

Texas Register

Volume 18, Number 5, January 15, 1993

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Texas Register



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How to Use the Texas Register

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

Governor - Appointments, executive orders, and proclamations.

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

Secretary of State - opinions based on the election laws.

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

Emergency 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Withdrawn Sections - sections withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the Texas Register six months after the proposal publication date.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
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The *Table of TAC Titles Affected* is cumulative for each volume of the *Texas Register* (calendar year).

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

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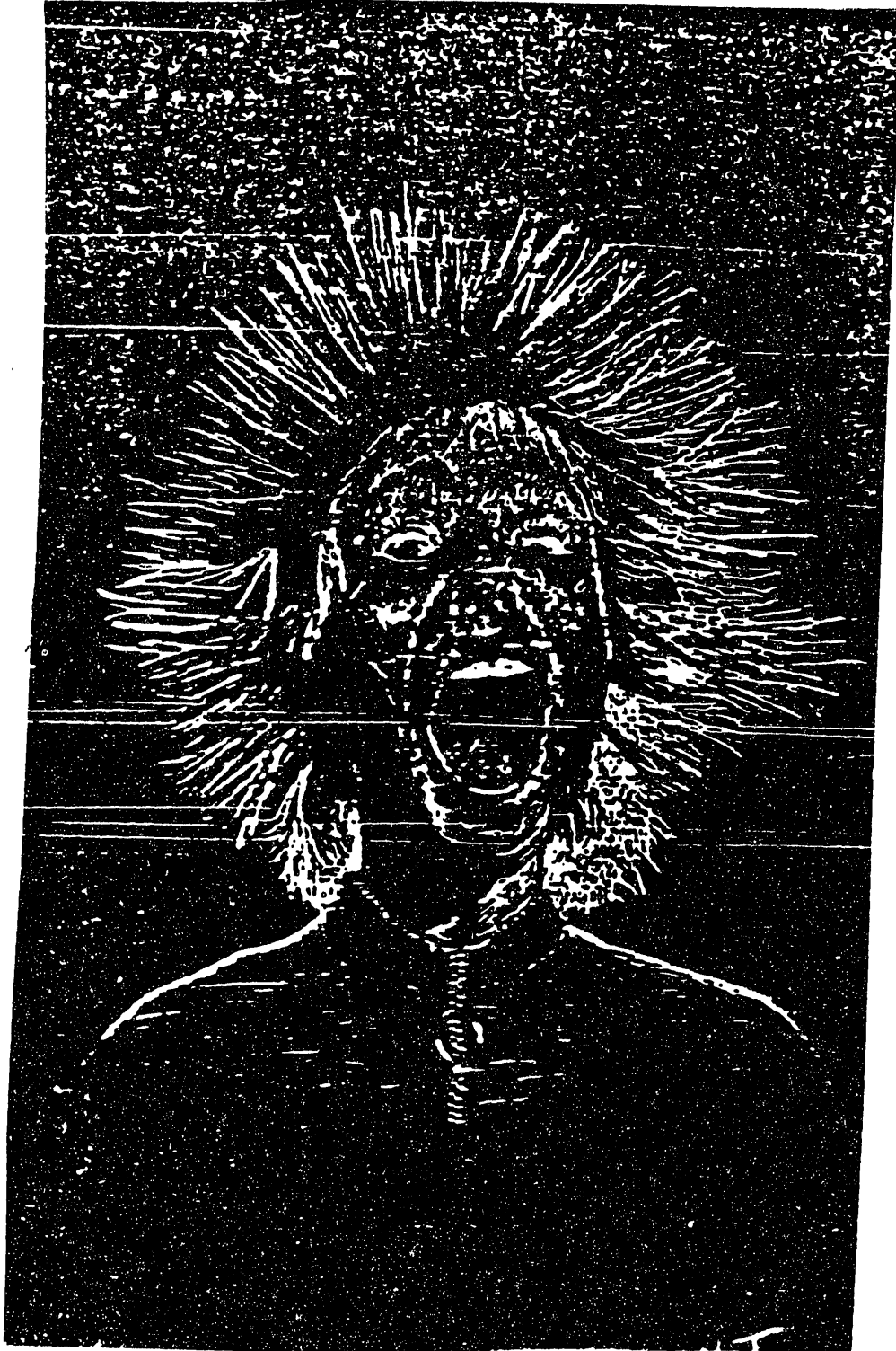
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Tenth through Twelfth Grade Winners

- *The artist's drawings from Sandy Tipton, Mark Bayer, and*
- *Kirsten Adams, all from Plano East Senior High were inadvertently left out when publishing the winners of the 1991-1992 Texas Register Readers' Choice Award, judged by our art teachers. We apologize for any confusion caused by this oversight.*



Name: Sandy Tipton

Grade: 12

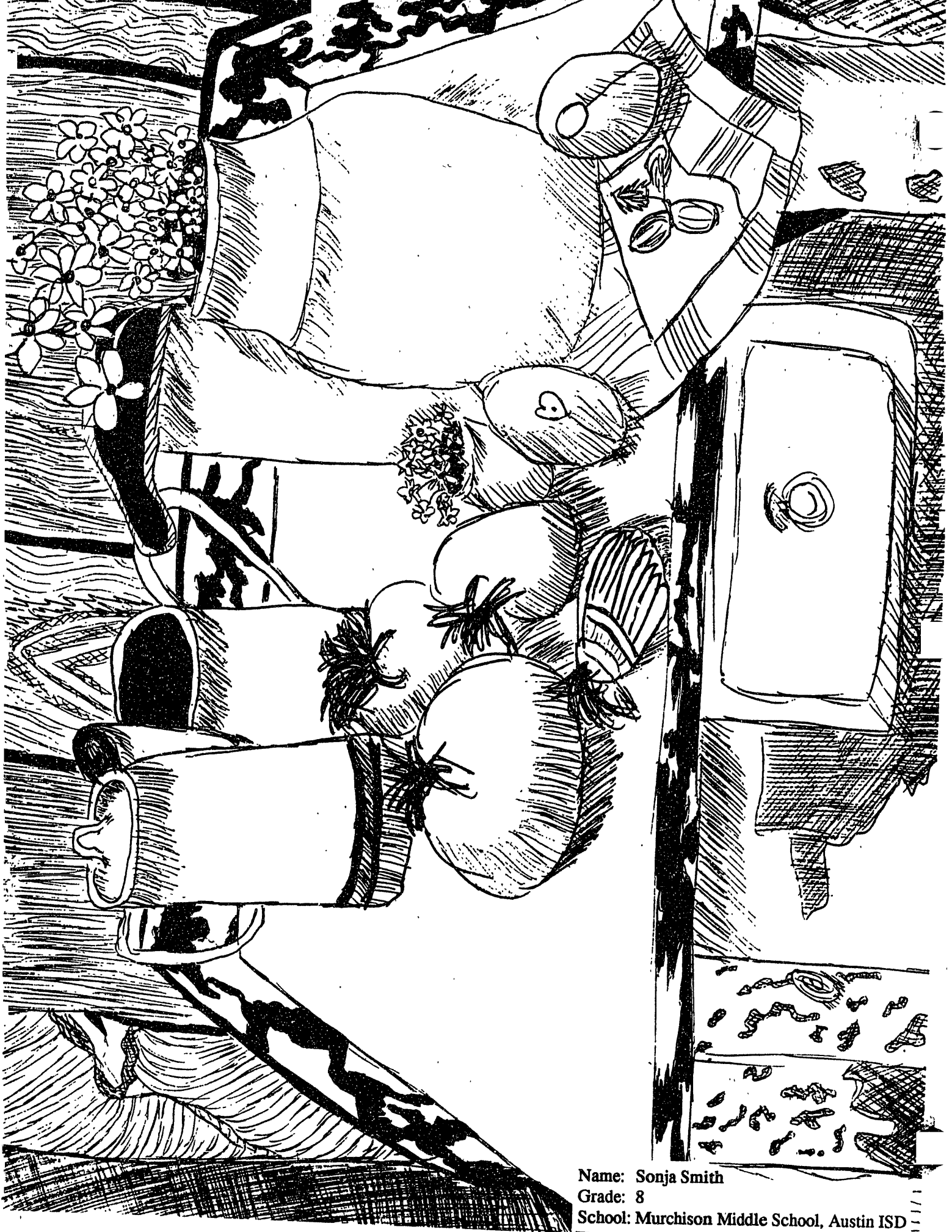
School: Plano East Senior High, Plano ISD



Name: Mark Bayer
Grade: 11
School: Plano East Senior High, Plano ISD



Name: Kirsten Adams
Grade: 12
School: Plano East Senior High, Plano ISD



Name: Sonja Smith

Grade: 8

School: Murchison Middle School, Austin ISD



Name: Josh Mankovsky

Grade: 7

School: Murchison Middle School, Austin ISD



Name: Kim Koss

Grade: 6

School: Murchison Middle School, Austin ISD

Texas Ethics Commission

The Texas Ethics Commission is authorized by Texas Civil Statutes, Article 6252-9d.1, §1.29, to issue advisory opinions in regard to the following statutes: Texas Civil Statutes, Article 6252-9b; the Government Code, Chapter 302; the Government Code, Chapter 305; the Election Code, Title 15; the Penal Code, Chapter 36; and the Penal Code, Chapter 39.

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

AOR-106. The Ethics Advisory Opinions 106 and 112 are responsive to the questions raised in AOR-106.

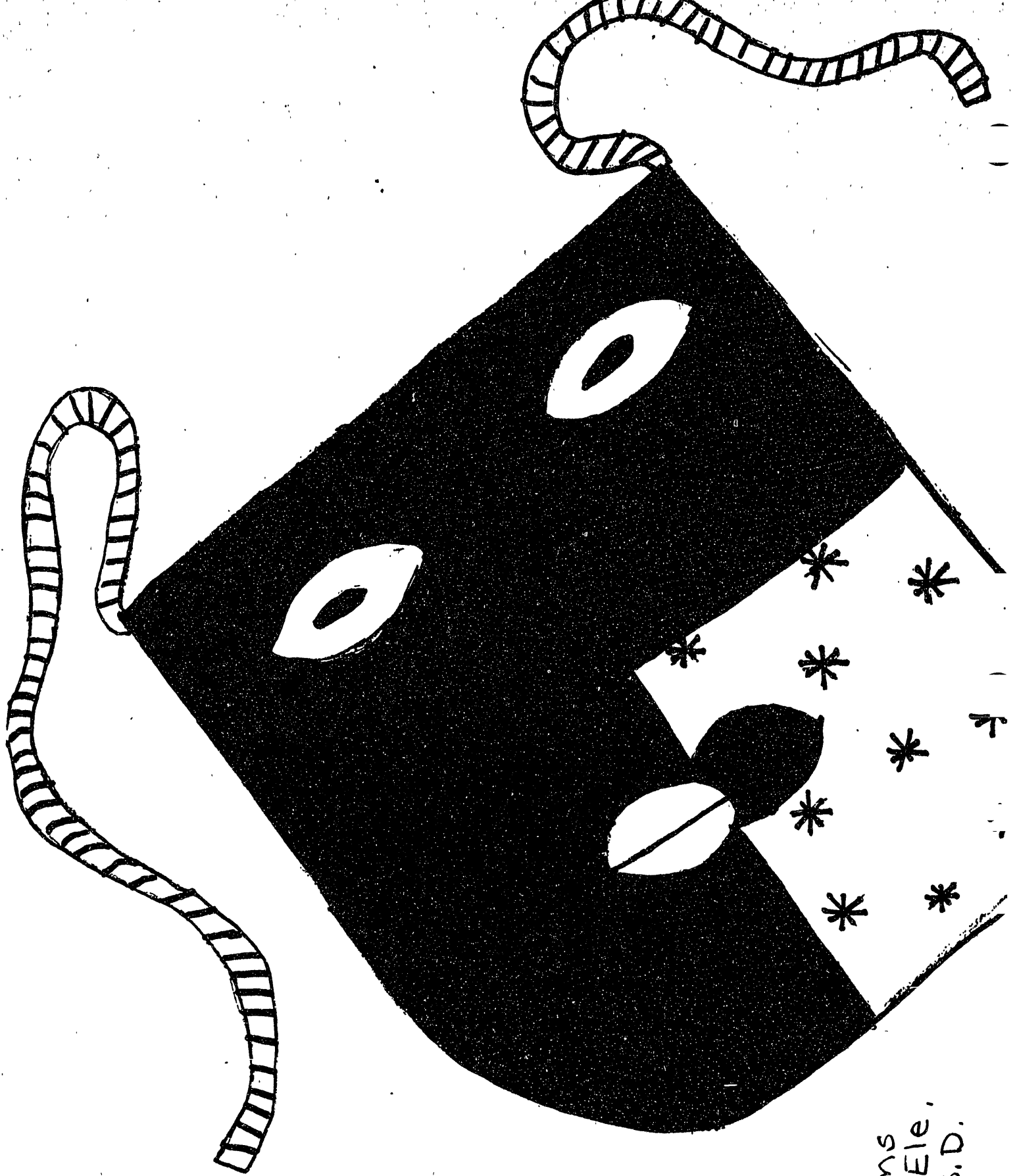
Issued in Austin, Texas, on January 7, 1993.

TRD-9317342 Sarah Woelk
Director, Advisory Opinions
Texas Ethics Commission

Filed: January 8, 1992

For further information, please call: (512)
463-5800





Name: Erika Arms
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School: Ehrhardt Elementary, Klein ISD

Erika Arms
Ehrhardt Ele.
Klein I.S.D.
Gr. 5

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 4. AGRICULTURE Part I. Texas Department of Agriculture

Chapter 17. Marketing and Development Division

TAP, Taste of Texas, Vintage Texas, and Texas Grown Promotional Mark

• 4 TAC §§17.51-17.56

The Texas Department of Agriculture (the department) proposes amendments of §§17.51-17.56, concerning standards for registration to use the TAP, Taste of Texas, and Texas Grown promotional emblems. The amendments are proposed to clarify the standards, requirements, and application and revocation procedures for the voluntary TAP, Taste of Texas, and Texas Grown marketing promotions. In addition, the amendments add the Vintage Texas program. The amendment to §17.51 provides additional definitions, and clarifies existing definitions. The amendment to §17.52 describes the various programs, changes the contents of the program applications, and sets forth restrictions on the use of the promotional marks. The amendment to §17.53 increases the time period within which an initial determination must be made on an application from 15 to 30 days, and defines the date of notification. The amendment to §17.54 clarifies the circumstances under which an application may be denied.

The amendment to §17.55 establishes a fee for the Vintage Texas program, omits the previous late fee provision, clarifies the annual registration procedures, and provides for automatic termination of registration for non-payment of annual registration fees. The amendment to §17.56 clarifies the procedures for termination of registration to use the promotional marks.

Susan Dunn, director for food marketing, has determined that for the first five-year period the sections are in effect there will be fiscal implications for state government as a result of enforcing or administering the sections. The effect on state government will be an estimated increase in revenue, caused by addition of the Vintage Texas program, of \$500 for the first year, \$625 for the second and third years, and \$675 for the fourth and fifth years. There will be no fiscal implications for local government or for local employment as a result of enforcing or administering the sections.

Ms. Dunn 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 the promotion of products grown in the state or products made from ingredients grown in the state. The cost of compliance with the sections for small businesses will be a \$25 registration fee per firm per year of voluntary registration. The cost of compliance will be the same \$25 registration fee for all firms regardless of size. The anticipated cost to persons or firms who are required to comply with the sections as

proposed will be a \$25 registration fee per individual per year of voluntary registration.

Comments on the proposal may be submitted to Susan Dunn, Director for Food Marketing, P O Box 12847, Austin, Texas 78711. Comments must be received no later than 30 days from the date of publication of the proposal in the *Texas Register*.

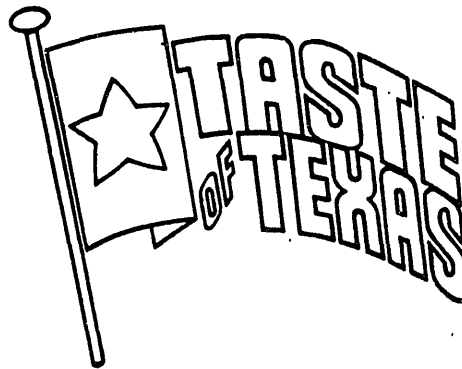
The amendments are proposed under the Texas Agriculture Code, §12.002, which provides the department with the authority to encourage the proper development of agriculture, horticulture, and related industries; §12.016, which provides the department with the authority to adopt rules as necessary for the administration of §12.002; and §12.0175, which provides that if the department establishes a program to promote products grown in the state or products made from ingredients grown in the state, the department may set by rule and collect a fee from each producer that participates in the program.

§17.51. Definitions. The following words and terms, when used in these sections, shall have the following meanings, unless the context clearly indicates otherwise.

Department—The Texas Department of Agriculture. **TAP mark** [promotional emblem]—The term "Texas Agriculture Product" or the following mark [symbol] embracing the same, such mark [symbol] being registered with the secretary of state's office by the department [Texas Department of Agriculture].



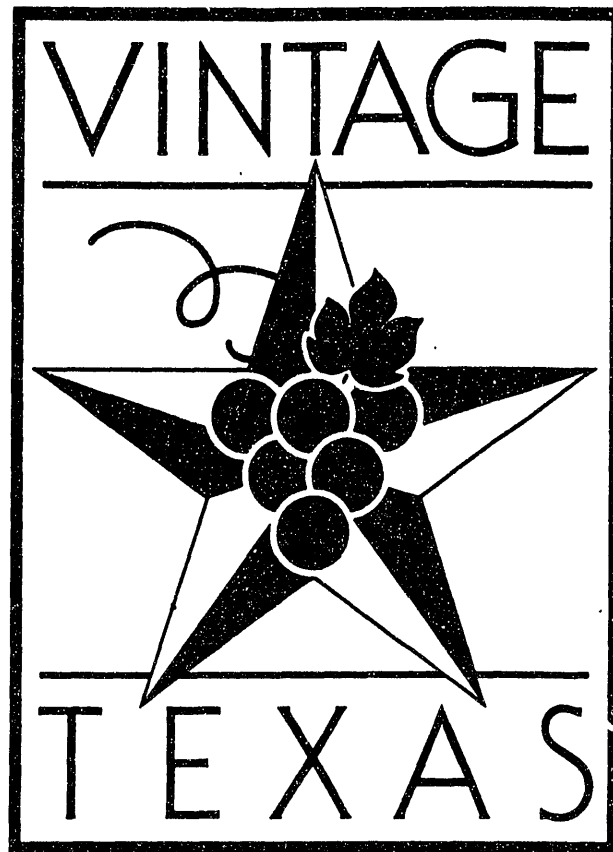
Taste of Texas mark [emblem]—A flag-shaped mark [emblem] bearing the words "Taste of Texas" so colored as to closely model the flag of the state of Texas, such mark being registered with the secretary of state's office by the department.



Texas Grown mark [emblem]-A
[The emblem is] vertical and rectangular
mark which [and] features a native Texas
mountain laurel branch in bloom over an
outline of the state of Texas with the word
"Texas" at the top and the word "Grown" at
the bottom of the rectangle.



Vintage Texas mark—A vertical, rectangular mark consisting of a cluster of six grapes loosely forming a triangle and topped by a single grape leaf, all centered in the middle of a five-pointed star. Coming from behind the top center point of the star is a short curlicue line representing a grapevine. One horizontal line intersects with the tip of the center point of the star, and a parallel horizontal line intersects the two bottom points of the star. The word "VINTAGE" appears above the top parallel line, and the word "TEXAS" appears below the bottom parallel line.



§17.52. Application for Registration [Permission] To Use the TAP, Taste of Texas, Vintage Texas, or Texas Grown Promotional Mark [Emblem].

(a) No person shall use, employ, adopt, or utilize the TAP, Taste of Texas, Vintage Texas, or Texas Grown promotional mark [emblem in the selling, advertising, marketing, packaging, or other commercial handling of food, fiber, or nursery and floral products,], unless prior application for registration has been made to the department [commissioner] and [for] permission to make such use, employment, adoption, or utilization [, and approval] has been granted.

(b) Unless permission is otherwise granted by the department:

(1) the TAP promotional mark may only be used by TAP program members. The TAP program is a program established by the department to promote agricultural products produced in Texas;

(2) the Taste of Texas promotional mark may only be utilized by Taste of Texas program members. The Taste of Texas program is a program established by the department to promote agricultural food products processed in Texas, regardless of origin, and unprocessed agricultural food products grown in Texas;

(3) the Vintage Texas promotional mark may only be utilized by Vintage Texas program members. The Vintage Texas program is a program established by the department to promote wine which is:

(A) at least 75%, by volume, derived from grapes grown and fermented in the State of Texas; and

(B) fully produced and finished within the State of Texas;

(4) the Texas Grown promotional mark may only be utilized by Texas Grown program members. The Texas Grown program is a program established by the department to promote Texas-grown nursery and floral products.

(c)[(b)] Applications submitted under this section shall be made in writing on a form prescribed by the department [commissioner] and shall contain:

(1) the name and address of the applicant;

(2) a description of the type of business conducted by the applicant;

(3) the brand name of the product for which application is made;

(4) the commodity or commodities from which the product is made;

(5) a statement of the primary source of supply and geographic origin of the product and, if applicable, the commodity or commodities from which it is made [stated in a manner which explains how the applicant intends to employ the TAP Taste of Texas, or Texas Grown promotional emblem only on products produced in Texas];

(6) if processed, a statement of where the product is to be processed;

(7) a statement of where the product is to be packaged;

(8) the state(s) where the product is to be marketed;

(9) a statement of whether the applicant is involved in intrastate, interstate, or international trade;

(10) a statement of whether the applicant intends to become involved in intrastate, interstate, or international trade;

(9)[(11)] a statement of how the TAP, Taste of Texas, Vintage Texas, or Texas Grown promotional mark [emblem] is to be employed, including a sample of the proposed usage; and,

(12) a statement of fees which will be charged for usage of the TAP, Taste of Texas, or Texas Grown emblems; and,]

(10)[(13)] the signature and title of applicant or applicant's agent submitting the application.

(d)[(c)] A separate application shall be submitted for each product and/or brand name for which registration [permission] to use the TAP, Taste of Texas, Vintage Texas, or Texas Grown promotional mark [emblem] is sought.

(e)[(d)] Applications shall be submitted to the Assistant Commissioner [director,] for Marketing and Agribusiness Development [Division], Texas Department of Agriculture.

(f) If approved, applicants shall remit the required registration fee within 30 days of notification of approval.

(g) Upon receipt of the registration fee, the department shall mail to the registrant a certificate of registration, which shall expire on December 31 of the year of issuance. The department shall also enclose copies of the mark, suitable for reproduction. If the certificate is for less than one full year, registration fees will be assessed on a pro rata basis.

(h) Other than the use of the promotional mark, no registrant shall use any statement of affiliation or endorsement by the State of Texas or the department in the selling, advertising,

marketing, packaging, or other commercial handling of TAP, Taste of Texas, Vintage Texas, or Texas Grown products.

(i) Registrants shall indemnify and hold harmless the commissioner, the State of Texas, and the department for any claims, losses, or damages arising out of or in connection with that person's advertising, marketing, packaging, manufacture, or other commercial handling of TAP, Taste of Texas, Vintage Texas, or Texas Grown products.

(j) Any permission under the certificate of registration granted to a registrant to use the mark shall be nonexclusive and nontransferable for the products listed in the application.

(k) Registrants shall do nothing inconsistent with the ownership of the promotional mark in the department, and all use of the mark by any registrant shall inure to the benefit of and be on behalf of the department. Further the registrants shall not have any right, title or interest in the promotional mark, other than the right to use the mark in accordance with the certificate of registration. Registrants must agree not to attack the title of the department to the mark, or attack the validity of the certificate of registration or the permission granted by the department.

(l) The nature and quality of the goods sold by registrants in connection with the mark shall conform to any standards which may be set from time to time by the department. Registrants shall cooperate with the commissioner by permitting reasonable inspection of the registrant's operation and supplying the commissioner with specimens of use of the mark upon request.

(m) Registrants shall comply with all applicable laws and regulations and obtain all appropriate governmental approval pertaining to the selling, advertising, marketing, packaging, manufacturing or other commercial handling of the products covered by the certification of registration.

(n) Registrants shall use the mark only in the form and manner, and with appropriate legends, as prescribed from time to time by the commissioner.

(o) The department shall have the sole right and discretion to bring infringement or unfair competition proceedings involving the TAP, Taste of Texas, Vintage Texas, or Texas Grown promotional marks.

§17.53. Action on Application.

(a) The Assistant Commissioner [director,] for Marketing and Agribusiness

Development, Texas Department of Agriculture, within 30 [15] days of receipt of an application for registration [permission] to use the TAP, Taste of Texas, Vintage Texas, or Texas Grown promotional mark [emblem], shall make an initial determination of whether such registration permission shall be granted or denied, and forthwith notify the applicant in writing of his decision setting forth in detail the reasons for such grant or denial.

(b) If the applicant wishes to contest such initial determination, notice of protest shall be filed by the applicant with the commissioner within 15 days of receipt by the applicant of notice of such initial determination. The date of notification is the date the notice was mailed by first class mail. Should notice [Notice] of protest be [being] timely filed, the applicant's request [application] shall be administered as a contested case as provided for the Administrative Procedure and Texas Register Act, Texas Civil States, Article 6252-13a, and Chapter 1 of this title (relating to General Practice and Procedure).

(c) (No change.)

§17.54. Use of the TAP, Taste of Texas, Vintage Texas, or Texas Grown Promotional Mark [Emblem]. An application for registration [permission] to use the TAP, Taste of Texas, Vintage Texas, or Texas Grown promotional mark [emblem] may be denied if:

(1) application is not made in compliance with [pursuant to] §17.52 of this title (relating to Application for Permission To Use the TAP, Taste of Texas, Vintage Texas, or Texas Grown Promotional Mark [Emblem]);

(2) the applicant cannot provide adequate assurances that the product for which application is made qualifies and will continue to qualify for the program(s) in which it is enrolled [is produced and will continue to be produced in Texas];

(3) the product is of a quality markedly inferior to that representative of similar products produced in Texas; or

(4) the applicant has misused [abused] the TAP, Taste of Texas, Vintage Texas, or Texas Grown promotional mark [emblem] prior to the date of application. [; or]

[(5) the commissioner, in the exercise of his discretion, determines that the grant of such permission would be injurious to the promotion of Texas agricultural commodities.]

§17.55. Registration of Those Entitled To Use the TAP, Taste of Texas, Vintage Texas, or Texas Grown Promotional Mark [Emblem].

(a) The Assistant Commissioner [director,] for Marketing and Agribusiness Development [Division], Texas Department of Agriculture, shall enroll in a register the names of all persons [applicants] granted permission under these sections to use the TAP, Taste of Texas, Vintage Texas, or Texas Grown promotional mark [emblem] in the selling, advertising, marketing, packaging, or other commercial handling of food, fiber, and nursery and floral products]. The register shall be available for public inspection during normal business hours in the offices of the Texas Department of Agriculture in Austin.

(b) Procedure for annual renewal of registration of persons authorized to use the TAP, Taste of Texas, Vintage Texas, or Texas Grown promotional mark [emblem].

(1) Between January 1 and January 31, annually, the Assistant Commissioner [director,] for Marketing and Agribusiness Development [Division], Texas Department of Agriculture, shall mail each person previously registered [authorized] to use the TAP, Taste of Texas, Vintage Texas, or Texas Grown promotional mark [emblem] a statement setting forth the amount due as an annual registration fee.

(2) (No change.)

[(3) Persons who were not registered during the previous year shall register in the following manner.

[(A) Each such person must filed with the department an application to register. An application will be provided by the department.

[(B) The applicant shall remit the required registration fee within 30 days of notification of approval.

[(C) The fee in subparagraph (B) of this paragraph shall be prorated to the next renewal date.

[(D) The department shall mail a certificate of registration after receipt of payment of the established fee.]

(3)[(4)] Within 30 days of receipt of the required renewal statement, together with the annual registration fee, the department will mail to the registrant a renewal certificate [of registration], which shall be good for a period of one year or until the next expiration date, whichever comes first.

(4) Failure to remit the annual registration fee within 60 days of the due date shall result in automatic termination of registration.

