1994, at 1:30 p.m. Information may be obtained from Richard Petree, P.O. Box 1800, Abilene, Texas 79604, (915) 676-9381 TRD-9440615.

The Dewitt County Appraisal District Board of Directors will meet at 103 Bailey Street, Cuero, May 17, 1994, at 7:30 p.m. Information may be obtained from Kay Rath, P.O. Box 4, Cuero, Texas 77954, (512) 275-5753 TRD-9440647

The Fisher County Appraisal District (Revised agenda.) Appraisal Review Board met in the Fisher County Commissioners Court Room, Fisher County Courthouse, Roby, May 16, 1994, at 6:00 a.m. Information may be obtained from Betty Mize, Box 516, Roby, Texas 79543, (915) 776-2733 TRD-9440628

The Lower Neches Valley Authority Board of Directors will meet at the LNVA Office Building, 7850 Eastex Freeway, Beaumont, May 17, 1994, at 10:30 a.m. Information may be obtained from A T Hebert, Jr., P.O. Drawer 3464, Beaumont, Texas 77704, (409) 892-4011 TRD-9440640

The South East Texas Regional Planning Commission Executive Committee will meet at the City of Beaumont Council Chambers, Beaumont, May 18, 1994, at 7:00 p.m. Information may be obtained from Jackie Vice, P.O. Drawer 1387, Nederland, Texas 77627, (409) 727-2384 TRD-9440627.

The Trinity River Authority of Texas Central Regional Wastewater System Right-of-Way Committee will meet at 5300 South Collins, Arlington, May 17, 1994, at 10:00 a.m. Information may be obtained from James L. Murphy, 5300 South Collins, Arlington, Texas 76018, (817) 467-4343 TRD-9440602

Meetings Filed May 11, 1994

The Central Texas Council of Governments Transportation Planning Policy Board will meet at 302 East Central, CTCOG Conference Room, Belton, May 20, 1994, at 9:00 a.m. Information may be obtained from Mike Morgan, P.O. Box 729, Belton, Texas 76513, (817) 939-1801 TRD-9440662

The Central Texas Council of Governments Workforce Development Board of Central Texas will meet at 321 North Penelope, Belton, May 26, 1994, at 10:00 a.m. Information may be obtained from Susan Kamas, P.O. Box 729, Belton, Texas 76513, (817) 939-3771 TRD-9440706

The Dallas Central Appraisal District Appraisal Review Board will meet at 2949 North Stemmons Freeway, Dallas, May 20, 1994, at 11:30 a.m. Information may be obtained from Rick L. Kuehler, 2949 North Stemmons Freeway, Dallas, Texas 75247, (214) 631-0520 TRD-9440703

The Deep East Texas Private Industry Council, Inc. Planning Committee, Educational Advisory Subcommittee will meet at 118 South First Street, Lufkin, May 19, 1994, at 9:30 a.m. Information may be obtained from Charlene Meadows, P.O. Box 1423, Lufkin, Texas 75901, (409) 634-4432 TRD-9440716

The Denton Central Appraisal District Board of Directors will meet at 3911 Morse Street, Denton, May 26, 1994, at 4:00 p.m. Information may be obtained from John Brown, 3911 Morse Street, Denton, Texas 76202, (817) 566-0904 TRD-9440735.

The Education Service Center, Region XIII Board of Directors (Workshop) will meet at the ESC, Region XIII, ESC Conference Room 201, 5701 Springdale Road, Austin, May 18, 1994, at Noon. Information may be obtained from Dr. Roy C. Benavides, 5701 Springdale Road, Austin, Texas 78723, (512) 929-1300. TRD-9440658

The Education Service Center, Region XIII Board of Directors will meet at the ESC, Region XIII, ESC Conference Room 201, 5701 Springdale Road, Austin, May 18, 1994, at 1:15 p.m. Information may be obtained from Dr. Roy C. Benavides, 5701 Springdale Road, Austin, Texas 78723, (512) 929-1300 TRD-9440659

The Guadalupe-Blanco River Authority Audit Committee will meet at 933 East Court Street, Seguin, May 18, 1994, at 9:30 a.m. Information may be obtained from W. E. West, Jr., P.O. Box 271, Seguin, Texas 78156-0271, (210) 379-5822. TRD-9440718.

