

Texas Register

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Texas Register



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Secretary of State John Hannah, Jr.

Director Dan Procter

Assistant Director Dee Wright

Circulation/Marketing Jill S. Dahnert Roberta Knight

TAC Editor Dana Blanton

TAC Typographer Madeline Chrisner

Documents Section Supervisor Patty Webster

Document Editors Janiene Allen Lisa Martin

Open Meetings Clerk Jamie Alworth

Production Section Supervisor Ann Franklin

Production Editors/Typographers Carla Carter Janice Rhea Mimi Sanchez

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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 Sections - sections adopted by state agencies on an emergency basis.

Proposed Sections - sections proposed for adoption.

Withdrawn Sections - sections withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the Texas Register six months after the proposal publication date.

Adopted Sections - 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 18 (1993) is cited as follows: 18 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 "18 TexReg 2 issue date," while on the opposite page, page 3, in the lower right-hand corner, would be written "issue date 18 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
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 22, April 16, July 13, and October 12, 1993). In its second issue each month the Texas Register contains a cumulative Table of TAC Titles Affected for the preceding month. If a rule has changed during the time period covered by the table, the rule's TAC number will be printed with one or more Texas Register page numbers, as shown in the following example.

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

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

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

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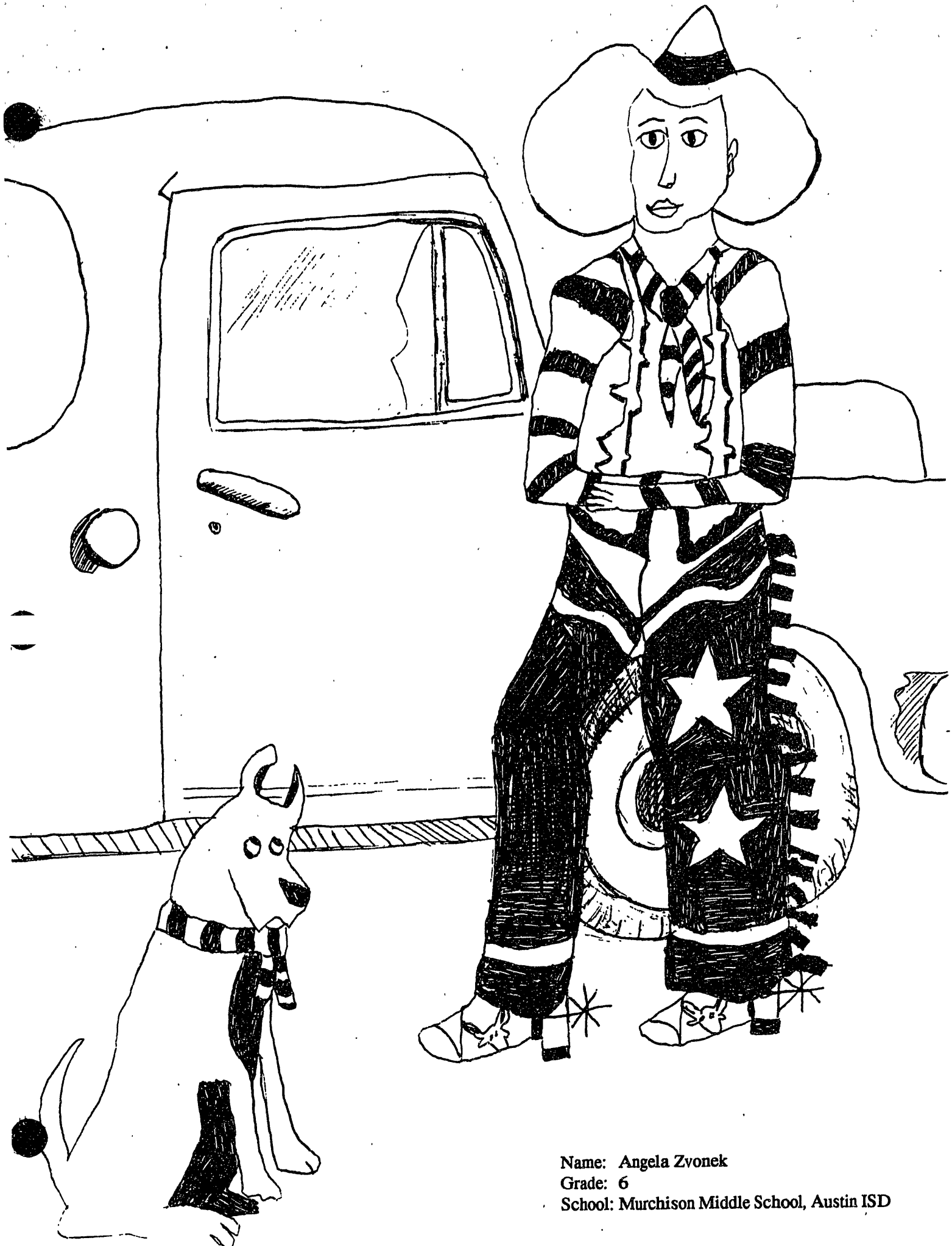
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Name: Keith Hensley
Grade: 6
School: Murchison Middle School, Austin ISD



Name: Angela Zvonek

Grade: 6

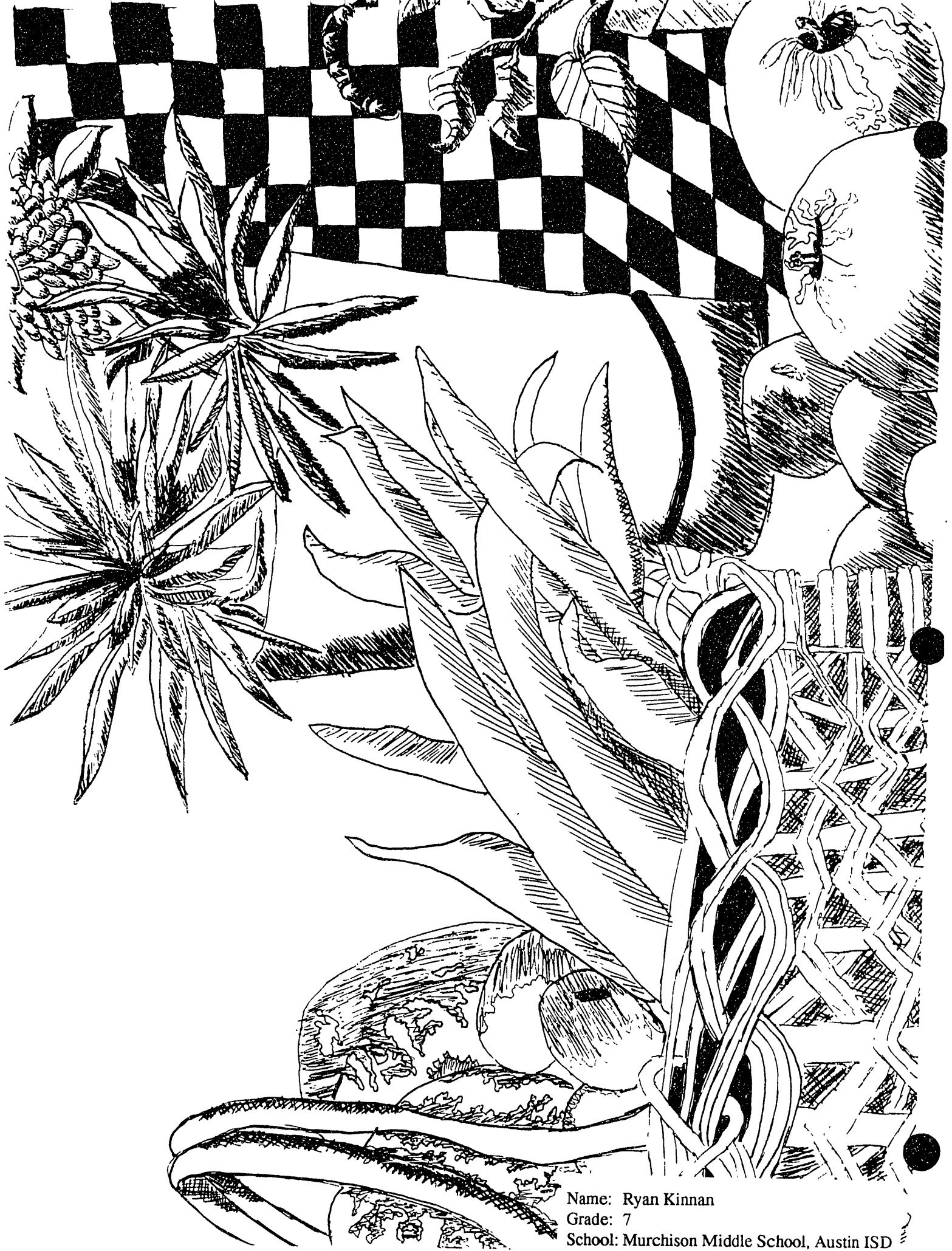
School: Murchison Middle School, Austin ISD



Name: Rhoda Robles
Grade: 8
School: Murchison Middle School, Austin ISD



Name Jerry Rivera
Grade: 8
School: Murchison Middle School, Austin ISD



Name: Ryan Kinnan
Grade: 7
School: Murchison Middle School, Austin ISD



Name: Carol Chung
Grade: 7
School: Murchison Middle School, Austin ISD



Name: Ben Dicke
Grade: 6
School: Murchison Middle School, Austin ISD

Emergency Sections

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, for no more than 120 days. The emergency action is renewable once for no more than 60 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 10. COMMUNITY DEVELOPMENT

Part IV. Texas Department of Housing and Community Affairs

Chapter 53. Home Investment Partnership Program

• 10 TAC §§53.1-53.18

The Texas Department of Housing and Community Affairs adopts on an emergency basis new §§53.1-53.18, concerning the Home Investment Partnership Program. The new sections provide procedures for the allocation of home investment partnership funds within the State of Texas to increase affordable housing. It is necessary to adopt these sections on an emergency basis to ensure the Department's compliance with new federal and state rules and regulations and to avoid loss of state allocation authority and possible disruption of the state's Home Investment Partnership Program.

The new sections are adopted on an emergency basis under Texas Civil Statutes, Article 4413(501), which provide the Texas Department of Housing and Community Affairs with the authority to adopt rules governing the administration of the Department and its programs.

§53.1. Purpose. The Texas Department of Housing and Community Affairs (department) is creating new Chapter 53 applicable to the Home Investment Partnership Program (HOME) to be administered by the department on behalf of the State of Texas (state). The United States Department of Housing and Urban Development (HUD) through the Home Investment Partnership provides funds to the State of Texas pursuant to Title II of the Cranston-Gonzalez National Affordable Housing Act of 1990, (42 United States Code, §§12701-12839) and HUD's regulations at 24 Code of Federal Regulations, Part 92, to develop and implement strategies to make available funds for affordable housing by creating a public-private partnership. The Texas program will give priority for funding to non-participating jurisdictions which do not receive HOME funds directly from HUD. HOME is a formula-based allocation program that draws on the expertise of a wide variety of affordable housing advocates

from across Texas to create this partnership. HOME is designed:

(1) to focus on the areas with the greatest need as set out in the Texas Comprehensive Housing Affordability Strategy (CHAS);

(2) to provide funds for rental and homeownership housing through acquisition, new construction, rehabilitation, and tenant-based rental assistance;

(3) to strengthen partnership among all levels of government and the private sector, including for-profit organizations; and

(4) to provide low-income and very low-income Texans with affordable, decent, safe, and sanitary housing.

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

ACT—The Cranston-Gonzalez National Affordable Housing Act of 1990.

Agreement—The agreement between the department and an applicant.

Board—The governing board of the department.

Cash and management information system (CMI system)—HUD's computerized system which manages, disburses, collects, and reports information on the use of HOME funds.

CHAS—The State of Texas Comprehensive Housing Affordability Strategy planning document which is reviewed and approved annually by HUD.

Community Housing Development Organizations (CHDOs)—A private non-profit organization that:

(A) meets the definitions of CHDOs in 24 Code of Federal Regulations, §92.2;

(B) is registered with the Texas Secretary of State, with charter, articles of incorporation, and resolutions or by-laws in that office;

(C) has tax exempt status from the Internal Revenue Service under the Internal Revenue Code of 1986, §501(c);

(D) ensures that at least one-third of the members of its governing board of directors are low-income persons (for rural areas, communities include neighborhoods, towns, villages, and county or multi-county areas) or elected representatives of low-income neighborhood organizations.

Department—The Texas Department of Housing and Community Affairs.

First-time homebuyer—An individual and his or her spouse who have not owned a home during the three-year period before the purchase of a home with HOME funds.

HOME—The Home Investment Partnership Program pursuant to 42 United States Code, §§12701-12839 and HUD regulations at 24 Code of Federal Regulations, Part 92.

Household—One or more persons occupying a housing unit.

HUD—The United States Department of Housing and Urban Development.

Low-income families—Families whose annual incomes do not exceed 80% of the median income of the area, as determined by HUD, with adjustments for smaller and larger families.

Participating jurisdiction—Any jurisdiction HUD has designated to receive direct funds.

Project—A site or an entire building (including a manufactured housing unit) or two or more buildings together with the site or sites on which the buildings are located, that are under common ownership, management, and financing and are to be assisted with HOME funds under a commitment by the owner as a single undertaking. Project includes all the activities associated with the site and building. If there is more than one site associated with a project, the sites must be within a four block area.

Substantial rehabilitation—The rehabilitation of residential property where the average cost for the project is in excess of \$25,000 per dwelling unit.

Tenant-based rental assistance—Is a form of rental assistance in which the assisted tenant may move from a dwelling unit with a right to continued assistance.

Unit of general local government—A city, town, county, village, or other general purpose political subdivision of the state.

Very low-income families—Low-income families whose annual income does not exceed 50% of the median family in-

come for the area as established by HUD, with adjustments for smaller and larger families.

§53.3. Allocation of Funds.

(a) Description of how the state will distribute funds. The department distributes HOME funds using both a formula allocation and competitive application process. The department transfers a portion of its HOME funds to enable threshold communities to become participating jurisdictions under HOME. For the remaining nonparticipating jurisdictions, HOME funds will be distributed according to regional allocation goals established for each of the six planning regions in the CHAS. Applications for funds will be reviewed within each region according to criteria that reflect the state's housing priorities.

(b) CHDO's. Not less than 15% of the total HOME funds received by the State of Texas shall be set aside by the department for a period of 18 months for CHDOs. Up to 10% of these funds may be set aside for such activities as project-specific technical assistance, site control loans, and project-specific seed money. The department may elect to waive loan repayment where it finds that to do so would impede the project development.

(c) Administration costs. The department and applicants are not permitted to use HOME funds to administer the HOME program.

§53.4. Eligible Applicants. Eligible applicants for HOME funds include:

- (1) nonprofit organizations which have established status under the Internal Revenue Code of 1986, §501(c);
- (2) CHDOs;
- (3) for-profit entities;
- (4) units of general local government; and
- (5) public housing authorities.

§53.5. Eligible Activities. Eligible use of HOME funds include:

(1) eligible HOME activities include those activities described in 24 Code of Federal Regulations, §92.205, that provide incentives to develop and support affordable rental housing and homeownership affordability through the acquisition, new construction, reconstruction, or moderate or substantial rehabilitation of nonluxury housing with suitable amenities, including real property acquisition, site improvement, conversion, demolition, and other expenses, including financing, costs, relocation expenses of any displaced persons, families, businesses, or organizations; and to provide

tenant-based rental assistance;

(2) acquisition of vacant land or demolition must be undertaken only with respect to a particular housing intended project to provide affordable housing, and for which funds for construction have been committed;

(3) conversion of an existing structure to affordable housing is rehabilitation, unless the conversion entails adding one or more units beyond the existing walls, in which case, the project is new construction;

§53.6. Eligible Costs. HOME funds may be used in connection with the following eligible costs as specified in 24 Code of Federal Regulations, §92.206:

(1) development hard costs such as actual costs of constructing or rehabilitating housing, including:

(A) actual construction costs to meet the applicable new construction standards;

(B) actual rehabilitation costs to meet the applicable rehabilitation standards for the area or correcting substandard conditions to make essential improvements including energy-related repairs; improvements that will enable use by handicapped persons; abatement of lead-based paint hazards; repair or replace major housing systems in danger of failure; and costs to demolish existing structures for both new construction and rehabilitation

(2) soft costs that are reasonable and necessary:

(A) architectural, engineering or related professional services required to prepare plans, including specifications and work write-ups;

(B) costs to process and settle financing for a project such as private lenders origination fees, credit reports, fees for title evidence, legal fees, private appraisals, building permits, independent costs estimates, and builder/developer fees;

(C) acquisition costs for improved or unimproved real estate;

(D) cost necessary to provide affirmative marketing and fair housing information to homeowners and tenants;

(E) costs of relocation payments and other assistance for permanently

and temporarily relocated individuals, families, businesses, and nonprofit organizations.

§53.7. Prohibited Activities. As approved in 24 Code of Federal Regulations, §92.214, HOME funds shall not be used to:

(1) provide non-federal matching contribution required under any other federal program;

(2) provide a project reserve account for replacements, a project reserve account for unanticipated increases in operating costs, or operating subsidies;

(3) defray administrative costs of the program;

(4) provide tenant-based rental assistance for the special purposes of the existing §8 program, or preventing displacement from project assisted with rental rehabilitation projects;

(5) assist public housing development, modernization, or maintenance.

§53.8. Tenant-Based Rental Assistance. HOME funds may be used for tenant-based rental assistance where:

(1) the need for assistance is an essential element of an approved housing strategy for expanding the supply, affordability and availability of decent, safe, sanitary, and affordable housing and specifies the local market conditions that lead to the choice;

(2) the project provides tenants with a training program that leads to self-sufficiency and the removal from public assistance;

(3) families will be selected from the §8 waiting list based on preferences of the applicable public housing authority. Eligible families currently residing in units designated for rehabilitation may also be selected for rental assistance; and

(4) the department shall invest HOME funds made available during a fiscal year so that, with respect to tenant-based rental assistance and rental units:

(A) not less than 90% of such funds are invested with respect to dwelling units that are occupied by families whose annual incomes do not exceed 60% of the median family income for the area;

(B) the remaining of these funds are invested with respect to dwelling units that are occupied by households that qualify as low-income families at the time of occupancy or at the time funds are invested whichever is later.

§53.9. Homeownership-Rehabilitation of Existing Property. To be eligible for owner-occupied rehabilitation:

(1) property owners must own and occupy the single family housing (one to four residences, condominium unit, manufactured home, mobile home and cooperative unit) as their principal residence;

(2) the owner must be a low-income homeowner, that is the owner must have a gross annual income that does not exceed 80% of the median income for the area; and

(3) after rehabilitation, the property must meet at a minimum the §8 Housing Quality Standards (HQS).

§53.10. Rental Housing. To qualify as affordable housing under HOME, a rental housing project must:

(1) bear rent not greater than the lesser of:

(A) the fair market rent for existing housing for comparable units in the area, less the monthly allowance for the utilities and services to be paid by the tenant; or

(B) a rent that does not exceed 30% of the annual income adjusted for family size whose gross income equals 65% of the median income for the area; in determining the maximum monthly rent that may be charged for a unit, the owner must subtract a monthly allowance for any utilities and services (excluding telephone) to be paid by the tenant;

(2) have not less than 20% of the units:

(A) occupied by very low-income families and bearing rents not greater than 30% of the gross income of a family whose income equals 50% of the median income for the area; and

(B) will remain affordable, pursuant to deed restrictions, for not less than the appropriate period, beginning after project completions, without regard to the terms of the mortgage or to transfer of ownership: five years where less than \$15,000 of HOME funds have been invested in the project; 10 years if \$15,000-\$40,000; 15 years if over \$40,000 for rehabilitated housing; and 20 years for all new construction;

(3) ensure that with respect to tenant-based rental assistance and rental units;

(A) not less than 90% of such funds are invested with respect to dwelling units that are occupied by families whose annual incomes do not exceed 60% of the median family income for the area; and

(B) the remaining of these funds are invested with respect to dwelling units that are occupied by households that qualify as low-income families at the time of occupancy or at the time funds are invested, whichever is later.