[(5) A late payment in an amount equal to the annual registration fee may be assessed to any registrant who fails to remit the annual registration fee within 60 days of the due date.]

(c) Registration fees [Fees for registering] for use of the TAP, Taste of Texas, Vintage Texas, or Texas Grown promotional emblem shall be paid to the department in accordance with the following schedule:

(1) TAP promotional mark [emblem]—\$25;

(2) Taste of Texas promotional mark [emblem]—\$25;

(3) Texas Grown promotional mark [emblem]—\$25;[.]

(4) Vintage Texas promotional mark—\$25.

§17.56. Termination of Registration [Permission] To Use the TAP, Taste of Texas, Vintage Texas, or Texas Grown Promotional Mark [Emblem].

(a) Registration [Permission granted by the commissioner for] to use [of] the TAP, Taste of Texas, Vintage Texas, or Texas Grown promotional mark [emblem] may be revoked at any time if the mark is misused [use for which such permission was granted is abused].

(b) Misuse [A person abuses] of the TAP, Taste of Texas, Vintage Texas, or Texas Grown promotional mark [emblem] includes [if]:

(1) use of the mark [the emblem is used] in the selling, advertising, marketing, packaging, or other commercial handling of a product for which registration to use the mark has not been granted by the department [not produced in Texas];

(2) use of the mark [the emblem is used] in the selling, advertising, marketing, packaging, or other commercial handling of a product which is of a quality markedly inferior to that representative of similar products produced in Texas; or

(3) use of the mark [the emblem is used] in a manner violating any rule promulgated by the commissioner [regulating the use of such emblem;].

[(4) the emblem is used in a manner which, in the determination of the commissioner, is injurious to the promotion of Texas agricultural commodities; or

[(5) the emblem is used by a person after permission has been revoked for nonpayment of annual registration fees].

(c) Proceedings for the revocation of registration [permission] to use the TAP, Taste of Texas, Vintage Texas, or Texas Grown promotional mark [emblem] shall be conducted in the manner provided for contested cases by the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, and Chapter 1 of this title (relating to General Practice and Procedure).

(d) A proceeding for revocation of registration [permission] to use the TAP, Taste of Texas, Vintage Texas, or Texas Grown promotional mark [emblem] shall not preclude the commissioner from pursuing any other remedies, including, where applicable, the penal and injunctive remedies provided in the Act, §2 and §3.

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 January 6, 1993.

TRD-9317280

Dolores Alvarado Hibbs
Chief Administrative Law
Judge
Texas Department of
Agriculture

Earliest possible date of adoption: February 15, 1993

For further information, please call: (512) 463-7583

TITLE 19. Education

Part II. Texas Education Agency

Chapter 157. Hearings and Appeals

Subchapter AA. General Provisions for Hearings Before the Commissioner of Education

• 19 TAC §§157.1041-157.1060

The Texas Education Agency (TEA) proposes new §§157.1041-157.1060, and 157.1071-157.1074, concerning hearings and appeals. The sections govern the proceedings in contested cases and appeals before the commissioner of education.

Kevin O'Hanlon, chief counsel, 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. O'Hanlon and Criss Cloudt, director of policy planning and evaluation, have 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 a clearer, more concise statement of the rules relating to hearings and

appeals. 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 Criss Cloudt, Policy Planning and Evaluation, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9701. All requests for a public hearing on the proposed sections submitted in accordance with the Administrative Procedure and Texas Register Act must be received by the commissioner of education not more than 15 calendar days after notice of a proposed change in the sections has been published in the *Texas Register*.

The new sections are proposed under The Texas Education Code, §11.13, which provides for appeals before the commissioner; and Texas Civil Statutes, Article 6252-13a, §3 and §4, which authorize the State Board of Education to adopt rules of practice setting forth the nature and requirements of all formal and informal procedures available.

§157.1041. Scope and Purpose.

(a) This chapter shall govern the proceedings in all contested cases before the commissioner of education.

(b) This chapter adopts for all purposes the provisions of the Administrative Procedure and Texas Register Act (APTRA) (Texas Civil Statutes, Article 6252-13a), the Texas Rules of Civil Evidence, and the Texas Rules of Civil Procedure. The Rules of Civil Evidence and Civil Procedure will prevail except as modified by APTRA and by these rules. The provisions of this Subchapter AA shall govern the procedure for the administration of all appeals before the state commissioner of education except where modified by Subchapter BB of this chapter (relating to Specific Appeals to the Commissioner).

§157.1042. *Definitions.* The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

Agency—The Texas Education Agency.

Commissioner—The state commissioner of education; the agency having statewide jurisdiction to hear contested cases.

Contested case—A proceeding in which legal rights, duties, or privileges of a party are to be determined by the commissioner after opportunity for an adjudicative hearing.

Disqualification—When a hearings examiner, in his or her discretion, permanently forbids a party representative from any further participation in an adjudicative proceeding.

Exclusion—When a hearings examiner, in his or her discretion, ejects a person temporarily from an adjudicative proceeding.

Hearings examiner—A member or employee of the agency or other individual assigned to issue a proposal for decision, to render a decision, or to make findings of fact or conclusions of law in a case.

Hearings process—Refers to an adjudicative proceeding from initiation until final decision.

Party representative—A lawyer or non-lawyer who acts on behalf of himself or herself, or on behalf of another person during an adjudicative proceeding.

§157.1043. Hearings Examiner.

(a) The commissioner may designate and appoint a hearings examiner to act on his or her behalf in conducting any hearing or proceeding held under this chapter and to prepare proposals for decision on those hearings.

(b) The hearings examiner has the authority to administer oaths; call and examine witnesses; issue subpoenas; make rulings on motions, admissibility of evidence, and amendments to pleadings; maintain decorum; schedule and recess the proceedings from day to day; and make any other orders as justice requires.

(c) If the hearings examiner is unable to continue presiding over a case at any time before the final decision, another examiner will be appointed who shall perform any remaining function without the necessity of repeating any previous proceedings.

§157.1044. Classification of Parties.

(a) Parties are designated as follows.

(1) Petitioner—the party who initiates the appeal before the commissioner.

(2) Respondent—any party against whom a complaint or petition for review has been filed with the commissioner.

(3) Intervenor—a person who, upon showing a justiciable interest, is permitted to become a party to a proceeding.

(b) Regardless of errors concerning designations in the pleadings, parties shall be accorded their true status in the appeal.

§157.1045. *Appearances.* Any party may appear on his or her own behalf; if a minor, by his or her next friend, or by a representative of the party's choice. Party representatives are held to the same procedural and substantive standards as attorneys authorized to practice law.

§157.1046. Conduct and Decorum.

(a) Standards of conduct during adjudicative proceedings.

(1) The hearings examiner and the party representative should refer to the Texas Disciplinary Rules of Professional Conduct for guidance, regardless of whether all participants are licensed attorneys (Texas State Bar Rules, Article 10, §9).

(2) Party representatives shall maintain high standards of professionalism during the administrative process and promote an atmosphere of civility and fairness.

(3) A party representative shall use these rules for legitimate purposes and not for dilatory purposes or to harass or intimidate other participants.

(b) Exclusion or disqualification of party representatives.

(1) Contemptuous conduct. A hearings examiner may exclude or disqualify a party representative from participating in an agency hearing for contemptuous conduct. The hearings examiner shall warn the party representative prior to exclusion, if possible. Contemptuous conduct includes:

(A) actual or threatened physical assault of any participant to the proceeding;

(B) knowingly or recklessly making a false statement of material fact or law to the hearings examiner;

(C) counseling or assisting a witness to testify falsely;

(D) knowingly or recklessly offering or using false evidence;

(E) filing a frivolous or knowingly false pleading or other document, or filing a frivolous or knowingly false defense. A frivolous filing is one:

(i) primarily for the purpose of harassing or maliciously injuring another person; or

(ii) for which the party representative is unable to make a good faith argument consistent with existing law, or a good faith argument for an extension, modification, or reversal of existing law;

(F) paying, offering to pay, or acquiescing in a payment or offer of payment to a witness based on the content of the witness' testimony or the outcome of the proceeding;

(G) continually violating an established rule of agency procedure or of evidence;

(H) raising superfluous objections or otherwise unreasonably delay-

ing the proceeding or increasing the costs or other burdens of the proceeding;

(I) misrepresenting, mischaracterizing, or misquoting facts or law to gain unfair advantage;

(J) except as otherwise permitted by law, communicating or causing someone else to communicate with the hearings examiner without the knowledge and consent of opposing party representatives in order to gain unfair advantage or to influence the proceeding;

(K) using vulgar or abusive language during the proceeding; and

(L) engaging in disruptive conduct.

(2) Conflicts of interest. A hearings examiner may disqualify a party representative from participating in a proceeding if the hearings examiner decides that the party representative has a conflict of interest. Conflicts of interest can be, but are not limited to, the following:

(A) when a party representative who previously acted as a public officer or employee on a matter later attempts to represent a private client on the same matter, unless the appropriate government agency consents;

(B) when a party representative who serves as a public officer or employee on a matter negotiates for private employment with a party or party representative involved in the same matter;

(C) when a party representative who serves as a public officer or employee participates in a matter involving a former private client whom he or she represented on the same matter, unless no one may legally act in the attorney's stead;

(D) when an attorney engages in the practice of law while under suspension or in violation of a disciplinary order or judgment; and

(E) any other conflict of interest that, in the opinion of the hearings examiner, offends the dignity and decorum of the proceeding.

(3) Procedures for excluding or disqualifying a party representative.

(A) Notice. The hearings examiner shall state the specific reason for excluding or disqualifying a party repre-

sentative on the record or in a written order. The hearings examiner shall notify the affected party and party representative of the exclusion or disqualification personally or by certified mail.

(B) Reasonable time for substitution. After the hearings examiner has excluded or disqualified a party representative, the affected party or party representative shall have reasonable time to appeal to the commissioner. If the commissioner sustains the exclusion or disqualification, the party shall have a reasonable time to substitute a new representative. In determining a reasonable time, the hearings examiner shall consider the right of opposing parties to have the proceeding resolved without undue delay. The hearings examiner may therefore align the affected party with another party in interest instead of permitting a substitution.

(C) Appeal to the commissioner. A party or party representative may appeal the exclusion (if it is for a period of more than eight hours) or disqualification to the commissioner. The motion shall be filed with the commissioner within five working days after actual notification of the exclusion or disqualification. If the commissioner does not act within 10 days after the motion is filed, the motion is overruled by operation of law. The commissioner may, however, extend the time for taking action on the motion.

(D) No further participation. After being disqualified from a proceeding, a party representative may not provide further assistance, either directly or indirectly, to any party with regard to the proceeding, except to the extent reasonably necessary to appeal to the commissioner and to complete the withdrawal and substitution of a new party representative.

(E) No recusal. The exclusion or disqualification of a party representative by a hearings examiner is not a ground for recusal of the hearings examiner in the same or any subsequent proceeding.

§157.1047. Classification of Pleadings. Pleadings filed with the commissioner shall include, but not be limited to, petitions, answers, replies, exceptions, and motions. Regardless of any error in its designation, the pleading shall be accorded its true status in the appeal in which it is filed.

§157.1048. Form and Content of Documents. All pleadings, briefs, and exhibits filed with the commissioner shall be signed by the party representative and legibly handwritten, typewritten, or printed on paper 8 1/2 inches wide by 11 inches long.

§157.1049. Service of Documents.

(a) Every pleading, plea, motion, or communication filed with the division of hearings may be served by delivering a copy to all party representatives of record either in person or by agent or by courier receipted delivery or by certified or registered mail, to the party's last known address, or by facsimile to the recipient's current telecopier number.

(b) Service by mail shall be complete upon deposit of the paper, enclosed in a postpaid, properly addressed wrapper, in a post office or official depository under the care and custody of the United States Postal Service.

(c) Service by facsimile completed after 5 p.m. local time of the recipient shall be deemed served on the following day.

(d) The party representative shall certify to the hearings examiner compliance with this rule in writing over the signature of the party representative and on the filed instrument.

§157.1050. Filing of Documents.

(a) Any document shall be deemed filed only when actually received by the director of hearings and appeals, the assigned hearings examiner, or the designated docket clerk.

(b) Documents may be filed by mail if sent by certified United States mail, return receipt requested, or by an overnight courier service. A document will be deemed timely filed if it is mailed on or before one day prior to the filing deadline as evidenced by a legible postmark placed on the envelope by the United States Postal Service and the document was received by the director of hearings, the hearings examiner, or the designated docket clerk by the close of business on the third calendar day following the filing deadline.

(c) Facsimile transmission of pleadings by telecopier to the division of hearings, in proper form, containing a facsimile of the signature of the party representative filing the pleading, constitutes filing. Parties shall not mail a duplicate of the transmitted document. Filing by facsimile completed after 5 p.m. Austin, time shall be deemed filed on the following business day.

§157.1051. Petition for Review.

(a) Except where otherwise provided by law, the petitioner shall file with the commissioner a petition for review within 30 calendar days after the decision, order, or ruling complained of is first communicated to the petitioner. In all cases, when a decision is announced in the presence of the petitioner or the petitioner's

representative of record at a hearing, the announced decision shall constitute communication to the petitioner.

(b) A petition for review shall contain the following:

(1) a description of the ruling, action, or failure to act complained of;

(2) the date of the ruling, action, or failure to act;

(3) a precise description of the action the petitioner wants the commissioner to take on the petitioner's behalf;

(4) a statement of the reason the petitioner is entitled to have the commissioner take action;

(5) a statement of the facts of which the petitioner is aware or which the petitioner believes to be true, which would lead to a reasonable conclusion that the petitioner is entitled to the relief sought; and

(6) the name, mailing address, telephone number of the petitioner's party representative during business hours, and facsimile number, if any.

(c) Nothing in this section requires the petitioner to plead all evidence relied upon. However, all issues relied upon by the petitioner must be raised in the petition for review, and the petitioner will be denied the opportunity to present evidence on issues not raised in the petition for review.

(d) The petition for review shall be served on the respondent by personal delivery or by certified mail. A certificate evidencing service shall be included in the petition for review.

§157.1052. Answers.

(a) The respondent shall file an answer within 20 calendar days after receiving notice from the commissioner that an appeal has been docketed.

(b) The answer shall specifically admit or deny each allegation in the petition for review and shall set forth all affirmative defenses.

(c) The answer shall contain the name of the respondent or the respondent's party representative, the mailing address, telephone number during business hours, and facsimile number, if any.

(d) All well-pled factual allegations will be deemed admitted unless the respondent's answer, containing specific denials to each allegation, is filed within the time period prescribed in subsection (a) of this section. A general denial shall not be sufficient to controvert factual allegations contained in the petition for review.

§157.1053. Prehearing Conference.

(a) In any appeal, the hearings examiner or a party may move for the setting of a prehearing conference. The hearings examiner will direct the parties to appear, either in person or by telephone, at a specific time for a conference prior to a hearing on the merits for the purposes of considering any of the following:

(1) the formulation or simplification of issues;

(2) admission of certain assertions of fact or stipulations;

(3) the procedure at the hearing on the merits;

(4) any limitation, where possible, of the number of witnesses; and/or

(5) such other matters as may aid in the simplification of the proceeding or the disposition of matters in controversy, including the settlement of matters in dispute.

(b) Action taken at the conference shall be recorded in the manner directed by the hearings examiner.

§157.1054. Discovery.

(a) Permissible forms of discovery are:

(1) oral or written deposition governed by Texas Civil Statutes, Article 6252-13a, §14;

(2) written interrogatories to a party governed by Rules of Civil Procedure 168;

(3) requests of a party for admission of facts and the genuineness or identity of documents or things governed by Rules of Civil Procedure 169;

(4) requests and motions for production, examination, and copying of documents or other tangible materials governed by Texas Civil Statutes, Article 6252-13a, §14a;

(5) requests and motions for entry upon and examination of real property governed by Texas Civil Statutes, Article 6252-13, §14a; and

(6) motions for a mental or physical examination of a party or person under the legal control of a party governed by Rules of Civil Procedure 167a.

(b) Any discovery motion shall contain a certificate by the party filing the motion that efforts to resolve the discovery dispute without the necessity of agency intervention have been attempted and failed.

(c) Requirements concerning discovery sanctions include the following.

(1) Motions for sanctions or order compelling discovery. Upon reasonable notice to other parties and affected persons, a party may apply to the hearings examiner for an order compelling discovery. A party may not request sanctions without having first obtained an order compelling discovery.

(2) Enforcement in district court. If a person fails to comply with a subpoena or a commission for deposition issued by a hearings examiner, the agency or party requesting the subpoena or commission for deposition may seek its enforcement in district court in any manner provided by law.

(3) Failure to comply with order or with discovery request. If a party, or an officer, director, or managing agency of a party, or a person designated to testify on behalf of a party fails to comply with proper discovery requests or to obey an order compelling discovery, a hearings examiner may, after opportunity for hearing, make orders in response to the failure, including any of the following orders:

(A) preventing the disobedient party from further discovery of any kind, or of a particular kind;

(B) deeming any facts pertaining to the order, or any other facts, to be established, as claimed by the moving party;

(C) disallowing the disobedient party from supporting or opposing designated claims or defenses, or prohibiting the party from introducing designated matters in evidence; and

(D) striking out pleadings or parts of pleadings, staying further action until the order is obeyed; dismissing the proceeding with or without prejudice; or rendering a default judgment against the disobedient party.

(4) Abuse of discovery process. The hearings examiner may impose any of the sanctions listed on a party who abuses the discovery process in seeking or resisting discovery or who files a request, response, or answer that is frivolous, oppressive, or made for the purpose of delay.

(5) Failure to respond to or supplement discovery. A party who fails to respond to or supplement a discovery request or refuses to supplement a response to a discovery request may not present evidence that the party was under a duty to provide in a response or supplemental response, and may not offer the testimony of an expert witness or of any other person having knowledge of the discoverable mat-

ter, unless the hearings examiner finds good cause to permit the evidence despite the noncompliance. The burden of establishing good cause is upon the party offering the evidence, and good cause must be shown in the record.

(6) Impermissible communications. Unless permitted by law, party representatives shall not communicate with the hearings examiner or the commissioner without the knowledge of all other parties. The hearings examiner or commissioner may impose any of the preceding sanctions for impermissible communication.

(7) Record of basis for sanction. The hearings examiner shall state the specific basis for any sanction in the record or in a written order. A sanctioned party has the right to appeal the sanction to the commissioner in accordance with §157.1046(b)(3)(C) of this title (relating to Conduct and Decorum).

§157.1055. Motions for Continuance. A motion for continuance shall specifically articulate grounds constituting good cause and shall be filed in writing.

§157.1056. Dismissal Without a Hearing; Nonsuits.

(a) The commissioner or his or her designee may, on his or her own motion or the motion of a party, dismiss an appeal without a hearing for the following reasons: compromise, unnecessary duplication of proceedings, res judicata, withdrawal, mootness, untimely filing, lack of jurisdiction, failure of a party requesting relief from the commissioner to set forth facts in the pleadings that would support a decision in that party's favor, failure to state a claim for which relief can be granted, or failure to prosecute.

(b) The petitioner may nonsuit the appeal at any time.

§157.1057. Order of Procedure at Hearing.

(a) The petitioner may state briefly the nature of the claim or defense, what the petitioner expects to prove, and the relief sought. Immediately after, the respondent may make a similar statement, and the intervenors and other parties will be afforded similar rights as determined by the hearings examiner.

(b) Evidence shall then be introduced by the petitioner. The respondent and intervenors shall have the opportunity to cross-examine each of the petitioner's witnesses.

(c) Cross-examination is not limited solely to matters raised on direct examination. Parties are entitled to redirect and recross examination.

(d) Unless the statement has already been made, the respondent may briefly state the nature of the claim or defense, what the respondent expects to prove, and the relief sought.

(e) Evidence, if any, shall be introduced by the respondent. The petitioner and intervenors shall have the opportunity to cross-examine each of the respondent's witnesses.

(f) The intervenor and other parties may make their statement, unless they have already done so, and shall introduce their evidence, if any. The petitioner and respondent shall have the opportunity to cross-examine the intervenor's witnesses.

(g) The petitioner may present rebuttal evidence.

(h) The parties may be allowed closing arguments at the discretion of the hearings examiner.

(i) The hearings examiner may permit deviations from this order of procedure in the interests of justice.

(j) Parties shall provide four copies of each exhibit offered.

(k) At the hearing before the commissioner, any part or all of a certified transcript of sworn testimony and exhibits taken in the hearing before the local board of trustees may be used by any person for any purpose against any party who was present or represented at the hearing before the local board of trustees or who had reasonable notice of the meeting. The Texas Rules of Civil Evidence shall be applied to each question and answer as though the witness were then present and testifying. Unavailability of a witness is not a requirement for admissibility.

(l) In any appeal where a party is represented by more than one attorney, a lead attorney must be designated. The parties shall designate a lead attorney.

§157.1058. Filing of Exceptions and Replies to Proposal for Decision.

(a) A copy of the proposal for decision in a contested case shall be simultaneously delivered or mailed by certified mail, return receipt requested, to each party representative of record.

(b) Exceptions to the proposal for decision shall be filed within 20 calendar days of the date of the proposal for decision.

(c) Replies to exceptions shall be filed within 35 calendar days of the date of the proposal for decision.

(d) All disagreements with the factual findings of the proposal for decision must be made in the parties' exceptions to the proposal for decision or be waived.

(e) The exceptions shall be specifically and concisely stated. The evidence relied upon shall be stated with particularity, and any evidence or arguments relied upon shall be grouped under the exceptions to which they relate.

§157.1059. Orders. After the time for filing exceptions and replies to exceptions expires, the hearings examiner's proposal for decision will be considered by the commissioner and either adopted or modified and adopted. All final decisions or orders of the commissioner shall be in writing and signed. A final decision shall include findings of fact and conclusions of law separately stated. Findings of fact, if set forth in statutory language, shall be accompanied by a concise and explicit statement of the underlying facts supporting the findings. Parties shall be notified either personally or by certified mail of any decision or order, and a copy of the decision or order shall be delivered or mailed to any party and to his or her authorized representative.

§157.1060. Motions for Rehearing.

(a) In the absence of a finding of imminent peril, a motion for rehearing is a prerequisite to a judicial appeal. A motion for rehearing must be filed by a party within 20 days after the date the party representative is notified of the final decision or order.

(b) Replies to a motion for rehearing must be filed with the agency within 30 days after the date the party representative is notified of the final decision or order.

(c) Agency action on the motion for rehearing must be taken within 45 days after the date a party representative is notified of the final decision or order. If agency action is not taken within the 45-day period, the motion for rehearing is overruled by operation of law 45 days after the date the party representative is notified of the final decision or order.

(d) The agency may, by written order, extend the period of time for filing the motions or replies and taking agency action, except that an extension may not extend the period for agency action beyond 90 days after the date a party representative is notified of the final order or decision.

(e) In the event of an extension, the motion for rehearing is overruled by operation of law on the date fixed by the order, or in the absence of a fixed date, 90 days after the date the party representative is notified of the final decision or order.

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 January 6, 1993.

TRD-9317249

Crisis Cloudt
Director of Policy Planning
and Evaluation
Texas Education Agency

Earliest possible date of adoption: February 12, 1993

For further information, please call: (512) 463-9701

◆ ◆ ◆
Subchapter BB. Specific Appeals to the Commissioner
• 19 TAC §§157.1071-157.1074

The new sections are proposed under the Texas Education Code, §11.13, which provides for appeals before the commissioner; and Texas Civil Statutes, Article 6252-13a, §3 and §4, which authorize the State Board of Education to adopt rules of practice setting forth the nature and requirements of all formal and informal procedures available.

§157.1071. Proceedings Brought Under the Term Contract Nonrenewal Act.

(a) This section shall apply in all appeals brought under the Term Contract Nonrenewal Act (Texas Education Code, §21.201 et seq.). To the extent that this section conflicts with any other sections governing proceedings before the commissioner, the requirements in this section shall prevail.

(b) All allegations by the teacher that the decision of the board of trustees was arbitrary, capricious, unlawful, or not supported by substantial evidence shall be decided upon a review of the record of the proceeding of the board of trustees as required by the Texas Education Code, §21.205(b); however, on the motion of either party, the hearings examiner may order that additional evidence be taken to supplement the transcript if it appears that the party has evidence to offer that is material, relevant, and not unduly repetitious, that the party, for good cause, was unable to adduce at the local hearing. Good cause for failure to secure the testimony of a witness may be demonstrated by:

(1) a clear and unambiguous communication to the witness of the party's intention to call the witness at the hearing;

(2) reasonable notice to the witness of the date, time, and place of the board meeting at which the testimony will be required; and

(3) such reasonable follow-up measures as an ordinarily prudent person would exercise to secure the attendance of a material witness at a hearing before the board of trustees.

(c) In all nonrenewal cases, the school district must file a record of the

proceeding before the board of trustees that includes a certified transcription of the hearing before the board of trustees; the policies on evaluation, nonrenewal, and administrative recommendations concerning nonrenewal; the request for a local hearing; and all documents and exhibits filed in the local proceeding. The school district shall provide the teacher with written notice when the record of appeal is prepared and shall make the record available to the teacher for inspection. The school district shall provide the teacher with copies of all items in the record other than the transcript. A copy of the transcript shall be provided to the teacher upon request for a reasonable charge.

(d) The transcript filed by the school district shall be considered complete and accurate and shall be admitted into evidence before the commissioner for all purposes, unless the petitioner files objections to the record within 30 days after the date of filing of the record that set forth specifically those items that are relevant and material and that have been erroneously omitted from the record or those portions of the record that are relevant and material but that have been inaccurately transcribed. The commissioner may conduct a proceeding for the purpose of receiving evidence relevant to any such challenge to the record if it appears that the matter in dispute is material to the outcome of the appeal.

(e) Allegations in the petition for review that the decision of the board of trustees was arbitrary, capricious, or unlawful must allege sufficient facts that would support a holding that the board of trustees' decision was arbitrary, capricious, or unlawful, even if it should also be held that the decision was supported by substantial evidence. If such factual allegations are not made, no cause of action will be stated regarding these claims.

(f) Upon either party's request, the commissioner shall afford both parties the opportunity to present oral argument and/or briefs concerning the merits of the appeal.

(g) The commissioner of education may substitute his or her judgment for that of the board of trustees when the board of trustees' decision was arbitrary, capricious, unlawful, or not supported by substantial evidence including, but not limited to, the following circumstances:

(1) where the written notice that the teacher's nonrenewal was under consideration was not given to the petitioner by April 1. Notice sent by certified mail, addressed to the last known address of the teacher, postmarked by the United States Postal Service on or before March 25, will be considered timely;

(2) where the written notice to the teacher failed to state the reasons for the action under consideration;

(3) where the required notice failed to state the reasons in a manner sufficient to allow the teacher the opportunity to adequately prepare a response at the local hearing to the allegations in the notice, and the teacher, at the time the teacher requested a hearing, set forth clearly in writing any deficiencies in the notice, and any such deficiencies were not promptly corrected prior to the date of the hearing;

(4) where the evidence adduced at the local hearing does not support the specific reasons of which the teacher was given written notice;

(5) where the teacher requested a hearing within 10 days after receiving the required notice, and the hearing was not held within 15 days after the request was received, except as provided in this subsection. The teacher may waive his or her right to be heard within 15 days by written agreement. If the school district, within five days of receiving the request for hearing, schedules the hearing for a date outside the 15-day period, the teacher will be deemed to have consented to that date, unless the teacher files an objection to that date within three days after receiving notice from the district;

(6) where the school district fails to provide the commissioner with a certified transcript of the local hearings;

(7) where the decision of the local board was not supported by substantial evidence that would have been admissible in an evidentiary hearing before the agency;

(8) where no written evaluation of the teacher was prepared by the administration, or where the board of trustees failed to consider the administration's evaluation of the teacher prior to its decision not to renew the teacher's term contract. The board of trustees is not bound by the administrator's evaluation, but the evaluation must be considered;

(9) where the reason for nonrenewal was not set forth in writing in the school district's policies;

(10) where the nonrenewal is based on a reason contained in a policy that was adopted so recently prior to its use as a reason for nonrenewal that the teacher did not have fair opportunity to conform his or her conduct accordingly; and

(11) where the board of trustees prevented the teacher from introducing at the local hearing admissible evidence that was material, relevant, and not unduly repetitious.