The Guadalupe-Blanco River Authority Board of Directors will meet at 933 East Court Street, Seguin, May 18, 1994, at 10:00 a.m. Information may be obtained from W. E. West, Jr., P.O. Box 271, Seguin, Texas 78156-0271, (210) 379-5822. TRD-9440719.

The Hale County Appraisal District Board of Directors will meet at the Golden Corral, 2606 Olton Road, Plainview, May 19, 1994, at 7:30 p.m. Information may be obtained from Linda Jaynes, P.O. Box 29, Plainview, Texas 79072, (806) 293-4226. TRD-9440728.

The Hays County Appraisal District Appraisal Review Board met at 21001 North IH-35, Kyle, May 16, 1994, at 9:00 a.m. Information may be obtained from Lynnell Sedlar, 21001 North IH-35, Kyle, Texas 78640, (512) 268-2522. TRD-9440707.

The Lamar County Appraisal District Regular Board will meet at the Lamar County Appraisal District Office, 521 Bonham Street, May 17, 1994, at 4:00 p.m. Information may be obtained from Joe Welch, 521 Bonham Street, Paris, Texas 75460, (903) 785-7822. TRD-9440711.

The Limestone County Appraisal District Board of Directors will meet in the Board Room, Ground Floor, Limestone County Courthouse, Groesbeck, May 17, 1994, at 1:00 p.m. Information may be obtained from Karen Wietzikoski, P.O. Drawer 831, Groesbeck, Texas 76642, (817) 729-3009. TRD-9440663.

The North Texas Private Industry Council Nortex Regional Planning Commission will meet at 4309 Jacksboro Highway, Suite 200, Wichita Falls, May 25, 1994, at 12:15 p.m. Information may be obtained from Earl Nunneley, 601 West Cedar, Nocona, Texas 76255, (817) 825-3222. TRD-9440734.

The Texas Municipal Asset Pool Board of Directors will meet at the Riverway Bank, Five Riverway, Board Room, Second Floor, Houston, May 18, 1994, at 8:00 a.m. Information may be obtained from Jamie D. Hall, P.O. Box 56572, Houston, Texas 77256, (713) 552-2618. TRD-9440727.

The Wheeler County Appraisal District Board of Directors met at the District's Office, Wheeler County Courthouse Square, Wheeler, May 16, 1994, at 7:00 p.m. Information may be obtained from Larry M. Schoenhals, P.O. Box 1200, Wheeler, Texas 79096, (806) 826-5900. TRD-9440661.

The Wood County Appraisal District Appraisal Review Board will meet at 217 North Main, Conference Room, Wood County Appraisal District, Quitman, May 18, 1994, at 9:00 a.m. Information may be obtained from W. Carson Wages or Lou Brooke, P.O. Box 518, Quitman, Texas 75783-0518, (903) 763-4891. TRD-9440704.

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Meetings Filed May 12, 1994

The Central Appraisal District of Johnson County Board of Directors will meet at 109 North Main, Suite 201, Room 202, Cleburne, May 19, 1994, at 4:30 p.m. Information may be obtained from Priscilla A. Bunch, 109 North Main, Cleburne, Texas 76031, (817) 558-8100. TRD-9440751.

The Central Appraisal District of Rockwall County Board of Directors will meet at the Rockwall County Appraisal District, 106 North San Jacinto, Rockwall, May 17, 1994, at 7:30 p.m. Information may be obtained from Ray E. Helm, 106 North San Jacinto, Rockwall, Texas 75087, (214) 771-2034. TRD-9440755.