§53.11. Rehabilitation.

(a) HOME funds may be used for multi-family and single-family rehabilitation projects as follows:

(1) moderate-where unit cost is less than \$25,000; and

(2) substantial-where unit cost is greater than \$25,000;

(b) HOME funds may also be used for reconstruction where a new structure is built on an existing foundation.

§53.12. New Construction. HOME funds may be used for new construction in the following situations:

(1) if authorized by HUD, and placed on the official list of new construction locations;

(2) is part of a neighborhood revitalization program and has:

(A) certified that rehabilitation is not the most cost-effective approach for a neighborhood;

(B) provided documentation that new construction is needed for a neighborhood revitalization project that emphasizes rehabilitation; and

(C) shown that at least 51% of funds spent within the last year were spent on rehabilitation of substandard housing;

(3) is part of a plan that addresses special needs for one or more of the following:

(A) housing for families of five or more persons;

(B) housing for persons with disabilities as defined in 24 Code of Federal Regulations, §92.2;

(C) single-room occupancy housing as defined in 24 Code of Federal Regulations, §92.2; and

(D) housing necessary to further the desegregation or racial deconcentration of housing pursuant to a court-approved settlement agreement, compliance agreement, or voluntary plan approved by HUD.

§53.13. Mixed-Income and Mixed-Use Projects. Only units in a project that are assisted with HOME funds must meet the affordability requirement. Housing units that are in a project that are designed for other use may qualify for HOME funds if the residential living space constitutes at least 51% of the project space and all buildings within the project must contain residential space.

§53.14. Application Process. The department announces the availability of funds in the *Texas Register* and establishes a deadline for receiving all applications. Upon receipt, applications will be reviewed and scored. Recommendations for funding will be submitted to the board. Applications that fail to meet all the threshold criteria shall be returned to the applicant without further review, however, they may be revised and resubmitted if submitted prior to deadline.

§53.15. Criteria for Funding. The department reviews applications to determine eligibility and conformance with the threshold requirements. In considering applications for funding, the department will consider the following:

(1) the proposed HOME project must meet the requirements of the HUD regulations and these rules in all respects.

(2) the applicant has provided evidence of his or her ability to carry out the project and the project must address an identified housing need. This assessment will be based on statistical data, surveys, or other indicators of need as appropriate.

§53.16. Scoring. All applications that meet the threshold requirements will then be scored based on the following:

(1) the extent to which the project will provide affordable housing;

(2) the extent to which other funds have been committed to the project;

(3) the extent to which the proposal assists the special needs of the disabled or large families;

(4) the extent to which the project addresses environmental, affirmative marketing, and fair housing issues;

(5) the extent to which the applicant is ready to proceed and the experience of the development team;

(6) the extent to which the project serves a higher percentage of very low-income persons than is required by the state;

(7) the extent to which the project will provide affordable housing to residents for a longer period of time than is required under HUD regulations for HOME funded projects;

(8) the extent to which the project is located in a community with a severe need for affordable housing;

(9) the extent to which the project involves a particularly new or innovative approach for meeting housing needs in the area being served;

(10) the extent to which local government will eliminate or reduce barriers to affordable housing created by existing public policies, such as zoning regulations, building permit requirements, etc.

§53.17. Application Procedure and Requirements.

(a) The department shall, from time to time, solicit applications from eligible applicants.

(b) The applicants shall submit, in an application form and by a process prescribed by the department, which includes, but is not limited to, the following information:

(1) the name, address and telephone number of the applicant;

(2) the description of the proposed activity including the number of low- and very low-income persons to be served;

(3) the names of additional funding sources;

(4) description of how the proposed activities addresses the priorities of the CHAS;

(5) detailed description of the type of experience the applicant has had with a project of this nature in the past or currently;

(6) description of market conditions for rental housing, including vacancy rates, market trends, and population growth;

(7) evidence of economic feasibility of the project and of the ability to repay the loan;

(8) the availability of alternative sources of financing and the effect of utilizing such sources;

(9) the experience and financial condition of the developer;

(10) brief description of developer's or applicant's business, including a statement as to financial condition and ex-

perience with multi-family development if applicable;

(11) location of property to be financed;

(12) description of multi-family project for which financing is being sought, including, if available, a copy of the plans for the project;

(13) name, address and telephone number of the person from whom additional information can be obtained;

(14) statement of the public policy criteria with which the project shall comply; and

(15) other underwriting information which the applicant, the agency or the originator/servicer consider relevant to the consideration of the application including, but not limited to, available financial statements.

§53.18. Program Administration.

(a) Local HOME account. The department shall establish a local HOME account for the HOME Investment Trust Fund. The HOME account shall include repayments of HOME funds and matching contributions and any payment or interest or other return on the investment of HOME funds. The funds in the account shall be used solely for investment in eligible activities. All transactions are managed through the CMI System for the HOME program.

(b) Disbursement of HOME funds. HOME funds drawn must be expended on eligible activities within 15 days or returned to the CMI System which will ensure that a deposit is made into State of Texas' United States Treasury Account of the HOME Investment Trust Fund. HOME funds in the local HOME account must be disbursed before a request can be made for additional funds.

(c) Agreement. Upon selection by the board, each applicant shall be required to enter into, execute, and deliver to the department all documents necessary to insure that he or she is in compliance with HOME regulations, as described in 24 Code of Federal Regulations, §92.504, prior to entering into a written agreement between the department and the eligible applicant. The agreement shall remain in effect for the period of affordability or, if the applicant is a subrecipient, during any period that the entity has control over HOME funds. In awarding funds to an applicant, the board reserves the right to modify, amend, or reduce the funding of the scope of activities as proposed in the application. At a minimum, the agreement shall include the following items:

(1) description of the use of HOME funds;

(2) terms of affordability and a requirement that the funds must be repaid if the housing does not meet requirements for the specified time period;

(3) use of interest, repayments, and other return on investment;

(4) compliance with the uniform administrative requirements as described in 24 Code of Federal Regulations, §92.505;

(5) compliance with project requirements that are set out for the type of project funded;

(6) compliance by owners of rental housing to maintain the applicable housing quality standards and local housing code requirements for the duration of the agreement;

(7) compliance with all of the program requirements including but not limited to: equal opportunity and fair housing; affirmative marketing; environmental review; displacement, relocation, and acquisition; labor; lead-based paint; conflict of interest; debarment and suspension; and flood insurance;

(8) compliance with affirmative marketing requirements as described in 24 Code of Federal Regulations, §92.350 and §92.351 with regard to minority business enterprises and women's business enterprises;

(9) conditions for religious organizations as prescribed in 24 Code of Federal Regulations, §92.257;

(10) shall specify that the entity may not request disbursement of funds under the agreement until the funds are needed for payment of eligible cost. The amount of each request must be limited to the amount needed;

(11) where the entity is a subrecipient, shall specify that upon expiration of the agreement, the entity must transfer to the department any HOME funds on hand at the time of expiration and any accounts receivable attributable to the use of HOME funds;

(12) must specify the particular records that must be maintained and any information or reports that must be submitted to the department;

(13) must provide for a means of enforcement by the department or the intended beneficiaries. This will include specific remedies for breach of the provisions of the agreement.

(14) shall state the required period of affordability.

(d) Monitoring. The department will on behalf of the State of Texas from time to time carry out field inspections to ensure compliance with the requirements as

defined in 24 Code of Federal Regulations, §92.504 and these rules. Each applicant will be required to attend a compliance seminar after the award of funds and prior to the first draw.

(e) Recordkeeping. Recipients shall be required to maintain and submit to the department records that are described under 24 Code of Federal Regulations, §92.508. The department will provide workshops and each applicant will be required to attend.

(f) Performance Reports. Recipients must prepare and submit periodic performance reports as the department requests and upon completion of each project shall submit a detailed report. If these reports are not submitted, the applicant may be required to repay all funds immediately.

(g) Reallocation. In the event that the department fails to receive adequate applications from a particular region, it will be within the discretion of the department to elect to reallocate funds to other regions where applicants have documented their ability to proceed. The department will continue to work with the original applicant and will review the proposed project during the last two years for possible allocation of funds at that time.

Issued in Austin, Texas, on December 29, 1992.

TRD-9217080

Susan J. Leigh
Executive Director
Texas Department of
Housing and
Community Affairs

Effective date: December 30, 1992

Expiration date: April 29, 1993

For further information, please call: (512) 475-3916

◆ ◆ ◆
Title 34. Public Finance
Part I. Comptroller of
Public Accounts

Chapter 3. Tax Administration

Subchapter O. State Sales and
Use Tax

• **34 TAC §3.360**

The Comptroller of Public Accounts proposes to adopt on an emergency basis an amendment to §3.360, concerning customs brokers. The emergency amendment deletes subsection (g)(2) and is necessary because that subsection may conflict with federal statutes.

The amendment is adopted on an emergency basis under the Tax Code, §111.002, which provides the comptroller with the authority to prescribe, adopt, and enforce rules relating to the administration and enforcement of the provisions of the Tax Code, Title 2.

§3.360. Customs Brokers.

(a)-(f) (No change.)

(g) Records required. A licensed customs broker must keep available for inspection by the comptroller books and records that include, at a minimum, the following:

(1) an exact copy of each export certification issued

[(2)] a copy of a Mexican passport, a United States visa, or a crossing card (Mica) attached to each certification issued for an item exported to Mexico];

(2)[(3)] a ledger that lists sequentially all export certifications issued or voided;

(3)[(4)] an inventory of export certification stamps received from the comptroller;

(4)[(5)] a current list of all employees authorized to issue and sign export certifications.

(h)-(i) (No change.)

Issued in Austin, Texas, on December 30, 1992.

TRD-9217070

Martin Cherry
Chief, General Law
Section
Comptroller of Public
Accounts

Effective date: January 1, 1993

Expiration date: May 1, 1993

For further information, please call: (512) 463-4028



Name: Chris Cladis
Grade: 6
School: Murchison Middle School, Austin ISD

Proposed Sections

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 any action may be 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 sections, a public hearing must be granted if requested by at least 25 persons, a governmental subdivision or agency, or an association having at least 25 members.

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

TITLE 1. ADMINISTRATION

Part I. Office of the Governor

Chapter 4. Automobile Theft Prevention Authority

• 1 TAC §4.47

The Office of the Governor, Automobile Theft Prevention Authority Division, proposes new §4.47, concerning form and instructions for the preparation and filing of the assessment on insurers licensed to write motor vehicle insurance for the 1992 calendar year. The new section is necessary to provide insurers with a form and instructions. Timely and accurate payment of the assessment is necessary for funding the operations of the authority. The new section adopts by reference a form and instructions which facilitate compliance with statutory requirements for reporting and payment of the assessment. The annual assessment is required by statute to be paid on or before February 1, 1993. The authority has filed copies of these forms and instructions with the Secretary of State's Office, Texas Register Section. Persons desiring copies of the form and instructions can obtain copies from Tax Administration, Texas Department of Insurance, Tower 1, Room 860, 333 Guadalupe Street, Austin.

Gary N. Johnson, director of Tax Administration, Texas Department of Insurance, has determined that for the first five-year period the section is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the section, and there will be no effect on local employment or local economy.

Mr. Johnson also has determined that, for each year of the first five years the proposed section is in effect, the public benefit anticipated as a result of enforcing the section will be the adoption of the appropriate form and instructions to facilitate proper filing and payment by insurers required to report and pay the assessment to the Texas Department of Insurance. The cost of compliance for small businesses will be the administrative cost in completing the form and following the instructions. This cost will be at least partially offset because the form is statutorily required in any case. There is no expected difference in cost of compliance between small and large businesses on the basis of cost per hour of labor. The anticipated economic cost to persons who are required to comply with the proposed section will be the administrative cost in completing the form and following the

instructions. This cost will be at least partially offset because assessment forms are statutorily required in some form in any case.

The cost will depend on each company's recordkeeping practices and type of operation.

Comments on proposal may be submitted to Gary N. Johnson, Director, Tax Administration, Mail Code 108-2A, Texas Department of Insurance, P.O. Box 149104, Austin, Texas 78714-9104.

The new section is proposed under Texas Civil Statutes, Article 4413(37), §10. The Texas Civil Statutes, Article 6252-13a, §4 and §5, require and authorize each state agency to adopt rules of practice setting forth the nature and requirements of available procedures and prescribe the procedures for adoption of rules by a state administrative agency.

§4.47. Preparation of 1992 Assessment Form. Form and instructions for the preparation of the Motor Vehicle Assessment for the 1992 calendar year are adopted by reference. These instructions and form are published by the Texas Department of Insurance through interagency contract with the Automobile Theft Prevention Authority, and may be obtained from Tax Administration of the Texas Department of Insurance, Tower 1, Room 860, 333 Guadalupe Street, Austin. Each insurer shall follow such instructions and use and report on such forms as appropriate to its operation.

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 December 29, 1992.

TRD-9217087

David A. Talbot, Jr.
General Counsel
Office of the Governor

Proposed date of adoption: February 8, 1993

For further information, please call: (512) 463-1919



TITLE 10. COMMUNITY DEVELOPMENT

Part IV. Texas Department of Housing and Community Affairs

Chapter 53. Home Investment Partnership Program

• 10 TAC §§53.1-53.18

(Editor's Note: The Texas Department of Housing and Community Affairs proposes for permanent adoption the new sections it adopts on an emergency basis in this issue. The text of the new sections is in the Emergency Rules section of this issue.)

The Texas Department of Housing and Community Affairs proposes new §§53.1-53.18, concerning the Home Investment Partnership Program Rules. These sections are proposed for adoption in final form to provide procedures for the allocation by the Department of certain funds available under federal and state laws and regulations to, among others, qualified public entities, for-profit and non-profit organizations and low- and very-low income families.

Scott McGuire, acting deputy for housing finance and development, has determined that for the first five-year period the sections are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the sections.

Mr. McGuire also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be to permit the adoption of new rules for the allocation of home investment partnership funds within the State of Texas to enhance the State's ability to provide affordable housing. There will be no effect on small businesses. The Department is unable to determine whether the administration of these rules will have any fiscal implication on persons.

Comments on the proposal may be submitted to Anne O. Paddock, Acting General Counsel, P.O. Box 13941, Austin, Texas 78711-3941, within 30 days of the date of this publication.

The new sections are proposed under Texas Civil Statutes, Article 4413(501), §3.02 which provide the Department with the authority to make rules governing the administration of the housing finance division of the Department and its programs.

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 December 29, 1992.

TRD-9217091

Susan J. Leigh
Executive Director
Texas Department of
Housing and
Community Affairs

Earliest possible date of adoption: February 8, 1993

For further information, please call: (512) 475-2316

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TITLE 28. INSURANCE
Part II. Texas Workers'
Compensation
Commission

Chapter 56. Structured
Compromise Settlement
Agreements

• **28 TAC §56.55**

The Texas Workers' Compensation Commission proposes an amendment of §56.55, concerning requirements for an annuity company. This amendment is intended to lower the requirements for the company that writes annuities for workers' compensation claims to allow more companies to compete and to provide lower cost alternatives for insurance companies than currently exist. This proposed amendment takes advantage of the fact that the companies offering annuities are guaranteed by an association. The beneficiary of the annuity will be protected by: the financial strength of the insurance company writing the annuity; the original insurance company that purchased the annuity since that company remains liable for benefits; and the strength of the guaranty association.

Janet Chamness, chief of budget, has determined that for the first five-year period the section is in effect there will be fiscal implications for state and local government as a result of enforcing or administering the section.

There will be no added costs to state or local government as a result of this amendment. There will be potential savings as a result of purchasing lower cost annuities, however, since this only applies to claims subject to the law in effect prior to January 1, 1991, those savings will not be likely to grow or apply to larger numbers of claims than are currently being paid through annuities.

Other than potential cost savings, this amendment should have no effect on small or even on large businesses.

Ms. Chamness 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 sections are the public benefits anticipated as a result of enforcing the section will be availability of a broader

range of options for purchasing annuities and lower costs. While this would normally result in trading off limited availability and the costs of annuities from top rated companies against a higher risk of inability to pay, the added layer of protection offered by the guaranty association eliminates this risk.

There is no anticipated economic cost to persons who are required to comply with the section as amended.

Comments on the proposal may be submitted to Ken Forbes, Policy and Rules Administrator, Texas Workers' Compensation Commission, Southfield Building, 4000 South IH 35, Austin, Texas 78704-7491.

The amendment is proposed under Texas Civil Statutes, Article 8307, §4(a), which provide the Texas Workers' Compensation Commission with the authority to adopt rules necessary to administer the workers' compensation laws and §17.12(b) of Senate Bill One, Second Called Session, 1989, which delegates authority to the executive director to administer the workers' compensation laws in effect prior to the effective date of the Workers' Compensation Act.

§56.55. *Annuity Company.* An annuity company providing an annuity under the terms of a structured settlement must be authorized[licensed] to write annuities[do business] in Texas and must [have a Best's rating of A+, with a financial size category of VII or above, according to the most recent information available (effective 1987)] be in good standing with the Texas Department of Insurance.

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 December 31, 1992.

TRD-9217144

Susan Cory
General Counsel
Texas Workers'
Compensation
Commission

Earliest possible date of adoption: February 8, 1993

For further information, please call: (512) 440-3592

◆ ◆ ◆

TITLE 37. PUBLIC
SAFETY AND CORREC-
TIONS

Part I. Texas Department
of Public Safety

Chapter 1. Organization and
Administration

Personnel and Employment
Policies

• **37 TAC §§1.22, 1.23, 1.32, 1.34,**
1.36

The Texas Department of Public Safety proposes amendments to §§1.22, 1.23, 1.32, 1.34, and 1.36, concerning personnel and employment policies. Amendments to these sections are proposed to comply with the provisions of the Americans with Disabilities Act. Language is added and deleted in §§1.22, 1.23, 1.32, and 1.34 to revise the screening and basic requirements for certain positions in order that medical and physical requirements are related to the performance of essential job functions. Section 1.36 is amended by changing the word "handicap" to "disability."

Melvin C. Peoples, assistant chief of fiscal affairs, has determined that for the first five-year period the sections are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the sections.

Mary Ann Courter, commander, personnel bureau, also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be to ensure the public that applicants for positions with the department will be screened on the basis of job-related requirements. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the sections as proposed.

Comments on the proposal may be submitted to John C. West, Jr., Texas Department of Public Safety, Box 4087, Austin, Texas 78773-0001, (512) 465-2000.

The amendments are proposed under the Texas Government Code, §411.006(4) and §411.004(3), which provides the director with the authority to adopt rules necessary for the control of the department, subject to the Public Safety Commission's approval.

§1.22. *Screening of Applicants on the Basis of Traffic and Criminal Record.* When it is determined that an applicant fits into any of the following categories, the applicant will not be eligible to take the examination for entrance into the department, or if the applicant has completed the examination, the application will be rejected at once:

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

(3) the applicant's driver's license is suspended, cancelled, or revoked;

(4) a traffic record or other condition of such a nature that the department has started action or is about to start action to suspend, cancel, or revoke the applicant's license;

(3)[(5)] a finding by a court of competent jurisdiction that the applicant was a delinquent child. If the applicant's record in the proceeding is ordered sealed, the incident should be disregarded and treated as though it did not exist;

(4)[(6)] the applicant's driver's license has been suspended by the department during the last five years as a habitual violator.