(h) Except concerning those matters specifically agreed to, a teacher does not waive any right to raise any procedural defect or substantive issue on appeal simply by participating in the hearing before the

board of trustees; however, any procedural defect known at the time of the hearing and not presented by the teacher at the hearing is waived, unless good cause is shown for the failure to present the defect.

§157.1072. Hearings Concerning Complaints Made to the Teachers' Professional Practices Commission of Texas.

(a) This section shall apply to hearings concerning complaints made to the Teachers' Professional Practices Commission of Texas (TPPC). To the extent that this section of the rules adopted by the TPPC conflict with any other sections governing proceedings before the commissioner of education, the requirements of this section and rules of TPPC shall be followed.

(b) When a complaint is received by TPPC, the director of TPPC will consult with the attorney assigned to TPPC to discuss the jurisdiction determination. If the attorney believes that the facts alleged, even if true, would not constitute a violation of the code of ethics, the attorney shall advise the director of that opinion in writing. In addition, the commissioner or his or her hearing officer may, at any time, advise TPPC of their opinions concerning the issue of jurisdiction.

(c) Upon being notified by TPPC that it has accepted jurisdiction of a complaint, the commissioner shall appoint a hearing officer to preside over the proceeding and an attorney to advise TPPC at the hearing.

(d) The rules of evidence shall be liberally construed at any hearing conducted under this section, and all evidence shall be admitted, unless:

(1) it is clearly irrelevant, immaterial, or unduly repetitious;

(2) its evidentiary value is clearly outweighed by its tendency to prejudice the fact finder against a particular party or witness; or

(3) it is otherwise clearly inadmissible for any purpose.

(e) Parties who are not represented by counsel shall not be placed at a disadvantage by the fact that they are unfamiliar with courtroom procedure. Whenever such a party is prevented from presenting relevant evidence by objections unrelated to the admissibility of that evidence, the attorney assigned by the commissioner to assist the TPPC may explain to that party the proper method of presenting the evidence.

(f) After the parties have concluded their examination of any witness, TPPC and the hearing officer may ask any questions that are necessary and proper to enable them to understand fully the witness's testimony.

(g) After both parties have presented their evidence and argument, the hearing officer may discuss any aspect of the case freely with TPPC during its deliberations.

(h) The commissioner may receive a recommendation from TPPC that any of the following actions be taken regarding the complaint in part or in its entirety:

(1) that the complaint be dismissed;

(2) that the respondent be issued a warning to be made a part of the respondent's file kept by the Division of Educational Personnel Records (DEPR);

(3) that the respondent be issued a reprimand to be made a part of the respondent's file kept by the DEPR;

(4) that the respondent be issued a reprimand to be made a part of the respondent's file kept by the DEPR, with notification of the reprimand to be provided to all superintendents of all school districts in the State of Texas and to certification officers in each state or territory of the United States by the DEPR;

(5) that the respondent's certificate be suspended for a period not to exceed one year; or

(6) that the respondent's certificate be revoked.

(i) After receiving the TPPC's recommendation, the commissioner shall give the parties the opportunity to respond to the recommendation in the manner set forth in §157.16 of this title (relating to Filing of Exceptions and Replies to a Proposal for Decision).

(1) No additional evidence may be presented following the TPPC's recommendation without good cause, other than lack of diligence, as determined by the commissioner.

(2) If the commissioner determines that it is necessary to take additional evidence, TPPC and the parties shall be notified of the hearing date. Those members of TPPC who participated in the initial hearing may participate to the same extent in the hearing to receive additional evidence, and after hearing the additional evidence, shall be given an opportunity to file an amended recommendation to the commissioner.

(j) If TPPC recommends that the complaint be dismissed or that the respondent be issued a warning or reprimand to be kept on file by the DEPR, the commissioner may adopt that recommendation with no further proceedings if it is supported by substantial evidence in the hearing transcript. Prior to taking any action other than that recommended by TPPC, the commis-

sioner shall instruct the hearing officer to prepare a proposal for decision pursuant to subsection (k) of this section.

(k) If TPPC recommends that the respondent's certificate be suspended or revoked, or that the respondent be publicly reprimanded, the hearing officer shall enter a proposal for decision. The hearing officer may adopt the TPPC's recommendation in whole or in part in the proposal. The parties shall be given an opportunity to respond to the proposal pursuant to §157.16 of this title. After receiving the TPPC's recommendation, the hearing officer's proposal for decision, and the parties' exceptions and replies, the commissioner shall take whatever action he or she deems appropriate.

(l) In any case in which the hearing officer's recommendation is different than that of TPPC, the commissioner shall schedule a conference concerning the matter with the hearing officer and a representative of the TPPC prior to issuing a decision. The TPPC shall be given 10 days notice of the conference.

§157.1073. Proceedings Concerning the Suspension or Cancellation of a Certificate or Permit by a District or the Agency.

(a) This section shall apply to all proceedings concerning the sanction of any certificate or permit issued by the commissioner of education other than proceedings brought to the commissioner by the Teachers' Professional Practices Commission of Texas (TPPC). To the extent that this section conflicts with any other section governing proceedings before the commissioner, the provisions of this section shall prevail.

(b) A complaint may be filed at any time by a school district or the Division of Educational Personnel Records (DEPR) of the Texas Education Agency as petitioner requesting the commissioner to sanction a certificate or permit issued by the agency. Any complaint must clearly set forth facts that would justify taking such action and set forth with specificity the sanction sought to be imposed. This complaint shall constitute, and its contents shall be subject to, the rules governing petitions for review. Sanctions include:

(1) that the respondent be issued a warning to be made a part of the respondent's file kept by the DEPR;

(2) that the respondent be issued a reprimand to be made a part of the respondent's file kept by the DEPR;

(3) that the respondent be issued a reprimand to be made a part of the respondent's file kept by the DEPR and inscribed on the respondent's Texas teacher certificate, with notification of the reprimand to be provided to all superintendents of all school districts in the state of Texas

and to certification officers in each state or territory of the United States by the DEPR;

(4) that the respondent's certificate be suspended for a period not to exceed one year; or

(5) that the respondent's certificate be revoked.

(c) The respondent shall file an answer that complies with §157.1052 of this title (relating to Answers). All well-pled factual allegations will be deemed admitted unless the respondent's answer, containing specific denials to each allegation, is filed within the time period prescribed in §157.1052(a) of this title. A general denial shall not be sufficient to controvert factual allegations contained in the petition for review.

(d) After receipt of the respondent's answer, the commissioner shall schedule a hearing at which all parties shall have the opportunity to present evidence and argument concerning the merits of the complaint.

(e) The burden of proof at any such hearing will be on the petitioner or petitioner/intervenor to prove its allegations by a preponderance of the evidence.

§157.1074. Student Appeals.

(a) This section shall apply in all appeals brought by students from actions or decisions of a local board of trustees pursuant to the Texas Education Code, §11.13(b). To the extent that this section conflicts with any other section governing proceedings before the commissioner, the provisions of this section shall prevail.

(b) In all cases, the school district must file a record of the proceedings before the board of trustees with its answer. The record of the proceedings must include all policies relevant to the appeal, all written correspondence between the district's representatives and the student (or the student's parents or representatives) concerning the matter appealed, and a certified transcript of the local hearing on the matter. The school district shall notify the student in writing when the record of appeal is prepared and make the record available to the student for inspection. The school district shall provide the student with copies of all items in the record other than the transcript. A copy of the transcript shall be provided to the student for a reasonable charge upon request.

(c) The commissioner's decision shall be based on a review of the record of the proceedings before the board of trustees; however, on the motion of either party, the commissioner may order that the record be reopened to supplement the transcript if it appears that the party has evidence to offer that is material, relevant, and not unduly

repetitious, that the party, for good cause, was unable to adduce at local hearing. Standards for determining whether the record should be reopened because of the absence of a witness are as follows:

(1) a clear and unambiguous communication to the witness of the party's intention to call the witness at the hearing;

(2) reasonable notice to the witness of the date, time, and place of the board meeting at which the testimony will be required; and

(3) such reasonable follow-up measures as an ordinarily prudent person would exercise to secure the attendance of a material witness at a hearing before the board of trustees.

(d) The record of the proceedings shall be considered complete and accurate and shall be admitted into evidence before the commissioner for all purposes, unless within 30 days of the date of filing the record, the student files objections to the record that set forth specifically the items that are relevant and material and that have been erroneously omitted from the record or the portions of the record that are relevant and material but have been inaccurately transcribed. The commissioner shall conduct a proceeding to receive evidence relevant to any such challenge to the record if it appears that the matter in dispute is material to the outcome of the appeal.

(e) If the record of the proceedings does not contain a certified transcript of the local hearing, the commissioner may, as he or she deems best, either reverse the school district's decision without a hearing, or conduct a hearing to receive evidence concerning all material facts in dispute.

(f) Upon either party's request, the commissioner shall afford both parties the opportunity to file briefs and present oral argument concerning the merits of the appeal.

(g) The commissioner may substitute his or her judgment for that of the board of trustees only when the board's decision was arbitrary, capricious, unlawful, or not supported by substantial evidence.

(h) Cases in which the student's education is being disrupted in any manner pending the outcome of the appeal may be expedited.

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 January 6, 1993.

TRD-9317250

Criss Cloutt
Director of Policy Planning
and Evaluation
Texas Education Agency

Earliest possible date of adoption: February 15, 1993.

For further information, please call: (512) 463-9701

TITLE 22. EXAMINING BOARDS

Part XXIV. Texas Board of Veterinary Medical Examiners

Chapter 573. Rules of Professional Conduct

Records Keeping

• 22 TAC §573.51

The Texas Board of Veterinary Medical Examiners proposes an amendment to §573.51 concerning rabies control which will align the rule with recently adopted changes to the Texas Department of Health's rules concerning the control of rabies in Texas.

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

Mr. Matthijetz also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be to ensure complete rabies vaccination records are maintained by the veterinarian for a period of not less than three years and makes issuance of rabies tags optional. 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 Judy Smith, Texas Board of Veterinary Medical Examiners, 1946 South IH 35, Suite 306, Austin, Texas 78704.

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

§573.51. Rabies Control.

(a) Official rabies vaccination certificates issued by the vaccinating veterinarian shall contain certain standard information as designated by the Texas Department of Health, as follows:

(1) owner's name, address and telephone number;

(2) animal identification (species, sex, age, size (pounds), predominate breed, and color;

(3) vaccine used, producer, expiration date, and serial number;

(4) date vaccinated;

(5) rabies tag number if a tag is issued;

(6) veterinarian's signature or signature stamp and license number [Each Texas licensed veterinarian shall keep a record of each rabies vaccination administered by him/her for at least three years. The record of said vaccination shall include the date administered, animal's breed, age, approximate weight, name, color, owner, the vaccine expiration date, together with its serial number. The name, address, and telephone number of the administering veterinarian, along with his/her signature, and license number shall be included. The tag shall include the tag serial number, clinic name, or veterinarian's name, telephone number, or address and the title "Rabies"].

(b) Each Texas licensed veterinarian shall keep a copy of each rabies vaccination certificate administered by him/her for at least three years [It is the duty of a veterinarian to inquire whether an animal that has expired in his/her clinic, or that is brought to the clinic dead, has bitten any human being prior to its death. If the animal has bitten any human being prior to its death, the veterinarian shall inform the Texas Department of Health or local health authorities of the possibility of rabies and take proper precautions to preserve the animal's body for rabies diagnosis].

(c) It is the duty of the veterinarian having knowledge of an animal bite to a human to immediately report the incident to the local health authority. If the veterinarian prepares the biting animal's body for rabies diagnosis, he shall follow instructions detailed in the Texas Rabies Control and Eradication Act, §169.33.

(d) If a veterinarian ceases the practice of veterinary medicine, the duplicate rabies vaccination certificates retained by that practice shall be turned over to the local health authority. This does not apply to the sale or lease of a practice, when the records of the practice are transferred to a new owner.

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 January 5, 1993.

TRD-9317345

Buddy Matthijetz
Executive Director
Texas Board of Veterinary
Medical Examiners

Earliest possible date of adoption: February 15, 1993

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

Part XXIX. Texas Board of Professional Land Surveying

Chapter 663. Standards of Responsibility and Rules of Conduct

Professional and Technical Standards

• 22 TAC §663.18

The Texas Board of Professional Land Surveying proposes an amendment to §663.18, concerning certification. The Texas Board of Professional Land Surveying proposes this amendment to clarify the Board's position on certification.

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

Ms. Smith 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 all work conforming to the definition of surveying, as defined by the Act, will be required to adhere to minimum standards, thus providing the public with a better surveying product. 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 Sandy Smith, Executive Director, 7701 North Lamar Boulevard, Suite 400, Austin, Texas 78752. Written public comment is invited for 30 days from the date of this Register.

The amendment is proposed under Texas Civil Statutes, Article 5282c, §9, which provide the Texas Board of Professional Land Surveying with the authority to make and enforce all reasonable and necessary rules, regulations, and bylaws not inconsistent with the Texas Constitution, the laws of this state, and this Act.

§663.18. Certification.

(a) (No change.)

(b) The Professional Land Surveyor shall not apply a seal to any service which does not constitute professional surveying as defined by the Act.

(c)[(b)] If the surveyor certifies, or otherwise indicates, that his/her product or service meets a standard of practice in addition to that promulgated by the Texas Board of Professional Land Surveying, then the failure to so meet both standards may be considered by the Board, for disciplinary purposes, to be misleading the public.

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 January 6, 1993.

TRD-9317293

Sandy Smith
Executive Director
Texas Board of
Professional Land
Surveying

Earliest possible date of adoption: February 15, 1993

For further information, please call: (512) 452-9427

TITLE 34. PUBLIC FINANCE

Part I. Comptroller of Public Accounts

Chapter 3. Tax Administration

Subchapter B. Natural Gas Production Tax

• 34 TAC §3.20

The Comptroller of Public Accounts proposes new §3.20, concerning producer's gross cash receipts. The new section provides guidance as to what is to be included, or excluded, from gross cash receipts when a payment that relates to the price, the quality, or the quantity of the gas is made by the first purchaser of the gas to the producer.

Tom Plaut, chief revenue estimator, has determined that for the first five-year period the section is in effect there will be no significant revenue impact on the state or local government as a result of enforcing or administering the section. This section is adopted under the Tax Code, Title 2, and does not require a statement of fiscal implications for small businesses.

Dr. Plaut 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 from clarification of the tax law regarding reporting guidelines for natural gas occupation tax. There is no significant anticipated economic cost to persons who are required to comply with the proposed section.

Comments on the new section may be submitted to Charles C. Johnstone, Manager, Tax Administration Division, P.O. Box 13528, Austin, Texas 78711.

The new section is proposed 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.

§3.20. Producer's Gross Cash Receipts.

(a) The following words and terms, when used in this section, shall have the

following meanings, unless the context clearly indicates otherwise.

(1) Arm's-length transaction—A transaction between parties free of fraud or intent to evade the tax under this section.

(2) Non-recoupable payment—A payment made by a purchaser to a producer which is not refundable and will not be applied toward the purchase price of gas taken in the future.

(3) Recoupable payment—A payment made by a purchaser to a producer and is to be applied toward the price of gas to be produced and delivered to the purchaser during future periods.

(4) Related party—Any party with common ownership and exercising control over, or under the control of, the other party, or owned by another party which has common ownership and control over both contracting parties.

(b) The producer's gross cash receipts shall include:

(1) payments made to the producer by the first purchaser of gas which relate to the price of gas produced and taken pursuant to the terms of a contract for the sale of gas; and

(2) all monies that are received as compensation by the producer in connection with any judgment, compromise, or settlement agreement relating to the recovery of the contract price of gas produced, as provided by subsection (d) of this section.

(c) The producer's gross cash receipts shall not include:

(1) payments made to the producer by a purchaser under a contract for the sale or purchase of gas if the gas is never produced and delivered to the purchaser pursuant to that contract;

(2) reimbursement for litigation-related expenses, such as documented attorney's fees or court costs; or reasonable interest agreed upon by the parties, or in the absence of an agreement between the parties an amount to be determined by or from the records of the producer; or court-ordered interest received by the producer in connection with any judgment, compromise, or settlement agreement arising out of a dispute involving a contract for the sale of gas;

(3) a payment made to a producer by a gas purchaser to terminate a gas purchase contract. However, a replacement contract entered into within 90 days by the producer and same purchaser, or a party related to that purchaser, covering sales from the same leases or unit subject to the terminated contract may be examined to determine if the replacement contract is an arm's-length transaction between the

parties. The burden in establishing that a replacement contract is not an arm's-length contract is on the comptroller. A below market price paid for the gas in a replacement contract will be evidence that the contract was not arm's length; and

(4) a payment made to a producer by a gas purchaser to amend any provision in the gas purchase contract, except for a provision affecting the price to be paid by the purchaser.

(d) This subsection is solely for the purpose of allocating a settlement among several claims.

(1) Any judgment, compromise, or settlement amount received shall be prorated based upon the documented amounts due under the contract for each issue according to the records of the producer when the value received by a producer from a purchaser in settlement of a dispute concerning pricing and any other issue associated with the gas sales/purchase contract is less than the full amount sought by the producer. Any amount allocated as a payment defined in subsection (c)(1) of this section is not taxable. The value subject to tax is the product obtained by multiplying the settlement amount, minus litigation-related expenses and interest, by a fraction, the numerator of which is the documented value assigned to pricing and the denominator of which is the total documented amount sought by the producer. For example, a settlement of \$110,000 (minus litigation-related expenses and interest of \$10,000) for a pricing dispute of \$25,000, and an amount of \$225,000 for failure to pay for gas not taken, would result in a taxable settlement value of \$10,000 ($100,000 \times 25,000/250,000$).

(2) Records of the producer shall include, but are not limited to:

(A) the contracts and the settlement agreements;

(B) accounting entries, including entries reflecting receivables and payables;

(C) court pleadings; and

(D) worksheets, including calculations reflecting settlement amounts.

(3) Whenever it is necessary to determine taxable value under this subsection, the greatest weight shall be given to the records in the order that they are listed in paragraph (2) of this subsection.

(e) When gas is sold for consideration other than cash or products extracted from the gas, the taxable value shall be determined as follows.

(1) When gas is sold for cash and any consideration other than products or residue or both, the tax shall be computed on the producer's gross cash receipts for the gas sold and, with regard to the non-cash consideration, on the gross value of all items received.

(2) When gas is sold for any consideration other than cash, products, or residue, or a combination thereof, the tax shall be computed on the gross value of all items received for the gas sold.

(3) For purposes of this subsection, the reasonable market value shall be assigned to the non-cash consideration.

(f) Tax is due according to the following.

(1) Tax is due on payments, including recoupable payments as defined in this section, made to the producer by the

first purchaser of gas when the gas is produced and delivered to the purchaser.

(2) If a producer receives a non-recoupable payment as consideration for amending any provision in the contract affecting the price of the gas, then the tax shall be due based upon the value the producer would have received under the pricing provisions of the contract before they were amended until:

(A) the difference between the value the producer would have received before the contract price was amended and the value the producer received after the contract price was amended equals the non-recoupable payment; or

(B) until production from the property ceases; or

(C) until the properties are sold or until the contract is terminated in an arms-length transaction.

(3) This subsection is solely for the purpose of determining when tax is due.

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 January 7, 1993.

TRD-9317314

Martin Cherry
Chief, General Law
Section
Comptroller of Public
Accounts

Earliest possible date of adoption: February 15, 1993

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

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Texas Department of Insurance Exempt Filing

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

(Editor's Note: As required by the Insurance Code, Article 5.96 and 5.97, the Texas Register publishes notice of proposed actions by the Texas Board of Insurance. Notice of action proposed under Article 5.96 must be published in the Texas Register not later than the 30th day before the board adopts the proposal. Notice of action proposed under Article 5.97 must be published in the Texas Register not later than the 10th day before the Board of Insurance adopts the proposal. The Administrative Procedure and Texas Register Act, Article 6252-13a, Texas Civil Statutes, does not apply to board action under Articles 5.96 and 5.97.)

The complete text of the proposal summarized here may be examined in the offices of the Texas Department of Insurance, 333 Guadalupe Street, Austin, Texas 78714-9104.)

The State Board of Insurance, at a Board meeting scheduled for February 10, 1993, in Room 100 of the Texas Department of Insurance Building, 333 Guadalupe Street in Austin, will consider a forms revision filing by the Texas Department of Insurance for the Reinsurance Intermediary Bond and the Corporate Agents Bond.

The proposed revision to the Reinsurance Intermediary Bond includes as surety a surplus lines insurer eligible to do business in this state as authorized by 28 TAC §19.403. The revision also amends the signature block to reflect, "This form must be countersigned by a Licensed Agent."

The proposed revision to the Corporate Agents Bond adds 28 TAC §11.404, (b)(2) to include HMO Corporate Agents.

Copies of the full text of the proposed form for the Texas Department of Insurance are available for review in the Office of the Chief Clerk of the Texas Department of Insurance, 333

Guadalupe Street, Austin, Texas 78714-9104, contact Angie Arizpe at (512) 322-4147 (refer to Reference Number A-0193-71).

This notification is made pursuant to the Insurance Code, Article 5.96, which exempts it from the requirements of the Administrative Procedures and Texas Register Act.

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

Issued in Austin, Texas, on January 6, 1993.

TRD-9317268

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

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

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The State Board of Insurance, at a Board meeting scheduled for February 10, 1993, in Room 100 of the Texas Department of Insurance Building, 333 Guadalupe Street in Austin, will consider a filing by the Texas Department of Public Safety for a Special Rangers Bond Form.

The Special Ranger Bond is conditioned on the person performing the duties of the office of Special Ranger in accordance with the provisions of the Government Code, Texas Civil Statutes, §411.023. The penalty amount of the bond is \$2,500.

Copies of the full text of the proposed Special Rangers Bond form are available for review in the Office of the Chief Clerk of the Texas Department of Insurance, 333 Guadalupe Street, Austin, Texas 78714-9104. For further information or to request copies of the text, please contact Angie Arizpe at (512) 322-4147 (refer to Reference Number A-0193-72).

This notification is made pursuant to the Insurance Code, Article 5.96, which exempts it from the requirements of the Administrative Procedure and Texas Register Act.

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

Issued in Austin, Texas, on January 6, 1993.

TRD-9317267

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

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

◆ ◆ ◆

The State Board of Insurance, at a Board meeting scheduled for 9 a.m., February 17, 1993, in Room 100 of the Texas Department of Insurance Building, 333 Guadalupe Street in Austin, will consider a proposal filed on behalf of the Texas Automobile Insurance Service Office (TAISO). TAISO's petition proposes amendments to the Texas Automobile Liability Experience Rating Plan (the Plan). These amendments were proposed in a petition (Reference Number A-1192-69), filed by TAISO on November 24, 1992.

TAISO's petition proposes amendment of Definition 17 ("Adjusted Loss Ratio") in Section I ("Special Definitions") of the Plan, reportedly to correct an error that occurred when new definitions were added and some remaining ones were renumbered. The petition also proposes amendment of Section II ("Eligibility Requirements and Miscellaneous Rating Rules") of the Plan, to add to Rule 2 ("Experience Period"), two words which were reportedly omitted in error when the Plan was revised effective November 1, 1987.

A copy of the petition containing the full text of these proposed amendments to the Plan is available for review in the office of the Chief Clerk of the Texas Department of Insurance, 333 Guadalupe Street, Austin, Texas 78714-9104. For further information or to request copies of the petition, please contact Angie Arizpe at (512) 322-4147; (refer to Reference Number A-1192-69).

This notification is made pursuant to the Insurance Code, Article 5.96, which exempts it from the requirements of the Administrative Procedure and Texas Register Act.

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

Issued in Austin, Texas, on January 8, 1993.

TRD-9317420

Linda K. von Quintus-Dom
Chief Clerk
Texas Department of
Insurance

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

◆ ◆ ◆



Alex Velando
5th grade
Ehrhardt Ele
Klein I.S.D
Houston

Name: Alex Velando
Grade: 5
School: Ehrhardt Elementary, Klein ISD

Withdrawn Sections

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

TITLE 22. EXAMINING BOARDS

Part XXIV. Board of Veterinary Medical Examiners

Chapter 573. Rules of Professional Conduct

Records Keeping

• 22 TAC §573.51

The Board of Veterinary Medical Examiners has withdrawn from consideration for permanent adoption a proposed amendment §573.51 which appeared in the November 10, 1992, issue of the *Texas Register* (17 TexReg 7840). The effective date of this withdrawal is January 8, 1993.

Issued in Austin, Texas, on January 8, 1993.

TRD-9317346 Judy C. Smith
Administrative Assistant
Board of Veterinary
Medical Examiners

Effective date: January 8, 1993

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

TITLE 40. SOCIAL SER- VICES ASSISTANCE

Part XVI. Interagency Council on Sex Offender Treatment

Chapter 510. Sex Offender Treatment Provider Registry

• 40 TAC §510.1

The Interagency Council on Sex Offender Treatment has withdrawn from consideration for permanent adoption a proposed amendment §510.1 which appeared in the December 11, 1992, issue of the *Texas Register* (17 TexReg 8625). The effective date of this withdrawal is January 8, 1993.

Issued in Austin, Texas, on January 8, 1993.

TRD-9317343 Eliza May
Executive Director
Interagency Council on
Sex Offender Treatment

Effective date: January 8, 1993

For further information, please call: (512)
454-1314

• 40 TAC §§510.2, 510.3, 510.6, 501.7, 510.8, 510.9

The Interagency Council on Sex Offender Treatment has withdrawn from consideration for permanent adoption proposed repeals §§510.2, 510.3, 510.6, 510.7, 510.8 and 510.9 which appeared in the December 11, 1992, issue of the *Texas Register* (17 TexReg 8625). The effective date of this withdrawal is January 8, 1993.

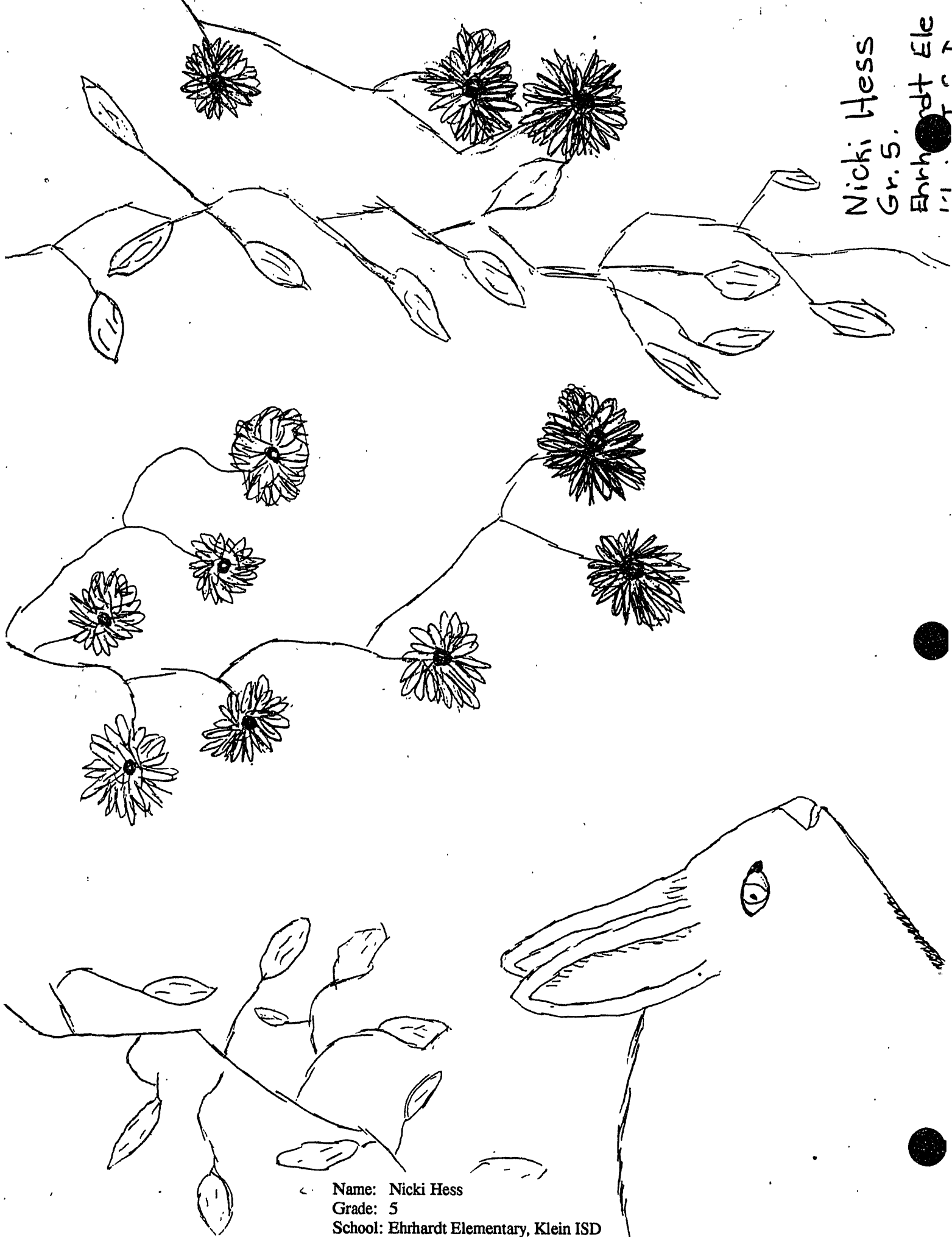
Issued in Austin, Texas, on January 8, 1993.