The Comal Appraisal District Appraisal Review Board will meet at 178 East Mill Street #102, New Braunfels, June 1-2, 1994, at 9:00 a.m. Information may be obtained from Lynn E. Rodgers, P.O. Box 311222, New Braunfels, Texas 78131, (210) 625-8597. TRD-9440752.

The Comal Appraisal District Appraisal Review Board will meet at 178 East Mill Street #102, New Braunfels, June 7-9, 1994, at 9:00 a.m. Information may be obtained from Lynn E. Rodgers, P.O. Box 311222, New Braunfels, Texas 78131, (210) 625-8597. TRD-9440753.

The Comal Appraisal District Appraisal Review Board will meet at 178 East Mill Street #102, New Braunfels, June 13-16, 1994, at 9:00 a.m. Information may be obtained from Lynn E. Rodgers, P.O. Box 311222, New Braunfels, Texas 78131, (210) 625-8597. TRD-9440754.

The Mills County Appraisal District Appraisal Review Board will meet at the Mills County Courthouse-Jury Room, Goldthwaite, May 16, 1994, at 8:00 a.m. Information may be obtained from Cynthia Partin, P.O. Box 565, Goldthwaite, Texas 76844, (915) 648-2253. TRD-9440749.

The Riceland Regional Mental Health Authority Board of Trustees Joint Committee will meet at 3007 North Richmond Road, Wharton, May 19, 1994, at 11:00 a.m. Information may be obtained from Marjorie Dornak, P.O. Box 869, Wharton, Texas 77488, (409) 532-3098. TRD-9440746.

The Riceland Regional Mental Health Authority Board of Trustees will meet at 3007 North Richmond Road, Wharton, May 19, 1994, at noon. Information may be obtained from Marjorie Dornak, P.O. Box 869, Wharton, Texas 77488, (409) 532-3098. TRD-9440747.

The San Patricio County Appraisal District Appraisal Review Board will meet at the Appraisal District Office, 1146 East Market, Sinton, June 7, 1994, at 9:00 a.m. Information may be obtained from Kathryn Vermillion, P.O. Box 938, Sinton, Texas 78387, (512) 364-5402. TRD-9440750.

The Tarrant Appraisal District Board of Directors will meet at 2301 Gravel Road, Fort Worth, May 20, 1994, at 9:00 a.m. Information may be obtained from Mary McCoy, 2315 Gravel Road, Fort Worth, Texas 76118, (817) 595-6005. TRD-9440745.

IN ADDITION

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

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

Texas Commission on Alcohol and Drug Abuse

Notice of Intent to Contract

The Texas Commission on Alcohol and Drug Abuse (TCADA), under the authority of the Health and Safety Code, Title 6, Subtitle B, Chapter 461, gives notice of intent to renew an award with Oxford House, Incorporated for the purpose of administering a revolving loan fund and to provide technical assistance in the establishment of self-run, self-supported housing for recovering substance abusers with funds from the revolving fund. This award may also be used for persons transitioning from the criminal justice system back to the community. The work is for services throughout the State of Texas. The effective period of the award will be September 1, 1994 to August 31, 1995.

Eligible providers are private nonprofit entities.

The purpose and work requirements of the fund are contained in the Public Health Service Act, Title XIX, Part B, Subpart II, §1925:

(1) The purpose of the fund is to make loans for the costs of establishing programs for the provision of housing in which individuals recovering from alcohol or drug abuse may reside in groups of not less than six individuals. The fund is established directly by the State or through the provision of a grant or contract to a nonprofit private entity.

(2) The programs are carried out in accordance with guidelines issued under subsection (b).

(3) Not less than \$100,000 is available for the fund.

(4) Loans made from the revolving fund do not exceed \$4,000 and each such loan is repaid to the revolving fund by the residents of the housing involved not later than two years after the date on which the loan is made.

(5) Each such loan is repaid by such residents through monthly installments, and a reasonable penalty is assessed for each failure to pay such periodic installments by the date specified in the loan agreement involved.

(6) Such loans are made only to nonprofit private entities agreeing that, in the operation of the program established pursuant to the loan.