§1.23. Individual Evaluation of Applicant's Suitability. When an applicant's record shows any of the following, additional information will be secured from the applicant or other sources and an individual evaluation will be made of the applicant's suitability:

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

(5) a traffic record or other condition of such a nature that the department has started action or is about to start action to suspend, cancel, or revoke the applicant's license;

(6)[(5)] applicants who do not have a valid Texas driver's license will be individually evaluated according to the requirements of the position being sought;

(7) [(6)] a pattern of a high number of entries of accidents or arrests, at least two per year, in the applicant's traffic record over any three-year period and extending up into the past two years, but who was not suspended during the three-year period;

(8)[(7)] an arrest or conviction for a Class A or B misdemeanor;

(9)[(8)] any military disciplinary action [which results in forfeiture of any pay, confinement, or reducing of rank];

(10) [(9)] past use of any illegal substance(s). Such use may be cause for rejection.

§1.32. Basic Requirements for Employment as Trooper.

(a) Application requirements.

(1)-(8) (No change.)

(9) All applicants for a position with the department must pass a [rigid] physical examination and the physical demands work sample tests prior to probationary appointment. [The physical examination will be made by a physician designated by

the department.] The physical demands work sample tests will be conducted by the Department of Public Safety personnel. The physical examination will be made by a physician designated by the department after a conditional job offer has been made.

(10)-(11) (No change.)

(b) Medical-physical standards. Applicants must conform to the following medical-physical standards.

[(1) General appearance. The applicant must be free from any marked deformity, free from all parasitic or systemic skin diseases, and free from evidence of intemperance in the use of stimulants or drugs. The body must be well proportioned, of good muscular development, and show careful attention to personal cleanliness. Obesity, muscular weakness, or poor physique must reject. Applicant must be in sound physical condition.]

[(1)[(2)] Weight. Not less than two pounds per inch of height nor more than three pounds per inch of height for males and not less than 1 3/4 pounds per inch of height nor more than 2 1/2 pounds per inch of height for females and according to body build.

[(3) Handicaps or chronic conditions. Applicants with physical handicaps or chronic conditions and past medical histories tending to indicate early incapacitation will be disqualified.]

(2)[(4)] Vision.

(A) Visual acuity. Maximum uncorrected visual acuity of 20/200 and correctable or corrected as follows:

(i) 20/30 thru 20/40-correctable to 20/30 in each eye and binocularly;

(ii) in excess of 20/40 thru 20/100-must be corrected to 20/30 in each eye and binocularly by means of eyeglasses or contact lenses.

(iii) in excess of 20/100 thru 20/200-must be corrected to 20/30 in each eye and binocularly by contact lenses and a statement from an ophthalmologist that no ocular disease exists;

(B) Field of vision. Horizontal 60-85 degrees temporally from a central fixation point.

(C) Muscular imbalance. Zero vertical deviation. Horizontal-5 prism diopters exophoria at 20 feet, 10 prism diopters esophoria at 20 feet.

(D) Other visual factors. Applicants will be rejected for color deficiencies as determined by Department of Public Safety testing, chronic inflammation of the eye or adnexa, or permanent abnormalities of either eye (including cataracts, corneal opacities, paralysis of ocular muscles, etc.). Loss of either eye will reject.

(3)[(5)] Ears. Normal hearing with or without a hearing aid for each ear is required.

[(6) Nose, throat, and mouth. Obstruction to free breathing, chronic asthma, or very offensive breath must reject. The mouth must be free from deformities or conditions that interfere with distinct speech, or that predispose to disease of the ear, nose, or throat. There shall be no disease or hypertrophy of tonsil or thyroid enlargement. Teeth must be clean, well cared for, and free from multiple cavities. The jaws must be free from badly broken or decayed teeth. Pyorrhea will reject.]

(4) [(7)] Heart. The action of the heart must be uniform, free, and steady, its rhythm regular, and the heart and vascular system free from organic changes. Organic heart disease will disqualify.

(5)[(8)] Circulation. Blood pressure-systolic maximum, 139; diastolic, 89; pulse pressure, 45. A slight variation from figures may be permissible subject to the discretion of the examining physician. Hypertension that is controlled by medication to within the limits set forth herein is acceptable. The applicant must furnish a medical statement describing the medication and any warnings or cautions for proper safeguards against physical conditioning techniques with a statement furnished by a physician. It is also very important that the training academy and DPS physical training officer know when a trainee is taking medication. A marked tendency to the formation of varicose veins must reject.

(6)[(9)] Respiration. Must be full, easy, and regular; the respiratory murmur must be clear and distinct over both lungs, and no disease of the respiratory organs must be present.

(7) [(10)] Hernia. An actual [or potential] hernia in any form must reject.

(8)[(11)] Genito-Urinary. Applicants must be free from [deformities and must be free from] stricture or incontinence of urine. [Any acute and all venereal diseases of these organs must reject.] Kidneys or kidney must be healthy and the urine normal. [Medically accepted laboratory test for venereal disease will be made before permanent appointment.]

[(12) Rectum. Fissures, fistulas, and external or internal hemorrhoids must reject.]

(9)[(13)] Limbs. Both arms and legs, hands, and feet must be present. Must be free from infections of the joints, sprains, stiffness, or other conditions [such as ingrowing nails or hammertoes] which prevent the proper and easy performance of duty. Great toes must be present in their entirety on both feet. First (index), second (middle), and third (ring) fingers and thumb must be present in their entirety on both hands (may be waived by the director).

(10)[(14)] Brain and nervous system. An applicant who has a history of epilepsy, blackouts fainting spells, seizures, or convulsions must be seizure free for two years without taking medication. [Brain and nervous system must be free from defects. Epilepsy or any other condition that may cause loss of consciousness or muscular control must reject.]

(11)[(15)] Mental and personality. Applicants must be mentally alert and sound of mind and must be possessed of initiative, intelligence, good judgment, good address, and neatness of appearance.

(12)[(16)] Physical agility [fitness] tests. Applicants for a position with the department must pass the physical agility [fitness] tests which are set out by the department.

(13)[(17)] Diabetes. Applicants with insulin-dependent diabetes will be rejected. Applicants who have a history of diabetes, but whose diabetes is controlled by diet alone or diet and oral hypoglycemic agents, will be considered on a case-by-case basis. [Applicants with a past medical history of diabetes will be rejected.]

[(18)] Syphilis. Applicants with a past medical history of syphilis will not be rejected until a syphilis screening test has been completed to determine if the applicant is infectious. When it is determined that an applicant is currently infectious, the applicant will be rejected.]

(14)[(19)] Questions. In all instances where a question may arise as to whether an applicant meets the medical-physical standards, the director or his designee shall make the final determination as to whether an applicant is physically qualified for acceptance as a trooper.

§1.34. Basic Requirement for Police Communication Operator I.

(a) Application procedure.

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

(6) Applicants with prior military service must submit an 8-inch times 10-inch photostatic or certified copy of their military history form DD214 with the completed application.

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

(C) After a conditional job offer has been made, applicants [Applicants] with medical discharges from military service must furnish a written explanation which is satisfactory to this department to receive consideration.

(7) (No change.)

(b) Medical-physical standards.

(1) (No change.)

(2) An applicant who has a history of epilepsy, blackouts, fainting spells, seizures, or convulsions must be free for two years without taking medication [Applicants with a past medical history of tuberculosis, rheumatic fever, epilepsy, or coronary condition will be rejected].

(3) Applicants with a past medical history of syphilis will not be rejected until a syphilis screening test has been completed to determine if the applicant is infectious. When it is determined that an applicant is currently infectious, the applicant will be rejected.]

(3)[(4)] Applicants who have a past medical history of diabetes will not be rejected until an individual evaluation is conducted. Applicants are required to submit a doctor's statement reflecting the stage and/or severity of the diabetes and the prescribed treatment.

(4)[(5)] Applicants with physical conditions [handicaps] such as loss of a limb or disfiguration may be employed, provided, in the judgment of the regional commander, the applicant can perform the required duties satisfactorily and is able to get to and from his place of work without department assistance.

(5)[(6)] Normal hearing with or without a hearing aid for each ear is required.

(6)[(7)] The nose, throat, and mouth must be free from deformities or conditions that interfere with distinct speech [The mouth must be free from deformities or conditions that interfere with distinct speech, or that predispose to disease of the ear, nose, or throat].

[(8)] Brain and nervous system must be free from defects.]

(7)[(9)] Applicants must be mentally alert and sound of mind and must possess initiative, intelligence, good judgment, good address, and neatness of appearance.

(8)[(10)] In all instances in which a question may arise as to whether an applicant meets the qualifications in this section, the director or his designee shall make the final determination.

§1.36. Equal Employment Opportunity Policy.

(a) It is the policy of the Texas Department of Public Safety to hire the best qualified people to perform the many tasks necessary in providing high quality service in the field of law enforcement administration and other areas of public safety. An integral part of this policy is to provide equal employment opportunity for all persons; to recruit and administer hiring, working conditions, benefits and privileges of employment, compensation, training, appointments for advancement including upgrading and promotion, transfers, and terminations of employment within the framework provided by statutes of the State of Texas and the United States without discrimination because of race, color, religion, national origin, sex, age, or disability [handicap].

(b) (No change.)

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

Issued in Austin, Texas, on December 16, 1992.

TRD-9217119

James R. Wilson
Director
Texas Department of
Public Safety

Earliest possible date of adoption: February 8, 1993

For further information, please call: (512) 465-2000

Chapter 3. Traffic Law Enforcement

Traffic Supervision

• 37 TAC §3.62

The Texas Department of Public Safety proposes an amendment to §3.62, concerning regulations governing transportation safety. The amendment adds paragraph (d)(11) and renumbers current paragraphs (11) and (12) as (12) and (13). The department finds it unnecessary to adopt 49 Code of Federal Regulations, Part 390.23 (relief from regulations) for intrastate drivers except Part 390.23(a)(3) for tow trucks is adopted for intrastate carriers.

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

George C. King, chief of traffic law enforcement, also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be that intrastate

carriers will not be delayed in responding to local emergencies by the necessity of having a governmental agency declare an emergency. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

Comments on the proposal may be submitted to John C. West, Jr., Texas Department of Public Safety, Box 4087, Austin, Texas 78773-0001, (512) 465-2000.

The amendment is proposed under Texas Civil Statutes, Article 6701d, §139, which provide the Texas Department of Public Safety with the authority to adopt such regulations as may be deemed necessary for the safe operation of motor carriers.

§3.62. Regulations Governing Transportation Safety.

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

(d) Exceptions adopted by the Public Safety Commission not specified in Texas Civil Statutes, Article 6701d, §139, are as follows.

(1)-(10) (No change.)

(11) 49 Code of Federal Regulations, Part 390.23 (relief from regulations) will not be adopted for intrastate drivers. Part 390.23(a)(3) pertaining to tow trucks responding to a state or local police request to move wrecked or disabled vehicles is adopted for intrastate drivers.

(A) For intrastate carriers, Title 49 Code of Federal Regulations, §395 shall not apply to any carrier subject thereto when transporting passengers or property to or from any section of the state with the object of providing relief in case of earthquake, flood, fire, famine, drought, epidemic, pestilence, or other calamitous visitation or disaster.

(B) Any carrier which utilizes this exemption in an emergency must document the type and duration of the emergency. The documentation must be kept on file for a minimum of six months.

(12)[(11)] Regulations and exceptions adopted herein are applicable to intrastate drivers and vehicles. All regulations contained in 49 Code of Federal Regulations, Parts 390-393 and 395-397 and all amendments thereto pertaining to interstate drivers and vehicles are adopted.

(13)[(12)] Nothing in this section shall be construed to prohibit an employer from requiring and enforcing more stringent requirements relating to safety of operation and employee safety and health.

(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 December 16, 1992.

TRD-9217118

James R. Wilson
Director
Texas Department of
Public Safety

Earliest possible date of adoption: February 8, 1993

For further information, please call: (512) 465-2000

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Services

Chapter 29. Purchased Health Services

Subchapter K. Definitions

The Texas Department of Human Services (DHS) proposes amendments to §§29.1001, 29.2103, and 29.2501-29.2503, concerning general definitions for purchased health services, reimbursement of certified registered nurse anesthetists, benefits and limitations, conditions for participation, and reimbursement of advanced nurse practitioners, in its Purchased Health Services rules. The purpose of the amendments is to specify Medicaid coverage of services provided by all categories of advanced nurse practitioners as defined by the Board of Nurse Examiners for the State of Texas. The amendments to §§29.2501, 29.2502, and 29.2503 do not apply to certified nurse-midwives and certified registered nurse anesthetists.

The amendments also propose increasing the reimbursement rate for advanced nurse practitioners from 70% to 85% of the rate paid to physicians for the same services provided under Texas Medicaid reimbursement methodology. Certified registered nurse anesthetists and certified nurse-midwives will be reimbursed at 85% of the rate paid to physicians.

Burton F. Raiford, commissioner, has determined that for the first five-year period the sections are in effect there will be fiscal implications as a result of enforcing or administering the sections. The effect on state government for the first five-year period the sections are in effect will be an estimated additional cost of \$308,360 for fiscal year 1993; \$575,161 for fiscal year 1994; \$718,243 for fiscal year 1995; \$873,024 for fiscal year 1996; and \$1,061,161 for fiscal year 1997. There will be no fiscal implications for local government as a result of enforcing or administering the sections.

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

of enforcing the sections will be improved accessibility to primary medical care for Medicaid clients. 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 Kay Sterling at (512) 338-6511 in DHS's Purchased Health Services Section. Comments on the proposal may be submitted to Nancy Murphy, Agency Liaison, Policy and Document Support-222, Texas Department of Human Services E-503, P.O. Box 149030, Austin, Texas 78714-9030, within 30 days of publication in the *Texas Register*.

DHS will conduct a public hearing to receive comments on the proposal. The public hearing will be held on February 1, 1993, at 9 a.m. in DHS's public hearing room of the John H. Winters Center (701 West 51st Street, Austin, First Floor, East Tower).

• 40 TAC §29.1001

The amendment is proposed under the Human Resources Code, Title 2, Chapters 22 and 32, which provides the department with the authority to administer public and medical assistance programs.

§29.1001. *General Definitions for Purchased Health Services.* The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

Advanced nurse practitioner—A registered professional nurse, currently licensed, credentialed, and recognized as an advanced nurse practitioner, as defined by the Board of Nurse Examiners for the State of Texas in its "Rules and Regulations Relating to Professional Nurse Education, Licensure, and Practice."

[Certified family nurse practitioner—A currently licensed registered nurse who is recognized as a family nurse practitioner by the state licensing board for nurses.]

[Certified pediatric nurse practitioner—A currently licensed registered nurse who is recognized as a pediatric nurse practitioner by the state licensing board for nurses.]

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 December 30, 1992.

TRD-9217071

Nancy Murphy
Agency Liaison, Policy and
Document Support
Texas Department of
Human Services

Proposed date of adoption: March 1, 1993

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

Subchapter V. Certified Registered Nurse Anesthetists' Services

• 40 TAC §29.2103

The amendment is proposed under the Human Resources Code, Title 2, Chapters 22 and 32, which provides the department with the authority to administer public and medical assistance programs.

§29.2103. Reimbursement.

(a) Subject to the specifications, conditions, limitations, and requirements established by the department or its designee, payment for covered anesthesia services provided by a participating certified registered nurse anesthetist (CRNA) will be limited to the lesser of the actual charge or 85% [70%] of the rate reimbursed to a physician anesthesiologist for the same service.

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

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

Issued in Austin, Texas, on December 30, 1992.

TRD-9217073 Nancy Murphy
Agency Liaison, Policy and Document Support
Texas Department of Human Services

Proposed date of adoption: March 1, 1993

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



Subchapter Z. Certified Advanced [Family Nurse Practitioner and Pediatric] Nurse Practitioner Services

• 40 TAC §§29.2501-29.2503

The amendments are proposed under the Human Resources Code, Title 2, Chapters 22 and 32, which provides the department with the authority to administer public and medical assistance programs.

§29.2501. Benefits and Limitations.

(a) Subject [Effective July 1, 1990, and subject] to the specifications, conditions, requirements, and limitations established by the department or its designee, services performed by advanced nurse practitioners [certified family nurse practitioners (FNPs) and certified pediatric nurse practitioners (PNPs)] are covered if the services:

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

(b) (No change.)

(c) Advanced nurse practitioners [FNPs and PNPs] who are employed or remunerated by a physician, hospital, facility, or other provider must not bill the Texas Medical Assistance Program directly for their services if that billing would result in duplicate payment for the same services. If the services are coverable and reimbursable by the program, payment may be made to the physician, hospital, or other provider (if the provider is approved for participation in the Texas Medical Assistance Program) who employs or reimburses advanced nurse practitioners. The basis and amount of Medicaid reimbursement depend on the services actually provided, who provided the services, and the reimbursement methodology determined by the Texas Medical Assistance Program as appropriate for the services and the providers involved.

(d) The policies and procedures in this subchapter do not apply to certified registered nurse anesthetists and certified nurse-midwives. Coverage of services provided by certified nurse-

midwives and certified registered nurse anesthetists are described in Subchapters (Q) and (V) of this chapter (relating to Nurse-Midwife Services and Certified Registered Nurse Anesthetists' Services).

§29.2502. Conditions for Participation. To be a provider of Medicaid covered services, an advanced nurse practitioner [a certified family nurse practitioner (FNP) or certified pediatric nurse practitioner (PNP)] must:

(1) (No change.)

(2) be recognized by the licensing authority as an advanced nurse practitioner [FNP or PNP];

(3)-(7) (No change.)

§29.2503. Reimbursement. Covered services provided by advanced [certified pediatric and family] nurse practitioners are reimbursed on the basis of the lesser of actual charge or maximum fee established by the Texas Department of Human Services [department] or its designee. The maximum fee is 85% of the rate paid to a physician (M.D. or D.O.) for the same service [based on a calculation of 70% of the locality's prevailing profile for the service when provided by a physician in family practice]. Advanced nurse practitioners are reimbursed at the same reimbursement level as physicians for laboratory services, x-ray services, and injections.

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 December 30, 1992.

TRD-9217072 Nancy Murphy
Agency Liaison, Policy and Document Support
Texas Department of Human Services

Proposed date of adoption: March 1, 1993

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



Adopted Sections

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

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

TITLE 1. ADMINISTRATION

Part I. Office of the Governor

Chapter 4. Automobile Theft Prevention Authority

• 1 TAC §§4.1-4.46

(Editor's note: Due to an agency error in the November 24, 1992, issue of the Texas Register (17 TexReg 8213), the following sections have been renumbered from §§3.201-3.246 to §§4.1-4.46.

The Office of the Governor, Automobile Theft Prevention Authority Division, adopt new §§4.1-4.46 which were inadvertently proposed as §§3. 201-3.246, concerning the administration of the Automobile Theft Prevention Assistance Program of the ATPA fund. Sections 4.1, 4.4, and 4.32, are adopted with changes to the proposed text as published in the November 24, 1992, issue of the *Texas Register* (17 TexReg 8213).

Sections 4.1, 4.3, 4.5-4.31, and 4.33-4.46 are adopted without changes and will not be republished.

The sections defines the procedures for funded programs relating to automobile theft in Texas. These rules apply only to applications and grants awarded to local general purpose units of government, state agencies, independent school districts, non-profit and profit organizations for the Automobile Theft Prevention Authority Assistance Program operated and funded under the ATPA Fund.

No comments were received regarding adoption of the new sections.

The new sections are proposed under Texas Civil Statutes, Article 4413(37), §6(a), which provide the Automobile Theft Prevention Authority with the authority to adopt rules to implement its powers and duties.