TRD-9317344 Eliza May
Executive Director
Interagency Council on
Sex Offender Treatment

Effective date: January 8, 1993

For further information, please call: (512)
454-1314

Nicki Hess
Gr. 5.
Ehrhardt Ele



Name: Nicki Hess
Grade: 5
School: Ehrhardt Elementary, Klein ISD

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 16. ECONOMIC REGULATION

Part IV. Texas Department of Licensing and Regulation

Chapter 67. Auctioneers

- 16 TAC §§67.10, 67.20, 67.22, 67.40, 67.70

The Texas Department of Licensing and Regulation adopts new §§67.10, 67.22, and 67.70 and amendments to §67.20 and §67.40, without changes to the proposed text as published in the December 4, 1992, issue of the *Texas Register* (17 TexReg 8375).

Section 67.10 defines "recurring basis" for owner's exemption; §67.20 adds a time requirement for reporting changes of address; §67.22 provides for two free reschedules for exam applicants who request rescheduling before the exam, and for payment of the exam fee if the applicant does not appear; §67.40 identifies the license holders from which the pro-rata share to be paid into the education and recovery fund will be due upon renewal; and §67.70 establishes responsibilities of the license holder.

The sections provide for more efficient processing of auctioneer license applications and clarifies responsibilities of license holders.

No comments were received regarding adoption of the sections.

The amendments and new sections are adopted under Texas Civil Statutes, Article 8700, which provide the Texas Department of Licensing and Regulation with the authority to promulgate and enforce a code of rules to assure compliance with the Act.

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 January 5, 1993.

TRD-9317283

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

Effective date: January 27, 1993

Proposal publication date: December 4, 1992

For further information, please call: (512) 463-3127

Chapter 75. Air Conditioning and Refrigeration Contractor License Law

- 16 TAC §§75.1, 75.10, 75.20, 75.30, 75.40, 75.50, 75.60, 75.70, 75.80, 75.90, 75.100

The Texas Department of Licensing and Regulation adopts the repeals of §§75.1, 75.10, 75.20, 75.30, 75.40, 75.50, 75.60, 75.70, 75.80, 75.90, and 75.100, concerning air conditioning and refrigeration contractors, without changes to the proposed text as published in the October 30, 1992, issue of the *Texas Register* (17 TexReg 7633).

The repeals of these sections allow for the adoption of edited, renumbered, and reorganized sections.

The sections will function the same.

No comments were received regarding adoption of the repeals.

The repeals are adopted under Texas Civil Statutes, Article 8861, which provide the Texas Department of Licensing and Regulation with the authority to promulgate and enforce a code of rules and take all action necessary to assure compliance with the intent and purposes of the Act.

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 January 7, 1993.

TRD-9317322

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

Effective date: January 28, 1993

Proposal publication date: October 30, 1992

For further information, please call: (512) 463-3127

- 16 TAC §§75.1, 75.10, 75.20-75.25, 75.30, 75.40, 75.60, 75.70, 75.80, 75.90, 75.91, 75.100

The Texas Department of Licensing and Regulation adopts new §§75.1, 75.10, 75.20-75.25, 75.30, 75.40, 75.60, 75.70, 75.80, 75.90, 75.91, and 75.100. Section 75.100 is adopted with changes to the proposed text as published in the October 30,

1992, issue of the *Texas Register* (17 TexReg 7633). Sections 75.1, 75.10, 75.20-75.25, 75.30, 75.40, 75.60, 75.70, 75.80, 75.90, and 75.91 are adopted without changes and will not be republished.

The new sections, edit, renumber, and reorganize existing rules. Section 75.100 was changed to reflect the wording of the rule in effect prior to the proposed amendment due to adverse comments received during the hearings. However, it is the intention of the agency to attempt to come to an agreement regarding the differences and publish a new proposed §75.100 if an agreement is reached.

The sections will primarily function the same.

Comments were received on §75.100(b) objecting to the addition of a set number of feet within which a disconnect could be installed. Comments were received on §75.100(c)(1) and (2) and on §75.100(d) in support of proposed changes. Comments were also received on §75.100(c)(1) in objection to expanding the scope of allowable fuel piping installation by contractors licensed under Article 8861, on §75.100(c)(2) in objection to allowing contractors licensed under Article 8861 to install drain piping associated with equipment covered by Article 8861, and on §75.100(d) in objection to requiring air duct cleaners doing certain work on equipment covered by Article 8861 to be licensed under the Act.

Groups or associations making comments for the proposed section were Texas Air Conditioning Contractors Association, Dallas Air Conditioning Contractors Association, The Air Conditioning and Refrigeration Contractors Advisory Board, Austin Air Conditioning Contractors Association, and other individuals. Groups or associations making comments against the proposed section were State Board of Plumbing Examiners, Associated Master Plumbers of Harris County, Associated Plumbing-Heating-Cooling Contractors of Texas, Bay Area Municipal Inspectors Association, Wichita County Plumbing & Mechanical Contractors Association, Texas State Association of Plumbing Inspectors, Inc., city plumbing inspectors, and individuals.

The agency takes the position that Article 8861 gives licensed air conditioning and refrigeration contractors the right to do certain piping work, and that an exemption in the Plumbing License Law also allows them this right. However, it is the intention of the agency to attempt to come to an agreement with the State Board of Plumbing Examiners on the differences in interpretation of the two statutes and to publish a new proposed section if an agreement is reached. The agency takes the position with respect to the rule for

duct cleaners that this trade has expanded into some areas that are clearly within the scope of Article 8861.

The new sections are adopted under Texas Civil Statutes, Article 8861, which provide the Texas Department of Licensing and Regulation with the authority to promulgate and enforce a code of rules and take all action necessary to assure compliance with the intent and purposes of the Act.

\$75.100. Technical Requirements.

(a) Boilers.

(1) The Texas Boiler Law, the Health and Safety Code, Chapter 755, provides for rules addressing the safe construction, installation, inspection, operating limits, alteration, and repair of boilers and their appurtenances. Those who alter or repair boilers or repair, test, set, or seal safety appliances must possess the applicable American Society of Mechanical Engineers certificate of authorization, National Board of Boiler and Pressure Vessel Inspectors Authorization for use of the "R" or VR Stamp or, in the case of owner/operators, a certificate of authorization issued by the department. These certificate holders are not required to hold a license as an air conditioning and refrigeration contractor.

(2) All others who install, maintain, or service boilers used in the process of environmental air conditioning, commercial refrigeration, or process cooling or heating must comply with the Texas Boiler Law, the Health and Safety Code, Chapter 755, and Chapter 65 of this title (relating to Boilers), and shall also hold the applicable class license as an air conditioning and refrigeration contractor.

(b) Electrical connections.

(1) The new construction of environmental air conditioning, commercial refrigeration, and process cooling or heating systems begins after the first connection on the line side of any listed appliance.

(2) Air conditioning and refrigeration contractors licensed under this law may replace and reconnect environmental air conditioning, commercial refrigeration, process cooling or heating systems, or component parts of the same or lesser amperage. On replacement environmental air conditioning, commercial refrigeration, process cooling or heating systems where the electrical disconnect has not been installed and is required by the National Electrical Code, the air conditioning and refrigeration contractor may install a disconnect directly adjacent to or on the replacement system and reconnect the system.

(3) Control wiring of 50 volts or less may be installed and serviced by an air conditioning and refrigeration contractor licensed under this law.

(4) All component parts may be serviced or replaced by an air conditioning and refrigeration contractor licensed under this law.

(5) All electrical work shall be performed in accordance with standards at least as strict as that established by the current National Electrical Code.

(c) Piping.

(1) Fuel gas piping for new or replaced environmental air conditioning, commercial refrigeration, or process cooling or heating systems may be installed by a contractor licensed under this law. Fuel gas piping by a licensed contractor is limited to the portion of piping between the appliance and the existing piping system, connected at either an existing shut-off valve or an existing opening for such use. Existing piping systems, stops, or shut-off valves shall not be altered by a licensed contractor.

(2) Drain piping associated with environmental air conditioning, commercial refrigeration, or process cooling or heating systems may be installed by a contractor licensed under this law.

(3) Mechanical piping associated with environmental air conditioning, commercial refrigeration, or process cooling or heating systems shall be installed by a contractor licensed under this law.

(d) Duct cleaning. Air duct cleaning may be performed by an unlicensed person or company if the task is limited to the air distribution system, from the discharge of the unit to the inlet of the unit, with no revisions, such as cutting, to the duct, and with no electrical connection.

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 January 7, 1993.

TRD-9317323

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

Effective date: January 28, 1993

Proposal publication date: October 30, 1992

For further information, please call: (512) 463-3127

TITLE 25. HEALTH SERVICES

Part I. Texas Department of Health

Chapter 145. Long-Term Care

Subchapter G. Licensing and Medical Certification Standards For Nursing Homes

• 25 TAC §145.111

The Texas Department of Health (department) adopts an amendment under federal mandate to §145.111, concerning standards for nursing facilities jointly developed by the department and the Texas Department of Human Services (TDHS) that apply to licensure and to Medicaid certification. Specifically, §145.111 adopts by reference TDHS rules in 40 TAC, §§19.1-19.2216. The amendment provides for conformity to federally mandated changes based on final federal OBRA rules, including minor technical wording changes for clarification.

The TDHS amendments to §§19.101, 19.203, 19.208, 19.301, 19.401, 19.602, 19.603, 19.701, 19.1101, 19.1501, and 19.1917 were published in the January 12, 1993, issue of the *Texas Register* (18 TexReg 198).

The amendments to the standards conform with the final federal OBRA rules which became effective April 1, 1992, and a federal Health Care Financing Administration ruling on time limited agreements which became effective August 26, 1992. Since TDHS is the state Medicaid agency for nursing facilities and the department is the state certifying agency for participating Medicaid nursing facilities, both TDHS and the department are required to jointly adopt rules to implement the federal regulations mentioned previously.

The amendment is adopted under federal mandate in accordance with the *Federal Register*, Volume 56, page 48826, 42 Code of Federal Regulations, Part 431, et al, which established new federal Medicaid regulations that the state Medicaid agency (TDHS) and the state certifying agency (department) are required to implement; the Human Resources Code, Chapter 32, which provides TDHS and the department with authority to jointly develop one set of standards for nursing facilities that applies to licensure and certification for participation in the medical assistance program under the Human Resources Code, Chapter 32, and to adopt by rule the standards any amendments to them; the Health and Safety Code, §242.037, which provides the Texas Board of Health with authority to adopt rules concerning the licensing of long-term care facilities; and Health and Safety Code, §12.001, which provides the Texas Board of Health with authority to adopt rules to implement every duty imposed by law on the board, the department, and the Commissioner of Health.

§145.111. Standards for Nursing Homes Jointly Developed by the Texas Department of Health and the Texas Department of Human Services That Apply to Licensure and Medicaid Certification.

(a) The Texas Department of Health adopts by reference the Texas Department of Human Services rules 40 TAC, §§19.1-19.2216, concerning Long-Term Care Nursing Facility Requirements for Licensure and Medicaid Certification effective October 8, 1990, as amended: October 1, 1990, under federal mandate; September 1, 1991; March 17, 1992; April 1, 1992 under federal mandate; March 3, 1992 under fede-

ral mandate; April 1, 1992, and August 26, 1992, under federal mandates; February 1, 1993, March 1, 1993; and September 23, 1992 and August 26, 1992 under federal mandates.

(b) (No change.)

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

Issued in Austin, Texas, on January 8, 1992.

TRD-9317443

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

Effective dates: August 26, 1992, September 23, 1992

For further information, please call: (512) 834-6770

Part II. Texas Department of Mental Health and Mental Retardation

Chapter 405. Client (Patient) Care

Subchapter H. Behavior

Management-Facilities Serving Persons With Mental Retardation

• 25 TAC §§405.156-405.169

The Texas Department of Mental Health and Mental Retardation (TXMHMR) adopts new §§405.156-405.169. Sections 405.158, 405.161-405.164, and 405.166 are adopted with changes to the proposed text as published in the September 29, 1992, issue of the *Texas Register* (17 TexReg 6669). Sections 405.156, 405.157, 405.159, 405.160, 405.165, and 405.167-405.169 are adopted without changes and will not be republished. The new sections are adopted contemporaneously with the adoption of the repeal of existing Chapter 405, Subchapter HH (concerning Restraint and Seclusion in Mental Retardation Facilities).

The new subchapter replaces provisions incorporated in existing Chapter 405, Subchapter HH. In addition, the new subchapter incorporates key provisions of existing Chapter 405, Subchapter G (concerning Behavior Therapy Programs) as applicable to mental retardation facilities. Existing Chapter 405, Subchapter G will continue to apply to mental health facilities.

A definition of "functional analysis" is added to §405.158 to clarify the term as intended in this subchapter. The definition of "protective device used to prevent self-injury" is replaced by the definition of "protective restraint" to clarify the intent. The definition of "personal restraint" is revised to delete "escorting" since simple escorting can be classified as physical guidance or physical prompting, while other forms of escorting would be considered personal restraint. Definitions of "physical guid-

ance" and "physical prompting" have been added.

In §405.161, it is clarified that all members of the behavior intervention committee should be knowledgeable regarding individual rights. Section 405.162(b) is completely restructured to make comprehension easier.

Section 405.162(g), is revised to clarify that any significant increase in the intensity or duration of a highly restrictive procedure, unless specified in the original application, must be approved by the facility behavior intervention committee and the facility's specially constituted committee. Section 405.162(i) is revised to require that review of a program utilizing contingent low level electric shock shall be conducted by a behavior consultant not otherwise affiliated with the facility.

Section 405.163(b) is revised to require that written informed consent must be obtained for any behavior intervention program which contains a restriction of the rights of an individual. In addition, it is clarified that in the event the superintendent/director approves a behavior intervention program for an individual, that approval must be obtained on an annual basis for highly restrictive procedures.

Throughout §405.164, the term "protective device used to prevent self-injury" is deleted and replaced with "protective restraint." In addition, language is added clarifying provisions around the use of protective restraint in an emergency.

Reference to the public responsibility committee's charge to investigate alleged violations of this subchapter is deleted from §405.166, as the responsibility is understood to be a part of the PRC's duty as outlined in Chapter 410, Subchapter A, relating to public responsibility committees.

Comments on the proposed subchapter were received from four organizations, including the ARC/Texas; the ARC/Austin; Advocacy, Inc.; and Dallas County MHMR. All commenters expressed support for the proposed sections, although all offered recommendations for changes.

Two commenters expressed support for the use of positive interventions to manage or redirect behaviors. The commenters noted that behavior intervention programs must always be designed and applied in a humane and caring manner with the ultimate goal of growth and development, and must be based on a formal functional analysis and thorough assessment of each individual's existing competencies and characteristics. The commenters also stressed the value of training and monitoring. The department agrees with the commenters, and inherent in this subchapter is a commitment to ensuring that every behavior intervention program is designed to meet the specific needs of the particular individual in a manner that reflects respect for the individual, concern for the individual's dignity, and enhancement of the individual's development.

Several commenters expressed concern with the use of aversive stimulus and recommended that its use be eliminated. The department responds that the use of any systematic behavior intervention conveys a

responsibility for careful analysis, design, implementation, and monitoring. Treatment must always be conducted with respect for the individual as the highest priority, which includes a recognition that each individual has the right to the most effective treatment available. Within the framework of this subchapter, humane and effective treatment can be provided. As stated in §405.159(c), TXMHMR recognizes and expresses a commitment to the provision of treatment which is the least restrictive and most effective alternative available.

Another commenter called for a prohibition on the use of low-level electric shock, and recommended that in the event the department did not assert such a prohibition, the consultant required to review and approve the program not be associated with TXMHMR in any other capacity. The department responds that the requirement that the program be reviewed and approved by a consultant creates an additional safeguard to ensure that such treatment represents the least restrictive and most effective alternative. Language has been added to §405.162(i) requiring that the consultant not be otherwise affiliated with the facility.

A commenter recommended that the use of other "highly restrictive procedures" be limited to those circumstances in which the behavior of the individual presents a danger to himself or others. The department responds that, as outlined in §405.162(d), a program employing highly restrictive procedures may not be initiated until at least two of three criteria have been met. One of those criteria is that the individual exhibits overt self-injurious behavior or is a danger to others. These criteria are established in order to ensure that the use of a highly restrictive procedure represents the most effective, least restrictive alternative available.

Another commenter noted that the subchapter does not seem to distinguish or even consider the accepted realization that some people, including persons with mental retardation, need a therapeutic regime to treat a mental illness. The commenter noted that medications in this category would not fit the expected outline of conditions for behavior intervention programs. The department responds that the proposed rule adopts by reference ICF/MR standards and refers to standards of The Council for Accreditation (ACDD), and the subchapter as written requires that these procedures be implemented when medications are utilized for behavior management in keeping with the requirements of the applicable standards.

A commenter stated that approximately half of the individuals living in state schools have been committed via a court process and have no legal guardian, advocate, or interested friend. The commenter noted that there is no one who serves in an advisory capacity (legal or otherwise) to the person who can receive input from the treatment team, evaluate the team's recommendations, and provide informed consent. The commenter expressed concern about the superintendent/director approving highly restrictive procedures for individuals in the absence of a parent of a minor child or legal guardian, and expressed con-

bers of the specially constituted committee include persons served, family members, and other outside representatives. By requiring that any highly restrictive procedure be routed through both the specially constituted committee and the behavior intervention committee, the department has established a number of checks and balances designed to safeguard the rights of each individual to the greatest extent possible.

Regarding §405.161, two commenters requested that an independent advocate always serve as a member of the behavior intervention committee. The department responds that an independent advocate is included as a member of the specially constituted committee (required by ICF/MR regulations and this rule), which is specifically charged with the oversight of rights protection efforts. This committee is also required to review and approve programs utilizing highly restrictive procedures, and the independent advocate's input is better utilized in this capacity.

The new sections are adopted under the Texas Health and Safety Code, §532.015 (Texas Civil Statutes, Article 5547-202, §2.11), which provides the Texas Department of Mental Health and Mental Retardation with broad rulemaking powers.

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

Applied behavior analysis—The systematic application of scientific principles of behavior to improve socially significant behavior to a meaningful degree and to demonstrate empirically that the procedures employed were responsible for the improvement in behavior.

Behavior intervention—Systematic efforts to increase adaptive behaviors and to modify maladaptive or problem behaviors and replace them with behaviors that are adaptive and socially acceptable.

Behavior intervention program—A written program prescribing the systematic application of behavioral techniques with regard to an individual and which contains:

(A) clear specifications of behavioral objectives;

(B) reliable and representative baseline data;

(C) a functional analysis of the events which contribute to or maintain the targeted behaviors;

(D) detailed procedures for implementing the program;

(E) methods for evaluating program effectiveness; and

(F) procedures for making necessary program revisions.

Behavior management—All efforts to increase socially adaptive behavior and to modify maladaptive or problem behaviors and replace them with behaviors and skills that are adaptive and socially productive. This broad category includes behavior interventions, emergency procedures used to protect an individual or other persons due to the actions of that individual, and both formal and informal planned interactions intended to increase socially adaptive behavior and/or to modify maladaptive or problem behaviors.

Behavioral services director—That individual appointed by the superintendent to chair the facility behavior intervention committee, consult with program directors, and coordinate activities of the facility behavior intervention committee. The behavioral services director shall:

(A) be knowledgeable in the specifics of behavior management principles and theory;

(B) be qualified to evaluate published behavior management research studies; and

(C) have had applied experience with behavior management techniques.

Emergency physical restraint—The application of any physical device, or the application of physical resistance by another person, to the body of an individual in such a way as to limit or control the physical activity of the individual, or to restrict the movement or normal functioning of a portion of an individual's body in those situations in which there is imminent probability of harm to the individual or others and when those behaviors reasonably could not have been anticipated.

Functional analysis—A formal assessment of both antecedents and consequences that maintain problem behavior. Data may be collected utilizing a wide variety of techniques, including interview, observation, and analogue manipulation.

Highly restrictive procedures—The use of drugs for behavior management, application of aversive stimuli, exclusionary time-out, physical restraint, or a requirement to engage in an effortful task or other techniques with similar degrees of restriction or intrusion to manage maladaptive behavior.

(A) **Application of aversive stimuli**—Application of any stimulus which may be unpleasant or noxious, startling, or painful such that its intended effect is the suppression of the specific behavior upon which it is immediately contingent. For pur-

poses of these rules, such stimuli include olfactory, auditory, gustatory, tactile, and other stimuli which may result in physical discomfort or pain. Included in this category is low-level electric shock applied to the extremities (legs or arms) contingent on behavior dangerous to self or others.

(B) **Contingent restraint**—An intervention within a behavior intervention program involving the systematic application of any physical device, or the application of physical resistance by another person, to the body of an individual in such a way as to limit or control the physical activity of the individual following a previously identified response targeted for reduction or elimination.

(C) **Drugs for behavior management**—Refers to medications prescribed and administered for the purpose of modifying the maladaptive behavior of an individual.

(D) **Effortful task**—A task requiring physical effort by an individual following an undesirable response and in which the completion of the task is directed and may be manually guided by staff. Examples of effortful tasks include, but are not limited to:

(i) **Required exercise**—A procedure in which an individual performs and may be guided by staff to perform a series of physical movements which are incompatible with the undesirable response which they systematically follow. An example would be the guided movement of a self-abusive individual's arms through a series of positions away from the body.

(ii) **Negative practice**—A procedure in which an individual is required to repeatedly engage in an effortful task which is topographically similar to the undesirable response which the procedure systematically follows. An example is a program in which an individual who strikes others is required to repeatedly strike a punching bag following each occurrence of striking behavior.

(iii) **Restitutional overcorrection**—A procedure in which an individual is required to correct the consequences of a disruptive response by performing a task which restores the environment to a state even more improved than existed before the disruptive behavior. An example would be the requirement that a disruptive individual polish all the tables in the residence as a consequence of knocking over one of them.

(iv) **Positive practice overcorrection**—A procedure in which an individual is required to repeatedly engage in an appropriate behavior related to the func-

tion of the undesirable response which the procedure systematically follows. An example is a program in which an individual is required to repeatedly practice an appropriate social behavior contingent upon exhibition of a targeted inappropriate social response.

(E) Exclusionary time-out—A procedure by which an individual is placed alone in an enclosed area in accordance with an approved systematic behavior intervention program contingent upon the exhibition of a maladaptive behavior, in which positive reinforcement is not available and from which egress is denied, including prevention by staff, until appropriate behavior is exhibited.

(F) Protective restraint—The use of any physical or mechanical device to limit or prevent severe self-injurious behavior that if left uncontrolled could result in serious tissue damage, medical complications, or death (e.g., life-threatening pica, self-mutilative biting).

Individual—Any person admitted to and receiving the campus-based services of a facility serving persons with mental retardation.

Informed consent—The knowing consent of an individual or his legally authorized representative, so situated as to be able to exercise free power of choice without undue inducement or any element of force, fraud, deceit, duress, or other form of constraint or coercion. The basic elements of information necessary for informed consent include:

(A) a thorough explanation of the procedures to be followed, and their purposes, including identification of any procedures which are experimental;

(B) a description of any attendant discomforts and risks reasonably to be expected;

(C) a description of any benefits reasonably to be expected;

(D) a disclosure of any appropriate alternative procedures;

(E) an offer to answer any inquiries concerning the procedures; and

(F) an instruction that the person is free to withdraw his consent and to discontinue participation in the project or activity at any time without prejudice to the individual.

Mechanical restraint—The application of a physical device to restrict the

movement of the whole or a portion of an individual's body except as part of a routine medical or dental procedure and for bodily support and positioning.

Personal restraint—The application of physical pressure to the body of an individual in such a way as to restrict the movement of the whole or a portion of the body except as part of a routine medical or dental procedure. Excluded also are physical guidance and prompting procedures.

Physical guidance—The guidance of the performance of a behavior using constant and continuous physical contact (also called manual guidance).

Physical prompting—A form of minimal physical contact that is presented to cue the performance of a particular behavior.

Physical restraint—The use of personal or mechanical restraint to restrict the movement or routine functioning of a portion of an individual's body. Physical restraint includes contingent restraint, protective restraint, and emergency restraint as defined herein.

Specially Constituted Committee—A committee designated by the facility and operating in accordance with ICF/MR regulations (42 Code of Federal Regulations, §483.440(f)(3)(i)-(iii)).

§405.161. Facility Behavioral Services Director; Facility Behavior Intervention Committee.

(a) The superintendent/director of each facility shall appoint a facility behavioral services director.

(b) A behavior intervention committee, consisting of a minimum of three members, shall be established at each facility.

(1) The members of the committee shall be appointed by and serve at the pleasure of the superintendent/director of the facility.

(2) The behavioral services director shall be a member and serve as chairperson of the committee.

(3) The majority of the members shall have the technical skills and knowledge of applied behavior analysis necessary to evaluate the adequacy of proposed behavior intervention programs.

(4) All members shall be knowledgeable regarding individual rights.

(c) The behavior intervention committee shall:

(1) establish and review policies and procedures related to the use of behavior management throughout the facility;

(2) review and approve behavior intervention programs conducted in the facility;

(3) participate in the establishment of guidelines for the evaluation of all facility programs utilizing behavior intervention techniques; and

(4) ensure the technical adequacy of behavior intervention programs.

§405.162. Initiation and Approval of Behavior Intervention Programs.

(a) A behavior intervention program may not be initiated until the behavior intervention committee has reviewed and approved the program.

(b) An assessment or functional analysis which involves the direct, systematic manipulation of environmental variables and which includes the evaluation of a highly restrictive procedure or which would pose a significant risk of injury to the individual or others (for example, cases of severe self-injury or aggression) may not be initiated until:

(1) a written protocol for the evaluation has been developed, including:

(A) the specific procedures or environmental variables to be manipulated; and

(B) the specific length of time required for each phase of the evaluation; and

(2) the protocol has been approved by:

(A) the interdisciplinary team;

(B) the facility behavioral services director;

(C) the chair of the facility's specially constituted committee; and

(D) the legally authorized representative of the individual as specified in §405.163 of this title (relating to Informed Consent).

(c) A behavior intervention program involving restriction of the rights of an individual or which contains a highly restrictive procedure may not be initiated until a specially constituted committee has reviewed and approved the program.

(d) A program employing highly restrictive procedures may not be initiated until less restrictive behavior intervention programs not employing highly restrictive procedures have been systematically attempted and failed to remove the problem behavior or behaviors and one of the two following criteria have been met:

(1) the individual exhibits overt self-injurious behavior or is a danger to others;

(2) the individual's behavior problems are so severe or their duration is so extensive that other therapeutic approaches are currently precluded or are ineffective.

(e) A program employing highly restrictive procedures may not be initiated until a procedure for differentially reinforcing behaviors in such a way as to reduce or eliminate the undesirable response(s) is designed and simultaneously implemented with the program utilizing highly restrictive procedures.