(A) the use of alcohol or any illegal drug in the housing provided by the program will be prohibited;

(B) any residents of the housing who violates such prohibition will be expelled from the housing;

(C) the costs of the housing, including fees for rent and utilities, will be paid by the residents of the housing; and

(D) the residents of the housing will, through a majority vote of the residents, otherwise establish policies governing residence in the housing, including the manner in which applications for residence in the housing are approved.

The amount of funding TCADA currently provides for technical assistance in the establishment for these homes is \$60,000 annually. TCADA will consider other reasonable offers to provide this service. Qualified organizations with experience and capability interested in receiving an application to apply shall submit a letter of intent to Steve Casillas, Director, Funding Processes Department, 710 Brazos, Austin, Texas 78701. The letter shall demonstrate experience and capability to provide the service and must be received at TCADA no later than 5.00 p.m., May 27, 1994. TCADA will screen applicants based on the information contained in the letter of intent. Only those applicants with documented capability and experience will be contacted. Contact Steve Casillas at (512) 867-8265 or Jackie Cook or (512) 867-8189 for further information.

Issued in Austin, Texas, on May 10, 1994

TRD-9440665

Ben Bynum
Executive Director
Texas Commission on Alcohol and Drug
Abuse

Filed: May 11, 1994

Texas Employment Commission Wagner-Peyser Funding Allocation for Employment Service Activities

The Wagner-Peyser Act, establishes a formula for distributing funds to states for employment service activities. With this formula, Texas will receive \$52,928,323 for Program Year 1994, beginning July 1, 1994 and ending June 30, 1995. Ninety percent of this amount must be used for basic labor exchange services under §501, subsection 7(a); 10% will be reserved for use at the Governor's discretion within legislatively designated parameters under subsection 7(b).

Texas Labor Code, Title 4, Subtitle A (formerly Texas Civil Statutes, Article 5221b), designates the Texas Employment Commission (TEC) as the state agency to administer activities funded by the Wagner-Peyser Act. The state herein presents the method and schedule proposed for distributing substate resources under §501, subsection 7(a).

Staff positions will be distributed to TEC administrative regions throughout the state according to the following formula: each region will be held at an 80% hold harmless level, and the distribution will be based upon each region's

accomplishment of individual and transaction placements and new and renewal applications.

These funds will be available to support staff and nonpersonal services (rent, utilities, equipment, supplies, etc) effective July 1, 1994. Actual disbursement of these funds will be made from the TEC State Office in accordance with the federally approved cost accounting system and state procurement guidelines

The respective TEC regional directors have the discretion for hiring and assignment of specific individuals and for purchases and contracts for nonpersonal services within federal and state guidelines, however, these funds may not be applied to functions other than labor exchange services.

Comments in regard to the substate distribution of the Wagner-Peyser funds should be submitted in writing to Sunya Alexander, Division Director for Employment Service, TEC Building, 15th Street and Congress Avenue, Austin, Texas 78778.

Information in regard to the specific allocation of any service delivery area as a result of this distribution formula is available from the same source. Any requests for modification of the distribution formula must be received by June 17, 1994 to be considered for the Program Year 1994 funding cycle. Such requests will be addressed, and a response outlining action taken will be issued by the Chairman of TEC

Issued in Austin, Texas, on May 10, 1994

TRD-9440657 C Ed Davis
Deputy Administrator for Legal Affairs
Texas Employment Commission

Filed May 11, 1994

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Texas Department of Health
Notice of Emergency Cease and Desist
Order

Notice is hereby given that the Bureau of Radiation Control (bureau) ordered Mark H Walters, D.D.S. (registrant-R10754) of Dallas to cease and desist using the General Electric dental x-ray unit, Model Number 11CE1, Serial Number 530621, until all health-related violations found during a recent inspection of the facility have been corrected. The bureau determined that the continued radiation exposure to patients in excess of that required to produce a diagnostic image constitutes an immediate threat to public health and safety, and the existence of an emergency. The registrant is further required to provide evidence satisfactory to the bureau regarding the actions taken to correct the violations and the methods to prevent their recurrence.