§4.2. Applicability. These rules shall apply only to applications and grants awarded to local general purpose units of government, state agencies, independent school districts, nonprofit, and for profit organizations for the Automobile Theft Prevention Authority Assistance Program operated and funded under the Automobile Theft Prevention Authority Fund.

§4.4. Eligible Applicants. State agencies, local general purpose units of government, independent school districts, nonprofit, and for profit organizations are eligible to apply for grants for Automobile Theft Prevention Assistance projects. Nonprofit and profit organizations shall be required to provide with their grant applications sufficient documentation to evaluate the credibility and the community support of the organization and the viability of the organization's existing activities in the context of providing automobile theft prevention assistance; the documentation shall be in compliance with §3.203 of this title (relating to Compliance; Adoption by Reference).

§4.32. Funding of Vehicle. Funding for the lease/purchase of vehicles may be provided for undercover, unmarked, or other vehicles normally associated with enforcement or undercover units. Funding for lease/purchase of vehicles is limited to automobile theft prevention programs.

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

Issued in Austin, Texas, on December 28, 1992.

TRD-9217107

Linda Young
Executive Director,
Automobile Theft
Prevention Authority
Office of the Governor

Effective date: January 21, 1993

Proposal publication date: November 24, 1992

For further information, please call: (512) 463-1919



TITLE 19. EDUCATION

Part I. Texas Higher Education Coordinating Board

Chapter 5. Program Development

Subchapter K. Private Degree-Granting Institutions Operating in Texas

• 19 TAC §§5.211-5.223

The Texas Higher Education Coordinating Board adopts the repeal of §§5.211-5.223 concerning program development, without changes to the proposed text as published in the September 11, 1992, issue of the *Texas Register* (17 TexReg 6246).

There will be more efficient implementation of the rules which protect them from fraudulent and substandard institutions of higher education.

The rules are being repealed and rewritten. It is necessary to clarify and strengthen the requirements of the board for certification to award degrees by private institutions of higher education. Increasingly, institutions are mounting legal challenges to the decisions of the board and these clarifications will help in the defense of their actions. The changes also more precisely conform to certain provisions in the statute. Institutions which are subject to these rules will be able to see more precisely what is required of them to be certified to offer degrees in Texas.

No comments were received regarding adoption of the repeals.

The repeals are adopted under the Texas Education Code, §61.311, which provides the Coordinating Board with the authority to adopt rules regarding private degree-granting institutions operating in Texas.

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

Issued in Austin, Texas, on December 29, 1992.

TRD-9217152

James McWhorter
Assistant Commissioner for
Administration
Texas Higher Education
Coordinating Board

Effective date: January 25, 1993

Proposal publication date: September 11, 1992

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

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• 19 TAC §§5.211-5.222

The Texas Higher Education Coordinating Board adopts new §§5.211-5.222 concerning program development. Section 5.214 is adopted with changes to the proposed text as published in the September 11, 1992, issue of the *Texas Register* (17 TexReg 6246). Sections 5.211-5.213, and §§5.215-5.222 are adopted without changes and will not be republished.

The new sections will enable a more efficient implementation of the rules which protect them from fraudulent and substandard institutions of higher education.

The new sections are necessary to clarify and strengthen the requirements of the board for certification to award degrees by private institutions of higher education. Increasingly, institutions are mounting legal challenges to the decisions of the board and these clarifications will help in the defense of their actions. The changes also more precisely conform to certain provisions in the statute. Institutions which are subject to these rules will be able to see more precisely what is required of them to be certified to offer degrees in Texas.

Comments were received on the proposed rule changes from the American Association of Bible Colleges (AABC) and the Association of Theological Schools (ATS) in the United States and Canada. Each are currently recognized agencies and each commented on the proposal to eliminate them from that status (under §5.211-Definitions) and require them to apply for recognition under criteria which was to be §5.213(i). The AABC protested that such an action would harm their association nationally by implying that they were inferior. The ATS thought the proposed rules were appropriate and wished to know only how to apply.

A revised §5.213(i) will be considered by the Board at its January quarterly meeting.

The new sections are adopted under the Texas Education Code, §61.311, which provides the Coordinating Board with the authority to adopt rules regarding private degree-granting institutions operating in Texas.

§5.214. *Standards for Nonexempt Institutions.*

(a) The decision to grant a certificate of authority to an institution will be based on its compliance with the following 24 standards, priority given to education, responsiveness to recommendations and suggestions for improvement, and, in the case of a renewal of a certificate of authority, record of improvement and progress following initial approval which would ensure accreditation within the allotted time. The 24 standards represent generally accepted administrative and academic prac-

tices and principles of accredited institutions of higher education in Texas. Such practices and principles are generally set forth by the Commission on Colleges, Southern Association of Colleges and Schools and by specialized accrediting bodies and the several academic and professional societies which have established standards for their members' programs such as the National Association of College and University Business Officers and the American Association of Collegiate Registrars and Admissions Officers.

(1) Qualifications of institutional officers. The character, education, and experience in higher education of governing board members, administrators, supervisors, counselors, agents, and other institutional officers shall be such as may reasonably ensure that the students will receive education consistent with the objectives of the course or program of study. In particular, the academic administrator shall be qualified by level and area of academic preparation, as well as through appropriate experience, to direct the academic affairs of the institution.

(2) Governing board. Membership of the governing board of the institution shall be comprised of individuals who represent the institution's constituency, including faculty, students, and supporters, and who derive no financial gain from the operations of the institution.

(3) Distinction of roles. There shall be sufficient distinction among the roles and personnel of the governing board of the institution, the administration, and faculty to ensure their appropriate separation and independence.

(4) Instructional assessment. Provisions shall be made for the continual assessment of the educational program, including the evaluation and improvement of instruction.

(5) Faculty qualifications. The character, education, and experience in higher education of the faculty shall be such as may reasonably ensure that the students will receive an education consistent with the objectives of the course or program of study. Each faculty member teaching in an associate or baccalaureate level degree program shall have at least a master's degree from an institution accredited by a recognized agency or a regional accrediting agency with at least 18 graduate semester credit hours in the discipline being taught. Furthermore, at least 25% of course work in a baccalaureate level major shall be taught by faculty members holding doctorates, or other terminal degrees, in the discipline being taught from institutions accredited by a recognized agency or a regional accrediting agency. Graduate level degree programs shall be taught by faculty holding doctor-

ates, or other terminal degrees, in the discipline being taught from institutions accredited by a recognized agency or a regional accrediting agency.

(6) Faculty size. There shall be a sufficient number of fulltime teaching faculty resident and accessible to ensure continuity and stability of the education program, adequate educational association between students and faculty and among the faculty members, and adequate opportunity for proper preparation for instruction and professional growth by faculty members. At the associate and baccalaureate levels, there shall be at least one full time faculty member in each program. At the graduate level, there shall be at least four full time faculty members in each program.

(7) Curriculum. The quality, content, and sequence of each course, curriculum, or program of instruction, training, or study shall be appropriate to the purpose of the institution and shall be such that the institution may reasonably and adequately achieve the stated objectives of the course or program. Substantially all of the courses in the areas of specialization required for each degree program shall be offered in organized classes by the institution, provided such courses are appropriate to the level of the institution.

(8) General education. Each associate or baccalaureate degree program shall contain a general education component consisting of at least 25% of the total hours offered for the program. This component shall be drawn from each of the following areas: Humanities and Fine Arts, Social and Behavioral Sciences, and Natural Sciences and Mathematics. It shall include courses to develop skills in written and oral communication and in basic computer instruction. Courses designed to correct deficiencies, remedial courses for associate and baccalaureate programs and leveling courses for graduate programs, may not count toward course requirements for the degree. The applicant institution may arrange for all or part of the general education component to be taught by another institution with the following provisions: the applicant institution's faculty shall design the general education requirement, there shall be a written agreement between the institutions to provide the general education component, at least one-half of the courses shall be offered in organized classes and the providing institution shall be accredited by a recognized accrediting agency.

(9) Credit for prior learning. An institution awarding collegiate credit for prior learning obtained outside a formal degree-granting institution shall establish and adhere to a systematic method for evaluating that prior learning, equating it with course content appropriate to the institution's authorized degree programs, and sub-

ject to ongoing review and evaluation by the institution's teaching faculty. Recognized evaluative examinations such as the advanced placement program or the college level examination program may be used. No more than fifteen semester credit hours or twenty-three quarter credit hours in a student's associate or baccalaureate degree program may be based on validated prior learning. No graduate credit for prior learning may be awarded. In no instance may credit be awarded for life experience per se or merely for years of service in a position or job.

(10) Library. The institution shall have in its possession or direct control and readily available to its students and faculty a sufficient quality and variety of library holdings to support adequately its own curriculum. The holdings shall be catalogued and be readily accessible to students and faculty. The institution shall have adequate library facilities for the library holdings, space for study, and work space for the librarian and library staff. The librarian shall hold a graduate degree in library science from an institution accredited by a recognized accrediting agency or a regional accrediting agency. Arrangements for the use of library materials made with other libraries shall be formalized in writing, the collection shall be validated by the institution to be appropriate for the programs being offered, records of usage by the students shall be kept, and the library shall be reasonably accessible to the students and faculty.

(11) Facilities. The institution shall have adequate space, equipment, instructional materials to provide education of good quality.

(12) Financial resources and stability. The institution shall have adequate financial resources and financial stability to provide education of good quality and to be able to fulfill its commitments to students. The institution shall have sufficient reserves so that, together with tuition and fees, it would be able to complete its educational obligations to currently enrolled students if it were unable to admit any new students.

(13) Financial records. Financial records and reports of the institution shall be kept and made separate and distinct from those of any affiliated or sponsoring person or entity. Financial records and reports shall be in accordance with the guidelines of the National Association of College and University Business Officers as set forth in College and University Business Administration, Fifth Edition, or such later editions as may be published. An annual independent audit of all fiscal accounts of the educational institution shall be authorized by the governing board and shall be performed by a properly authorized certified public accountant.

(14) Academic freedom and faculty security. The institution shall adopt and distribute to all members of the faculty a statement of academic freedom assuring freedom in teaching, research, and publication. All policies and procedures concerning promotion; tenure; and non-renewal or termination of appointments, including for cause, shall be clearly published in a faculty handbook and supplied to all faculty. The specific terms and conditions of employment of each faculty member shall be clearly described in a written document given to that faculty member and a copy retained by the institution.

(15) Academic records. Adequate records shall be securely maintained by the institution to show attendance, progress, or grades, and to assure that satisfactory guidelines are followed relating to attendance, progress, and performance. Two copies of said records shall be maintained in secure places. Transcripts shall be issued upon the request of the students.

(16) Catalog. The institution shall provide students and other interested persons with a catalog or brochure containing information describing the purpose, length, and objectives of the programs offered by the institution; schedule of tuition, fees, and all other charges and expenses necessary for completion of the course of study; cancellation and refund policies; and such other material facts concerning the institution and the program or course of instruction as are reasonably likely to affect the decision of the student to enroll therein. Any disclosures specified by the board or defined in the rules shall be included. This information shall be provided to prospective students prior to enrollment.

(17) Refund policy. The institution shall publish and adhere to a fair and equitable cancellation and refund policy.

(18) Credentials. Upon completion, the student shall be given appropriate educational credentials by the institution indicating that the program undertaken has been satisfactorily completed.

(19) Academic advising and counseling. The institution shall provide an effective program of academic advising for all students enrolled. The program shall include orientation to the academic program, academic and personal counseling, career information and planning, placement assistance, and testing services.

(20) Student handbook. A handbook listing the student's rights and responsibilities shall be published and supplied to the student upon enrollment in the institution. The institution shall establish a clear and fair policy regarding due process in disciplinary matters and publish it in the handbook.

(21) Health services. The institution shall provide an effective program of health services and education reflecting the needs of the students.

(22) Housing. The student housing owned, maintained, or approved by the institution, if any, shall be appropriate, safe, and adequate.

(23) Legal compliance. The institution shall be maintained and operated in compliance with all ordinances and laws, including rules and regulations adopted pursuant thereto, pertinent to the safety and health of all persons upon the premises.

(24) Open representation of activities. Neither the institution or its agents shall engage in advertising, recruiting, sales, collection, financial credit, or other practices of any type which are false, deceptive, misleading, or unfair.

(b) The board may accept as evidence of compliance with the standards established in this section the accreditation of an institution by selected accrediting agencies if the commissioner, or his designated representatives, have participated in the review by such an agency of the institution operating in Texas and concur with the actions of that agency. This option shall not be construed as giving exempt status to an applicant institution so accredited if it has not already been exempted under §5.212(a) (1) of this title (relating to Exemptions); nor is it to be understood that the board may not require further evidence and make further investigations concerning whether the institution should be authorized to operate in Texas.

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

Issued in Austin, Texas, on December 29, 1992.

TRD-9217151

James McWhorter
Assistant Commissioner for
Administration
Texas Higher Education
Coordinating Board

Effective date: January 25, 1993

Proposal publication date: September 11, 1992

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

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Chapter 17. Campus Planning

Subchapter B. Criteria for Approval of New Construction and Major Repair and Rehabilitation

• 19 TAC §17.24

The Texas Higher Education Coordinating Board adopts an amendment to §17.24 concerning new construction, with changes to the proposed text as published in the September 11, 1992, issue of the *Texas Register* (17 TexReg 6252).

The effect of this change would be that the Board will evaluate the institution's plans to totally eliminate critical deferred maintenance by 1995 when reviewing submissions for new construction projects, instead of requiring institutions to reduce their 1991 total deferred maintenance by 15% each year for the next five years.

The state's investment in buildings at institutions of higher education will be better protected from costly deterioration.

Three letters with comments were received regarding this rule change. One supports the adoption of the rule, another prefers the existing rule that calls for an annual 15% reduction of deferred maintenance and the third states that the rule does not give the Coordinating Board enough guidance in making decisions on specific projects. In addition, the Campus Planning Committee asked the staff to include in the rule a statement that the total amount of accumulated deferred maintenance should not exceed 5.0% of the replacement value of an institution's educational buildings. The committee believes that this will convey the Board's expectations more clearly.

Commenting in favor of the section were Texas Tech University and The University of North Texas. The University of Houston System commented against the section.

Changes were made to the section in order to convey the Board's expectations more clearly.

The amendment is adopted under the Texas Education Code, §§61.0572, 61.058, 61.0582, and 61.0583, which provides the Coordinating Board with the authority to adopt rules regarding new construction.

§17.24. New Construction.

(a) (No change.)

(b) In addition to other criteria that may be used by the Board, the following information will be used in the evaluation of new construction of educational and general space.

(1) The plan established by each institution to eliminate and prevent the accumulation of critical deferred maintenance must address how critical deferred maintenance would be eliminated by the end of fiscal year 1995 and specifically identify

both the amount and the source of funds to be allocated for critical deferred maintenance. The acceptable level of critical deferred maintenance is zero, therefore the Board will not approve new construction of educational and general space at an institution that is not carrying out its plan to eliminate critical deferred maintenance. For a particular project, the Board may waive this requirement upon a determination by the Board that the effective and efficient management of physical plants requires a waiver.

(2) The amount of an institution's accumulated deferred maintenance in educational and general space as a percentage of its total educational and general building replacement value should not exceed 5.0%.

(3) A forecast of the future cost of maintaining an institution's existing facilities. At a minimum this forecast should indicate the funds required for the institution's facilities renewal and replacement program.

(4) The projected or estimated cost of all mandated or legislated facilities requirements.

(5) The institution's prior record in managing its facilities, including its record in preventing, reducing, or eliminating critical deferred maintenance.

(c) The information described in subsection (b) of this section should be included in the annual October 15 update of each institution's campus master plan described in §17.23 of this title (relating to Campus Master Plans).

(d) The following definitions shall be used in carrying out the provisions of these rules.

(1) Accumulated deferred maintenance. Projects from prior years and the current year that were not included in the maintenance program because of perceived lower priority status than those funded within the budget. Deferred maintenance includes postponed renewal and replacement maintenance, unperformed unscheduled major repair, and planned maintenance.

(2) Critical deferred maintenance. Accumulated deferred maintenance projects that place facilities, occupants, or mission at risk if left undone.

(3) Newly mandated or legislated facilities requirements. Includes all projects to retrofit for energy conservation, newly recognized health and life safety standards, and environmental or social policy requirements, such as PCB removal, asbestos abatement, and accessibility requirements.

(4) Facilities renewal and replacement programs. A program for known future cyclic repair and replacement requirements which extends the life and retains the usable condition of campus facilities, components, and systems that are not normally contained in the annual operating budget. Rebuilding or replacement in structural areas larger than individual spaces of walls, ceilings or floors; replacement of mechanical, ventilation, cooling or electrical systems, structural components or roofs. Replacement of doors, windows, ceilings, and floor coverings throughout a building or a complete level of a building. This includes major activities that have a renewal cycle in excess of one year, such as replacement of roofs, replacement of classroom seating (even in one classroom), painting buildings, resurfacing roads, replacement of equipment (boilers, chillers, transformers), and similar items.

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

Issued in Austin, Texas, on December 29, 1992.

TRD-9317149

James McWhorter
Assistant Commissioner for
Administration
Texas Higher Education
Coordinating Board

Effective date: January 25, 1993

Proposal publication date: September 11, 1992

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

Chapter 21. Student Services

Subchapter B. Determining Residence Status

• 19 TAC §21.26

The Texas Higher Education Coordinating Board adopts an amendment to §21.26 concerning economic development and diversification employees, without changes to the proposed text as published in the September 11, 1992, issue of the *Texas Register* (17 TexReg 6254).

Educational institutions and taxpayers will benefit by collection of additional amounts from those excluded from benefits.

The amendment is being made to apply a time limitation to those eligible for benefits under the statute. Persons employed by eligible organizations who move to the state more than five years after the organization qualified for benefits will be excluded.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Texas Education Code, §§54.053 and §54.0152, which provides the Coordinating Board with

the authority to adopt rules regarding Determining Residence Status (Economic Development and Diversification Employees).

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

Issued in Austin, Texas, on December 29, 1992.

TRD-9317153

James McWhorter
Assistant Commissioner for
Administration
Texas Higher Education
Coordinating Board

Effective date: January 25, 1993

Proposal publication date: September 11, 1992

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

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Subchapter L. Paul Douglas Teacher Scholarship Program

- 19 TAC §§21.304, 21.306, 21.308, 21.310, 21.314, 21.316, 21.319, 21.321

The Texas Higher Education Coordinating Board adopts amendments to §§21.304, 21.306, 21.308, 21.310, 21.314, 21.316, 21.319, and 21.321, without changes to the proposed text as published in the September 11, 1992, issue of the *Texas Register* (17 TexReg 6254).

Student recipients will benefit from the revised provisions.

The amendments to the rules are required to bring the program into compliance with federal rules. The changes will generally work to the benefit of students enrolled in the program.

No comments were received regarding adoption of the amendments.

The amendments are adopted under the Texas Education Code, §§52.54, 61.027, and 61.051 which provides the Coordinating Board with the authority to adopt rules regarding the Paul Douglas Teacher Scholarship Program.

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

Issued in Austin, Texas, on December 29, 1992.