(f) Prior to implementation of a highly restrictive procedure, medical authorization by a licensed physician shall be placed in the record of each individual who is to participate in a behavior intervention program utilizing highly restrictive procedures stating that no medical contraindications exist for the utilization of the highly restrictive procedures specified within the program with regard to the particular individual for whom they are to be utilized.

(g) Any significant increase in the intensity or duration of a highly restrictive procedure, unless specified in the original application (i.e., in the case of changes specified as a part of a plan of titration specified and approved in a plan including the use of drugs for behavior management), shall be approved by the facility behavior intervention committee and the facility's specially constituted committee and shall have medical authorization by a licensed physician.

(h) Except for physical restraint and drugs for behavior management as specified in ICF/MR regulations, highly restrictive procedures shall not be utilized on an emergency basis.

(i) Prior to implementation, any program utilizing contingent low level electric shock shall be reviewed and approved by a behavior consultant with expertise in the use of such procedures. This consultant shall not be an employee of TXMHMR and shall be authorized by the deputy commissioner for mental retardation services.

§405.163. Informed Consent.

(a) Written informed consent shall be obtained for any program involving medications for behavior management.

(b) Written informed consent for any behavior intervention program which contains restriction of the rights of an individual or a highly restrictive procedure shall be obtained as follows.

(1) If the individual has been admitted voluntarily and is 18 years of age

or older, written informed consent shall be obtained from:

(A) the individual, if legally competent to give such consent; or

(B) the guardian of the person of the individual if the individual has been adjudicated incompetent by a court of competent jurisdiction.

(2) If the individual has been admitted voluntarily under the Texas Health and Safety Code, Title 7, Subtitle D, and is under 18 years of age, written informed consent shall be obtained from the parent, managing conservator, or guardian of the person of the individual.

(c) If the individual is not factually competent to give informed consent, and no guardian of the person has been established or all efforts to locate the responsible parent of a child under age 18 or guardian of the person have failed:

(1) the facility behavior intervention committee and facility specially constituted committee shall confirm the need for and the probable desirable consequences of the program; and

(2) the superintendent/director shall approve the program in writing.

(d) Staff should be aware that informed consent can be withdrawn at any time. If informed consent is withdrawn, the program shall be discontinued. For all programs requiring informed consent, staff shall document that the right to withdraw such consent was communicated to the relevant party.

(e) Written informed consent/approval shall be obtained on an annual basis for highly restrictive procedures.

§405.164. Use of Physical Restraint; Use of Protective Restraint; Use of Mechanical Restraint.

(a) Physical restraint shall only be used in a manner consistent with appropriate ICF/MR standards.

(b) All reasonable steps shall be taken to ensure safety and dignity of individuals in all instances of restraint.

(c) Only departmentally approved techniques shall be utilized during personal restraint.

(d) The facility must develop written policy regarding the monitoring of emergency physical restraint which specifies any necessary action the interdisciplinary team must take to address the repeated use of emergency restraint.

(e) Protective restraint may be used with authorization as an emergency measure in accordance with relevant accreditation

standards or as a long-term intervention if used as a part of an approved behavior intervention program.

(1) Prior to the use of the protective restraint, the interdisciplinary team must verify and document that a failure to utilize the protective device would place the individual in a clear position of imminent and significant harm, which could not be prevented by any other, less restrictive means.

(2) The use of protective restraint within a behavior intervention program shall include a plan designed to systematically decrease and eliminate the need for the protective restraint and shall specify times at which the individual will be released from the restraint device.

(f) Only appropriate mechanical restraints shall be utilized. The appropriateness of a mechanical restraint shall be determined as follows.

(1) Mechanical restraints included in the document, "Acceptable Mechanical Restraints," which is referenced in §405.167 of this title (relating to Exhibits) as Exhibit A, are considered appropriate for systemwide use. Use of mechanical restraints listed in the document, "Unacceptable Mechanical Restraints," which is referenced in §405.167 of this title as Exhibit B, is prohibited.

(2) Mechanical restraints not prohibited by "Unacceptable Mechanical Restraints," but which are not included in the list of "Acceptable Mechanical Restraints" may be utilized after being reviewed and approved by:

(A) the interdisciplinary team;

(B) the facility behavioral services director;

(C) the chair of the facility's specially constituted committee; and

(D) the facility superintendent/director or designee.

(3) A complete description of any devices or techniques approved by the facility for use which are not included in the document "Acceptable Mechanical Restraints" shall be forwarded within 10 days of the facility approval to the deputy commissioner for mental retardation services for review.

§405.166. Enforcement.

(a) The facility superintendent/director shall be responsible for the enforcement of this rule.

facility for use which are not included in the document "Acceptable Mechanical Restraints" shall be forwarded within 10 days of the facility approval to the deputy commissioner for mental retardation services for review.

§405.166. Enforcement.

(a) The facility superintendent/director shall be responsible for the enforcement of this rule.

(b) Violation of this rule shall constitute grounds for appropriate disciplinary personnel action.

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

Issued in Austin, Texas, on January 11, 1993.

TRD-9317448

Anne K. Utley
Chairman
Texas Board of Mental
Health and Mental
Retardation

Effective date: February 1, 1993

Proposal publication date: September 29, 1992

For further information, please call: (512) 465-4670

Subchapter HH. Restraint and Seclusion in Mental Retardation Facilities

• 25 TAC §§405.841-405.849

The Texas Department of Mental Health and Mental Retardation (TXMHMR) adopts the repeal of §§405.841-405.849, concerning restraint and seclusion in mental retardation facilities, without changes to the proposed text as published in the September 29, 1992, issue of the *Texas Register* (17 TexReg 6673). The repeal of the sections is adopted contemporaneously with the adoption of the subchapter which replaces them, Chapter 405, Subchapter H, concerning behavior management-facilities serving persons with mental retardation, also in this issue of the *Texas Register*.

The new subchapter adopts by reference applicable standards (ICF/MR and The Council for Accreditation) for behavior management. The subchapter expresses a commitment to the provision of treatment which is the least restrictive and most effective alternative, and includes provisions for continued improvement of behavioral services within facilities serving persons with mental retardation.

No comments were received regarding adoption of the repeals.

The repeals are adopted under Texas Civil Statutes, Article 5547-202, §2. 11, which provide the Texas Board of Mental Health and Mental Retardation with rulemaking powers.

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 January 11, 1992.

TRD-9317449

Ann K. Utley
Chairman
Texas Board of Mental
Health and Mental
Retardation

Effective date: February 1, 1993

Proposal publication date: September 29, 1992

For further information, please call: (512) 465-4516

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Services

Chapter 12. Special Nutrition Programs

Child and Adult Care Food Program

• 40 TAC §§12.3, 12.6, 12.14, 12.15, 12.24, 12.25

The Texas Department of Human Services (DHS) adopts amendments to §§12.3, 12.6, 12.14, 12.15, 12.24, and 12.25, without changes to the proposed text as published in the November 27, 1992, issue of the *Texas Register* (17 TexReg 8278).

The justification for the amendments is to eliminate obsolete rules and to clarify existing rules to ensure consistency in the application of program policy.

The amendments will function by providing a more accurate reflection of current policy.

The department received one comment supporting the proposed change to §12.15(e). Southwest Human Development Services, Inc., supports the deletion of §12.15(e) because it is no longer a federal requirement and it has clear fiscal implications for the citizens of Texas.

The amendments are adopted under the Human Resources Code, Title 2, Chapters 22 and 33, which provides the department with the authority to administer public and nutritional assistance 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 January 8, 1993.

TRD-9317424

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

Effective date: February 1, 1993

Proposal publication date: November 27, 1992

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

TITLE 43. TRANSPORTATION

Part II. Texas Turnpike Authority

Chapter 54. Policies, Rules, Guidelines and Procedures for Private Involvement in TTA Projects

• 43 TAC §54.1, §54.2

The Texas Turnpike Authority (TTA) adopts new §54.1 and §54.2 concerning policies, rules, guidelines, and procedures for private involvement in TTA projects, without changes to the proposed text as published in the September 18, 1992, issue of the *Texas Register* (17 TexReg 6435).

The new sections will enable the delineation of rules and guidelines governing private participation in TTA projects.

The new sections enable TTA to initiate private participation in TTA projects or to review proposals from private entities.

No comments were received regarding adoption of the new sections.

The new sections are adopted under Texas Civil Statutes, Article 6674v, §20a, which provide the Texas Turnpike Authority with the authority to negotiate with and enter into contracts with entities regarding private participation in TTA projects, and to promulgate these rules, procedures, and guidelines for such purposes.

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 Dallas, Texas, on January 6, 1993.

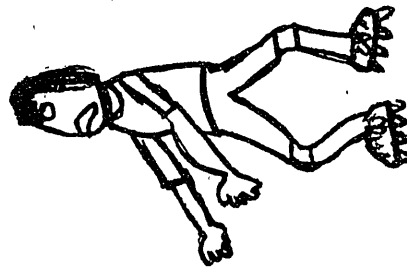
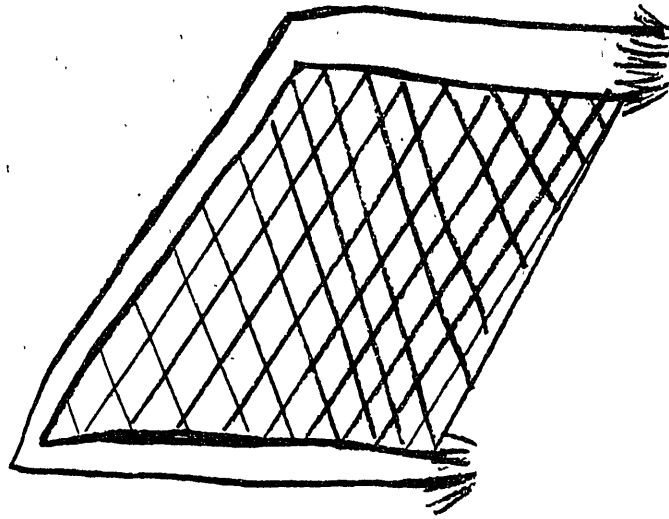
TRD-9317430

John B. Ramming
Executive Director
Texas Turnpike Authority

Effective date: February 1, 1993

Proposal publication date: September 18, 1992

For further information, please call: (214) 522-6200



KALLA WYATT
5th GRADE
EHRHARDT ELEM.
KLEIN I. S. D.
HOUSTON

Name: Kalla Wyatt
Grade: 5
School: Ehrhardt Elementary, Klein 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

Thursday, January 21, 1993, 7 a.m. The Texas Rice Producer Board of the Texas Department of Agriculture will meet at the Civic Center, Room A, El Campo. According to the complete agenda, the board will discuss approval of the minutes; election of officers-discussion and action; hear financial reports; biennial district election reports; discuss and act on other business; and adjourn.

Contact: Curtis Leonhardt, P.O. Box 740123, Houston, Texas 77274, (713) 270-6699.

Filed: January 8, 1993, 2:28 p.m.

TRD-9317378

Tuesday, February 9, 1993, 11 a.m. (Rescheduled from November 16, 1992, 1 p.m.) The Office of Hearings of the Texas Department of Agriculture will meet at the Texas Department of Agriculture, 8918 Tesoro Drive, Suite 120, San Antonio. According to the complete agenda, the department will hold an administrative hearing to review alleged violation of Texas Agriculture Code §103.001 et seq. (Vernon 1982) by L & R Produce as petitioned by Paradise Produce, Inc.

Contact: Barbara B. Deane, P.O. Box 12847, Austin, Texas 78711, (512) 463-7448.

Filed: January 8, 1993, 2:07 p.m.

TRD-9317374

Tuesday, February 9, 1993, 1 p.m. (Rescheduled from November 16, 1993, 10 a.m.) The Office of Hearings of the Texas Department of Agriculture will meet at the Texas Department of Agriculture, 8918

Tesoro Drive, Suite 120, San Antonio. According to the complete agenda, the department will hold an administrative hearing to review alleged violation of Texas Agriculture Code §103.001 et seq. (Vernon 1982) by L & R Produce as petitioned by Delta Produce Marketing.

Contact: Barbara B. Deane, P.O. Box 12847, Austin, Texas 78711, (512) 463-7448.

Filed: January 8, 1993, 2:06 p.m.

TRD-9317373

State Aircraft Pooling Board

Wednesday, January 20, 1993, 3:30 p.m. The State Aircraft Pooling Board will meet at 4900 Old Manor Road, Austin. According to the complete agenda, the board will call the meeting to order; make introductions; discuss approval of minutes of board meeting, October 7, 1992; hear executive director's report; setting of time and place for next meeting; and adjourn.

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

Filed: January 11, 1993, 9:07 a.m.

TRD-9317427

Texas Animal Health Commission

Thursday, January 21, 1993, 3:30 p.m. The Committee That Supervises Duties of Internal Auditor of the Texas Animal Health Commission will meet at 210 Barton Springs Road, First Floor Conference Room, Austin. According to the agenda

summary, the committee will discuss a report on laboratories; and progress on Audit Plan for Fiscal Year 1993.

Contact: Jo Anne Conner, P.O. Box 12966, Austin, Texas 78711, (512) 479-6697.

Filed: January 11, 1993, 10:35 a.m.

TRD-9317451

The State Bar of Texas

Thursday-Friday, January 14-15, 1993, 10 a.m. and 8:30 a.m. respectively. The Commission for Lawyer Discipline of the State Bar of Texas will meet at the Texas Law Center, 1414 Colorado Street, Rooms 206/207, Austin. According to the emergency revised agenda summary, the commission will review the case of William J. Kershner, to be discussed under agenda items 15 and 19. The emergency status is necessary as item requires immediate action due to timing of trial setting and next meeting of the Commission for Lawyer Discipline.

Contact: Anne Dorris, 400 West 15th Street, Suite 1500, Austin, Texas 78701, (512) 463-1381.

Filed: January 8, 1993, 2:38 p.m.

TRD-9317379

Texas Department of Commerce

Tuesday, January 12, 1993, 6:30 p.m. (Rescheduled from January 12, 1993, at 1 p.m.) The International Trade Commission of the Texas Department of Commerce held an emergency meeting at the First City Centre Building, 11th Floor Board Room, 816

Congress Avenue, Austin. According to the agenda summary, the commission called the meeting to order; adopted minutes from October 14, 1992 meeting; heard legislative report; discussed proposed legislation recommendation pursuant to §481.324(1)(4), Texas Government Code; and adjourned. The emergency status was necessary due to time change and lack of quorum at previous time.

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

Filed: January 7, 1993, 3:47 p.m.

TRD-9317320

Wednesday, January 13, 1993, 9 a.m. The Board of Directors of the Texas Department of Commerce met at First City Centre Building, 11th Floor Board Room, 816 Congress Avenue, Austin. According to the emergency revised agenda summary, the board called the meeting to order; recessed in executive session to discuss litigation matters; reconvened in open meeting; adopted minutes from meeting of November 4, 1992; heard report from executive director; EEO statistics and turnover report; first quarter performance report to Legislative Budget Board, January 4, 1993 (draft); discussed Texas Marketplace; status of Texas leverage fund; legislative update; discussed reports due to legislature-State Job Training Coordinating Council, International Trade Commission, Texas Mexico Authority and Policy Board; resolution in support of NAFTA; authorized TEXCAP letter of credit substitution process; resolution for support of Human Resource Investment Council; and adjourned. The emergency status was necessary due to execution of NAFTA Resolution.

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

Filed: January 11, 1993, 10:12 a.m.

TRD-9317450

Texas State Board of Examiners of Professional Counselors

Thursday, January 14, 1993, 1 p.m. The Complaints Committee of the Texas State Board of Examiners of Professional Counselors held an emergency meeting at the Exchange Building, Room S-402, 8407 Wall Street, Austin. According to the complete agenda, the committee may have discussed and acted on: agreed order concerning the license of M.T. order concerning the license of R.K. and pending complaints. The emergency status was necessary due to unforeseeable circumstances.

Contact: Kathy Craft, 1100 West 49th Street, Austin, Texas 78756, (512)

834-6628. For ADA assistance, call Richard Butler (512) 458-7488 or T.D. D. (512) 458-7708 at least two days prior to the meeting.

Filed: January 7, 1993, 4:37 p.m.

TRD-9317338

Friday, January 15, 1993, 8 a.m. The Rules and Specialties Committee of the Texas State Board of Examiners of Professional Counselors will meet at the Exchange Building, Room S-400, 8407 Wall Street, Austin. According to the complete agenda, the committee will discuss and possibly act on amendment to board rules, comments concerning proposed rules, and final adoption of proposed rules.

Contact: Kathy Craft, 1100 West 49th Street, Austin, Texas 78756, (512) 834-6628. For ADA assistance, call Richard Butler (512) 458-7488 or T.D. D. (512) 458-7708 at least two days prior to the meeting.

Filed: January 7, 1993, 4:37 p.m.

TRD-9317337

Friday, January 15, 1993, 10 a.m. The Applications, Licensing and Renewals Committee of the Texas State Board of Examiners of Professional Counselors will meet at the Exchange Building, Room S-400, 8407 Wall Street, Austin. According to the complete agenda, the committee will discuss and possibly act on applications; request for additional supervisor; and status of license renewals.

Contact: Kathy Craft, 1100 West 49th Street, Austin, Texas 78756, (512) 834-6628. For ADA assistance, call Richard Butler (512) 458-7488 or T.D. D. (512) 458-7708 at least two days prior to the meeting.

Filed: January 7, 1993, 4:37 p.m.

TRD-9317335

Friday, January 15, 1993, 2 p.m. The Personnel and Administration Committee of the Texas State Board of Examiners of Professional Counselors will meet at the Exchange Building, Room S-400, 8407 Wall Street, Austin. According to the complete agenda, the committee will discuss and possibly act on support specialist position for personal computer programs and executive secretary's report.

Contact: Kathy Craft, 1100 West 49th Street, Austin, Texas 78756, (512) 834-6628. For ADA assistance, call Richard Butler (512) 458-7488 or T.D. D. (512) 458-7708 at least two days prior to the meeting.

Filed: January 7, 1993, 4:37 p.m.

TRD-9317334

Friday, January 15, 1993, 3 p.m. The Fees and Budget Committee of the Texas State Board of Examiners of Professional Coun-

selors will meet at the Exchange Building, Room S-400, 8407 Wall Street, Austin. According to the complete agenda, the committee will discuss and possibly act on financial report through December 31, 1992, support specialist position for personal computer programs, and expenses for Jim Zukowski to attend the CLEAR midyear business meeting.

Contact: Kathy Craft, 1100 West 49th Street, Austin, Texas 78756, (512) 834-6628. For ADA assistance, call Richard Butler (512) 458-7488 or T.D. D. (512) 458-7708 at least two days prior to the meeting.

Filed: January 7, 1993, 4:36 p.m.

TRD-9317333

Saturday, January 16, 1993, 9 a.m. The Texas State Board of Examiners of Professional Counselors will meet at the Exchange Building, Room S-400, 8407 Wall Street, Austin. According to the complete agenda, the board will hear announcements; discuss approval of the minutes of November 6, 1992 meeting; discuss and possibly act on: update on Texas Psychological Association lawsuit; results and recommendations from the Sunset Commission; draft legislation concerning sexual exploitation; committee reports concerning personnel and administration (support specialist position for personal computer programs); fees and budget (financial report through December 31, 1992, and expenses for Jim Zukowski to attend CLEAR Midyear Business meeting); applications, licensing and renewals (applications of Penelope Marie Cole, Patricia Karam, Nancie Ziemke and others request for additional supervisor, and status or renewals); rules and specialties (amendments to board rules, proposed rules, and final adoption of proposed rules); testing and continuing education; complaints (agreed order concerning license of M.T. and order concerning license of R.K.); public and professional relations; and hear persons who wish to appear before the board; other matters relating to the licensure and regulation of professional counselors not involving board action; and schedule of future meetings.

Contact: Kathy Craft, 1100 West 49th Street, Austin, Texas 78756, (512) 834-6628. For ADA assistance, call Richard Butler (512) 458-7488 or T.D. D. (512) 458-7708 at least two days prior to the meeting.

Filed: January 7, 1993, 4:36 p.m.

TRD-9317336

Texas Board of Criminal Justice

Friday, January 15, 1993, 9 a.m. The Board of Criminal Justice of the Texas Department of Criminal Justice will meet at the Community Justice Assistance Division, 8100 Cameron Road, Building B, Suite 600, Austin. According to the agenda summary, the board will meet in regular session to discuss consent items; dual employment requests; hear board reports; discuss rule considered for final adoption-Board of Criminal Justice; discuss proposed rules considered-Community Justice Assistance Division; final adoption and proposed repeals; rules considered for final adoption-Institutional Division; rule considered for final adoption-Pardons and Paroles Division; resolution-additional female unit; Harris County Intermediate Sanction Facility; request for proposal-2,000 additional beds; discuss jail backlog/overcrowding alternatives; proposal of ways to alleviate work problems-presentation AFSOME/CEC; Judicial Advisory Committee report; introduction, TDCJ staff; construction; finance; date and location/next meeting; meet in executive session to discuss with board attorneys litigation; Windham, hearing-employee grievance; Windham School Board: board response to employee grievance; amendment-consultant contracts special education services 1992-1993; and discuss consent items.

Contact: Susan Power-McHenry, 816 Congress Avenue, Suite 500, Austin, Texas 78701, (512) 475-3250.

Filed: January 7, 1992, 3:20 p.m.

TRD-9317315

Texas State Board of Dietitians

Friday, January 15, 1993, 11 a.m. The Texas State Board of Dietitians will meet at the Exchange Building, Room S-402, 8407 Wall Street, Austin. According to the agenda summary, the board will discuss approval of the minutes of previous meeting; discuss and possibly act on: chairman's report; executive secretary's report; committee reports; budget; applications for licensure, provisional licensure, examination eligibility, preplanned professional experience program, and license renewal; proposed amendments relating to chiropractic rules of practice; action relating to Margaret Killean, Maxine Albert, and Maria Guzman; reciprocal agreement with Ohio Board of Dietitians; Sunset Commission status; action relating to duties of executive secretary; election of chairman; committee appointments; presentation of certificates; and hear announcements and comments requiring no board action.

Contact: Becky Berryhill, 1100 West 49th Street, Austin, Texas 78756, (512) 834-6601. For ADA assistance, call Richard Butler (512) 458-7488 or T.D.D. (512) 458-7708 at least two days prior to the meeting.

Filed: January 7, 1993, 4:36 p.m.

TRD-9317332

Texas Education Agency

Friday, January 8, 1993, 1 p.m. The State Board of Education (SBOE) of the Texas Education Agency met in Room 1-104, William B. Travis Building, 1701 North Congress Avenue, Austin. According to the emergency revised complete agenda, the board possibly discussed addition to agenda: election of State Board of Education committee officers. The emergency status was necessary due to the agency finding that it was of urgent public necessity for officers of the SBOE committees to be elected so the committees could conduct official business in preparation for the pending legislative session.

Contact: Criss Cloudt, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9701.

Filed: January 8, 1993, 9:51 a.m.

TRD-9317358

Thursday, January 14, 1993, 9 a.m. The Commission on Standards for the Teaching Profession-Committee of the Whole of the Texas Education Agency met in Room 1-110, William B. Travis Building, 1701 North Congress Avenue, Austin. According to the emergency agenda summary, the committee possibly discussed adoption of agenda: report of State Board of Education actions; report on legislative activity; centers for Professional Development and Technology; request for pilot program from the University of Texas at San Antonio; request for pilot program-Rice University; proposal from Texas Counseling Association; consideration of request from University of Central Texas; nomination of commission officers for 1993; individual programs (1987 Standards)-Abilene Christian University, McMurry University, the University of Texas at Arlington; The University of Texas of the Permian Basin: discussed sunset of 19 TAC Chapter 141, Teacher Certificate; and discussed 1994 Teacher Education Conference site. The emergency meeting was necessary due to the agency finding that it was of urgent public necessity for this meeting to be held to enable the commission to elect officers and to keep the commission apprised of sunset review of teacher education/certification rules.

Contact: Edward Vodicka, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9337.

Filed: January 7, 1993, 3:46 p.m.

TRD-9317319

Thursday, January 14, 1993, 11:30 a.m. The Commission on Standards for the Teaching Profession-Nominating Committee of the Texas Education Agency met in Room 1-110, William B. Travis Building, 1701 North Congress Avenue, Austin. According to the emergency complete agenda, the committee discussed nomination of commission officers for 1993. The emergency meeting was necessary due to the agency finding that it was of urgent public necessity for this meeting to be held to enable the commission to elect officers to conduct the official business of the Commission on Standards for the Teaching Profession.

Contact: Edward Vodicka, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9337.

Filed: January 7, 1993, 3:57 p.m.

TRD-9317328

Thursday, January 14, 1993, 3 p.m. The Commission on Standards for the Teaching Profession-Teacher Education Conference Committee of the Texas Education Agency met in Room 1-110, William B. Travis Building, 1701 North Congress Avenue, Austin. According to the emergency complete agenda, the committee discussed site for 1994 Teacher Education Conference. The emergency meeting was necessary due to the agency finding that it was of urgent public necessity for this meeting to be held to enable the committee to plan and make recommendations to the full commission regarding the Teacher Education Conference for 1994.

Contact: Edward Vodicka, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9337.

Filed: January 7, 1993, 3:49 p.m.

TRD-9317321

Friday, January 15, 1993, 8:15 a.m. The Commission on Standards for the Teaching Profession-Executive Committee of the Texas Education Agency will meet in Room 1-104, William B. Travis Building, 1701 North Congress Avenue, Austin. According to the complete agenda, the committee chairmen will review agenda items.

Contact: Edward Vodicka, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9337.

Filed: January 7, 1993, 3:57 p.m.

TRD-9317327

Friday, January 15, 1993, 9 a.m. The Commission on Standards for the Teaching Profession-Committee of the Whole of the Texas Education Agency will meet in Room 1-104, William B. Travis Building, 1701 North Congress Avenue, Austin. According to the agenda summary, the committee will discuss presentation of Certificate of Appreciation; report nominating committee and elect officers for 1993; progress report from Consortium of State Organizations for Teacher Education on Outcomes-Based Standards for Teachers; progress report from Texas Professors of Educational Administration on Outcomes-Based Standards and Portfolio Assessments; discuss plans for meetings of focus groups; report on certification testing; discuss commission Rule 19 TAC Chapter 137, Subchapter B; dialogue with commissioner of education; and report of Teacher Education Conference Planning Committee.

Contact: Edward Vodicka, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9337.

Filed: January 7, 1993, 3:58 p.m.

TRD-9317329

Advisory Commission on State Emergency Commu- nications

Tuesday, January 19, 1993, 9:30 a.m. The Administration Committee of the Advisory Commission on State Emergency Communications will meet at 1101 Capital of Texas Highway South, B-100, Austin. According to the agenda summary, the committee will call the meeting to order; recognize guests; hear public comment; staff reports on non-action items: executive development workshop; status report on proposals; financial report for November and December 1992; report on delinquent surcharge remittances; review comments and consider adoption of proposed Rule 255.8; update and discussion on legislative issues; report on and discussion of development of interagency cooperative emergency communications training program; and adjourn. Persons requesting interpreter services for the hearing and speech impaired should contact Velia Williams at (512) 327-1911 at least two work days prior to the meeting.

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

Filed: January 11, 1993, 3:53 p.m.

TRD-9317489

Tuesday, January 19, 1993, 11 a.m. The Addressing Committee of the Advisory Commission on State Emergency Communications will meet at 1101 Capital of Texas

Highway South, B-100, Austin. According to the agenda summary, the committee will call the meeting to order; recognize guests; hear public comment; staff reports on addressing pool funds grant agreements, Department of Transportation funds, Department of Information Resources' GIS Planning Council Legislative report; review comments and consider adoption of proposed Rule 251.3, State Addressing Funds Distribution; review and consider approval of proposed addressing plan amendment for South East Texas Regional Planning Commission; and adjourn. Persons requesting interpreter services for the hearing and speech impaired should contact Velia Williams at (512) 327-1911 at least two work days prior to the meeting.

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

Filed: January 11, 1993, 3:53 p.m.