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

Issued in Austin, Texas, on May 9, 1994

TRD-9440591 Susan Steeg
General Counsel
Texas Department of Health

Filed May 9, 1994

Notice of Intent to Revoke a Certificate
of Registration

Pursuant to Texas Regulations for Control of Radiation (TRCR), Part 13, (25 Texas Administrative Code §289.112), the Bureau of Radiation Control (bureau), Texas Department of Health (department), filed a complaint against the following registrant: Universal X-Ray Sales and Service, Fort Worth, R16007.

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

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

Issued in Austin, Texas, on May 9, 1994

TRD-9440590 Susan K Steeg
General Counsel
Texas Department of Health

Filed May 9, 1994

◆ ◆ ◆
Notice of Public Hearing

The Texas Department of Health will conduct a public hearing regarding the proposed rules of client care for family planning agencies funded under Titles V, X, XIX, and/or XX. The proposed rules were published in the April 1, 1994, issue of the *Texas Register*. The public hearing will be held from 10:00 a.m. to 12:00 p.m., on Friday, May 27, 1994, in Room K-100, at the Texas Department of Health, 1100 West 49th Street, Austin, Texas. For further information please call Mike McAnally, at (512) 458-7700.

Issued in Austin, Texas, on May 9, 1994

TRD-9440588 Susan K Steeg
General Counsel, Office of General
Counsel
Texas Department of Health

Filed May 9, 1994

Notice of Rescission of Orders

Notice is hereby given that the Bureau of Radiation Control, Texas Department of Health, rescinded the following orders: Emergency Cease and Desist Order and Notice of Violation issued April 11, 1994, to Frisco Medical and Surgical Clinic, 8680 East Main Street, Frisco, Texas 75034, holder of Certificate of Registration Number R14073; Emergency Cease and Desist Order and Notice of Violation issued March 29, 1994, to Daniels Family Dentistry, 115 South Adams Avenue, Dallas, Texas 75208, holder of Certificate of Registration Number R20302; Emergency Cease and Desist Order issued March 29, 1994, to M. Stuart Altman, D.P.M., Inc., 1112 Dallas Drive, Suite 401, Denton, Texas 76205, holder of Certificate of Registration Number R07160; Order of Impoundment issued April 12, 1994, to South Texas Radiology Group, P.O. Box 29407, San Antonio, Texas 78229, holder of Certificate of Registration Number R01292.

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

Issued in Austin, Texas, on May 9, 1994.

TRD-9440589 Susan K. Steeg
General Counsel
Texas Department of Health

Filed: May 9, 1994

Texas Department of Insurance Company License Application

The following applications have been filed with the Texas Department of Insurance and are under consideration:

Application for admission in Texas for Granite Re, Inc., a foreign fire and casualty company. The home office is in Oklahoma City, Oklahoma.

Application for admission in Texas for American Fidelity & Liberty Insurance Company, a foreign fire and casualty company. The home office is in Coatesville, Pennsylvania.

Application for admission in Texas for Old Surety Life Insurance Company, a foreign life insurance company. The home office is in Oklahoma City, Oklahoma.

Application for incorporation in Texas for Texas Oil Marketers Association Trust & Welfare Plan, a multiple employer welfare arrangement. The home office is in Austin, Texas.

Application for name change by Peoples Insurance Company, a domestic fire and casualty insurance company. The proposed new name is Pro-West Insurance Company. The home office is in Rancho Cordova, California.

Application for name change by Union Mutual Insurance Company of Providence, a foreign fire and casualty company. The proposed new name is Union Insurance Company of Providence. The home office is in Warwick, Rhode Island.

Application for name change by Sun Insurance Company of New York, a foreign fire and casualty company. The proposed new name is Chubb Indemnity Insurance Company. The home office is in New York.