TRD-9317154

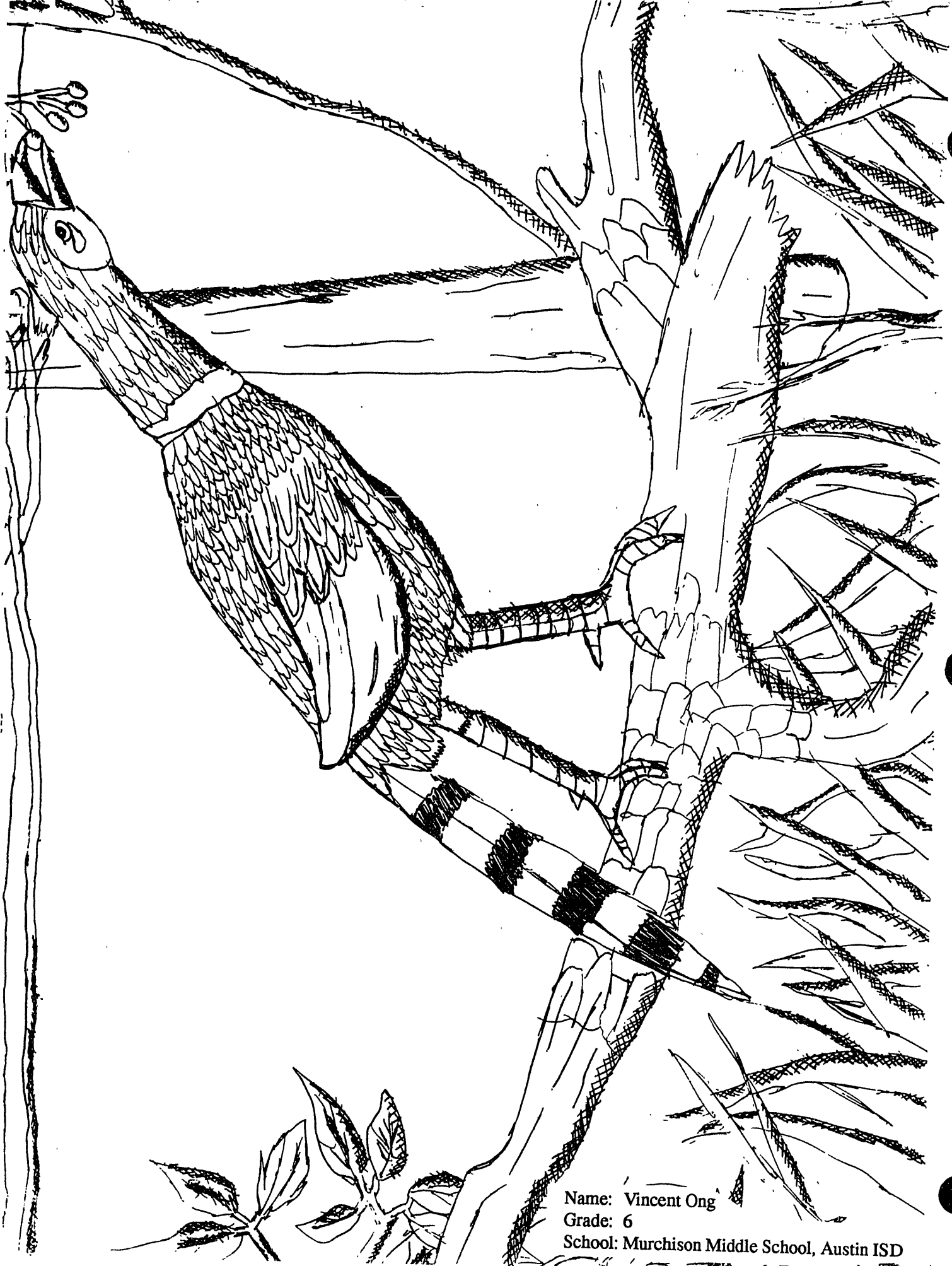
James McWhorter
Assistant Commissioner for
Administration
Texas Higher Education
Coordinating Board

Effective date: January 25, 1993

Proposal publication date: September 11, 1992

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

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Name: Vincent Ong
Grade: 6
School: Murchison Middle School, Austin ISD

Open Meetings

Agencies with statewide jurisdiction must give at least seven days notice before an impending meeting. Institutions of higher education or political subdivisions covering all or part of four or more counties (regional agencies) must post notice at least 72 hours prior to 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 named 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. Emergency meeting notices filed by all governmental agencies will be published.

Posting of open meeting notices. All notices are posted on the bulletin board at the Office of the Secretary of State in lobby of 221 East 11th Street, Austin. These notices may contain 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, January 13, 1993, 6 p.m. The Texas Department of Agriculture will meet at the Runnels County Courthouse, Second Floor Courtroom, Ballinger. According to the complete agenda, the department will hold a public hearing to receive public comment on proposed special exemptions for Runnels County concerning the application of regulated herbicides.

Contact: Lynn Howard, P.O. Box 12847, Austin, Texas 78711, (512) 475-1677.

Filed: December 31, 1992, 11:57 a.m.

TRD-9217114

Texas Bond Review Board

Tuesday, January 12, 1993, 9:30 a.m. The Staff of the Texas Bond Review Board will meet at the Sam Houston Building, Room 117, 201 East 14th Street, Austin. According to the agenda summary, the staff will call the meeting to order; board and staff planning meeting; discuss approval of minutes; proposed issues; other business; adjourn; call the meeting to order; board meeting; meet in executive session to consider applicants for executive director position; consider and possibly vote on selection of executive director; and adjourn.

Contact: Beverly S. Bunch, 300 West 15th Street, Suite 409, Austin, Texas 78701, (512) 463-1741.

Filed: January 4, 1993, 4:15 p.m.

TRD-9317186

Thursday, January 14, 1993, 1:30 p.m. The Staff of the Texas Bond Review Board

will meet at the Central Services Building, Room 402, 1711 San Jacinto Street, Austin. According to the agenda summary, the staff will call the meeting to order; discuss primary lottery; secondary lottery; and adjourn.

Contact: Beverly S. Bunch, 300 West 15th Street, Suite 409, Austin, Texas 78701, (512) 463-1741.

Filed: January 4, 1993, 4:07 p.m.

TRD-9317183

Texas Department of Commerce

Tuesday, January 12, 1993, 1 p.m. The International Trade Commission of the Texas Department of Commerce will meet at the First City Centre Building, 11th Floor Board Room, 816 Congress Avenue, Austin. According to the agenda summary, the commission will call the meeting to order; adopt minutes from October 14, 1992, meeting; hear legislative report; discuss proposed legislative recommendations pursuant to §481.324(a)(4), Texas Government Code; and adjourn.

Contact: Richard Hall, Suite 1100, 816 Congress Avenue, Austin, Texas 78701, (512) 320-9672.

Filed: January 4, 1993, 3:51 p.m.

TRD-9317179

Tuesday, January 12, 1993, 4 p.m. The Texas-New Mexico Authority Advisory Board of the Texas Department of Commerce will meet at the First City Centre Building, 11th Floor Board Room, 816 Congress Avenue, Austin. According to the agenda summary, the commission will call

the meeting to order; adopt minutes from October 14, 1992, meeting; hear legislative report-discussion of annual report required by §421.0075(f), Texas Government Code; execution of resolution in support of NAFTA; and adjourn.

Contact: Richard Hall, Suite 1100, 816 Congress Avenue, Austin, Texas 78701, (512) 320-9672.

Filed: January 4, 1993, 3:51 p.m.

TRD-9317180

Texas Department of Criminal Justice

Monday-Tuesday, January 11-12, 1993, 8 a.m. The Board of Pardons and Paroles of the Texas Department of Criminal Justice will meet at 4949 West 34th Street, Suite 115, Houston. According to the agenda summary, a panel (composed of three board members) will receive, review and consider information and reports concerning prisoners/inmates and administrative releases subject to the board's jurisdiction and initiate and carry through with appropriate action.

Contact: Michael F. Miller, 8610 Shoal Creek Boulevard, Austin, Texas 78758, (512) 406-5863.

Filed: December 31, 1992, 3:42 p.m.

TRD-9217141

Monday-Tuesday, January 11-12, 1993, 8 a.m. The Board of Pardons and Paroles of the Texas Department of Criminal Justice will meet at 321 Center Street, Suite 2074, San Antonio. According to the agenda summary, a panel (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 action.

Contact: Michael F. Miller, 8610 Shoal Creek Boulevard, Austin, Texas 78758, (512) 406-5863.

Filed: December 31, 1992, 3:42 p.m.

TRD-9217142

Monday-Tuesday, January 11-12, 1993, 8 a.m. The Board of Pardons and Paroles of the Texas Department of Criminal Justice will meet at 1010 Cadiz Street, Suite 105, Dallas. According to the agenda summary, a panel (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 action.

Contact: Michael F. Miller, 8610 Shoal Creek Boulevard, Austin, Texas 78758, (512) 406-5863.

Filed: December 31, 1992, 3:42 p.m.

TRD-9217143

Texas Employment Commission

Tuesday, January 12, 1993, 8:30 a.m. The Texas Employment Commission will meet at the TEC Building, Room 644, 101 East 15th Street, Austin. According to the agenda summary, the commission will discuss approval of prior meeting notes; meet in executive session to discuss relocation of agency headquarters and consider settlement offer in Panandiker versus TEC, et al; actions, if any resulting from executive session; approval of expenditure of approximately \$45,000 for new wallcovering, cove base, door refinishing and in-house painting at main corridors and elevator lobbies, floors two through six, headquarters building; consideration and possible adoption of policy regarding resource conservation and recycling; consideration of proposed or pending legislation and possible action with respect thereto; internal procedures of commission appeals; consideration and action on tax liability cases and higher level appeals in unemployment compensation cases listed on Commission Docket 2; and set date of next meeting.

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

Filed: January 4, 1993, 4:11 p.m.

TRD-9317185

Texas Commission on Fire Protection

Tuesday, January 12, 1993, 9 a.m. The Fire Alarm Advisory Council of the Texas Commission on Fire Protection will meet at 3006B Longhorn Boulevard, Austin. According to the agenda summary, the council will review/discuss written comments to proposed rule amendments, new sections, and repeals; consider and discuss oral comments to proposed rule amendments, new sections, and repeals; discuss and possibly act on recommendations to the commission on possible changes to fire alarm rules as proposed in the *Texas Register* based on oral and written comments.

Contact: Jack Woods, 3006B Longhorn Boulevard, Austin, Texas 78559-6735, (512) 873-1700.

Filed: January 4, 1993, 3:28 p.m.

TRD-9317178

Wednesday-Friday, January 13-15, 1993, 9 a.m. (Revised agenda). The Texas Commission on Fire Protection will meet at 3006B Longhorn Drive, Austin. According to the revised agenda summary, the commission will discuss and possibly act on staff proposal to establish fees and minimum class size for written examinations and performance examinations pursuant to Texas Government Code, §419.026(b); discuss and possibly act on staff proposal to establish fees for certification and renewal of approved training facilities for fire protection personnel pursuant to Texas Government Code §419.028; and discuss and possibly act regarding the possibility of establishment of statewide mutual aid agreements between fire departments.

Contact: Jack Woods, 3006B Longhorn Boulevard, Austin, Texas 78559-6735, (512) 873-1700.

Filed: January 4, 1993, 3:15 p.m.

TRD-9317177

General Land Office

Wednesday, January 13, 1993, 11 a.m. The Veterans Land Board of the General Land Office will meet at the Stephen F. Austin Building, Room 831, Austin. According to the agenda summary, the board

will discuss approval of the November 16, 1992 and November 30, 1992 minutes; resolution authorizing the issuance and sale of State of Texas Veterans Land Bonds Series 1993; action regarding sale of Land Bonds considered appropriate and/or necessary; setting loan rate in Land Program; resolution authorizing the issuance and sale of State of Texas Veterans Housing Assistance Bonds, Series 1993; action regarding sale of Housing Bonds considered appropriate and/or necessary; setting loan rates in Housing Program; claim involving VLB Account 491-112839; long term interest rates for veterans and non-veterans taking transfers on Type II forfeited tracts; extend sale of Type II forfeited land tracts; order for sale; set date for Type I forfeited land sale; and discuss investments and bank deposits.

Contact: Mae Vrazel, 1700 North Congress Avenue, Austin, Texas 78701, (512) 463-5340.

Filed: January 4, 1993, 2:09 p.m.

TRD-9317168

Health and Human Services Commission

Wednesday, January 13, 1993, 9:15 a.m. The Medical Care Advisory Committee of the Health and Human Services Commission will meet at 701 West 51st Street, First Floor, East Tower, Public Hearing Room, Austin. According to the complete agenda, the committee will hear opening comments; HHS commissioner's comments; Medicaid director's comments; discuss approval of minutes; transfer of resources; ICF-MR standards regarding provider applications; ICF-MR reconsideration of level of care dates; deletion of freedom of choice pharmacy providers; revision of Bienvivir waiver reimbursement methodology; CLASS and IH/RSP rules; primary home care rules; CLASS institution cap for financial eligibility; deletion of duplicate rule; OMB income limit clarification; case management policies; feedback on advisory committee recommendations; and set next meeting date.

Contact: Geri Willems, P.O. Box 13247, Austin, Texas 78711, (512) 502-3256.

Filed: January 5, 1993, 8:53 a.m.

TRD-9317190

Texas Department of Housing and Community Affairs

Monday, January 11, 1993, 10 a.m. The Board of Directors of the Texas Department of Housing and Community Affairs will meet at 811 Barton Springs Road, Suite 300, Austin. According to the agenda summary, the board will consider and possibly act on the following items: public comment; Housing Trust Fund and HOME programs; community affairs; marketing and development; Housing Finance and Development; Legislative; financial and accounting; audited financial statements; unencumbered funds balances; committee reassignments; and meet in executive session. Individuals who require auxiliary aids or services for this meeting should contact Aurora Carvajal, ADA Responsible Employee at (512) 475-3822, or Relay Texas at 1-800-735-2989 at least two days before the meeting so that appropriate arrangements can be made.

Contact: Susan Leigh, 811 Barton Springs Road, Austin, Texas 78704, (512) 475-3937.

Filed: December 31, 1992, 1:26 p.m.

TRD-9217113

Texas Department of Insurance

Tuesday, January 12, 1993, 9 a.m. The Commissioner's Hearing Section of the Texas Department of Insurance will meet at 333 Guadalupe Street, Hobby II, Fourth Floor, Austin. According to the complete agenda, the section will conduct a public hearing to consider the appeal by Maintenance, Inc. of the application of the National Council on Compensation Insurance Experience Modifier and action taken by the agency in Freezing Workers' Compensation Rates. Docket Number 1968.

Contact: Kelly Townsell, 333 Guadalupe Street, Hobby I, Austin, Texas 78701, (512) 475-2983.

Filed: January 4, 1993, 3:14 p.m.

TRD-9317174

Tuesday, January 12, 1993, 9 a.m. The Commissioner's Hearing Section of the Texas Department of Insurance will meet at 333 Guadalupe Street, Hobby II, Fourth Floor, Austin. According to the complete agenda, the section will conduct a public hearing to consider whether disciplinary action should be taken against Cumberland Casualty and Surety Company who holds a certificate of authority. Docket Number 11635.

Contact: Kelly Townsell, 333 Guadalupe Street, Hobby I, Austin, Texas 78701, (512) 475-2983.

Filed: January 4, 1993, 3:14 p.m.

TRD-9317175

Tuesday, January 12, 1993, 9 a.m. The Commissioner's Hearing Section of the Texas Department of Insurance will meet at 333 Guadalupe Street, Hobby II, Fourth Floor, Austin. According to the complete agenda, the section will conduct a public hearing to consider whether disciplinary action should be taken against Norman Ray McCord of Dallas, who holds a Group I, Legal Reserve Life Insurance Agent's license, Group II Life Insurance Agent's license and HMO Agent for Single Health Care Service Plan Agent's license. Docket Number 11626.

Contact: Kelly Townsell, 333 Guadalupe Street, Hobby I, Austin, Texas 78701, (512) 475-2983.

Filed: January 4, 1993, 3:14 p.m.

TRD-9317176

Wednesday, January 13, 1993, 9 a.m. The Commissioner's Hearing Section of the Texas Department of Insurance will meet at 333 Guadalupe Street, Hobby II, Fourth Floor, Austin. According to the complete agenda, the section will conduct a public hearing to consider whether Empire Lloyds Insurance Company has complied with Commissioner's Order 92-2001, dated November 16, 1992 creating state of supervision. Docket Number 11609.

Contact: Kelly Townsell, 333 Guadalupe Street, Hobby I, Austin, Texas 78701, (512) 475-2983.

Filed: January 4, 1993, 3:13 p.m.

TRD-9317173

Board of Law Examiners

Friday-Saturday, Monday, January 15-16, and 18, 1993, 8:30 a.m. The Board of Law Examiners will meet at 510 South Congress Avenue, Suite 116, Austin. According to the agenda summary, the board will consider approval of minutes; discuss finance reports; investment reports; consider various staff reports; hold public hearings on character and fitness matters; consider rule amendments; review bar exam questions; consider policy matters; consider special requests; consider information about the February 1993 bar exam; hear communications from the public; and conduct formal reviews of July 1992 exams.

Contact: Rachael Martin, P.O. Box 13486, Austin, Texas 78711-3486, (512) 463-1621, FAX (512) 463-5300.

Filed: December 31, 1992, 1:19 p.m.

TRD-9217110

Sunday, January 17, 1993, 8:30 a.m. The Board of Law Examiners will meet at the Four Seasons Hotel, 99 San Jacinto Street, Austin. According to the agenda summary, the board will consider approval of minutes; financial reports; investment reports; consider various staff reports; hold public hearings on character and fitness matters; consider rule amendments; review bar exam questions; consider policy matters; consider special requests; consider information about the February 1993 bar exam; hear communications from the public; and conduct formal reviews of July 1992 exams.

Contact: Rachael Martin, P.O. Box 13486, Austin, Texas 78711-3486, (512) 463-1621, FAX (512) 463-5300.

Filed: December 31, 1992, 1:19 p.m.

TRD-9217111

Texas Department of Licensing and Regulation

Thursday, January 14, 1993, 9 a.m. The Inspections and Investigations; Career Counseling of the Texas Department of Licensing and Regulation will meet at 920 Colorado Street, E. O. Thompson Building, Third Floor Conference Room, Austin. According to the complete agenda, the department will hold an administrative hearing to consider the possible assessment of an administrative penalty and denial, suspension or revocation of the license for Williams and McDaniel for violation of 16 TAC, Chapter 62, Vernon's Texas Civil Statutes, Article 5221a-8 and 9100.

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

Filed: January 4, 1993, 4:22 p.m.

TRD-9317188

Texas State Board of Medical Examiners

Tuesday, January 12, 1993, 8:30 a.m. (Revised agenda). The Texas State Board of Medical Examiners will meet at 1812 Centre Creek Drive, Suite 300, Austin. According to the complete agenda, the board will call the meeting to order; take roll call; discuss items to include Sunset Review; legislative issues; confidentiality of mail; meet in executive session under the authority of Article 6252-17, §2(g) to discuss personnel matters, open session for action on personnel matters; executive session under the authority of Article 6252-17, §2(e) to discuss pending litigation; open session

for consideration of approval or disapproval of agreement between Deborah Spiva, M.D. and the Texas State Board of Medical Examiners; and adjourn.

Contact: Pat Wood, P.O. Box 149134, Austin, Texas 78714-9134, (512) 834-4502.

Filed: January 4, 1993, 4:05 p.m.

TRD-9317182

Public Utility Commission of Texas

Tuesday, January 12, 1993, 10 a.m. The Hearings Division of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450, Austin. According to the complete agenda, the division will hold a joint prehearing conference in Docket Number 11119-application of Century Telephone Enterprises, Inc. for approval of calculation of House Bill 11 tax adjustment factors for 1992 pursuant to PUC Substantive Rule 23.21(d).

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

Filed: December 31, 1992, 3:16 p.m.

TRD-9217138

Tuesday, January 12, 1993, 10 a.m. The Hearings Division of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450, Austin. According to the complete agenda, the division will hold a joint prehearing conference in Docket Number 11045-application of North Texas Telephone Company for approval of calculation of House Bill 11 tax adjustment factors for 1992 pursuant to PUC Substantive Rule 23.21(d).

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

Filed: December 31, 1992, 3:16 p.m.