TRD-9317488

Tuesday, January 19, 1993, 1:30 p.m. The Planning and Implementation Committee of the Advisory Commission on State Emergency Communications will meet at 1101 Capital of Texas Highway South, B-100, Austin. According to the agenda summary, the committee will call the meeting to order; recognize guests; hear public comment; staff reports: Telecommunications Service Priority (TSP), Network Reliability Council; review and consider approval of proposed regional plan amendments; report and discuss indirect cost application; and adjourn. Persons requesting interpreter services for the hearing and speech impaired should contact Velia Williams at (512) 327-1911 at least two work days prior to the meeting.

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

Filed: January 11, 1993, 3:53 p.m.

TRD-9317487

Wednesday, January 20, 1993, 8:30 a.m. The Call Box Task Force of the Advisory Commission on State Emergency Communications will meet at 1101 Camino La Costa, Austin. According to the agenda summary, the task force will call the meeting to order; introduce guests; report and discuss analysis of technical applications; review and consider approval of call box test sites; report on and consider approval of sponsorship and funding; discussion of new business and scheduling of future meetings; and adjourn. Persons requesting interpreter services for the hearing and speech impaired should contact Velia Williams at (512) 327-1911 at least two work days prior to the meeting.

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

Filed: January 11, 1993, 3:53 p.m.

TRD-9317486

Wednesday, January 20, 1993, 9:30 a.m. The Advisory Commission on State Emergency Communications will meet at the Real Estate Commission, 1101 Camino LaCosta, Austin. According to the agenda summary, the commission will call the meeting to order; recognize guests; hear public comments; work session to discuss and prioritize ACSEC strategic plan goals and process for strategic plan implementation; regular commission will call the meeting to order; recognize guests; election of ACSEC chairman and vice-chairman; discuss commission committees, roles and responsibilities; consider ACSEC meeting calendar; administration committee report; planning and implementation committee report; addressing committee report; task force report; consider and discuss approval of November meeting minutes; and adjourn. Persons requesting interpreter services for the hearing and speech impaired should contact Velia Williams at (512) 327-1911 at least two work days prior to the meeting.

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

Filed: January 11, 1993, 3:53 p.m.

TRD-9317485

Texas Employment Commis- sion

Friday, January 15, 1993, 9 a.m. The Advisory Council of the Texas Employment Commission will meet at the TEC Building, Room 644, 101 East 15th Street, Austin. According to the agenda summary, the council will discuss approval of prior meeting notes; hear public comment; staff reports on work force development; State Job Training Coordinating Council, federal/state legislation, unemployment insurance trust fund, employment service operations and new headquarters relocation; and date of and agenda items for next council meeting.

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

Filed: January 7, 1993, 4:05 p.m.

TRD-9317330

Tuesday, January 19, 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; actions, if any, resulting from executive session; consider collection activity regarding accounts 01-088046-7 and 00-843392-5; consider proposed or pending legislation and possible action with respect thereto; internal procedures of commission appeals; consider action on tax liability cases and higher level appeals in unemployment compensation cases listed on Commission Docket 3; and set date of next meeting.

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

Filed: January 11, 1993, 4:10 p.m.

TRD-9317490

Texas State Board of Registration for Professional Engineers

Wednesday-Thursday, January 20-21, 1993, 8:30 a.m. The Texas State Board of Registration for Professional Engineers will meet at 1917 IH-35 South, Board Room, Austin. According to the agenda summary, the board will receive reports from board members and staff; interview applicants; take action on applications for registration; reading of communications; and discuss other related business.

Contact: Charles E. Nemir, P.E., 1917 IH-35 South, Austin, Texas 78741, (512) 440-7723.

Filed: January 11, 1993, 1:30 p.m.

TRD-9317458

Texas General Land Office

Monday, January 25, 1993, 2 p.m. The Oil Spill Division (Texas Oil Spill Commission) of the Texas General Land Office will meet at the Port of Houston Authority, 111 East Loop North, Houston. According to the complete agenda, the division will adopt resolution recommendations; discuss development of 1993-1994 workplan; administrative matters; setting of meeting dates for next six-nine months; and adjourn.

Contact: Karen Pratt, 1700 North Congress Avenue, Room 740, Austin, Texas 78701, (512) 463-6556.

Filed: January 11, 1993, 3:41 p.m.

TRD-9317484

Office of the Governor

Friday, January 22, 1993, 9:30 a.m. The Automobile Theft Prevention Authority of the Office of the Governor will meet at the John H. Reagan Building, Room 101, 105 West 15th Street, Austin. According to the complete agenda, the authority will call the meeting to order; make introductions; give updates on legislative issues by Lieutenant Mart Hanna; report by Matee Rittgers on Border Solutions Subcommittee; report by Dale Green on cost factors of statewide sticker program; election of new board chair and vice-chair; update by Linda Young on response to application workshops; discuss/approve hiring of marketing/education director and field operations director; Application Review Committee; dates for Application Review Committee meetings; and adjourn.

Contact: Linda Young, 221 East 11th Street, Austin, Texas 78701, (512) 463-1919.

Filed: January 7, 1993, 2:37 p.m.

TRD-9317310

Texas Growth Fund

Tuesday, January 19, 1993, 10:30 a.m. The Board of Directors of the Texas Growth Fund will meet at the Teacher Retirement System Building, Fifth Floor, 1000 Red River Street, Austin. According to the complete agenda, the board will review and discuss approval of the minutes of the special meeting of the Board of Trustees held on November 12, 1992; review and approve treasurer's report; for reimbursement expense reports from the current and former trustees of the Texas Growth Fund and authorize transfer notice for the same; expenses incurred or to be incurred by TGF Management Corporation in initially retaining employees to fulfill its obligations; invoice from Vinson and Elkins L.L.P. and authorize transfer notice for same; receive a report on the acquisition of directors and officers, errors and omissions, and mutual fund liability insurance and authorize transfer notice for payment of premium; review and approve First Amendment to Declaration of Trust; receive a report on the activities of TGF Management Corporation; and such other matters as may come before the Board of Trustees. The board may convene in closed meeting for the purposes of consulting with its attorneys with respect to legal matters related to investments of the fund and receiving information from TGF Management Corporation with respect to investment of the fund, all as permitted by §§2(e) and 2(r), respectively, of Article 6252-17, Vernon's Texas Civil Statutes Annotated.

Contact: James J. Kozlowski, 100 Congress Avenue, Suite 980, Austin, Texas 78701, (512) 322-3100.

Filed: January 8, 1993, 11:10 a.m.

TRD-9317365

Texas Department of Health

Friday, January 15, 1993, 1 p.m. The Family Health Services Committee of the Texas Board of Health of the Texas Department of Health will meet in the Red Oak Room, Worthington Hotel, 200 Main Street, Fort Worth. According to the emergency complete agenda, the committee will discuss approval of the minutes of the November 20, 1992, meeting; and discuss and possibly act on the presentation on Maternal and Infant Care Access Program (MICA), and the chronically ill and disabled children's program update. The emergency meeting is necessary due to unforeseeable circumstances.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484. For ADA assistance, call Richard Butler, (512) 458-7488 or T.D. D., (512) 458-7708 at least two days prior to the meeting.

Filed: January 8, 1993, 3:49 p.m.

TRD-9317402

Friday, January 15, 1993, 2 p.m. The Disease Control Committee of the Texas Board of Health of the Texas Department of Health will meet in the Board Room, Worthington Hotel, 200 Main Street, Fort Worth. According to the emergency complete agenda, the committee will discuss approval of the minutes of the November 21, 1992, meeting; and discuss and possibly act on final adoption of revisions to the HIV Services Advisory Committee and the State HIV Education, Prevention and Risk Reduction Advisory Committee rules to modify existing membership categories; final adoption of amendments to the Texas HIV medication rules to add Interferon-Alpha, Amphotericin-B and IV Pentamidine for children; program audit; and clarification of House Bill 7 requirements relating to expert review panels and exposure-prone procedures. The emergency meeting is necessary due to unforeseeable circumstances.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484. For ADA assistance, call Richard Butler, (512) 458-7488 or T.D. D., (512) 458-7708 at least two days prior to the meeting.

Filed: January 8, 1993, 3:49 p.m.

TRD-9317401

Friday, January 15, 1993, 2:30 p.m. The Hospital and Ambulatory Care Services Committee of the Texas Board of Health of the Texas Department of Health will meet in the Red Oak Room, Worthington Hotel, 200 Main Street, Fort Worth. According to the emergency complete agenda, the committee will discuss approval of the minutes of the October 23, 1992, meeting; and discuss and possibly act on final adoption of amendment and new rules concerning the special licensing standards governing the provision of mental health services in hospitals, and final adoption of amendment to the Hospital Licensing Standards concerning the reference to the National Fire Protection Association's 1991 edition of the Life Safety Code. The emergency meeting is necessary due to unforeseeable circumstances.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484. For ADA assistance, call Richard Butler, (512) 458-7488 or T.D. D., (512) 458-7708 at least two days prior to the meeting.

Filed: January 8, 1993, 3:51 p.m.

TRD-9317406

Friday, January 15, 1993, 3 p.m. The Strategic Planning Committee of the Texas Board of Health of the Texas Department of Health will meet in the Board Room, Worthington Hotel, 200 Main Street, Fort Worth. According to the emergency complete agenda, the committee will discuss and possibly act on final adoption of program rules concerning administration of the Resident Physician Compensation Program. The emergency meeting is necessary due to unforeseeable circumstances.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484. For ADA assistance, call Richard Butler, (512) 458-7488 or T.D. D., (512) 458-7708 at least two days prior to the meeting.

Filed: January 8, 1993, 3:50 p.m.

TRD-9317405

Friday, January 15, 1993, 3:30 p.m. The Emergency and Disaster Committee of the Texas Board of Health of the Texas Department of Health will meet in the Red Oak Room, Worthington Hotel, 200 Main Street, Fort Worth. According to the emergency complete agenda, the committee will discuss approval of the minutes of the November 20, 1992, meeting; and discuss and possibly act on implementation of the strategic plan for trauma. The emergency meeting is necessary due to unforeseeable circumstances.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484. For ADA assistance, call Richard

Butler, (512) 458-7488 or T.D. D., (512) 458-7708 at least two days prior to the meeting.

Filed: January 8, 1993, 3:50 p.m.

TRD-9317404

Friday, January 15, 1993, 5 p.m. The Public Health Promotion Committee of the Texas Board of Health of the Texas Department of Health will meet in the Board Room, Worthington Hotel, 200 Main Street, Fort Worth. According to the emergency complete agenda, the committee will discuss approval of the minutes of the November 21, 1992, meeting; and discuss and possibly act on progress report on fiscal year 1993 public information plan, progress with Adopt-A-Nursing Home Program, and progress with the Minority Health Program. The emergency meeting is necessary due to unforeseeable circumstances.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484. For ADA assistance, call Richard Butler, (512) 458-7488 or T.D. D., (512) 458-7708 at least two days prior to the meeting.

Filed: January 8, 1993, 3:49 p.m.

TRD-9317400

Saturday, January 16, 1993, 8 a.m. The Executive Committee of the Texas Board of Health of the Texas Department of Health will meet in the Board Room, Worthington Hotel, 200 Main Street, Fort Worth. According to the complete agenda, the committee will discuss and possibly act on items of procedure for the January 16, 1993, Texas Board of Health meeting.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484. For ADA assistance, call Richard Butler, (512) 458-7488 or T.D. D., (512) 458-7708 at least two days prior to the meeting.

Filed: January 8, 1993, 4:27 p.m.

TRD-9317409

Saturday, January 16, 1993, 8:30 a.m. The Environmental Health Committee of the Texas Board of Health of the Texas Department of Health will meet in the Red Oak Room, Worthington Hotel, 200 Main Street, Fort Worth. According to the agenda summary, the committee will discuss approval of the minutes of the November 21, 1992, meeting; discuss and possibly act on rules concerning wholesale distributors of drugs, crab meat, occupational health, animal shelters, rabies, and riding stables; proposed amendments and revision to the Texas Regulations for Control of Radiation, Parts 11 (relating to general provisions), Part 12 (relating to fees), and Parts 21, 32, and 42 (relating to radiation); and hear comments and announcements not requiring committee action.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484. For ADA assistance, call Richard Butler, (512) 458-7488 or T.D. D., (512) 458-7708 at least two days prior to the meeting.

Filed: January 8, 1993, 4:27 p.m.

TRD-9317411

Saturday, January 16, 1993, 9 a.m. The Texas Board of Health Internal Audit Subcommittee of the Texas Department of Health will meet in the Board Room, Worthington Hotel, 200 Main Street, Fort Worth. According to the complete agenda, the committee will discuss approval of the minutes of the November 20, 1992, meeting; discuss and possibly act on the Quality Assurance Review of the department's Internal Audit Division, Tuberculosis Elimination Division, Immunization Division, and Public Health Region 4; status of the independent single audit reviews; and Internal Audit special projects.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484. For ADA assistance, call Richard Butler, (512) 458-7488 or T.D. D., (512) 458-7708 at least two days prior to the meeting.

Filed: January 8, 1993, 4:33 p.m.

TRD-9317417

Saturday, January 16, 1993, 10 a.m. The Texas Board of Health Budget and Finance Committee of the Texas Department of Health will meet in the Board Room, Worthington Hotel, 200 Main Street, Fort Worth. According to the complete agenda, the committee will discuss approval of the minutes of the November 21, 1992, meeting; discuss and possibly act on status report of the fiscal year 1993 budget, and acceptance of the Quality Assurance Reviews of the Internal Audit Division.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484. For ADA assistance, call Richard Butler, (512) 458-7488 or T.D. D., (512) 458-7708 at least two days prior to the meeting.

Filed: January 8, 1993, 4:33 p.m.

TRD-9317416

Saturday, January 16, 1993, 10:30 a.m. The Legislative Committee of the Texas Board of Health of the Texas Department of Health will meet in the Board Room, Worthington Hotel, 200 Main Street, Fort Worth. According to the complete agenda, the committee will discuss approval of legislative proposals.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484. For ADA assistance, call Richard Butler, (512) 458-7488 or T.D. D., (512)

458-7708 at least two days prior to the meeting.

Filed: January 8, 1993, 4:33 p.m.

TRD-9317415

Saturday, January 16, 1993, 11:30 a.m. The Texas Board of Health Personnel Committee of the Texas Department of Health will meet in the Board Room, Worthington Hotel, 200 Main Street, Fort Worth. According to the emergency complete agenda, the committee will discuss and possibly act on final adoption of revisions to the HIV Services Advisory Committee and the State HIV Education, Prevention, and Risk Reduction Advisory Committee rules to modify existing membership categories, and the Advisory Committee Information System.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484. For ADA assistance, call Richard Butler, (512) 458-7488 or T.D. D., (512) 458-7708 at least two days prior to the meeting.

Filed: January 8, 1993, 4:33 p.m.

TRD-9317414

Saturday, January 16, 1993, 12:30 p.m. The Texas Board of Health of the Texas Department of Health will meet at the Trinity East I and II, Worthington Hotel, 200 Main Street, Fort Worth. According to the agenda summary, the board will discuss approval of the minutes of the November 21, 1992, meeting; hear Commissioner of Health's report; and discuss and possibly act on resolutions; committee reports on: budget and finance (review of Internal Audit Division); disease control (final adoption of revisions to rules to modify existing membership categories, and final adoption of amendments to rules to add Interferon-Alpha, Amphotericin-B and IV Pentamidine for children); emergency and disaster; environmental health (final adoption of amendments to rules governing wholesale distributors of drugs, crab meat, occupational health, animal shelters, rabies, and riding stables); family health services (Maternal and Infant Care Access Program); health provider, licensure, and certification; hospital and ambulatory care services (final adoption of amendments and new rules concerning mental health services and reference to the Life Safety Code in the Hospital Licensing Standards); long term care; public health promotion; legislative proposals; strategic planning (rules concerning the Resident Physician Compensation Program); and personnel. The board will also discuss in executive session and discuss and possibly act on in open session duties of Commissioner of Health; and hear announcements and comments requiring no board action.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756-3199, (512)

458-7484. For ADA assistance, call Richard Butler, (512) 458-7488 or T.D.D., (512) 458-7708 at least two days prior to the meeting.

Filed: January 8, 1993, 4:27 p.m.

TRD-9317410

Wednesday, January 20, 1993, 9 a.m. The Children's Speech, Hearing and Language Screening Advisory Committee of the Texas Department of Health will meet at the Texas Department of Health, 1100 West 49th Street, Room G-107, Austin. According to the complete agenda, the committee will discuss approval of the minutes of the September 23, 1992 meeting; discuss and possibly act on: subcommittee reports concerning speech and language, and hearing; Texas Department of Health staff reports concerning program accomplishments and changes; and hear public comments.

Contact: Doug Ozias, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7420. For ADA assistance, call Richard Butler, (512) 458-7488 or T.D. D., (512) 458-7708 at least two days prior to the meeting.

Filed: January 11, 1993, 2:29 p.m.

TRD-9317474

Tuesday-Wednesday, January 26-27, 1993, 1:30 p.m. and 9 a.m. respectively. The HIV Services Advisory Committee of the Texas Department of Health will meet at the Texas Department of Health, 1100 West 49th Street, Room M-739, Austin. According to the complete agenda, the committee will discuss approval of the minutes of previous meeting; discuss and possibly act on: HIV information update; Title II reapplication; update on HIV services conference and annual legislative report; Housing Opportunities for People with AIDS (HOPWA); status report on early intervention project; administrative agency workgroup proposed guidances; date of next meeting; and hear public comments.

Contact: Becky Waak, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7209. For ADA assistance, call Richard Butler, (512) 458-7488 or T.D. D., (512) 458-7708 at least two days prior to the meeting.

Filed: January 11, 1993, 4:55 p.m.

TRD-9317498

Friday, January 29, 1993, 9:30 a.m. The Trauma Technical Advisory Committee of the Texas Department of Health will meet at the Texas Department of Health, 1100 West 49th Street, Room M-739, Austin. According to the complete agenda, the committee will discuss approval of the minutes of previous meeting; discuss and possibly act on: Governor's Health Policy Task Force report; report of Chief of Bureau of

Emergency Management; legislative update; Texas Emergency Medical Services Advisory Council report; emergency medical services for children advisory committee report; trauma system development update; regional advisory committee reports; basic trauma facility designation process ad hoc committee report; department strategic plan for trauma; subcommittee assignments; and schedule of future meetings.

Contact: Gene Weatherall, 1100 West 49th Street, Austin, Texas 78756, (512) 834-6740. For ADA assistance, call Richard Butler, (512) 458-7488 or T.D.D., (512) 458-7708 at least two days prior to the meeting.

Filed: January 11, 1993, 4:56 p.m.

TRD-9317494

Saturday, January 30, 1993, 8 a.m. The Texas Radiation Advisory Board Fee Committee of the Texas Department of Health will meet at the Exchange Building, 8407 Wall Street, Room N-100, Austin. According to the complete agenda, the committee will discuss and possibly act on revisions to *Texas Regulations for Control of Radiation*, Part 12; and other items not requiring board action.

Contact: Margaret Henderson, 1100 West 49th Street, Austin, Texas 78756, (512) 834-6688. For ADA assistance, call Richard Butler, (512) 458-7488 or T.D.D., (512) 458-7708 at least two days prior to the meeting.

Filed: January 11, 1993, 2:28 p.m.

TRD-9317470

Saturday, January 30, 1993, 10:15 a.m. The Texas Radiation Advisory Board Medical Committee of the Texas Department of Health will meet at the Exchange Building, 8407 Wall Street, Room N-100, Austin. According to the complete agenda, the committee will discuss and possibly act on revisions to *Texas Regulations for Control of Radiation*, Parts 32 and 42; and other items not requiring board action.

Contact: Margaret Henderson, 1100 West 49th Street, Austin, Texas 78756, (512) 834-6688. For ADA assistance, call Richard Butler, (512) 458-7488 or T.D.D., (512) 458-7708 at least two days prior to the meeting.

Filed: January 11, 1993, 2:28 p.m.

TRD-9317469

Saturday, January 30, 1993, 11:15 a.m. The Texas Radiation Advisory Board Waste Committee of the Texas Department of Health will meet at the Exchange Building, 8407 Wall Street, Room N-100, Austin. According to the complete agenda, the committee will discuss and possibly act on revisions to *Texas Regulations for the Control of Radiation*, Part 44; and other items not requiring board action.

Contact: Margaret Henderson, 1100 West 49th Street, Austin, Texas 78756, (512) 834-6688. For ADA assistance, call Richard Butler, (512) 458-7488 or T.D.D., (512) 458-7708 at least two days prior to the meeting.

Filed: January 11, 1993, 2:28 p.m.

TRD-9317468

Saturday, January 30, 1993, 1 p.m. The Texas Advisory Board Executive and Chairs Committee of the Texas Department of Health will meet at the Exchange Building, 8407 Wall Street, Room N-100, Austin. According to the complete agenda, the committee will discuss and possibly act on: appropriations process; revisions to *Texas Regulations for the Control of Radiation*, Parts 11 and 21; recommendations and current activities concerning Health Physicist classification, public information and radiation control at academic institutions; and other items not requiring board action.

Contact: Margaret Henderson, 1100 West 49th Street, Austin, Texas 78756, (512) 834-6688. For ADA assistance, call Richard Butler, (512) 458-7488 or T.D.D., (512) 458-7708 at least two days prior to the meeting.

Filed: January 11, 1993, 2:29 p.m.

TRD-9317471

Saturday, January 30, 1993, 2 p.m. The Naturally Occurring Radioactive Materials (NORM) Committee of the Texas Radiation Advisory Board of the Texas Department of Health will meet at the Exchange Building, 8407 Wall Street, Room N-100, Austin. According to the complete agenda, the committee will discuss and possibly act on exemptions to *Texas Regulations for Control of Radiation*, Part 46; and other items not requiring board action.

Contact: Margaret Henderson, 1100 West 49th Street, Austin, Texas 78756, (512) 834-6688. For ADA assistance, call Richard Butler, (512) 458-7488 or T.D.D., (512) 458-7708 at least two days prior to the meeting.

Filed: January 11, 1993, 2:29 p.m.

TRD-9317472

Saturday, January 30, 1993, 3 p.m. The Texas Radiation Advisory Board of the Texas Department of Health will meet at the Exchange Building, 8407 Wall Street, Room N-100, Austin. According to the complete agenda, the board will discuss approval of the minutes of previous meeting; discuss and possibly act on: election of officers; Texas Low-Level Radioactive Waste Disposal Authority information; radiation control activities at the department's Bureau of Radiation Control and the Texas Water Commission; committee reports including fee committee (revisions to *Texas Regulations for Control of Radiation* (TRCR), Part 44); executive and chairs

committees combined (revisions to TRCR, Parts 11 and 21); and naturally occurring radioactive materials committee (exemptions to TRCR, Part 46); chairman's report; program activities (rules and regulatory guides; licensing, registration and standards; compliance and inspection); and other items not requiring board action.

Contact: Margaret Henderson, 1100 West 49th Street, Austin, Texas 78756, (512) 834-6688. For ADA assistance, call Richard Butler, (512) 458-7488 or T.D.D., (512) 458-7708 at least two days prior to the meeting.

Filed: January 11, 1993, 2:29 p.m.

TRD-9317473

Texas High-Speed Rail Authority

Tuesday, January 19, 1993, 10 a.m. The Standing Budget Committee of the Texas High-Speed Rail Authority will meet in the 15th Floor Conference Room, 823 Congress Avenue, Austin. According to the agenda summary, the committee will consider and possibly act on outstanding warrants for certain Fiscal Year 1992 purchase vouchers, expenditure-related chapters of the proposed Authority Operations Manual, purchase orders over \$500, and out-of-state travel requests; report on operating budget; consider and possibly act on extension of existing financial advisor services contract with the Hadley Group; meet in executive session, pursuant to the provisions of Texas Civil Statutes, Article 6252-17, §2(a); report on actions being taken regarding outstanding invoices for legal services incurred during fiscal year 1992; consider agreement for services with Woodward-Clyde Consultants, including billings and billing procedures, amendments, and performance evaluation.

Contact: Allan Rutter, 823 Congress Avenue, Suite 1502, Austin, Texas 78701, (512) 478-5484.

Filed: January 11, 1993, 4:55 p.m.

TRD-9317492

Texas Higher Education Coordinating Board

Wednesday, January 20, 1993, 2 p.m. The Legislative Relations Committee of the Texas Higher Education Coordinating Board will meet at the Chevy Chase Office Complex, Building Five, Room 5.209, 7745 Chevy Chase Drive, Austin. According to the complete agenda, the committee will discuss legislative issues.

Contact: Janis Monger, P.O. Box 12788, Austin, Texas 78711, (512) 483-6111.

Filed: January 8, 1993, 2:06 p.m.

TRD-9317372

Thursday, January 21, 1993, 9:30 a.m. The Research Committee of the Texas Higher Education Coordinating Board will meet at the Chevy Chase Office Complex, Building One, Room 1.100, 7700 Chevy Chase Drive, Austin. According to the complete agenda, the committee will give a report of the committee appointed to evaluate the Advanced Research Program and the Advanced Technology Program to be given by Dr. Mary L. Good, Senior Vice President-Technology, Allied-Signal Inc.

Contact: Kenneth H. Ashworth, P.O. Box 12788, Austin, Texas 78711, (512) 483-6101.

Filed: January 8, 1993, 9:42 a.m.

TRD-9317347

Thursday, January 21, 1993, 10:45 a.m. The Committee of the Whole of the Texas Higher Education Coordinating Board will meet at the Chevy Chase Office Complex, Building One, Room 1.100, 7700 Chevy Chase Drive, Austin. According to the agenda summary, the committee will discuss matters relating to improving quality in Texas Education.

Contact: Kenneth H. Ashworth, P.O. Box 12788, Austin, Texas 78711, (512) 483-6101.

Filed: January 8, 1993, 9:42 a.m.

TRD-9317348

Thursday, January 21, 1993, 10:45 a.m. The Administration and Financial Planning Committee of the Texas Higher Education Coordinating Board will meet at the Chevy Chase Office Complex, Building One, Room 1.100, 7700 Chevy Chase Drive, Austin. According to the agenda summary, the committee will discuss matters relating to administration and financial planning.

Contact: Kenneth H. Ashworth, P.O. Box 12788, Austin, Texas 78711, (512) 483-6101.

Filed: January 8, 1993, 9:43 a.m.

TRD-9317349

Thursday, January 21, 1993, 1 p.m. The Community and Technical Colleges Committee of the Texas Higher Education Coordinating Board will meet at the Chevy Chase Office Complex, Building One, Room 1.100, 7700 Chevy Chase Drive, Austin. According to the agenda summary, the committee will discuss matters relating to community and technical colleges.

Contact: Kenneth H. Ashworth, P.O. Box 12788, Austin, Texas 78711, (512) 483-6101.

Filed: January 8, 1993, 9:43 a.m.

TRD-9317350

Thursday, January 21, 1993, 1:30 p.m.
The Joint Committee, CB/State Board of Education of the Texas Higher Education Coordinating Board will meet at the Chevy Chase Office Complex, Building One, Room 1.100, 7700 Chevy Chase Drive, Austin. According to the complete agenda, the committee will consider the criteria and approval for the allocation of funds for technical education between the Texas Education Agency and the Texas Higher Education Coordinating Board under the Carl D. Perkins Vocational and Applied Technology Education Act of 1990; and report on meeting of the Joint Advisory Committee, Coordinating Board/State Board of Education.

Contact: Kenneth H. Ashworth, P.O. Box 12788, Austin, Texas 78711, (512) 483-6101.

Filed: January 8, 1993, 9:44 a.m.

TRD-9317351

Thursday, January 21, 1993, 1:45 p.m.
The Universities Committee of the Texas Higher Education Coordinating Board will meet at the Chevy Chase Office Complex, Building One, Room 1.100, 7700 Chevy Chase Drive, Austin. According to the agenda summary, the committee will discuss matters relating to universities.

Contact: Kenneth H. Ashworth, P.O. Box 12788, Austin, Texas 78711, (512) 483-6101.

Filed: January 8, 1993, 9:44 a.m.

TRD-9317352

Thursday, January 21, 1993, 2:45 p.m.
The Health Affairs Committee of the Texas Higher Education Coordinating Board will meet at the Chevy Chase Office Complex, Building One, Room 1.100, 7700 Chevy Chase Drive, Austin. According to the complete agenda, the committee will consider approval and certification of adequacy of financing for new degree programs (the University of Texas Health Science Center at Houston and the University of Texas Medical Branch at Galveston).