Application for name change by American Union Reinsurance Company, a foreign fire and casualty company. The proposed new name is American Alternative Insurance Corporation. The home office is in New York, New York. Any objections must be filed within 20 days after this notice was filed with the Secretary of State, addressed to the attention of Cindy Thurman, 333 Guadalupe Street, M/C 305-2C, Austin, Texas 78701.

Issued in Austin, Texas, on May 10, 1994.

TRD-9440654 D. J. Powers
Legal Counsel of the Commissioner
Texas Department of Insurance

Filed: May 10, 1994

Texas Natural Resource Conservation Commission

Correction of Error

The Texas Natural Resource Conservation Commission adopted an amendment to §305.50, concerning application for permit. The rule appeared in the April 29, 1994, issue of the *Texas Register* (19 TexReg 3250).

In the preamble, third paragraph, next to the last line, the word "who" should be deleted.

In: §305.50(4)(D)(vii), line five, the word "who" should be deleted.

Texas State Board of Public Accountancy

Correction of Error

The Texas State Board of Public Accountancy proposed an amendment to §501.2, concerning definitions. The rule appeared in the April 5, 1994, issue of the *Texas Register* (19 TexReg 2350).

The rule was published in an incomplete form. The proposed rule should have included "[Solicitation—A communication, other than an advertisement, by a certificate or registration holder which has reference to the performance or offer of performance of professional services for the persons to whom the message is transmitted.]

Public Utility Commission of Texas Notices of Application to Locate and Maintain Records Outside the State of Texas

Notice is given to the public of the intent to file with the Public Utility Commission of Texas an application for a waiver of Public Utility Commission Substantive Rule 23.14, which requires public utilities to keep all records necessary for regulation within the State of Texas.

Docket Title and Number. Application of Electra Telephone Company, Inc. for Authority to Maintain Records Outside the State of Texas. Docket Number 12987.

The Application. Electra Telephone Company, Inc. is requesting approval to maintain certain records in Lewisville, Arkansas.

Person who wish to intervene in the proceeding or comment upon action sought, should contact the Public Utility Commission of Texas, at 7800 Shoal Creek Boulevard, Suite 400N, Austin, Texas 78757, or call the Public Utility Commission Public Information Section at (512) 458-0256, or (512) 458-0221 for teletypewriter for the deaf on or before May 27, 1994.

Issued in Austin, Texas, on May 9, 1994

TRD-9440644 John M Renfrow
Secretary of the Commission
Public Utility Commission of Texas

Filed: May 10, 1994



Notice is given to the public of the intent to file with the Public Utility Commission of Texas an application for a waiver of Public Utility Commission Substantive Rule 23.14, which requires public utilities to keep all records necessary for regulation within the State of Texas.

Docket Title and Number. Application of Southwest Arkansas Telephone Cooperative, Inc. for Authority to Maintain Records Outside the State of Texas Docket Number 12973.

The Application. Southwest Arkansas Telephone Cooperative Inc. is requesting approval to maintain certain records in Texarkana, Arkansas.

Person who wish to intervene in the proceeding or comment upon action sought, should contact the Public Utility Commission of Texas, at 7800 Shoal Creek Boulevard, Suite 400N, Austin, Texas 78757, or call the Public Utility Commission Public Information Section at (512) 458-0256, or (512) 458-0221 for teletypewriter for the deaf on or before May 27, 1994

Issued in Austin, Texas, on May 9, 1994.

TRD-9440643 John M Renfrow
Secretary of the Commission
Public Utility Commission of Texas

Filed: May 10, 1994



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

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

Docket Title and Number Application of Southwestern Bell Telephone Company for Approval of Plexar-Custom Service for Weatherford ISD pursuant to Public Utility Commission Substantive Rule 23.27. Docket Number 13004.

The Application. Southwestern Bell Telephone Company is requesting approval of Plexar-Custom Service for Weatherford ISD. The geographic service market for this specific service is the Weatherford, Texas area.

Person who wish to comment upon 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 May 9, 1994.