TRD-9217137

Tuesday, January 12, 1993, 10 a.m. The Hearings Division of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450, Austin. According to the complete agenda, the division will hold a joint prehearing conference in Docket Number 11044-application of Electra Telephone Company for approval of calculations of House Bill 11 tax adjustment for 1992 pursuant to PUC Substantive Rule 23.21(d).

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

Filed: December 31, 1992, 3:16 p.m.

TRD-9217136

Tuesday, January 12, 1993, 10 a.m. The Hearings Division of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450, Austin. According to the complete agenda, the division will hold a joint prehearing conference in Docket Number 11041-application of Southwest Texas Telephone Company for waiver of Substantive Rule 23.21(d)(1) (House Bill 11 tax adjustment factors for 1992).

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

Filed: December 31, 1992, 3:16 p.m.

TRD-9217135

Tuesday, January 12, 1993, 10 a.m. The Hearings Division of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450, Austin. According to the complete agenda, the division will hold a joint prehearing conference in Docket Number 11039-application of GTE Southwest, Inc. for approval of calculation of House Bill 11 tax adjustment factors for 1992 pursuant to PUC Substantive Rule 23.21(d).

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

Filed: December 31, 1992, 3:16 p.m.

TRD-9217134

Tuesday, January 12, 1993, 10 a.m. The Hearings Division of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450, Austin. According to the complete agenda, the division will hold a joint prehearing conference in Docket Number 11037-application of Texas Utilities Electric Company for approval of calculation of House Bill 11 tax adjustment factors for 1992 pursuant to PUC Substantive Rule 23.21(d).

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

Filed: December 31, 1992, 3:16 p.m.

TRD-9217133

Tuesday, January 12, 1993, 10 a.m. The Hearings Division of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450, Austin. According to the complete agenda, the division will hold a joint prehearing conference in Docket Number 11036-application of Southwestern Public Service Company for approval of calculation of House Bill 11 tax adjustment factors.

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

Filed: December 31, 1992, 3:16 p.m.

TRD-9217132

Tuesday, January 12, 1993, 10 a.m. The Hearings Division of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450, Austin. According to the complete agenda, the division will hold a joint prehearing conference in Docket Number 11035-application of Texas-New Mexico Power Company for approval of House Bill 11 adjustment factors.

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

Filed: December 31, 1992, 3:15 p.m.

TRD-9217131

Tuesday, January 12, 1993, 10 a.m. The Hearings Division of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450, Austin. According to the complete agenda, the division will hold a joint prehearing conference in Docket Number 11032-application of Southwestern Electric Service Company for approval of calculations of House Bill 11 tax adjustment factors for 1992 pursuant to PUC Substantive Rule 23.21.

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

Filed: December 31, 1992, 3:15 p.m.

TRD-9217130

Tuesday, January 12, 1993, 10 a.m. The Hearings Division of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450, Austin. According to the complete agenda, the division will hold a joint prehearing conference in Docket Number 11025-application of AT&T Communications of the Southwest, Inc. for approval of calculation of House Bill 11 tax adjustment factors for 1992 pursuant to PUC Substantive Rule 23.21(d).

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

Filed: December 31, 1992, 3:15 p.m.

TRD-9217129

Tuesday, January 12, 1993, 10 a.m. The Hearings Division of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450, Austin. According to the complete agenda, the division will hold a joint prehearing conference in Docket Number 10940-application of Sugar Land Telephone Company for approval of calculation of House Bill 11 tax adjustment factors for 1992 pursuant to PUC Substantive Rule 23.21(d).

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

Filed: December 31, 1992, 3:15 p.m.

TRD-9217128

Tuesday, January 12, 1993, 10 a.m. The Hearings Division of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450, Austin. According to the complete agenda, the division will hold a joint prehearing conference in Docket Number 10895-application of Lufkin-Conroe Telephone Exchange, Inc. for approval of calculation of House Bill 11 tax adjustment factors for 1992 pursuant to PUC Substantive Rule 23. 21(d).

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

Filed: December 31, 1992, 3:15 p.m.

TRD-9217127

Tuesday, January 12, 1993, 10 a.m. The Hearings Division of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450, Austin. According to the complete agenda, the division will hold a joint prehearing conference in Docket Number 10877-application of Southwestern Electric Power Company for approval of calculation of House Bill 11 tax adjustment factors for 1992 pursuant to PUC Substantive Rule 21.21(d).

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

Filed: December 31, 1992, 3:15 p.m.

TRD-9217126

Tuesday, January 12, 1993, 10 a.m. The Hearings Division of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450, Austin. According to the complete agenda, the division will hold a joint prehearing conference in Docket Number 10818-application of West Texas Utilities Company for approval of calculation of House Bill 11 tax adjustment factors for 1992 pursuant to Substantive Rule 21.21(d).

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

Filed: December 31, 1992, 3:15 p.m.

TRD-9217125

Tuesday, January 12, 1993, 1 p.m. The Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450, Austin. According to the complete agenda, the division will hold a prehearing conference in Docket Number 9796-petition of Southwestern Bell Telephone Company for a cease and desist order.

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

Filed: December 31, 1992, 3:17 p.m.

TRD-9217139

Friday, January 15, 1993, 9 a.m. The Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450, Austin. According to the complete agenda, the division will hold a prehearing conference in Docket Number 11681-application of United Telephone Company of Texas, Inc. for authority to locate and maintain certain records outside the state of Texas.

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

Filed: December 31, 1992, 3:15 p.m.

TRD-9217124

Friday, January 15, 1993, 1 p.m. The Hearings Division of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450, Austin. According to the complete agenda, the division will hold a prehearing conference in Docket Number 11690-application of Southwestern Bell Telephone Company for special amortization of the embedded net investment of items costing between \$200 and \$500.

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

Filed: January 4, 1993, 3:12 p.m.

TRD-9317171

Friday, January 29, 1993, 9 a.m. The Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450, Austin. According to the complete agenda, the division will hold a prehearing conference in Docket Number 11657-complaint of Frazier and Frazier Industries, Inc. against Southwestern Electric Service Company (SWESCO).

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

Filed: December 31, 1992, 3:14 p.m.

TRD-9217123

Railroad Commission of Texas

Monday, January 11, 1993, 9:30 a.m. The Railroad Commission of Texas will meet at the William B. Travis Building, 1701 North Congress Avenue, First Floor Conference Room 1-111, Austin. According to the agenda summary, the commission, pursuant to Article 6252-17, Vernon's Annotated Civil Statutes, will consider the following applications taken up for decision: revision of SWR 74 having to do with underground

hydrocarbon storage; promulgation of new SWR 97 having to do with underground storage of gas in salt formations; and amendment of SWR 46 having to do with fluid injection into productive reservoirs.

Contact: Jim McDougal, P.O. Box 12967, Austin, Texas 78711, (512) 463-6924.

Filed: December 31, 1992, 4:08 p.m.

TRD-9217146

Texas Rehabilitation Commission

Friday, January 8, 1993, 8:30 a.m. The Complaint Review Committee of the Texas Advisory Board of Occupational Therapy of the Texas Rehabilitation Commission will meet at 4900 North Lamar Boulevard, Room 7331, Austin. According to the agenda summary, the committee will call the meeting to order; review and discuss complaints; and adjourn.

Contact: Linda Vaclavik, 4900 North Lamar Boulevard, Austin, Texas 78751-2399, (512) 483-4072.

Filed: December 31, 1992, 1:57 p.m.

TRD-9217106

Friday, January 8, 1993, 9:15 a.m. The Texas Advisory Board of Occupational Therapy of the Texas Rehabilitation Commission will meet at 4900 North Lamar Boulevard, Room 7331, Austin. According to the agenda summary, the board will call the meeting to order; discuss approval of the minutes of November 3, 1992 meeting; report from Complaint Review Committee; report from Texas Occupational Therapy Association; review of proposed TABOT rule revisions; and adjourn.

Contact: Linda Vaclavik, 4900 North Lamar Boulevard, Austin, Texas 78751-2399, (512) 483-4072.

Filed: December 31, 1992, 1:57 p.m.

TRD-9217105

Sunset Advisory Commission

Wednesday-Thursday, January 13-14, 1993, 9 a.m. The Sunset Advisory Commission will meet at the Capitol Extension, Room E2.012, Austin. According to the agenda summary, on Wednesday, the commission will call the meeting to order; discuss approval of minutes; and decisions on Texas Department of Insurance/Office of Public Insurance Counsel and the Health Licensing Boards (20 agencies).

Contact: Susan Kinney, 1400 Congress Avenue, Austin, Texas 78701, (512) 463-1300.

Filed: January 4, 1993, 4:16 p.m.

TRD-9317187

Texas Department of Transportation

Wednesday, January 20, 1993, 9 a.m. The Environmental Advisory Committee of the Texas Department of Transportation will meet at the Dewitt C. Greer Building, 125 East 11th Street, First Floor-Red Room, Austin. According to the agenda summary, the committee will discuss approval of minutes; discuss request to Texas Transportation Commission regarding public input during meetings of the committee; presentation on transportation enhancement program eligibility requirements; final review of proposed rulemaking concerning a memorandum of understanding with the Texas Air Control Board; preliminary review of proposed rulemaking concerning transportation corporations; staff presentations on historic bridge preservation and lead paint removal and disposal.

Contact: Roland Gamble, 125 East 11th Street, Austin, Texas 78701, (512) 475-0701.

Filed: January 5, 1993, 9:41 a.m.

TRD-9317201

Texas Veterans Commission

Friday, January 22, 1993, 11 a.m. The Texas Veterans Commission will meet in the Austin Room, Doubletree Hotel, 6505 North IH-35, Austin. According to the complete agenda, the commission will consider reports of commission; discuss approval of the minutes of the first quarterly meeting; discuss matters concerning the upcoming legislative session, proposed veterans legislation; and make decisions regarding administrative matters pertaining to veterans counseling and assistance.

Contact: Douglas K. Brown, P.O. Box 12277, Austin, Texas 78711, (512) 463-5538.

Filed: December 31, 1992, 11:58 a.m.

TRD-9217116

Texas Council on Vocational Education

Friday, January 29, 1993, 8:30 a.m. The Texas Council on Vocational Education will meet at the Sheraton Austin Hotel, Red River Meeting Room, 500 North IH-35, Austin. According to the agenda summary, the council will receive public testimony on vocational education issues in Texas; dis-

cuss the approval of the minutes of the Council's November 5, 1992, meeting; hear reports on conferences attended by Council members; take action on items relevant to the work of the council including involvement in the Governor's Council on Education and Economic Competitiveness; internal policy directives; council comments on the JTPA Rules and Regulations; council recommendations on the Master Plan for Vocational Education and development of a new council brochure; hold a discussion session with Lorraine Merrick, Senior Director for Vocational and Applied Technology Education, TEA, on the future direction of vocational education; receive updates from committee chairs on the work of their committees; receive an update on the Task Force on Vocational Field Agents and the Legislative Session; discuss upcoming meetings; council's schedule-of-work; council budget; and conduct other business.

Contact: Lynda S. Rife, P.O. Box 1886, Austin, Texas 78767, (512) 463-5490.

Filed: January 4, 1993, 9:31 a.m.

TRD-9217155

Texas Water Commission

Monday, January 11, 1993, 9:30 a.m. The Task Force 21: IHW Permits Section of the Texas Water Commission will hold an emergency meeting at the Reagan Building, 105 West 15th Street, Room 107, Austin. According to the complete agenda, the task force will discuss the following issues: draft solid waste strategic plan; draft siting/location standards rules; draft spill rules; upcoming rulemaking; update on permit processing report to legislature; update on revenue subcommittee; update on legislative reports from the TWC; and update on tank committee. The emergency status is necessary due to holidays and change in staff.

Contact: Leslie Bell, 1700 North Congress Avenue, Austin, Texas 78711, (512) 908-6611.

Filed: January 5, 1993, 9:32 a.m.

TRD-9317198

Wednesday, January 13, 1992, 9 a.m. (Revised agenda). The Texas Water Commission will meet at the Stephen F. Austin Building, 1700 North Congress Avenue, Room 118, Austin. According to the revised agenda summary, the commission will consider approving the application 02-5232A by Helen Porter Lowe and William J. Lowe for an Amendment to Certificate of Adjudication Number 02-5232.

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

Filed: January 4, 1993, 10:50 a.m.

TRD-9317163

Thursday-Friday, January 14-15, 1993, 9 a.m. The Texas Water Well Drillers Advisory Counsel of the Texas Water Commission will meet at the Stephen F. Austin Building, 1700 North Congress Avenue, Room 118, Austin. According to the agenda summary, the counsel will consider the following: WWD-93-01, Earl Haberman, Jr., No License; WWD-93-02, Dwight Northcutt, no license; WWD-93-03, Johnny Folmar, License Number 51761; WWD-93-04, Jack Burns, License Number 1948W; WWD-93-05, Gerald Rankin, No License; WWD-93-06, Jerry Jasek, License Number 2565W; WWD-93-07, James Fleck, License Number 1586W; WWD-93-08, Herbert Walker, License Number 971W; WWD-93-09, Dale Faught, Jr., License Number 2410W; WWD-93-10, David Hancock, License Number 2169W; WWD-93-11, David Hancock, License Number 2169W; and WWD-93-12, David Hancock, License Number 2169W.

Contact: Kathy Keils, 1700 North Congress Avenue, Austin, Texas 78711, (512) 463-8069.

Filed: January 5, 1993, 9:33 a.m.

TRD-9317200

Thursday-Friday, January 14-15, 1993, 9:30 a.m. The Texas Water Well Drillers Council of the Texas Water Commission will meet at the Stephen F. Austin Building, 1700 North Congress Avenue, Room 118, Austin. According to the agenda summary, the council will consider the approval of the minutes of its October 29, 1992, meeting; consider whether to set the following complaints for a formal hearing or appropriate legal action: David Coleman, Ronnie and Billy Davis. The council will consider complaint received from Ronald Turner alleges incompetent drilling services: Johnny Folmar, John Garcia, Junior Golightly, J. W. Greak, Jr., Marion Heisler, Mike O'Day, Billy Pearson, William Curtis Reel, Mike Richards, Brent Tjaden, John Webb, Glen Harlon Wells, Stephen and Rickie Willis, and Dale Jones. The council will consider the certification of applicants for registration; consider the applications for driller-trainee registration; consider Dwight Northcutt's requested reinstatement of his license; and the staff reports.

Contact: Kathy Keils, 1700 North Congress Avenue, Austin, Texas 78711, (512) 463-8069.

Filed: January 5, 1993, 9:32 a.m.

TRD-9317199

Regional Meetings

Meetings Filed December 31, 1992

The Brazos Valley Development Council Regional Advisory Committee on Aging met at the Council Offices, 3006 East 29th Street, Suite 2, Bryan, January 7, 1993, at 2 p.m. Information may be obtained from Roberta Lindquist, P.O. Drawer 4128, Bryan, Texas 77805-4128, (409) 776-2277. TRD-9217117.

The Cash Water Supply Corporation will meet at the Administration Office on FM 1564 East, Greenville, January 12, 1993, at 7 p.m. Information may be obtained from Donna Mohon, P.O. Box 8129, Greenville, Texas 75404, (903) 883-2695. TRD-9217115.

The Creedmoor Maha Water Supply Corporation Board of Directors met at 1699 Laws Road, Mustang Ridge, January 6, 1993, at 7 p.m. Information may be obtained from Charles P. Laws, 1699 Laws Road, Buda, Texas 78610, (512) 243-1991. TRD-9217122.

The Dallas Area Rapid Transit Rail Planning and Development Committee met at the DART Headquarters, 1401 Pacific Avenue, Conference Room C, Dallas, January 5, 1993, at 2 p.m. (Revised agenda). Information may be obtained from Nancy McKethan, 1401 Pacific Avenue, Dallas, Texas 75202, (214) 749-3347. TRD-9217109.

The Ellis County Appraisal District Appraisal Review Board met at 406 Sycamore Street, Waxahachie, January 7, 1993, at 9 a.m. Information may be obtained from Dorothy Phillips, P.O. Box 878, Waxahachie, Texas 75165, (214) 937-3552. TRD-9217145.

The Lamb County Appraisal District Agricultural Appraisal Advisory Board will meet at 330 Phelps Avenue, Littlefield, January 21, 1993, at 7 p.m. Information may be obtained from Vaughn E. McKee, P.O. Box 552, Littlefield, Texas 79339-0552, (806) 385-6474. TRD-9217120.

The Shackelford Water Supply Corporation Directors' met at the Fort Griffin Restaurant, Albany, January 6, 1993, at noon. Information may be obtained from E. D. Fincher, P.O. Box 1295, Albany, Texas 76430, (915) 762-2519. TRD-9217108.

Meetings Filed January 4, 1993

The Angelina and Neches River Authority Board of Directors held an emergency meeting at the Crown Colony Country Club, Azalea Room, Lufkin, January 6,

1993, at 10:30 a.m. The emergency status was necessary as the office was closed on Friday, January 1, 1993. Information may be obtained from Gary L. Neighbors, P.O. Box 387, Lufkin, Texas 75902-0387, (409) 632-7795, FAX (409) 632-2564. TRD-9317162.

The Angelina and Neches River Authority Pineywoods Solid Waste Agency Board of Directors will meet at the Jasper Municipal Building, City Hall, Counsel Chambers, 272 East Lamar Street, Jasper, January 15, 1993, at 10 a.m. Information may be obtained from Gary L. Neighbors, P.O. Box 387, Lufkin, Texas 75902-0387, (409) 632-7795, FAX (409) 632-2564. TRD-9317181.

The Ark-Tex Council of Governments Board of Directors will meet at the Special Events "On the Boulevard", Texarkana, January 12, 1993, at 6 p.m. Information may be obtained from Laurie Dean, P.O. Box 5307, Texarkana, Texas 75505-5307, (903) 832-8636. TRD-9217172.

The Barton Springs/Edwards Aquifer Conservation District Board of Directors met at 1124-A Regal Row, Austin, January 7, 1993, at 5 p.m. Information may be obtained from Bill Couch, 1124-A Regal Row, Austin, Texas 78748, (512) 282-8441. TRD-9317189.

The Bell-Milam-Falls Water Supply Corporation met at the WSC Office, West FM 485, Cameron, January 7, 1993, at 8:30 a.m. Information may be obtained from Dwayne Jekel, P.O. Drawer 150, Cameron, Texas 76520, (817) 697-4016. TRD-9317148.

The Big Country Quality Work Force Planning Cooperative will meet at the West Central Texas Council of Governments, 1025 East North Tenth Street, Abilene, January 20, 1993, at 10:30 a.m. Information may be obtained from Charles Dunnam, P.O. Box 3195, Abilene, Texas 79604, (915) 672-8544. TRD-9317169.

The Callahan County Appraisal District Board of Directors will meet at the Appraisal District Office, 130-A West Fourth Street, Baird, January 11, 1993, at 7 p.m. Information may be obtained from Jane Ringhoffer, P.O. Box 806, Baird, Texas 79504, (915) 854-1165. TRD-9317158.

The Gregg County Appraisal District Board of Directors will meet at 2010 Gilmer Road, Longview, January 11, 1993, at 9 a.m. Information may be obtained from Bill Carroll, 2010 Gilmer Road, Longview, Texas 75604, (903) 759-0015. TRD-9317157.

The Gregg County Appraisal District Appraisal Review Board will meet at 2010 Gilmer Road, Longview, January 12, 1993, at 9 a.m. Information may be obtained from Bill Carroll, 2010 Gilmer Road, Longview,

Texas 75604, (903) 759-0015. TRD-9317156.

The Heart of Texas Council of Governments Regional Review Committee will meet at 300 Franklin Avenue, Waco, January 12, 1993, at 9 a.m. Information may be obtained from Donna Teat, 300 Franklin Avenue, Waco, Texas 76701, (817) 756-7822. TRD-9217164.