Contact: Kenneth H. Ashworth, P.O. Box 12788, Austin, Texas 78711, (512) 483-6101.

Filed: January 8, 1993, 9:44 a.m.

TRD-9317353

Thursday, January 21, 1993, 3 p.m.
The Campus Planning Committee of the Texas Higher Education Coordinating Board will meet at the Chevy Chase Office Complex, Building One, Room 1.100, 7700 Chevy Chase Drive, Austin. According to the agenda summary, the committee will discuss matters relating to campus planning.

Contact: Kenneth H. Ashworth, P.O. Box 12788, Austin, Texas 78711, (512) 483-6101.

Filed: January 8, 1993, 9:44 a.m.

TRD-9317354

Thursday, January 21, 1993, 3:30 p.m.
The Student Services Committee of the Texas Higher Education Coordinating Board will meet at the Chevy Chase Office Complex, Building One, Room 1.100, 7700 Chevy Chase Drive, Austin. According to the agenda summary, the committee will discuss matters related to student services.

Contact: Kenneth H. Ashworth, P.O. Box 12788, Austin, Texas 78711, (512) 483-6101.

Filed: January 8, 1993, 9:45 a.m.

TRD-9317355

Thursday, January 22, 1993, 9 a.m.
The Coordinating Board of the Texas Higher Education Coordinating Board will meet at the Chevy Chase Office Complex, Building One, Room 1.100, 7700 Chevy Chase Drive, Austin. According to the agenda summary, the board will consider matters relating to the Committee on Research; the Committee of the Whole; the Committee on Administration and Financial Planning; Committee on Community and Technical Colleges; Joint Committee, CB/State Board of Education; Committee on Universities; Committee on Health Affairs; Committee on Campus Planning; Committee on Student Services; and reports to the Coordinating Board.

Contact: Kenneth H. Ashworth, P.O. Box 12788, Austin, Texas 78711, (512) 483-6101.

Filed: January 8, 1993, 9:45 a.m.

TRD-9317356

Texas Historical Commission

Friday, January 22, 1993, 7:30 a.m.
The Department of Antiquities Protection Committee of the Texas Historical Commission will meet at the 15th Street Cafe, Guest Quarters Hotel, 303 West 15th Street, Austin. According to the complete agenda, the committee will discuss the Resolution Trust Commission (RTC) contract; Geographic Information Systems (GIS) project; and other ongoing projects.

Contact: James E. Bruseth, P.O. Box 12276, Austin, Texas 78711, (512) 463-6096.

Filed: January 11, 1993, 9:26 a.m.

TRD-9317434

Thursday, January 28, 1993, 1 p.m.
The Old San Antonio Road Preservation Commission of the Texas Historical Commission will meet at the Stephen F. Austin Building, Room 118, 1700 North Congress Avenue, Austin. According to the complete agenda, the commission will call the meeting to

order; hear agency reports: Texas Department of Transportation, Texas Department of Commerce, Texas Department of Parks and Wildlife; discuss national legislation; proposal for enhancement funds; discuss other business; and adjourn.

Contact: Nancy Kenmotsu, P.O. Box 12276, Austin, Texas 78711, (512) 463-6096.

Filed: January 8, 1993, 2:07 p.m.

TRD-9317375

Texas Department of Housing and Community Affairs

Friday, January 22, 1993, 10 a.m.
The Texas Weatherization Policy Advisory Council of the Texas Department of Housing and Community Affairs will meet at 811 Barton Springs Road, Board Room, Suite 300, Austin. According to the agenda summary, the council will discuss weatherization funding status; status of FFY 1993 Texas State WAP Plan and Application; funding support letters; overview of department's housing programs; material installation standards video; and committee reports. Individual requiring auxiliary aids and services for this meeting should contact Aurora Carvajal 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: J. Al Almaguer, 811 Barton Springs, Suite 250, Austin, Texas 78711, (512) 475-3866.

Filed: January 11, 1993, 4:56 p.m.

TRD-9317495

Texas Department of Human Services

Friday, January 22, 1993, 9:30 a.m.
The State Advisory Committee on Child Care Programs of the Texas Department of Human Services will meet at the Joe C. Thompson Conference Center, University of Texas, 26th at Red River Streets, Austin. According to the complete agenda, the committee will discuss approval of minutes; discuss the LAR; plans for program changes including potential funding cuts; plans for 1994 early childhood development special projects; discuss the teen parent eligibility exception rule revision; discuss policy concerning attendance that exceeds licensed capacity; Title IV-A at-risk child care state plan; hear committee report; and adjourn.

Contact: Mary Beth O'Hanlon, P.O. Box 149030, Austin, Texas 78714-9030, (512) 450-4169.

Filed: January 11, 1993, 2:27 p.m.

TRD-9317467

Texas Department of Insurance

Friday, January 15, 1993, 1:15 p.m. The State Board of Insurance of the Texas Department of Insurance will meet at the William P. Hobby Building, Room 100, 333 Guadalupe Street, Austin. According to the complete agenda, the board will consider and possibly adopt changes to the uniform rate exhibit as required for filing in Dockets Number 1945, The Private Passenger and Commercial Automobile Insurance Benchmark rate and flexible band setting; and Docket Number 1946 Residential Property, Homeowners, Dwelling, Farm and Ranch and Farm and Ranch Owners Insurance Benchmark rate and flexible band setting under Texas Insurance Code, Article 5.101.

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

Filed: January 7, 1993, 3:54 p.m.

TRD-9317326

Tuesday, February 9, 1993, 10 a.m. The State Board of Insurance of the Texas Department of Insurance will meet at the William P. Hobby Building, Room 100, 333 Guadalupe Street, Austin. According to the complete agenda, the board will continue public hearing, Docket Number 1945 Private Passenger and Commercial Automobile Insurance Benchmark rate and flexible band setting, due to schedule conflicts of the board.

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

Filed: January 7, 1993, 3:54 p.m.

TRD-9317325

Commission on Jail Standards

Wednesday, January 27, 1993, 9 a.m. The Commission on Jail Standards will meet at the Department of Public Safety Auditorium, 5805 North Lamar Boulevard, Austin. According to the agenda summary, the commission will call the meeting to order; take roll call of members; read and discuss approval of minutes of last meeting of November 18, 1992; discuss old business: Angelina County, Bexar County, Bowie County, Ector County, Hidalgo County, Hopkins County, McLennan County, Midland County, Wharton County, Zapata County; change to standards; status of transfer of felony backlog; status of payment to

counties; education committee; completed jail projects; jail population report; active remedial orders; discuss new business: review of ADA requirements; changes to standards; selection of assistant presiding officer; applications for variances: Aransas County, Bexar County, Gillespie County, McCulloch County, Polk County, Runnels County; cancellation of variances: Colorado County, Duval County, and Gray County; hear directors report; discuss other business; meet in executive session; and adjourn.

Contact: Jack E. Crump, P.O. Box 12985, Austin, Texas 78711, (512) 463-5505.

Filed: January 11, 1993, 9:26 a.m.

TRD-9317433

Lamar University System, Board of Regents

Thursday, January 14, 1993, 9:30 a.m. The Finance and Audit Committee of Lamar University System met at the John Gray Institute, Map Room, 855 Florida Street, Beaumont. According to the agenda summary, the Finance and Audit Committee Chairperson Amelia Cobb presided, and members present were Mike Ramsey, vice-chairperson, and Ron Steinhart and Ted Moor. The committee possibly considered proposed budget adjustment requests regarding an increase in the TPEG grant set aside from 15% to 20% effective for the Spring 1993 semester; received a status report on the LU-Beaumont athletic and auxiliary services budgets; received a recap and progress report on the installation of the Financial Records System (SCT software); and reviewed a discussed draft mission statement for the committee.

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

Filed: January 8, 1993, 2:43 p.m.

TRD-9317380

Thursday, January 14, 1993, 9:30 a.m. (Revised agenda). The Finance and Audit Committee of the Board of Regents of Lamar University System met at the John Gray Institute, Map Room, 855 Florida Street, Beaumont. According to the complete agenda, the committee possibly considered proposed budget adjustment requests regarding an increase in the TPEG grant set aside from 15% to 20% effective for the Spring 1993 semester; received a status report on the LU-Beaumont athletic and auxiliary services budgets; received a recap and progress report on the installation of the Financial Records System (SCT software); reviewed a discussed draft mission statement for the Finance and Audit Committee; and possibly considered authorization for combined negotiations to finalize

budget for the Center for Excellence in Ship Hull Design and Electrical Systems.

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

Filed: January 11, 1993, 8:28 p.m.

TRD-9317423

Texas Board of Professional Land Surveying

Friday-Saturday, January 22-23, 1993, 9 a.m. The Texas Board of Professional Land Surveying will meet at 7701 North Lamar Boulevard, Suite 400, Austin. According to the complete agenda, the board will discuss approval of the minutes of the previous meeting; excuse absences; conduct interviews; hear presentation of complaints; discuss continuing education, standards, surveyor intern requirements, and examinations; discuss correspondence; discuss old business; consider new business; review applications for April 1993 examinations; and to select the April 1993 examination. Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services such as interpreters for persons who are deaf or hearing impaired, readers, large print or braille, are requested to contact Sandy Smith at 452-9427 two work days prior to the meeting so that appropriate arrangements can be made.

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

Filed: January 11, 1993, 2:42 p.m.

TRD-9317478

Texas Council on Offenders with Mental Impairments

Friday, January 22, 1993, 10 a.m. The Texas Council on Offenders with Mental Impairments will meet at the Texas Commission on Law Enforcement Officer Standards and Education, 1033 LaPosada, Suite 100, Austin. According to the complete agenda, the council will call the meeting to order; hear introductions; public comments; discuss approval of minutes of previous meeting; hear committee reports; nominating committee report; executive director's report; and adjourn.

Contact: Dee Kifowit, 8610 Shoal Creek Boulevard, Austin, Texas 78758, (512) 406-5406.

Filed: January 8, 1993, 8:35 a.m.

TRD-9317340

Texas Public Finance Authority

Tuesday, January 19, 1993, 2 p.m. The Board of Directors of the Texas Public Finance Authority will meet at the State Library and Archives Building, 1201 Brazos, Austin. According to the agenda summary, the board will call the meeting order; discuss approval of minutes of December 15, 1992, board meeting; consider bond resolution authorizing issuance of bonds for Texas Department of Criminal Justice (TDCJ) and Texas Department of Mental Health and Mental Retardation (TDMHMR); a resolution concerning reimbursement of future capital expenditures; requests for financing from Texas Youth Commission (TYC) and TDCJ for G.O. Bond Issuance; retaining bond counsel on behalf of TYC and TDCJ; hiring tax counsel; proposed legislation; providing assistance to GSC on the feasibility of proposed lease purchases; hear staff report on consultants hired and fees paid during the 1992 calendar year; meet in executive session to discuss personnel matters (Article 6252-17G); set next board meeting date and time; discuss other business; and adjourn. Persons with disabilities who have special communication or other needs who are planning to attend the meeting should contact Brett Larson or Evelyn Casper at (512) 463-5544. Requests should be made as far in advance as possible.

Contact: Teresa McCleary, 300 West 15th Street, Suite 411, Austin, Texas 78701, (512) 463-5544.

Filed: January 11, 1993, 3:38 p.m.

TRD-9317483

Public Utility Commission of Texas

Wednesday, January 20, 1993, 10 a.m. The Hearings Division of the division will hold a prehearing conference in Docket Number 11503, application of Lower Colorado River Authority to amend certificate of convenience and necessity for a 138KV transmission line and substation within Kerr County.

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

Filed: January 8, 1993, 2:59 p.m.

TRD-9317385

Friday, January 22, 1993, 1 p.m. The Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Austin. According to the complete agenda, the commission will hold a prehearing conference in Docket Number 11351-petition of the general counsel to inquire into the

reasonableness of the service practices and rates of Cherokee County Electric Cooperative Association, Inc. regarding switchover fees.

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

Filed: January 11, 1992, 3 p.m.

TRD-9317480

Tuesday, February 2, 1993, 9 a.m. The Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Austin. According to the complete agenda, the commission will hold a workshop on renewable energy resources. Project-11365.

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

Filed: January 8, 1992, 2:59 p.m.

TRD-9317387

Monday, February 22, 1993, 10 a.m. (Rescheduled from Thursday, January 21, 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 hearing on the merits in Docket Number 11513-petition of Dickens Electric Cooperative, Inc. for modification of load retention rate.

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

Filed: January 7, 1992, 3:31 p.m.

TRD-9317316

Wednesday, March 17, 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 commission will hold a hearing on the merits in Docket Number 11650, application of Navasota Valley Electric Cooperative, Inc. for authority to change rates.

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

Filed: January 8, 1992, 3 p.m.

TRD-9317389

Monday, March 22, 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 hearing on the merits in Docket Number 11109, request of Southwestern Bell Telephone Company to obsolete and Grandfather Centrex Services and joint application of the parties to determine if the restrictions, terms, and conditions associated with the sharing of Centrex and

Plexar Services are unreasonable as a matter of regulatory policy or in violation of any law.

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

Filed: January 8, 1992, 2:59 p.m.

TRD-9317386

Tuesday, March 23, 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 hearing on the merits in Docket Number 11664, application of Gate City Electric Cooperative, Inc. for authority to change rates.

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

Filed: January 8, 1992, 3 p.m.

TRD-9317388

Monday, March 29, 1993, 10 a.m. (Rescheduled from January 11, 1993, 10 a.m.). The Hearings Division of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Austin. According to the complete agenda, the division will hold a hearing on the merits in Docket Number 11373-application of Southwestern Bell Telephone to revise tariff with regard to Common Line 800 Service.

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

Filed: January 11, 1992, 3 p.m.

TRD-9317481

Texas Racing Commission

Friday, January 15, 1993, 10 a.m. The Texas Racing Commission will meet at the John H. Reagan Building, Room 103, 105 West 15th Street, Austin. According to the complete agenda, the commission will vote to adopt the following Horse and Greyhound Rules: 309.51, 309.56, 321.119, 311.171; propose the following Horse and Greyhound Rules: 301.1, 311.201, 311.202, 311.203, 311.206, 311.208, 311.222, 311.223; report regarding regulation of training tracks; presentation regarding the Center for Greyhound Medicine; status reports regarding the following: Gulf Greyhound Park, Class 1 racetrack licensees, Trinity Meadows Raceway regarding track surface; consideration and votes on the following: proposal for decision and exceptions in Number 476-92-451, in the matter of Manor Downs, Inc.; request by the City of Brady for an application period to accept applications for Class 3 racetrack licenses;

agreement between TQHA and TTBA regarding the distribution of purse money and accredited Texas-bred money generated by dark day simulcasting at Texas racetracks for the period of January 1-March 5, 1993; discuss old and new business; and adjourn.

Contact: Paula Cochran Carter, P.O. Box 12080, Austin, Texas 78701, (512) 794-8461.

Filed: January 7, 1993, 3:34 p.m.

TRD-9317317

Railroad Commission of Texas

Tuesday, January 19, 1993, 9 a.m. The Railroad Commission of Texas will meet in the 10th Floor Conference Room 10-115, William B. Travis Building, 1701 North Congress Avenue, Austin. Agendas follow.

The commission will call hearing on the motions of Aquila Southwest Pipeline Corporation and Mobil Producing Texas and New Mexico, Inc. to seal certain documents in Docket Number 8-98, 524-A request for determination under Statewide Rule 34(f) as to the status of takes from Clajon Gas Company, L.P.

Contact: Jim McDougal, P.O. Box 12967, Austin, Texas 78711, (512) 463-6766.

Filed: January 8, 1993, 10:19 a.m.

TRD-9317359

Wednesday, January 20, 1993, 4 p.m. The Railroad Commission of Texas will meet in the 12th Floor Conference Room 12-126, William B. Travis Building, 1701 North Congress Avenue, Austin. Agendas follow.

The commission will hold its monthly statewide hearing on oil and gas to determine the lawful market demand for oil and gas and to consider and/or take action on matters listed on the agenda posted with the Secretary of State's Office.

Contact: Paula Middleton, P.O. Box 12967, Austin, Texas 78711, (512) 463-6729.

Filed: January 8, 1993, 10:21 a.m.

TRD-9317360

Texas Rehabilitation Commission

Friday, January 8, 1993, 9:15 a.m. The Texas Advisory Board of Occupational Therapy of the Texas Rehabilitation Commission met at 4900 North Lamar Boulevard, Room 7331, Austin. According to the emergency revised agenda summary, the board discussed the office report. The emer-

gency status was necessary as this item was inadvertently left off of the original agenda.

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

Filed: January 7, 1993, 4:19 p.m.

TRD-9317331

School Land Board

Tuesday, January 19, 1993, 10 a.m. The School Land Board will meet at the General Land Office, Stephen F. Austin Building, 1700 North Congress Avenue, Room 831, Austin. According to the complete agenda, the board will discuss approval of previous board meeting minutes; pooling applications, Wildcat Field, Live Oak County; Giddings (Austin Chalk-3), Burleson County; Giddings (Austin Chalk-3), Fayette County; Brown-Bassett Ellenburger Field, Terrell County; Wildcat Field, Brazoria County; Ellie C. Shallow Field, Duval County; consider tracts, terms and conditions for the April 6, 1993, oil, gas, and other minerals lease sale; consider tracts, terms and conditions for March 2, 1993, special lease sale; applications to lease highway rights of way for oil and gas, Jackson County; Ochiltree County; Brazos County; Washington County; Gonzales County; King County; Jefferson County; Burleson County; highway right of way sale, Montgomery County; excess acreage application, Randall County; amendment to direct land sale, El Paso County; direct land sale, El Paso County; coastal public lands, lease application, Espiritu Santo and Barroom Bays, Calhoun County; easement applications, Aransas Bay, Aransas County; Caney Creek, Matagorda County; Carancahua Bay, Jackson County; Carancahua Bay, Calhoun County; Cox Lake, Brazoria County; Galveston Bay, Chambers County; Galveston Bay, Chambers and Harris Counties; Hynes Bay, Refugio County; Laguna Madre, Cameron County; Oyster Creek, Brazoria County; Tres Palacios Bay, Matagorda County; Trinity Bay, Chambers County; structure permit terminations, Bastrop Bay, Brazoria County; Laguna Madre, Kenedy County; structure permit request, Laguna Madre, Kenedy County; structure permit renewals, Espiritu Santo, Calhoun County; Laguna Madre, Kenedy County; special renewals and/or contract conversions, Cox Lake, Brazoria County; meet in executive session-pending and proposed litigation.

Contact: Linda K. Fisher, 1700 North Congress Avenue, Room 836, Austin, Texas 78701, (512) 463-5016.

Filed: January 11, 1993, 4:27 p.m.

TRD-9317491

Texas State Soil and Water Conservation Board

Wednesday, January 20, 1993, 8 a.m. The Texas State Soil and Water Conservation Board will meet at 311 North Fifth Street, Conference Room, Temple. According to the complete agenda, the board will review and take appropriate action on the following: discuss minutes from November 18, 1992 board meeting; District Director appointments; future state meeting sites; district audits; status of 1994-1995 Biennium Legislative Appropriation Request; Fiscal Year 1993 technical assistance needs survey; Fiscal Year 1993 expenditure report; board member travel report; public information/education activities report; state board member elections; update on Legislation Session; review Fiscal Year 1992 annual financial report; report on "Conservation at a Crossroads" meeting in Chicago, Illinois; nonpoint source status report; Fiscal Year 1992 North Bosque 319 proposal; Fiscal Year 1993 319 project proposals; SCS Water Management Strategic Plan; Senate Bill 818 activity; coastal management program; Gulf of Mexico Program; Galveston Bay National Estuary Program; Wetland Demonstration Project; reports from agencies and guests; proposed USDA reorganization; report of the Joint Interim Committee on the Environment; and next regular board meeting is March 17, 1993.

Contact: Robert G. Buckley, P.O. Box 658, Temple, Texas 76503, (817) 773-2250, TEX-AN 820-1250.

Filed: January 11, 1993, 9:32 a.m.

TRD-9317441

State Committee of Examiners for Speech-Language Pathology and Audiology

Friday, January 22, 1993, 9 a.m. The State Committee of Examiners for Speech-Language Pathology and Audiology will meet at the Exchange Building, 8407 Wall Street, Room S-400, Austin. According to the agenda summary, the committee will discuss approval of the minutes of previous meeting; discuss and possibly act on: standing subcommittee reports on complaints, rule changes, fees and budget, public relations, continuing education, applications and renewals, agenda and meeting arrangements, correspondence, related standards and regulations, legislative review, exemptions to state law covering speech-language pathology and audiology; ad hoc subcommittee reports on internship guidelines, role of supervisor, ethics, and sunset review; hear executive secretary's report; and consider other matters not requiring committee action.

Contact: Dorothy Cawthon, 1100 West 49th Street, Austin, Texas 78756, (512) 834-6627. For ADA assistance, call Richard Butler (512) 458-7488 or T.D.D. (512) 458-7708 at least two days prior to the meeting.

Filed: January 11, 1993, 2:30 p.m.

TRD-9317475

Stephen F. Austin State University

Tuesday, January 19, 1993, 1:30 p.m. The Board of Regents of Stephen F. Austin State University will meet at the Little Colony Room of the Four Seasons Hotel, Austin. According to the complete agenda, the board will hold an open discussion of Wednesday board items.

Contact: Dr. Dan Angel, P.O. Box 6078 SFA, Nacogdoches, Texas 75962, (409) 568-2201.

Filed: January 8, 1993, 5:05 p.m.

TRD-9317421

Wednesday, January 20, 1993, 9 a.m. The Board of Regents of Stephen F. Austin State University will meet at the Little Colony Room of the Four Seasons Hotel, Austin. According to the complete agenda, the board will discuss approval of minutes; election of board secretary; discuss personnel; academic and student affairs; financial affairs; buildings and grounds; reports; and meet in executive session.

Contact: Dr. Dan Angel, P.O. Box 6078 SFA, Nacogdoches, Texas 75962, (409) 568-2201.

Filed: January 8, 1993, 5:06 p.m.

TRD-9317422

Structural Pest Control Board

Monday, February 1, 1993, 9 a.m. The Integrated Pest Management Committee of the Structural Pest Control Board will meet at the Thompson Conference Center, 2405 East Campus Drive, Suite 2.110, Austin. According to the complete agenda, the committee will hear public comments; Dr. Wayne Snodgrass, Texas Poison Control Center, Galveston, will discuss Pesticide Toxicology and give an update on effects of long-term, low-level exposure to pesticides; Dr. Judy Bertholf, DowElanco, Dallas, will give an update on the pesticide registration process, EPA requirements and industry response; the committee will give brief report on the following IPM team writing assignments: introductions; education; structural guidelines; landscape guidelines; and model

contract; and discuss the Integrated Pest Management Program.

Contact: Benny M. Mathis, Jr., 9101 Burnet Road, Suite 201, Austin, Texas 78758, (512) 835-4066.

Filed: January 11, 1993, 2:11 p.m.

TRD-9317459

Sunset Advisory Commission

Thursday, January 14, 1993, 9 a.m. (Rescheduled from January 13-14, 1993). The Sunset Advisory Commission will meet at the Capitol Extension, Room E2.012, Austin. According to the emergency revised agenda summary, the commission called the meeting to order; discussed approval of minutes; made commission decisions on: Texas Department of Insurance/Office of Public Insurance Counsel and the Health Licensing Boards; discussed other business; and made final vote on all agencies. The emergency status was necessary as legislative session schedule prevented agencies from meeting on the 13th.

Contact: Susan Kinney, 1400 North Congress Avenue, Room E2.012, Austin, Texas 78701, (512) 463-1300.

Filed: January 8, 1993, 11:40 a.m.

TRD-9317366

Texans' War on Drugs, Inc.

Friday, January 15, 1993, 10 a.m. The Board of Directors of the Texans' War on Drugs, Inc. will meet in the Texans' War on Drugs Conference Room, 313 East Anderson Lane, Suite 101, Austin. According to the emergency agenda summary, the board will call the meeting to order; establish quorum; discuss approval of the minutes; elect officers and directors; adopt by-law amendments; adopt resolutions; meet in executive session; hear president's report-financial report; hear executive report; set next meeting date; discuss other business; and adjourn. The emergency meeting is necessary to discuss urgent personnel matters.

Contact: Janis Pittel, 313 East Anderson Lane, Suite 101, Austin, Texas 78752, (512) 452-0141.

Filed: January 8, 1993, 3:42 p.m.

TRD-9317397

The Texas A&M University System, Board of Regents

Wednesday, January 13, 1993, 1:30 p.m. The Executive Committee of the Board of Regents of The Texas A&M University System met at 814 Lavaca Street, Hirshfeld-Moore House, Large Conference Room, Austin. According to the complete agenda, the committee may have discussed the recommendations made by McKinsey and Company regarding the system administrative and general offices.

Contact: Vickie Running, The Texas A&M University System, College Station, Texas 77843, (409) 845-9600.

Filed: January 8, 1993, 2:04 p.m.

TRD-9317369

Thursday, January 14, 1993, 8:30 a.m. The Board of Regents and Its Committees of The Texas A&M University System met at 814 Lavaca Street, Hirshfeld-Moore House, Music Room, Austin. According to the agenda summary, the committees may have discussed initiation of construction projects; construction matters for the System parts; selection of architect/engineers; authorization for a limited partnership agreement; establishment of a Center; authorization for option agreements; resolution; quasi-endowment; changed name of the Madlin Stevenson Companion Animal Geriatric Center; authorization to establish memorial scholarship; selection of lead bank; transfer of funds; authorization for sale of revenue financing system bonds, Series 1993; ratification of production and pooled units; easement; disposition and acquisition of real estate; and received reports from system administration; and appropriation of funds.

Contact: Vickie Running, The Texas A&M University System, College Station, Texas 77843, (409) 845-9600.

Filed: January 8, 1993, 2:04 p.m.

TRD-9317370

Texas Life, Accident, Health and Hospital Service Insurance Guaranty Association

Tuesday, January 19, 1993, 9 a.m. The Board of Directors of the Texas Life, Accident, Health and Hospital Service Insurance Guaranty Association will meet at 333 Guadalupe Street, 12th Floor Conference Room, Austin. According to the agenda summary, the board will consider and possibly act on: election of officers; discuss approval of minutes; review of Guaranty Association activities; meet in executive session; matters discussed in executive session; financial

statements for period ended December 31, 1992; discuss Executive Life Rehabilitation Plan; Mutual Benefit Life Insurance amended Rehabilitation Plan; report on audit of association; insurance coverage for the Association; adoption of cafeteria plan for the Association; commissioner's request regarding funds to rehabilitate an insurer; and set next meeting date.

Contact: C. S. LaShelle, 301 Congress Avenue, #2025, Austin, Texas 78701, (512) 495-6444.

Filed: January 11, 1993, 9:45 a.m.

TRD-9317446

Texas Title Insurance Guaranty Association

Wednesday, January 27, 1993, 10 a.m. The Board of Directors of the Texas Title Insurance Guaranty Association will meet at 333 Guadalupe, Tower One, 12th Floor, Room 1264, Austin. According to the agenda summary, the board will discuss approval of the minutes; liquidation report; Guaranty Fund Reports and Receivership Reports; title manager's report; review House Bill 62 Transition and possibly act on related agreements; discuss and possibly act on Assumption of Liability or Reinsurance of Title USA; review status of independent audit; discuss and possibly act on legislative proposals; and set date and time for next meeting.

Contact: Burnie Burner, 100 Congress Avenue, Suite 1600, Austin, Texas 78701, (512) 474-1587.

Filed: January 12, 1993, 9:51 a.m.

TRD-9317498

Texas Department of Transportation

Monday, January 25, 1993, 10 a.m. The Public Transportation Advisory Committee of the Texas Department of Transportation will meet at the Austin Capital Metro Facilities, 2910 East Fifth Street, Austin. According to the agenda summary, the committee will overview metropolitan transit authorities and rulemaking process; preliminary review proposed rulemaking concerning transportation enhancement program; position on legislation concerning the use of alcoholic beverages and the commission of offenses on the premises of metropolitan transit authorities; and discuss locations of future meetings.