TRD-9440645 John M Renfrow
Secretary of the Commission
Public Utility Commission of Texas

Filed May 10, 1994



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 Cypress Fairbanks ISD, Houston, Texas

Docket Title and Number. Application of Southwestern Bell Telephone Company for Approval of Plexar-Custom Service for Cypress Fairbanks ISD pursuant to Public Utility Commission Substantive Rule 23.27. Docket Number 13003

The Application Southwestern Bell Telephone Company is requesting approval of Plexar-Custom Service for Cypress Fairbanks ISD. The geographic service market for this specific service is the Houston, Texas area.

Person who wish to comment upon 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 May 9, 1994

TRD-9440642 John M Renfrow
Secretary of the Commission
Public Utility Commission of Texas

Filed May 10, 1994



Railroad Commission of Texas Correction of Errors

The Railroad Commission of Texas adopted a repeal to §§9.139, 9.143, 9.145-9.155, and 9.157-9.170, concerning applicability of Subchapter F. The rules appeared in the April 26, 1994, issue of the *Texas Register* (19 TexReg 3152)

The effective date was incorrectly published, it should read "Effective date: June 1, 1994".



The Railroad Commission of Texas adopted new §§9.651, 9.655, 9.657-9.667, and 9.669-9.682. The rules appeared in the April 26, 1994, issue of the *Texas Register* (19 TexReg 3153)

The effective date was incorrectly published, it should read "Effective date June 1, 1994"



The Railroad Commission of Texas adopted new §§9.951, 9.952, 9.954, 9.955, 9.957, 9.958, 9.960, and 9.962-9.965. The rules appeared in the April 26, 1994, issue of the *Texas Register* (19 TexReg 3154).

The phone contact number was incorrectly published, it should read: "(512) 463-6949".



The Railroad Commission of Texas adopted a repeal to §§9.282-9.284, 9.286, 9.287, and 9.289-9.293, concerning protection of valves and accessories, labels, piping, and fittings, filling containers, mounting and connecting pumps, mounting containers, liquid level gauging devices, baffles, liquefied petroleum vehicle identification, and transportation of LP-gas tractor fuel. The rules appeared in the April 26, 1994, issue of the *Texas Register* (19 TexReg 3155).

The effective date was incorrectly published, it should read: "June 1, 1994".



The Railroad Commission of Texas adopted new §§9.1352-9.1354, 9.1356, 9.1357, and 9.1359-9.1363. The rules appeared in the April 26, 1994, issue of the *Texas Register* (19 TexReg 3155).

The effective date was incorrectly published, it should read: "June 1, 1994".



The Railroad Commission of Texas adopted a repeal to §§9.304-9.308, concerning garaging and use of industrial trucks inside buildings; charging of containers; converting industrial trucks; requirements for construction, original test, and working pressure of ICC or DOT containers; and requirements for construction, test and working pressure of ASME containers. The rules appeared in the April 26, 1994, issue of the *Texas Register* (19 TexReg 3156).

The effective date was incorrectly published, it should read: "June 1, 1994".



The Railroad Commission of Texas adopted new §§9.1454-9.1458. The rules appeared in the April 26, 1994, issue of the *Texas Register* (19 TexReg 3156).

The effective date was incorrectly published, it should read: "June 1, 1994".



The Railroad Commission of Texas adopted a repeal to §§9.499-9.506, 9.508, 9.509, and 9.514-9.525, concerning Subchapter P, MC-300, MC-331 Department of Transportation specification requirements; testing requirements; markings and inspection.... The rules appeared in the April 26, 1994, issue of the *Texas Register* (19 TexReg 3158).

The effective date was incorrectly published, it should read: "June 1, 1994".



The Railroad Commission of Texas adopted new §§9.1751-9.1758, 9.1760-9.1762, and 9.1766-9.1777. The rules appeared in the April 26, 1994, issue of the *Texas Register* (19 TexReg 3158).

The effective date was incorrectly published, it should read: "June 1, 1994".