The High Plains Underground Water Conservation District Number One Board of Directors will meet at 2930 Avenue Q, Conference Room, Lubbock, January 12, 1993, at 10 a.m. Information may be obtained from A. Wayne Wyatt, 2930 Avenue Q, Lubbock, Texas 79405, (806) 762-0181. TRD-9317170.

The Lower Neches Valley Authority Board of Directors held an emergency meeting at the LNVA Office Building, 7850 Eastex Freeway, Beaumont, January 6, 1993, at 10 a.m. The emergency status was necessary as holidays slowed the mail. Information may be obtained from A. T. Hebert, Jr., P.O. Drawer 3464, Beaumont, Texas 77704, (409) 892-4011. TRD-9317167.

The Nolan County Central Appraisal District Board of Directors will meet at the Nolan County Courthouse, Sweetwater, January 8, 1993, at 7 a.m. Information may be obtained from Steven G. Beck, P.O. Box 1256, Sweetwater, Texas 79556, (915) 235-8421. TRD-9317166.

The Tyler County Appraisal District Board of Directors met at 307 West Bluff Street, Woodville, January 7, 1993, at 4 p.m. (Revised agenda). Information may be obtained from Linda Lewis, P.O. Drawer 9, Woodville, Texas 75979, (409) 283-3736. TRD-9317165.

Meetings Filed January 5, 1993

The Canadian River Municipal Water Authority Board of Directors will meet at the Plainview Country Club, 2902 West Fourth, Plainview, January 13, 1993, at 10:30 a.m. Information may be obtained from John C. Williams, Box 99, Sanford, Texas 79078, (806) 865-3325. TRD-9317193.

The Education Service Center, Region XIII Board of Directors will meet at the ESC, Region XIII, ESC Conference Room 202-203, 5701 Springdale Road, Austin, January 11, 1993, at 12:45 p.m. Information may be obtained from Dr. Roy C. Benavides, 5701 Springdale Road, Austin, Texas 78723, (512) 929-1300. TRD-9317196.

The Lee County Appraisal District Appraisal Review Board will meet at 218 East

Richmond Street, Giddings, January 13, 1993, at 9 a.m. Information may be obtained from Delores Shaw, 218 East Richmond Street, Giddings, Texas 78942, (409) 542-9618. TRD-9317195.

The Sabine Valley Center Personnel Committee will meet at the Jefferson Independent School District Administrative Offices, 510 Line, Jefferson, January 11, 1993, at 10 a.m. Information may be obtained from Mack Blackwell, P.O. Box 6800, Longview, Texas 75608, (903) 758-2471. TRD-9317191.

The Sabine Valley Center Board of Trustees will meet at the Administration Building, 107 Woodbine Place, Bramlette Lane, Longview, January 11, 1993, at 7 p.m. Information may be obtained from Mack Blackwell, P.O. Box 6800, Longview, Texas 75608, (903) 758-2471. TRD-9317192.

The Upshur County Appraisal District Board of Directors will meet at the Upshur County Appraisal District Office, Warren and Trinity Street, Gilmer, January 11, 1993, at 1 p.m. Information may be obtained from Louise Stracener, P.O. Box 280, Gilmer, Texas 75644-0280. TRD-9317197.



In Addition

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

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

Texas Department of Health Licensing Actions for Radioactive Materials

The Texas Department of Health has taken actions regarding licenses for the possession and use of radioactive

materials as listed in the table below. The subheading labeled "Location" indicates the city in which the radioactive material may be possessed and/or used. The location listing "Throughout Texas" indicates that the radioactive material may be used on a temporary basis at job sites throughout the state.

NEW LICENSES ISSUED:

Location	Name	License#	City	Amend- ment #	Date of Action
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Houston	North Houston Imaging Center, Ltd.	L04591	Houston	0	12/10/92
Throughout Texas	Lewis Environmental Services	L04642	Gladewater	0	12/03/92
Webster	HIH Laboratory	L04638	Houston	0	12/08/92

AMENDMENTS TO EXISTING LICENSES ISSUED:

Location	Name	License#	City	Amend- ment #	Date of Action
-----	----	-----	----	-----	-----
Abilene	Humana Hospital - Abilene	L02434	Abilene	29	12/01/92
Abilene	Hendrick Medical Center	L02433	Abilene	38	12/10/92
Allen	Ecological Research and Management, Inc.	L04538	Allen	1	12/08/92
Amarillo	Syncor International Corporation	L03398	Amarillo	9	12/01/92
Arlington	In Vitro Technologies, Inc.	L03971	Arlington	7	12/08/92
Austin	Allan Shivers Radiation Therapy Center	L01761	Austin	28	12/03/92
Austin	Brackenridge Hospital	L00268	Austin	51	11/25/92
Austin	Seton Medical Center	L02896	Austin	28	11/30/92
Austin	Robert A. Laibovitz, M.D.	L02246	Austin	6	11/30/92
Baytown	San Jacinto Methodist Hospital	L02388	Baytown	12	12/01/92
Baytown	San Jacinto Methodist Hospital	L02388	Baytown	13	12/10/92
Borger	Golden Plains Community Hospital	L04369	Borger	2	11/30/92
Brenham	Trinity Community Medical Center of Brenham	L03419	Brenham	13	12/01/92
Conroe	Medical Center Hospital	L01769	Conroe	28	12/01/92
Corpus Christi	Cardiology Associates of Corpus Christi	L04611	Corpus Christi	2	11/30/92
Corpus Christi	Spohn Hospital	L02495	Corpus Christi	36	11/30/92
Corpus Christi	Radiology Associates	L04169	Corpus Christi	6	12/10/92
Dallas	Humana Hospital Medical City Dallas	L01976	Dallas	71	12/03/92
Dallas	Kaiser Foundation Health Plan of Texas	L03755	Dallas	14	11/24/92
Dallas	The U.T. Southwestern Medical Center at Dallas	L00384	Dallas	59	12/01/92
Dallas	Donald L. Levene, M.D., FACC	L03817	Dallas	9	12/03/92
Deer Park	The BF Goodrich Company	L03200	Deer Park	5	12/09/92
Deer Park	Akzo Chemicals Inc.	L04372	Deer Park	1	12/08/92
El Paso	Sierra Medical Center	L02365	El Paso	22	12/03/92
Fort Worth	Harris Methodist Hospital	L01837	Fort Worth	47	12/10/92

AMENDMENTS TO EXISTING LICENSES ISSUED CONTINUED:

Gonzales	Southern Clay Products, Inc.	L04103	Gonzales	9	12/10/92
Hobson	Everest Exploration, Inc.	L03626	Corpus Christi	11	11/30/92
Houston	Institute for Research, Inc.	L00516	Houston	18	11/30/92
Houston	Doctors Hospital	L01776	Houston	20	11/30/92
Houston	River Oaks Imaging and Diagnostic	L04342	Houston	6	11/30/92
Houston	General Welding Works, Inc.	L02895	Houston	24	11/25/92
Houston	The Methodist Hospital	L00457	Houston	67	12/01/92
Houston	TAPCO International, Inc.	L02475	Houston	11	12/04/92
Houston	M. W. Kellogg Company	L03660	Houston	3	11/30/92
Houston	Gulf Crest Portland Cement Company	L00673	Houston	19	12/07/92
Houston	Water Quality Services	L03743	Houston	2	12/10/92
Huntsville	Huntsville Memorial Hospital	L02822	Huntsville	5	11/30/92
Irving	Nichols Institute Laboratories North Texas, Ltd.	L04525	Irving	2	12/01/92
Irving	Irving Healthcare System	L02444	Irving	17	12/01/92
Jacksboro	Faith Community Hospital	L03231	Jacksboro	6	12/01/92
Lubbock	Methodist Hospital	L00483	Lubbock	73	12/01/92
Lufkin	Champion International Corporation	L03870	Lufkin	7	12/10/92
Midland	West Texas Nuclear Pharmacy	L04573	Midland	2	12/01/92
Mont Belvieu	Exxon Chemical Americas	L03119	Mont Belvieu	16	12/08/92
Pasadena	Pasadena Bayshore Medical Center	L00153	Pasadena	42	11/30/92
Pasadena	Ming K. Jeang, M.D.	L04345	Pasadena	4	12/03/92
Pasadena	Tri City Regional Hospital	L03502	Pasadena	9	12/01/92
Pasadena	Ethyl Corporation	L04072	Pasadena	7	12/03/92
Plano	HCA Medical Center Plano	L02032	Plano	24	12/01/92
San Antonio	Incarnate Word College	L02168	San Antonio	11	12/01/92
San Antonio	Southwest Texas Methodist Hospital	L00594	San Antonio	96	11/30/92
San Antonio	SmithKline Beecham Clinical Laboratories	L02417	San Antonio	16	12/01/92
San Antonio	Alamo Diagnostic Imaging Center	L04181	San Antonio	6	12/01/92
San Antonio	Humana Hospital - Metropolitan	L02232	San Antonio	23	12/01/92
Texarkana	Collom and Carney Clinic Association	L03773	Texarkana	6	12/01/92
Throughout Texas	Blazer Inspection	L04619	Texas City	2	11/24/92
Throughout Texas	Rogers Engineering Services	L03733	Brenham	7	11/24/92
Throughout Texas	Global X-Ray & Testing Corp.	L03663	Aransas Pass	26	11/24/92
Throughout Texas	Wilson Inspection X-Ray Services, Inc.	L04469	Corpus Christi	12	11/25/92
Throughout Texas	DEVELCO	L04452	Houston	15	11/24/92
Throughout Texas	Texas Nuclear Products	L03524	Round Rock	28	11/25/92
Throughout Texas	Non-Destructive Inspection Corporation	L02712	Lake Jackson	32	11/30/92
Throughout Texas	Baker Hughes Tubular Services, Inc.	L00916	Houston	47	12/02/92
Throughout Texas	Radiographic Specialists, Inc.	L02742	Houston	27	12/04/92
Throughout Texas	Sperry-Sun Drilling Services, Inc.	L02603	Houston	34	12/03/92
Throughout Texas	Industrial NDT Company, Inc.	L04570	Deer Park	4	12/04/92
Throughout Texas	Chevron U.S.A., Inc.	L02669	El Paso	7	12/04/92
Throughout Texas	Ultrasonic Specialists, Inc.	L01774	Houston	66	11/25/92
Throughout Texas	ACCO Perforators, Inc.	L04121	Corpus Christi	5	12/07/92
Throughout Texas	Aluminum Company of America	L04316	Rockdale	4	12/07/92
Throughout Texas	Wedge Wireline Inc.	L00315	Grand Prairie	73	12/04/92
Throughout Texas	H & G Inspection Company Inc.	L02181	Houston	73	12/08/92
Throughout Texas	Brown & Root, Inc.	L03391	Houston	16	12/08/92
Throughout Texas	Ground Technology Inc.	L03151	Houston	6	12/10/92
Throughout Texas	Shannon Lee Argo Testing Lab Inc.	L04472	Borger	2	12/10/92
Throughout Texas	AnAid, Inc.	L03171	Dickinson	27	12/10/92
Throughout Texas	Southwestern Laboratories Inc.	L00299	Houston	78	12/10/92

AMENDMENTS TO EXISTING LICENSES ISSUED CONTINUED:

Throughout Texas	Sunmount Corporation	L03799	Roanoke	7	12/09/92
Throughout Texas	D-Arrow Inspection, Inc.	L03816	Houston	36	12/08/92
Throughout Texas	Houston Inspection, Inc.	L04255	Huffman	19	12/08/92
Throughout Texas	Basin Industrial X-Ray Inc.	L02280	Corpus Christi	43	12/08/92
Throughout Texas	X-Cel MDE, Inc.	L03548	Odessa	20	12/08/92
Throughout Texas	W. H. Henken Industries, Inc.	L00967	Arlington	29	12/08/92
Throughout Texas	Century Inspection, Inc.	L00062	Odessa	58	12/08/92
Throughout Texas	Kooney X-Ray Inc.	L01074	Barker	63	12/08/92
Tyler	Cardiovascular Consultants, P.A.	L04517	Tyler	1	12/01/92
Tyler	Mother Frances Hospital	L01670	Tyler	45	11/30/92
Vinton	Border Steel Mills, Inc.	L03137	El Paso	7	12/03/92
Wichita Falls	Wichita General Hospital	L00350	Wichita Falls	44	12/01/92

RENEWALS OF EXISTING LICENSES ISSUED:

Location	Name	License#	City	Amend- ment #	Date of Action
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Alvin	Oxy Petrochemicals, Inc.	L03363	Alvin	11	11/25/92
Alvin	Amoco Chemical Corporation	L01422	Alvin	44	12/08/92
Borger	Cominco American, Incorporated	L02772	Borger	9	12/07/92
Dallas	Tri-City Health Center, Inc.	L02263	Dallas	17	12/04/92
Floresville	Wilson Memorial Hospital	L03471	Floresville	5	12/03/92
Fort Worth	General Dynamics Corporation	L01866	Fort Worth	8	12/10/92
Houston	Texas Southern University	L03121	Houston	8	11/30/92
Houston	Goodyear Tire and Rubber Company	L00264	Houston	20	11/25/92
Houston	Exxon Production Research Company	L00205	Houston	43	12/07/92
Pasadena	Lonza, Inc.	L02282	La Porte	8	11/30/92
San Antonio	Santa Rosa Health Care Corporation	L02237	San Antonio	30	11/25/92
Sherman	Johnson & Johnson Medical Inc.	L01870	Sherman	14	12/08/92
Throughout Texas	City of Midland	L01858	Midland	11	12/01/92
Throughout Texas	Geoscience Engineering & Testing Inc.	L04157	Houston	5	11/30/92
Throughout Texas	American Eagle Well Logging, Inc.	L04133	Wichita Falls	3	12/08/92
Throughout Texas	Cardinal Surveys Company	L00065	Odessa	64	12/10/92
Throughout Texas	Amarillo Testing & Engineering, Inc.	L02658	Amarillo	12	12/09/92
Tyler	The University of Texas Health Center at Tyler	L04117	Tyler	4	12/01/92
Victoria	Citizens Medical Center	L01544	Victoria	17	12/01/92

TERMINATIONS OF LICENSES ISSUED:

Location	Name	License#	City	Amend- ment #	Date of Action
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Irving	Murdock Engineering Company	L02880	Irving	5	12/08/92
Throughout Texas	Tejas Tubular Processing, Inc.	L04432	Houston	1	12/08/92

AMENDMENTS TO EXISTING LICENSES DENIED:

Location -----	Name -----	License# -----	City -----	Amend- ment # -----	Date of Action -----
Throughout Texas	Midland Inspection and Engineering	L03724	Odessa	0	11/19/92
Throughout Texas	Wilson Inspection X-Ray Services, Inc.	L04469	Corpus Christi	0	11/25/92
Throughout Texas	Wilson Inspection X-Ray Services Inc.	L04469	Corpus Christi	0	12/11/92
Throughout Texas	Midland Inspection and Engineering	L03724	Odessa	0	12/08/92

In issuing new licenses and amending and renewing existing licenses, the Texas Department of Health, Bureau of Radiation Control, has determined that the applicants are qualified by reason of training and experience to use the material in question for the purposes requested in accordance with Texas Regulations for Control of Radiation in such a manner as to minimize danger to public health and safety or property and the environment; the applicants' proposed equipment, facilities, and procedures are adequate to minimize danger to public health and safety or property and the environment; the issuance of the license(s) will not be inimical to the health and safety of the public or the environment; and the applicants satisfy any applicable special requirements in the Texas Regulations for Control of Radiation.

This notice affords the opportunity for a hearing on written request of a licensee, applicant, or person affected within 30 days of the date of publication of this notice. A person affected is defined as a person who is resident of a county, or a county adjacent to the county, in which the radioactive materials are or will be located, including any person who is doing business or who has a legal interest in land in the county or adjacent county, and any local government in the county; and who can demonstrate that he has suffered or will suffer actual injury or economic damage due to emissions of radiation. A licensee, applicant, or person affected may request a hearing by writing David K. Lacker, Chief, Bureau of Radiation Control (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas, 78756-3189.

Any request for a hearing must contain the name and address of the person who considers himself affected by Agency action, identify the subject license, specify the reasons why the person considers himself affected, and state the relief sought. If the person is represented by an agent, the name and address of the agent must be stated.

Copies of these documents and supporting materials are available for inspection and copying at the office of the Bureau of Radiation Control, Texas Department of Health, the Exchange Building, 8407 Wall Street, Austin, Texas, from 8 a.m. to 5 p.m. Monday-Friday (except holidays).

Issued in Austin, Texas, on December 16, 1992.

TRD-9217095 Robert A. MacLean, M.D.
Deputy Commissioner
Texas Department of Health

Filed: December 31, 1992

Notice of Public Hearings Regarding HIV Early Intervention Projects

The Texas Department of Health (department), HIV Services Program, has established an initiative to provide grants for early medical treatment and psychosocial services to Texans who have tested positive for the human immunodeficiency virus (HIV), the virus that causes AIDS. Requests for proposals were sent to prospective providers on November 13, 1992, with proposals being due January 4, 1993.

The Texas Health and Safety Code, §85.034(b), requires the department to establish application procedures and eligibility guidelines for state grants. Those procedures must include regional public hearings after reasonable notice in the region in which the community organization is based before awarding an initial grant or grants totalling in excess of \$25,000 annually. Public hearings are not required for the renewal of a contract.

All organizations submitting initial grant proposals in excess of \$25,000 for HIV state funds are required to appear at their respective regional hearing in order to present a brief synopsis of their proposal. All members of the public are invited to speak regarding a proposal. The dates, times, and locations of the public hearings scheduled in each of the eight public health regions are as follows: Region 1-January 26, 1993, 10 a.m., Conference Room, Public Health Region 1, 2408 South 37th Street, Temple; Region 2, Lubbock HIV Service Delivery Area-January 21, 1993, 9-12 a.m., Conference Room, 1202 Jarvis Lane, Lubbock; Amarillo HIV Service Delivery Area-January 22, 1993, 1-4 p.m., Meeting Room A, Downtown Public Library, 4th & Buchanan, Amarillo; Region 3-January 21, 1993, 9:30 a.m., Conference Room, Public Health Region 3, 619 West Texas, Midland; Region 4-January 28, 1993, 9 a.m., Conference Room 1, Public Health Region 4, 10500 Forum Place, Houston; Region 5-January 22, 1993, 9-12 a.m., Conference Room, Public Health Region 5, 2561 Matlock Road, Arlington; Region 6-January 20, 1993, 1:30 p.m., Second Floor Conference Room, Public Health Region 6, 1015 Jackson Keller Road, San Antonio; Region 7-January 25, 1993, 9-12 a.m., Room 257, Public Health Region 7, 1517 West Front, Tyler; Region 8-January 22, 1993, 1-4 p.m., Conference Room, Public Health Region 8, 601 West Sesame Drive, Harlingen.

Questions regarding the hearings should be directed to Betty Cooper, HIV Services Program Director, HIV Division, Texas Department of Health, at (512) 458-7207.

Issued in Austin, Texas, on December 31, 1992.

TRD-9217112 Robert A. MacLean, M.D.
Deputy Commissioner
Texas Department of Health

Filed: December 31, 1992

**Texas Department of Human Services
Invitation to Bid**

The Texas Department of Human Services (DHS) announces an invitation to bid (ITB) for purchased food stamp issuance services. DHS uses a competitive procurement process to ensure and document that services are of the highest quality, lowest price, and best meet the needs of the clients served.

Description of Services: Over-the-counter food stamp issuance is the exchange of food coupon booklets for authorization to participate (ATP) forms.