The Railroad Commission of Texas adopted new §§9.953, 9.956, 9.959, and 9.961, concerning specification for approved low pressure piping materials; joining methods; exterior piping; and bending pipe. The rules appeared in the April 26, 1994, issue of the *Texas Register* (19 TexReg 3161).

As published the fifth paragraph, line 11 reads: "the end of §9.956>(g)(5) to read: "...except", it should read: "the end of §9.956(g)(5) to read: "... except".



The Railroad Commission of Texas adopted new §§9.1651, 9.1653-9.1658, 9.1660-9.1666, and 9.1668-9.1695. The rules appeared in the April 26, 1994, issue of the *Texas Register* (19 TexReg 3167).

The phone contact number was incorrectly published, it should read: "(512) 463-6949".



The Railroad Commission of Texas adopted new §9.1659, concerning ventilation and labeling of compartments containing LP-gas cylinders. The rules appeared in the April 26, 1994, issue of the *Texas Register* (19 TexReg 3167).

The phone contact number was incorrectly published, it should read: "(512) 463-6949".



The Railroad Commission of Texas adopted an amendment to §13.32 and §13.34, concerning hose and hose connections and vehicle fueling connection. The rules appeared in the April 26, 1994, issue of the *Texas Register* (19 TexReg 3168).

The phone contact number was incorrectly published, it should read: "(512) 463-6949".



The Railroad Commission of Texas adopted amendments to §§13.91, 13.93-13.95, 13.99-13.101, 13.104, and 13.105, concerning applicability, general, location of installations, installation of cylinders and cylinder appurtenances, installation of piping and hoses.... The rules appeared in the April 26, 1994, issue of the *Texas Register* (19 TexReg 3170).

In the second column, first paragraph, tenth line should read: "three feet from any other CNG or flammable".



Texas Department of Transportation Public Notice

In accordance with 43 TAC §§11 200-11.205, as published in the July 16, 1993, issue of the *Texas Register* (18 TexReg 4649) and in the May 11, 1993, issue of the *Texas Register* (18 TexReg 3034), the Texas Department of Transportation issues this its second annual call for proposed projects for the second cycle of the department's new Statewide Transportation Enhancement Program.

Title 23, United States Code, §133(d)(2) and §160(e)(2), and §1015(d) (2) of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102-240) require that 10% of certain funds apportioned to a state pursuant to Title 23, United States Code, §104(b)(3) be used for transportation enhancement activities. The Texas Transportation Commission will use those funds in a statewide competitive program that enhances the intermodal transportation systems and facilities within the state for the enjoyment of the users of those systems.

Transportation enhancement activities are defined in §101(a) of Title 23, United States Code. That provision defines transportation enhancement activities as:

- (1) provision of facilities for pedestrians and bicycles,
- (2) acquisition of scenic easements and scenic or historic sites,
- (3) scenic or historic highway programs,
- (4) landscaping and other scenic beautification,
- (5) historic preservation,

- (6) rehabilitation and operation of historic transportation buildings, structures or facilities (including historic railroad facilities and canals),
- (7) preservation of abandoned railway corridors (including the conversion and use thereof for pedestrian or bicycle trails);
- (8) control and removal of outdoor advertising;
- (9) archaeological planning and research; and
- (10) mitigation of water pollution due to highway runoff.

To nominate a project, the eligible nominating entity must file its nomination, in the form prescribed by the department, with the district engineer of the district office responsible for the area in which the proposed enhancement project will be implemented. The address and telephone number of the district offices may be obtained by contacting the Environmental Affairs Division at (512) 416-2646. Nominations must be received by the department no later than 90 days after the publication date of this call for projects.

Information regarding the program and nomination forms are available from the department's district offices or by writing the Environmental Affairs Division, 125 East 11th Street, Austin, Texas 78701-2483, (512) 416-2747.

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

TRD-9440656

Diane L. Northam
Legal Executive Assistant
Texas Department of Transportation

Filed May 11, 1994