ATP forms will specify client name, case number, ID and issuance numbers, total benefit amount, number of each denomination booklet to be issued, and month valid. Food stamp clients will present issuance agent with ATPs and ID cards. Issuance agent will check to see that the ID card serial number matches the corresponding number on the ATP form. If they match and the ATP is valid for the current month, the client will sign the ATP form in the presence of the issuance agent, who will then exchange the indicated number of each denomination of booklets for the signed ATP form. The issuance agent will write the issuance verification code (from the ID card) on the ATP form, date stamp the ATP form, and later batch it for daily delivery to DHS.

To contract with DHS, the contractor must comply with all insurance requirements specified in the ITB, including providing an all-risk insurance policy naming DHS as the guaranteed loss payee.

Geographical Area: DHS will procure over-the-counter food stamp issuance service in six Texas Counties: Cameron; Dallas; Jefferson-Port Arthur; Nueces; Tarrant; and Webb.

Terms of Contract: The contract will be for one 12-month period. DHS has the option to renew the contract on a non-competitive basis for a limited number of additional periods. The contractor will be paid a fee per transaction basis for each eligible ATP form processed.

Procedures for Awarding Contract: Only bids meeting the requirements of the procurement will be considered for contract award. A contract will be awarded to the lowest bidder whose bid meets the specified requirements.

Contact Person: To request an ITB package or additional information, please contact Margarette Kaylor at (512) 450-3467. SEALED BIDS for each county of interest must be received by Margarette Kaylor no later than 2 p.m., February 23, 1993, at Issuance Services Unit (W-320), Client Self-support Services Division, Texas Department of Human Services, 701 West 51st Street, P.O. Box 149030, Austin, Texas 78714-9030.

Issued in Austin, Texas, on December 30, 1992.

TRD-9217074 Nancy Murphy
Agency Liaison, Policy and Document
Support
Texas Department of Human Services

Filed: December 30, 1992



**Public Utility Commission of Texas
Notices of Proceeding for Approval of
Extended Area Service**

Notice is given to the public of the filing with the Public Utility Commission of Texas of a joint petition on September 22, 1992, seeking approval of extended Metropolitan service pursuant to §23.49(i) of the Public Utility Commission of Texas substantive rules. The following is a summary of the joint petition.

Docket Title and Number. *Petition of Southwestern Bell Telephone Company for Optional Extended Metropolitan Service Around the Austin, San Antonio, and Fort Worth Metropolitan Exchanges*, Docket Number 11483, before the Public Utility Commission of Texas.

The Joint Petition. In Docket Number 11483, Southwestern Bell Telephone Company (SWB) seeks approval of a joint petition for optional Extended Metropolitan Service (EMS) for all Tier 1 and Tier 2 SWB exchanges around the Austin, San Antonio, and Fort Worth metropolitan exchanges. EMS is an optional service that will provide residents unlimited two-way calling between certain exchanges for a flat monthly fee.

Persons who wish to intervene in the proceeding or comment upon action sought, should contact the Public Utility Commission of Texas, at 7800 Shoal Creek Boulevard, Suite 400 N, Austin, Texas 78757, or call the Public Utility Commission Public Information Office within 60 days of this notice at (512) 458-0256. The telecommunications device for the deaf (TDD) number for the Public Information Office is (512) 458-0221.

Issued in Austin, Texas, on December 29, 1992.

TRD-9217078 John M. Renfrow
Secretary of the Commission
Public Utility Commission of Texas

Filed: December 30, 1992



Notice is given to the public of the filing with the Public Utility Commission of Texas of a joint petition on December 18, 1992, seeking approval of extended area service (EAS) pursuant to §23.49(i) of the Public Utility Commission of Texas substantive rules. The following is a summary of the joint petition.

Project Title and Number. *Joint Petition of Georgetown Exchange for Extended Area Service to the Austin Metropolitan Exchange*, Project Number 11325, before the Public Utility Commission of Texas.

The Joint Petition. In Project Number 11325, GTE Southwest, Inc. serving the Georgetown Exchange and Southwestern Bell Telephone Company serving the Austin Exchange seek approval of a joint petition to provide EAS from the Georgetown Exchange to the Austin Exchange. Customers may choose one of three new EAS calling plans: the Community Calling Plan providing for measured rates; the Premium Calling Plan providing customers with a flat-rate one-way option; or the Premium Plus Calling Plan allowing customers to choose a flat-rate two-plan.

Persons who wish to intervene in the proceeding or comment upon action sought, should contact the Public Utility Commission of Texas, at 7800 Shoal Creek Boulevard, Suite 400 N, Austin, Texas 78757, or call the Public

Utility Commission Public Information Office within 60 days of this notice at (512) 458-0256. The telecommunications device for the deaf (TDD) number for the Public Information Office is (512) 458-0221.

Issued in Austin, Texas, on December 29, 1992.

TRD-9217079 John M. Renfrow
Secretary of the Commission
Public Utility Commission of Texas

Filed: December 30, 1992



Notice is given to the public of the filing with the Public Utility Commission of Texas of a joint petition on December 4, 1992, seeking approval of extended area service pursuant to §23.49(i) of the Public Utility Commission of Texas substantive rules. The following is a summary of the joint petition.

Project Title and Number. Joint Petition of Guadalupe Valley Telephone Cooperative, Inc. (GVTC) and Southwestern Bell Telephone Company (SWB) for Extended Area Service (EAS) between GVTC's Smithsons Valley (885), Cranes Mill (899), Sattler (964), Hancock (935) and SWB's New Braunfels Exchange, Project Number 11649, before the Public Utility Commission of Texas.

The Joint Petition. In Project Number 11649, Guadalupe Valley Telephone Cooperative, Inc. and Southwestern Bell Telephone Company seek approval of a joint petition in which the Cranes Mill, Smithsons Valley, Sattler, and Hancock exchanges served by GVTC request optional extended area service (EAS) into the New Braunfels exchange served by SWB. The parties filed a joint agreement for two types of EAS: optional two-way flat rated EAS and optional one-way flat rated EAS.

Persons who wish to intervene in the proceeding or comment upon action sought, should contact the Public Utility Commission of Texas, at 7800 Shoal Creek Boulevard, Suite 400N, Austin, Texas 78757, or call the Public Utility Commission Public Information Office within 60 days of this notice at (512) 458-0256. The telecommunications device for the deaf (TDD) number for the Public Information Office is (512) 458-0221.

Issued in Austin, Texas, on December 29, 1992.

TRD-9217080 John M. Renfrow
Secretary of the Commission
Public Utility Commission of Texas

Filed: December 30, 1992



Notice is given to the public of the filing with the Public Utility Commission of Texas of a joint petition on December 9, 1992, seeking approval of optional extended area service (EAS) pursuant to §23.49(i) of the Public Utility Commission of Texas substantive rules. The following is a summary of the joint petition.

Project Title and Number. *Joint Petition of GTE Southwest, Inc. (GTESW), Guadalupe Valley Telephone Cooperative, Inc. (GVTC), Southwestern Bell Telephone Company (SWB), and the City of Boerne for Optional Extended Area Service (EAS) from the Boerne Exchange to the San Antonio Metro Area*, Project Number 11658, before the Public Utility Commission of Texas.

The Joint Petition. In Project Number 11658, GTESW, GVTC, SWB, and the City of Boerne seek approval of a

joint petition to offer customers one of three new EAS calling plans: the Community Calling Plan providing for measured rates; the Premium Calling Plan providing customers with a flat-rate one-way option; or the Premium Plus Calling Plan allowing customers to choose a flat-rate two-way plan.

Persons who wish to intervene in the proceeding or comment upon action sought, should contact the Public Utility Commission of Texas, at 7800 Shoal Creek Boulevard, Suite 400N, Austin, Texas 78757, or call the Public Utility Commission Public Information Office within 60 days of this notice at (512) 458-0256. The telecommunications device for the deaf (TDD) number for the Public Information Office is (512) 458-0221.

Issued in Austin, Texas, on December 29, 1992.

TRD-9217081 John M. Renfrow
Secretary of the Commission
Public Utility Commission of Texas

Filed: December 30, 1992

Notice is given to the public of the filing with the Public Utility Commission of Texas of a joint petition on September 10, 1992, and September 22, 1992, seeking approval of extended area service pursuant to §23.49(i) of the Public Utility Commission of Texas substantive rules. The following is a summary of the joint petition.

Docket Title and Number. *Petition of the Christoval Exchange for Extended Area Service to the San Angelo Exchange and Petition of the Mertzon Exchange for Extended Area Service to the San Angelo Exchange*, Docket Number 10025, before the Public Utility Commission of Texas.

The Joint Petition. In Docket Number 10025, the Christoval Exchange and the Mertzon Exchange, both served by GTE Southwest Incorporated, seek approval of a joint petition offering subscribers a choice of three extended area service plans to the San Angelo Exchange: the Community Calling Plan which provides for measured rates; the Premium Calling Plan which provides customers with a flat-rate one-way option; and the Premium Plus Calling Plan which allows customers to choose a flat-rate two-way plan. The rates for Christoval and Mertzon are identical.

Persons who wish to intervene in the proceeding or comment upon action sought, should contact the Public Utility Commission of Texas, at 7800 Shoal Creek Boulevard, Suite 400N, Austin, Texas 78757, or call the Public Utility Commission Public Information Office within 60 days of this notice at (512) 458-0256. The telecommunications device for the deaf (TDD) number for the Public Information Office is (512) 458-0221.

Issued in Austin, Texas, on December 29, 1992.

TRD-9217082 John M. Renfrow
Secretary of the Commission
Public Utility Commission of Texas

Filed: December 30, 1992



Notice is given to the public of the filing with the Public Utility Commission of Texas of a joint petition on December 18, 1992, seeking approval of optional extended area service (EAS) pursuant to §23.49(i) of the Public Utility Commission of Texas substantive rules. The following is a summary of the joint petition.

Project Title and Number. *Joint Petition of GTE Southwest, Inc. (GTESW), Southwestern Bell Telephone Company (SWB), and the City of Somerset for Extended Area Service (EAS) Between the Somerset Exchange and the San Antonio Exchange*, Project Number 11679, before the Public Utility Commission of Texas.

The Joint Petition. In Project Number 11679, GTESW, SWB, and the City of Somerset seek approval of a joint petition to offer customers one of three new EAS calling plans: the Community Calling Plan providing for measured rates; the Premium Calling Plan providing customers with a flat-rate one-way option; or the Premium Plus Calling Plan allowing customers to choose a flat-rate two-way plan.

Persons who wish to intervene in the proceeding or comment upon action sought, should contact the Public Utility Commission of Texas, at 7800 Shoal Creek Boulevard, Suite 400N, Austin, Texas 78757, or call the Public Utility Commission Public Information Office within 60 days of this notice at (512) 458-0256. The telecommunications device for the deaf (TDD) number for the Public Information Office is (512) 458-0221.

Issued in Austin, Texas, on December 29, 1992.

TRD-9217083 John M. Renfrow
Secretary of the Commission
Public Utility Commission of Texas

Filed: December 30, 1992

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**Notices of Proceeding for Approval of
Plexar Customer Service Pursuant to
Public Utility Commission Substantive
Rule 23.27**

Notice is given to the public of the filing of an application on December 17, 1992, with the Public Utility Commission of Texas, seeking approval of customer-specific PLEXAR-Custom Service pursuant to Public Utility Commission Substantive Rule 23.27 for Shell Oil Company, Deer Park.

Docket Title and Number. Application of Southwestern Bell Telephone Company for Approval of Plexar-Custom Service for Shell Oil Company pursuant to Public Utility Commission Substantive Rule 23.27(k). Docket Number 11676.

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

Persons who wish to comment upon the action sought should contact the Public Utility Commission of Texas, at 7800 Shoal Creek Boulevard, Austin, Texas 78757, or call the Public Utility Commission Public Information Section at (512) 458-0256, or (512) 458-0221 for teletypewriter for the deaf.

Issued in Austin, Texas, on December 29, 1992.

TRD-9217085 John M. Renfrow
Secretary of the Commission
Public Utility Commission of Texas

Filed: December 30, 1992

Notice is given to the public of the filing of an application on December 18, 1992, with the Public Utility Commission of Texas, seeking approval of customer-specific PLEXAR-Custom Service pursuant to Public Utility Commission Substantive Rule 23.27 for the City of Bedford, Bedford.

Docket Title and Number. Application of Southwestern Bell Telephone Company for Approval of Plexar-Custom Service for the City of Bedford pursuant to Public Utility Commission Substantive Rule 23.27(k). Docket Number 11678.

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

Persons who wish to comment upon the action sought should contact the Public Utility Commission of Texas, at 7800 Shoal Creek Boulevard, Austin, Texas 78757, or call the Public Utility Commission Public Information Section at (512) 458-0256, or (512) 458-0221 for teletypewriter for the deaf.

Issued in Austin, Texas, on December 29, 1992.

TRD-9217084 John M. Renfrow
Secretary of the Commission
Public Utility Commission of Texas

Filed: December 30, 1992

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**Texas Department of Transportation,
Division of Aviation**
Notice of Contract Award

Under the provisions of Texas Civil Statutes, Article 664-4, the Texas Department of Transportation publishes this notice of a consultant contract award for providing professional engineering services.

The request for professional engineering services was published in the September 4, 1992, issue of the *Texas Register* (17 TexReg 6114).

The consultant will provide engineering services for the design and construction administration phases for the following TxDOT Project 94-19-031, New Braunfels Municipal Airport.

The engineering firm for these services is Bain McCrary Medina, Inc., 1026 Central Parkway South, San Antonio, Texas 78232.

The total value of the contract is \$75,100 and the contract period started on December 28, 1992, until the completion of the project.

If there are any questions, please contact Karon Wiedemann, Manager, Grant Administration, Division of Aviation, (512) 476-9262.

Issued in Austin, Texas, on December 30, 1992.

TRD-9217121 Diane L. Northam
Legal Administrative Assistant
Texas Department of Transportation,
Division of Aviation

Filed: December 31, 1992

1993 Publication Schedule for the *Texas Register*

Listed below are the deadline dates for the January-December 1993 issues of the *Texas Register*. Because of printing schedules, material received after the deadline for an issue cannot be published until the next issue. Generally, deadlines for a Tuesday edition of the *Texas Register* are Wednesday and Thursday of the week preceding publication, and deadlines for a Friday edition are Monday and Tuesday of the week of publication. No issues will be published on July 30, November 5, November 30, and December 28. A asterisk beside a publication date indicates that the deadlines have been moved because of state holidays.

FOR ISSUE PUBLISHED ON	ALL COPY EXCEPT NOTICES OF OPEN MEETINGS BY 10 A.M.	ALL NOTICES OF OPEN MEETINGS BY 10 A.M.
1 Friday, January 1	Monday, December 28	Tuesday, December 29
2 Tuesday, January 5	Wednesday, December 30	Thursday, December 31
3 Friday, January 8	Monday, January 4	Tuesday, January 5
4 Tuesday, January 12	Wednesday, January 6	Thursday, January 7
5 Friday, January 15	Monday, January 11	Tuesday, January 12
6 Tuesday, January 19	Wednesday, January 13	Thursday, January 14
Friday, January 22	1992 ANNUAL INDEX	
7 Tuesday, January 26	Wednesday, January 20	Thursday, January 21
8 Friday, January 29	Monday, January 25	Tuesday, January 26
9 Tuesday, February 2	Wednesday, January 27	Thursday, January 28
10 Friday, February 5	Monday, February 1	Tuesday, February 2
11 Tuesday, February 9	Wednesday, February 3	Thursday, February 4
12 Friday, February 12	Monday, February 8	Tuesday, February 9
13 Tuesday, February 16	Wednesday, February 10	Thursday, February 11
14 *Friday, February 19	Friday, February 12	Tuesday, February 16
15 Tuesday, February 23	Wednesday, February 17	Thursday, February 18
16 Friday, February 26	Monday, February 22	Tuesday, February 23
17 Tuesday, March 2	Wednesday, February 24	Thursday, February 25
18 Friday, March 5	Monday, March 1	Tuesday, March 2
19 Tuesday, March 9	Wednesday, March 3	Thursday, March 4
20 Friday, March 12	Monday, March 8	Tuesday, March 9
21 Tuesday, March 16	Wednesday, March 10	Thursday, March 11
22 Friday, March 19	Monday, March 15	Tuesday, March 16
23 Tuesday, March 23	Wednesday, March 17	Thursday, March 18
24 Friday, March 26	Monday, March 22	Tuesday, March 23
25 Tuesday, March 30	Wednesday, March 24	Thursday, March 25
26 Friday, April 2	Monday, March 29	Tuesday, March 30
27 Tuesday, April 6	Wednesday, March 31	Thursday, April 1
28 Friday, April 9	Monday, April 5	Tuesday, April 6
29 Tuesday, April 13	Wednesday, April 7	Thursday, April 8
Friday, April 16	FIRST QUARTERLY INDEX	
30 Tuesday, April 20	Wednesday, April 14	Thursday, April 15

31 Friday, April 23	Monday, April 19	Tuesday, April 20
32 Tuesday, April 27	Wednesday, April 21	Thursday, April 22
33 Friday, April 30	Monday, April 26	Tuesday, April 27
34 Tuesday, May 4	Wednesday, April 28	Thursday, April 29
35 Friday, May 7	Monday, May 3	Tuesday, May 4
36 Tuesday, May 11	Wednesday, May 5	Thursday, May 6
37 Friday, May 14	Monday, May 10	Tuesday, May 11
38 Tuesday, May 18	Wednesday, May 12	Thursday, May 13
39 Friday, May 21	Monday, May 17	Tuesday, May 19
40 Tuesday, May 25	Wednesday, May 19	Thursday, May 20
41 Friday, May 28	Monday, May 24	Tuesday, May 25
42 Tuesday, June 1	Wednesday, May 26	Thursday, May 27
43 *Friday, June 4	Friday, May 28	Tuesday, June 1
44 Tuesday, June 8	Wednesday, June 2	Thursday, June 3
45 Friday, June 11	Monday, June 7	Tuesday, June 8
46 Tuesday, June 15	Wednesday, June 9	Thursday, June 10
47 Friday, June 18	Monday, June 14	Tuesday, June 15
48 Tuesday, June 22	Wednesday, June 16	Thursday, June 17
49 Friday, June 25	Monday, June 21	Tuesday, June 22
50 Tuesday, June 29	Wednesday, June 23	Thursday, June 24
51 Friday, July 2	Monday, June 28	Tuesday, June 29
52 Tuesday, July 6	Wednesday, June 30	Thursday, July 1
53 Friday, July 9	Monday, July 5	Tuesday, July 6
Tuesday, July 13	SECOND QUARTERLY INDEX	
54 Friday, July 16	Monday, July 12	Tuesday, July 13
55 Tuesday, July 20	Wednesday, July 14	Thursday, July 15
56 Friday, July 23	Monday, July 19	Tuesday, July 20
57 Tuesday, July 27	Wednesday, July 21	Thursday, July 22
Friday, July 30	NO ISSUE PUBLISHED	
58 Tuesday, August 3	Wednesday, July 28	Thursday, July 29
59 Friday, August 6	Monday, August 2	Tuesday, August 3
60 Tuesday, August 10	Wednesday, August 4	Thursday, August 5
61 Friday, August 13	Monday, August 9	Tuesday, August 10
62 Tuesday, August 17	Wednesday, August 11	Thursday, August 12
63 Friday, August 20	Monday, August 16	Tuesday, August 17
64 Tuesday, August 24	Wednesday, August 18	Thursday, August 19
65 Friday, August 27	Monday, August 23	Tuesday, August 24
66 Tuesday, August 31	Wednesday, August 25	Thursday, August 26
67 Friday, September 3	Monday, August 30	Tuesday, August 31
68 Tuesday, September 7	Wednesday, September 1	Thursday, September 2
69 *Friday, September 10	Friday, September 3	Tuesday, September 7

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