Contact: Richard Christie, 125 East 11th Street, Austin, Texas 78701, (512) 483-3650.

Filed: January 12, 1993, 9:55 a.m.

TRD-9317499

University of Texas Health Science Center at San Antonio

Wednesday, January 20, 1993, 3 p.m. The Institutional Animal Care and Use Committee of the University of Texas Health Science Center at San Antonio will meet at 7703 Floyd Curl Drive, Room 422A, San Antonio. According to the agenda summary, the committee will discuss approval of minutes; protocols for review; hear subcommittee reports; and discuss other business.

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

Filed: January 11, 1993, 11:06 a.m.

TRD-9317452

On-site Wastewater Treatment Research Council

Thursday, January 14, 1993, 12:30 p.m. The On-site Wastewater Treatment Research Council met at the Center for Environmental Research, Wastewater and Treatment Facility, 2210 South FM 973, Austin. According to the emergency revised agenda summary, the council heard and acted on requests for proposals for a second annual symposia and the provision of a project demonstration site for the council; and discussed participation in the Texas Water Commission's Environmental Trade Fair, April 5-7, 1993. The emergency status was necessary as additional items were requested to be added to the agenda in order to facilitate council action on these items as the council would not meet in February 1993.

Contact: Theodore H. Johns, 1700 North Congress Avenue, Austin, Texas 78711, (512) 463-3109.

Filed: January 7, 1992, 1:14 p.m.

TRD-9317307

Texas Water Commission

Wednesday, January 13, 1993, 9 a.m. The Texas Water Commission met at 1700 North Congress Avenue, Stephen F. Austin Building, Room 118, Austin. According to the emergency revised agenda summary, the commission considered an extension of emergency rules 31 Texas Administrative Code, Chapter 334, Subchapter K, concerning the storage, treatment, and reuse proce-

dures for Petroleum-Substance Contaminated Media. The emergency status was necessary due to emergency rules expiring before the next available agenda date. Emergency setting was required to consider a 60-day extension.

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

Filed: January 8, 1993, 3:46 p.m.

TRD-9317399

Thursday, January 21, 1993, 9 a.m. The Waste Reduction Advisory Committee (WRAC) of the Texas Water Commission will meet at the University of Texas Thompson Conference Center, 2405 East Campus Drive, Room 3.120, Austin. According to the complete agenda, the committee will discuss pollution prevention programs. The proposed agenda includes an open public comment period, administrative items, a review of the Office of Pollution Prevention and Conservation's activities, and a discussion of future activities of the WRAC.

Contact: Ken Zarkea, 1700 North Congress Avenue, Austin, Texas 78711, (512) 463-8032.

Filed: January 11, 1993, 9:42 a.m.

TRD-9317445

Monday, February 22, 1993, 10 a.m. The Office of Hearings Examiners of the Texas Water Commission will meet at the Stephen F. Austin Building, 1700 North Congress Avenue, Room 1149-B, Austin. According to the agenda summary, the commission will consider an application for rate increase by Westpark Water Corporation, Docket Number 9627-G.

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

Filed: January 11, 1993, 9:23 a.m.

TRD-9317432

Texas Workers' Compensation Commission

Thursday, January 14, 1993, 9 a.m. The Texas Workers' Compensation Commission met at the Southfield Building, Rooms 910-911, 4000 South IH-35, Austin. According to the agenda summary, the commission called the meeting to order; discussed approval of minutes for the public meeting of December 3, 1992; discussed, considered and possibly acted on rules for adoption: Rule 124.1, 124.7; rules for proposal; Rule 126.8, 126.9, and 168.3; rules for deletion or amendment: Rule 126.7; discussed, considered and possibly acted on rules for amendment: Rule 110.102, 110.106, and 164.1; selected an alternate for

replacing the Employee Commissioner Representative to serve on the Texas Certified Self-Insurance Guaranty Association; discussed, considered and possibly acted on designation of the 12-month period for the extra-hazardous employer program to be published in the *Texas Register* as required by Rule 164.14; Texas Workers' Compensation Commission Internal Audit Plan for Fiscal Year 1993-1995; discussed, considered and possibly acted on the Risk Management Division's report to the commission for submission to the 73rd Legislator; met in executive session; acted on matters considered in executive session; heard general reports; acted on issues relating to commission activities which may have included, but were not limited to the following: discussed future public meetings; and adjourned.

Contact: Todd K. Brown, 4000 South IH-35, Austin, Texas 78704, (512) 448-7962.

Filed: January 8, 4:48 p.m.

TRD-9317419

Thursday, January 14, 1993, 1 p.m. The Texas Workers' Compensation Commission met at the Southfield Building, Rooms 910-911, 4000 South IH-35, Austin. According to the agenda summary, the commission called the meeting to order; heard general reports; discussed and possibly acted on issues relating to Guaranty Association activities which may have included but were not limited to the following: met in executive session; discussed, considered, and possibly acted on applications; discussed future public meetings; and adjourned.

Contact: Todd K. Brown, 4000 South IH-35, Austin, Texas 78704, (512) 448-7962.

Filed: January 8, 4:47 p.m.

TRD-9317418

Regional Meetings

Meetings Filed January 7, 1993

The Austin Transportation Study Policy Advisory Committee met at the Joe C. Thompson Conference Center, Room 2.102, 26th and Red River, Austin, January 12, 1993, at 6 p.m. Information may be obtained from Michael Aulick, P. O. Box 1088, Austin, Texas 78767, (512) 499-6441. TRD-9317305.

The Bosque Higher Education Authority, Inc. Board of Directors met at the Mesquite Room, Brazos Club of Waco, Bank One Building, Valley Mills and Waco Drive, Waco, January 13, 1993, at noon. Information may be obtained from Murray Watson, Jr., 2600 Washington Avenue, Waco, Texas 76710, (817) 753-0915. TRD-9317312.

The Brazos Higher Education Authority, Inc. Board of Directors met at the Mesquite Room, Brazos Club of Waco, Bank One Building, Valley Mills and Waco Drive, Waco, January 13, 1993, at 11 a.m. Information may be obtained from Murray Watson, Jr., 2600 Washington Avenue, Waco, Texas 76710, (817) 753-0915. TRD-9317309.

The Brazos Higher Education Service Corporation Board of Directors met at the Mesquite Room, Brazos Club of Waco, Bank One Building, Valley Mills and Waco Drive, Waco, January 13, 1993, at 11:45 a.m. Information may be obtained from Murray Watson, Jr., 2600 Washington Avenue, Waco, Texas 76710, (817) 753-0915. TRD-9317313.

The Brazos Student Finance Corporation Board of Directors met at the Mesquite Room, Brazos Club of Waco, Bank One Building, Valley Mills and Waco Drive, Waco, January 13, 1993, at 11:30 a.m. Information may be obtained from Murray Watson, Jr., 2600 Washington Avenue, Waco, Texas 76710, (817) 753-0915. TRD-9317308.

The Central Appraisal District of Taylor County Board of Directors met at 1534 South Treadaway, Abilene, January 13, 1993, at 3:30 p.m. Information may be obtained from Richard Petree, P.O. Box 1800, Abilene, Texas 79604, (915) 676-9381. TRD-9317306.

The Hays County Appraisal District Board of Directors met at 632 A East Hopkins, Municipal Building, San Marcos, January 14, 1993, at 3:30 p.m. Information may be obtained from Lynnell Sedlar, 632 A East Hopkins, San Marcos, Texas 78666, (512) 754-7400. TRD-9317324.

The Rio Grande Council of Governments Board of Directors will meet at 1014 North Stanton, Main Conference Room, El Paso, January 15, 1993, at 9:30 a.m. (MST). Information may be obtained from Cecile C. Gamez, 1014 North Stanton, Suite 100, El Paso, Texas 79902, (915) 533-0998. TRD-9317339.

Meetings Filed January 8, 1993

The Barton Springs/Edwards Aquifer Conservation District Board of Directors met at 1124 Regal Row, Austin, January 12, 1993, at 5 p.m. Information may be obtained from Bill E. Couch, 1124A Regal Row, Austin, Texas 78748, (512) 282-8441. TRD-9317384.

The Blanco County Appraisal District Board of Directors met at the Blanco County Courthouse Annex, Avenue G and Seventh Street, Johnson City, January 12,

1993, at 5 p.m. Information may be obtained from Hollis Boatright, P.O. Box 338, Johnson City, Texas 78636, (210) 868-4013. TRD-9317376.

The Brazos Valley Development Council Personnel Committee met at the Brazos Center, 3232 Briarcrest, Assembly III, Bryan, January 13, 1993, at 3:30 p.m. Information may be obtained from Tom Wilkinson, Jr., P.O. Drawer 412, Bryan, Texas 77805-4128, (409) 776-2277. TRD-9317364.

The Carson County Appraisal District Board of Directors met at 102 Main Street, Panhandle, January 13, 1993, at 9 a.m. Information may be obtained from Donita Herber, Box 970, Panhandle, Texas 79068, (806) 537-3569. TRD-9317395.

The Coleman County Water Supply Corporation Board of Directors met at the Corporation Office, 214 Santa Anna Avenue, Coleman, January 13, 1993, at 1:30 p.m. Information may be obtained from Davey Thweatt, 214 Santa Anna Avenue, Coleman, Texas 76834, (915) 625-2133. TRD-9317367.

The Dallas Area Rapid Transit Corporate Location Ad Hoc met at the DART Headquarters, 1401 Pacific Avenue, Conference Room D, Dallas, January 12, 1993, at 12:30 p.m. Information may be obtained from Nancy McKethan, 1401 Pacific Avenue, Dallas, Texas 75202, (214) 749-3347. TRD-9317390.

The Dallas Area Rapid Transit Governmental Relations met at the DART Headquarters, 1401 Pacific Avenue, Board Conference Room B, Dallas, January 12, 1993, at 1 p.m. Information may be obtained from Nancy McKethan, 1401 Pacific Avenue, Dallas, Texas 75202, (214) 749-3347. TRD-9317393.

The Dallas Area Rapid Transit Mobility Impaired met at the DART Headquarters, 1401 Pacific Avenue, Board Conference Room C, Dallas, January 12, 1993, at 1 p.m. Information may be obtained from Nancy McKethan, 1401 Pacific Avenue, Dallas, Texas 75202, (214) 749-3347. TRD-9317391.

The Dallas Area Rapid Transit Bus Planning, Development and Operations met at the DART Headquarters, 1401 Pacific Avenue, Board Conference Room C, Dallas, January 12, 1993, at 2:30 p.m. Information may be obtained from Nancy McKethan, 1401 Pacific Avenue, Dallas, Texas 75202, (214) 749-3347. TRD-9317392.

The Dallas Area Rapid Transit Board of Directors met at the DART Headquarters, 1401 Pacific Avenue, Board Room, Dallas, January 12, 1993, at 4 p.m. Information may be obtained from Nancy McKethan, 1401 Pacific Avenue, Dallas, Texas 75202, (214) 749-3347. TRD-9317394.

The East Texas Council of Governments JTPA Board of Directors met at the Quality Hotel, Tyler, January 14, 1993, at 9 a.m. Information may be obtained from Glynn Knight, 3800 Stone Road, Kilgore, Texas 75662, (903) 984-8641. TRD-9317403.

The East Texas Council of Governments Executive Committee met at the Quality Hotel, Tyler, January 14, 1993, at 1:30 p.m. Information may be obtained from Glynn Knight, 3800 Stone Road, Kilgore, Texas 75662, (903) 984-8641. TRD-9317412.

The Erath County Appraisal District Board of Directors met in the Board Room, 1390 Harbin Drive, Stephenville, January 12, 1993, at 7 a.m. Information may be obtained from Jerry Lee, 1390 Harbin Drive, Stephenville, Texas 76401, (817) 965-5434. TRD-9317341.

The Gonzales County Appraisal District Board of Directors met at 928 St. Paul Street, Gonzales, January 14, 1993, 6 p.m. Information may be obtained from Glenda Strackbein, P.O. Box 867, Gonzales, Texas 78629, (210) 672-2879. TRD-9317398.

The Hansford Appraisal District Board met at 709 West Seventh Street, Spearman, January 13, 1993, at 9 a.m. Information may be obtained from Alice Peddy, P.O. Box 519, Spearman, Texas 79081, (806) 659-5575. TRD-9317371.

The Hockley County Appraisal District Board of Directors met at 1103-C Houston Street, Levelland, January 11, 1993, at 7 p.m. Information may be obtained from Nick Williams, P.O. Box 1090, Levelland, Texas 79336, (806) 894-9654. TRD-9317413.

The Lometa Rural Water Supply Corporation Board of Directors met at the Lometa Rural Water Supply Corporation Office, 506 West Main Street, Lometa, January 11, 1993, at 7 p.m. Information may be obtained from Tina L. Hodge and/or Levi Cash, P.O. Box 158, Lometa, Texas 76853, (512) 752-3505. TRD-9317368.

The Panhandle Ground Water Conservation District Number 3 Board of Directors Public Hearing met at the Water District Office, 300 South Omohundro, White Deer, January 13, 1993, at 7:30 p.m. Information may be obtained from C. E. Williams, Box 637, White Deer, Texas 79097, (806) 883-2501. TRD-9317382.

The Panhandle Ground Water Conservation District Number 3 Board of Directors Public Hearing met at the Water District Office, 300 South Omohundro, White Deer, January 13, 1993, at 8:30 p.m. Information may be obtained from C. E. Williams, Box 637, White Deer, Texas 79097, (806) 883-2501. TRD-9317383.

The Red River Authority of Texas Board of Directors will meet at the Wichita Falls

Activity Center, 607 10th Street, Room 215, Wichita Falls, January 20, 1993, at 9:30 a.m. Information may be obtained from Ronald J. Glenn, 900 Eighth Street, Suite 520, Wichita Falls, Texas 76301-6894, (817) 723-8697. TRD-9317361.

The Tarrant Appraisal District Tarrant Appraisal Review Board will meet at 2329 Gravel Road, Fort Worth, January 27-28, 1993, at 8:15 a.m. Information may be obtained from Suzanne Williams, 2329 Gravel Road, Fort Worth, Texas 76118-6984, (817) 284-8884. TRD-9317377.

The Tech Prep of the Rio Grande Valley, Inc. (also known as Lower Rio Grande Valley TPAD Consortium) Board of Directors (also known as Consortium Steering Committee) met in the Board Room, Short Course Center, Texas State Technical College, Harlingen, January 13, 1993, at 3 p.m. Information may be obtained from Pat Bubb, TSTC Short Course Center, Harlingen, Texas 78550-3697, (210) 425-0719. TRD-9317396.

The Texas Municipal Power Agency ("TMPA") Board of Directors Workshop met at the College Station Hilton, Dogwood Room, Bottom Floor/Concourse, 801 University Drive East, College Station, January 13, 1993, at 7 p.m. Information may be obtained from Carl J. Shahady, P.O. Box 7000, Bryan, Texas 77805, (409) 873-2013. TRD-9317357.

The Texas Municipal Power Agency ("TMPA") Audit and Budget Committee met at the Gibbons Creek Steam Electric Station, Administration Building, 2 1/2 miles North of Carlos, Texas on FM 244, January 14, 1993, at 7:30 a.m. Information may be obtained from Carl J. Shahady, P.O. Box 7000, Bryan, Texas 77805, (409) 873-2013. TRD-9317363.

The Texas Municipal Power Agency ("TMPA") Board of Directors met at the Gibbons Creek Steam Electric Station, Administration Building, 2 1/2 miles North of Carlos, Texas on FM 244, January 14, 1993, at 9 a.m. Information may be obtained from Carl J. Shahady, P.O. Box 7000, Bryan, Texas 77805, (409) 873-2013. TRD-9317362.

The Tyler County Appraisal District Board of Directors met at 307 West Bluff, Woodville, January 12, 1993, at 5:30 p.m. Information may be obtained from Linda Lewis, P.O. Drawer 9, Woodville, Texas 75799, (409) 283-3736. TRD-9317408.



Meetings Filed January 11, 1993

The Appraisal District of Jones County Board of Directors will meet at the District's Office, 1137 East Court Plaza, Anson, January 21, 1993, 8:30 a.m. Information may be obtained from John Steele, 1137 East Court Plaza, Anson, Texas 79501, (915) 823-2422. TRD-9317442.

The Comal Appraisal District Appraisal Review Board will meet at 430 West Mill Street, New Braunfels, February 23, 1993, at 9 a.m. Information may be obtained from Lynn Rodgers, P.O. Box 311222, New Braunfels, Texas 78131-1222, (210) 625-8597. TRD-9317438.

The Central Appraisal District of Johnson County Board of Directors will meet at 109 North Main Street, Suite 201, Room 202, Cleburne, January 21, 1993 at 4:30 p.m. Information may be obtained from Priscilla A. Bunch, 109 North Main Street, Cleburne, Texas 76031, (817) 645-3986. TRD-9317435.

The Eastland County Appraisal District Board of Directors will meet at the Commissioners' Courtroom, Eastland County Courthouse, Eastland, January 20, 1993, at 1 p.m. Information may be obtained from Steve Thomas, P.O. Box 914, Eastland, Texas 76448, (817) 629-8597. TRD-9317437.

The Grand Parkway Association met at 5757 Woodway, Suite 140 East Wing, Houston, January 13, 1993, at 8:15 a.m. Information may be obtained from Jerry L. Coffman, 5757 Woodway, 140 East Wing, Houston, Texas 77057, (713) 782-9330. TRD-9317436.

The Hansford Appraisal District Board met at 709 West Seventh Street, Spearman, January 13, 1993, at 9 a.m. (Revised agenda). Information may be obtained from Alice Peddy, P.O. Box 519, Spearman, Texas 79081, (806) 659-5575. TRD-9317460.

The Hunt County Appraisal District Board of Directors met at the Hunt County Appraisal District Board Room, 4801 King Street, Greenville, January 14, 1993, at 6:30 p.m. Information may be obtained from Shirley Smith, 4801 King Street, Greenville, Texas 75401, (903) 454-3510. TRD-9317425.

The Hunt County Appraisal District Board of Directors met at the Hunt County Appraisal District Board Room, 4801 King Street, Greenville, January 14, 1993, at 6:30 p.m. (Revised agenda). Information may be obtained from Shirley Smith, 4801 King Street, Greenville, Texas 75401, (903) 454-3510. TRD-9317476.

The Kendall County Appraisal District Board of Directors will meet at 121 South Main Street, Conference Room, Boerne,

January 21, 1993, at 5 p.m. Information may be obtained from J. P. Davis, P.O. Box 788, Boerne, Texas 78006, (210) 249-8012. TRD-9317440.

The Kendall County Appraisal District Appraisal Review Board will meet at 121 South Main Street, Conference Room, Boerne, February 4, 1993, at a.m. Information may be obtained from J. P. Davis, P.O. Box 788, Boerne, Texas 78006, (210) 249-8012. TRD-9317439.

The Lamb County Appraisal District Board of Directors will meet at 330 Phelps Avenue, Littlefield, February 4, 1993, at 6 p.m. (Rescheduled from January 14, 1993). Information may be obtained from Vaughn E. McKee, P.O. Box 552, Littlefield, Texas 79339, (806) 385-6474. TRD-9317461.

The Lower Neches Valley Authority Board of Directors will meet at the LNVA Office Building, 7850 Eastex Freeway, Beaumont, January 19, 1993, at 10:30 a.m. Information may be obtained from A. T. Hebert, P.O. Drawer 3464, Beaumont, Texas 77704, (409) 892-4011. TRD-9317465.

The Manville Water Supply Corporation Board of Directors met at the Manville Water Supply Corporation Office, Spur 277, Coupland, January 14, 1993, at 7 p.m. Information may be obtained from LaVerne Rohlack, P.O. Box 248, Coupland, Texas 78615, (512) 272-4044. TRD-9317428.

The Martin County Appraisal District Board of Directors met at 308 North St. Peter (Appraisal Office), Stanton, January 14, 1993, at 7 p.m. Information may be obtained from Elaine Stanley, P.O. Box 1349, Stanton, Texas 79782, (915) 756-2823. TRD-9317482.

The Palo Pinto Appraisal District Board of Directors will meet at the Palo Pinto County Courthouse, Palo Pinto, January 20, 1993, at 3 p.m. Information may be obtained from Jackie F. Samford, P.O. Box 250, Palo Pinto, Texas 76484-0250, (817) 659-1234. TRD-9317477.

The Permian Basin Quality Work Force Planning Committee will meet at the Holiday Inn Parkway, Odessa, January 19, 1993, at 11:30 a.m. Information may be obtained from Georgia Hankins, P.O. Box 60660, Midland, Texas 79711-0660, (915) 563-1301. TRD-9317463.

The Scurry County Appraisal District Appraisal Review Board will meet at 2612 College Avenue, Snyder, January 19, 1993, at 1:30 p.m. Information may be obtained from L. R. Peveler, 2612 College Avenue, Snyder, Texas 79549, (915) 573-8549. TRD-9317479.

The South Plains Association of Governments Regional Review Committee will meet at the SPAG Offices, 1323 58th Street, Lubbock, January 15, 1993, at 9 a.m. Information may be obtained from Jerry D. Casstevens, P.O. Box 3730 Freedom Station, Lubbock, Texas 79452, (806) 762-8721. TRD-9317429.

The Surplus Lines Stamping Office of Texas Board of Directors will meet at the Four Seasons Hotel, 98 San Jacinto Boulevard, Austin, January 19, 1993, at 9 a.m. Information may be obtained from Mary Matott, P.O. Box 9906, Austin, Texas 78766, (512) 346-3274. TRD-9317466.

The Texas Municipal Power Agency ("TMPA") Board of Directors met at the Gibbons Creek Steam Electric Station, Administration Building, 2 1/2 Miles North of Carlos on FM 244, Carlos, January 14, 1993, at 9 a.m. (Revised agenda). Information may be obtained from Carl J. Shahady, P.O. Box 7000, Bryan, Texas 77805, (409) 873-2013. TRD-9317426.

The Wise County Appraisal District Board of Directors met at 206 South State Street, Decatur, Board Room, January 14, 1993, at 9 a.m. Information may be obtained from Brenda Jones, 206 South Street, Decatur, Texas 76234, (817) 627-3081, extension 4. TRD-9317462.

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Meetings Filed January 12,
1993

The Comal Appraisal District Board of Directors will meet at 430 West Mill Street, New Braunfels, January 18, 1993, at 5:30 p.m. Information may be obtained from Lynn Rodgers, P.O. Box 311222, New Braunfels, Texas 78131-1222, (210) 625-8597, TRD-9317497.

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Name: Mike Bosch
 School: Sellers Middle School, Garland ISD

Mike Bosch

Hidden Pictures :

hidden coin
 rattlesnake
 mouse
 nail

tennis racket
 bowling ball
 baseball bat
 grapes

soccer ball
 rabbit
 Batman sign
 cup stick

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 Criminal Justice Request for Proposal

The Texas Department of Criminal Justice (Institutional Division) TDJC(ID) announces that it requires Construction Estimating consulting services pursuant to the provisions of Texas Civil Statutes, Article 6252-11c.

Description of Services. The principal goal of the Construction Estimator is, in acting as a consultant to TDCJ (ID), to provide comprehensive estimates of construction cost of projects designed for TDCJ (ID), and when requested, to aid in the evaluation of bids and/or other cost proposals or projections. These services shall be provided on an as-needed basis through 1995, and shall be provided in conjunction with the efforts of design consultants under contract to TDCJ (ID). The Construction Estimator will provide professional personnel for work at the Construction Estimator's office. This consultant service is a new service and is not presently being utilized by TDCJ (ID).

Estimating Services Requirements. preliminary Estimates (Order of Magnitude Estimates). It is expected that Order of Magnitude Estimates shall have an accuracy of +15% to -15%; engineering Cost Evaluation. During the design of projects, the consultant may be called upon to prepare Engineering Cost Evaluations to aid in decisions for the selection of materials, equipment, and systems to be incorporated into projects. It is expected that Engineering Cost Evaluation estimates shall have an accuracy of +10% to -10%; engineer's Estimates. Before the completion of design, preliminary bid documents will be furnished to the Consultant for the preparation of an Engineer's Estimate for the work. Preliminary bid documents will be similar to those called 95% complete by architects and engineers. The Consultant will prepare an estimate of the cost of the work, based on the most current local construction bidding information. It is expected that Engineer's Estimates shall have an accuracy of +5.0% to -5.0%; change Order Estimates. Consultant may be provided with Proposed Change documentation during construction for preparing estimates for the proposed changes; general. Projects at TDCJ (ID) encompass a wide variety of building and civil work. The cost of some of the work is influenced by the requirement that prison operations be maintained continuously and that safety and security of the inmates is of prime importance to TDCJ (ID). Some projects include demolition, renovation, or interface with existing facilities that also will influence the cost of the work.

Award Procedures. All proposals received by or before the deadline will be reviewed by a committee to check the qualifications and performance data of each firm that submits a proposal. Based upon the criteria stated following, a short list will be developed and such interviews will be conducted by the committee if necessary. Consultant's

staff proposed for these projects must participate in such interviews.

The committee will select not more than three firms, in order of preference, based on the criteria stated following, whom they think to be most qualified to provide the required services. TDCJ (ID) will negotiate a contract with the firm considered to be best to provide the required services at compensation that TDCJ (ID) determines would be fair and reasonable.

Should TDCJ (ID) be unable to negotiate a satisfactory contract with the firm thought to be best qualified, at compensation considered fair and reasonable, discussions with that firm will be formally ended in writing.

Discussions and negotiations will then be undertaken with the second best qualified firm; failing agreement with the second, negotiations with that firm will be formally ended. Like negotiations and discussions will be undertaken with the third most qualified firm. Failing accord, such will be formally ended. TDCJ (ID) may then select additional firms in order of their competence and qualifications and continue negotiations in the manner described until an agreement is reached. At any stage in the process, TDCJ (ID) may request clarification or additional information to aid in determining the qualifications, competence, and ability of the firm to provide the required services. It is TDCJ (ID)'s intent to enter into a contract about March 1, 1993.

Selection Criteria. construction Estimating Experience. Of particular interest are: the degree of expertise in preparing estimates of construction cost for the building construction industry: civil, structural, architecture, mechanical, electrical, plumbing, and furnishings; track record on the degree of accuracy of cost estimates when compared to actual bids received; database or costing system used plus the method and frequency of updating the costing data; and the reasonableness of the proposed fee for the services; local Experience. When other considerations are equal, preference will be given to a private consultant whose principal place of business is within the state or who will manage the consulting engagement wholly from one of its offices within the state; key and Support Staffing. The firms must submit detailed information about personnel to be assigned to the program. Personnel assigned to the program should have authority to commit the resources of the firm to the program. An organization chart that includes personnel proposed should be included in the submittal; construction Estimator's proposed price structure.

Requesting the Proposal. A copy of the complete request for proposal may be obtained by writing or calling Ronald E. Howell, Contracts Manager, TDCJ (ID), P.O. Box 99CC, Huntsville, Texas 77342-9987, telephone (409) 294-6907.

Further information. Clarifying information about this proposal may be obtained in writing from the previously

referenced individual.

Deadline for Receipt of Proposals. The deadline for submitting a proposal is 5 p.m. CST on Friday, February 12, 1993.

Issued in Austin, Texas, on January 11, 1993.

TRD-9317447

Jackee Cox
General Counsel
Texas Department of Criminal Justice

Filed: January 11, 1993

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Texas Department of Health
Licensing Actions for Radioactive
Materials

The Texas Department of Health has taken actions regarding licenses for the possession and use of radioactive materials as listed in the table below. The subheading labeled "Location" indicates the city in which the radioactive material may be possessed and/or used. The location listing "Throughout Texas" indicates that the radioactive material may be used on a temporary basis at job sites throughout the state.

AMENDMENTS TO EXISTING LICENSES ISSUED:

Location -----	Name -----	License# -----	City -----	Amend- ment # -----	Date of Action -----
Austin	Texas Department of Health	L01155	Austin	63	12/09/92
Austin	Texas Department of Health	L01594	Austin	17	12/16/92
Austin	Radian Corporation	L01692	Austin	31	12/22/92
Carrollton	Trinity Medical Center	L03765	Carrollton	13	12/21/92
College Station	Texas A & M University	L00448	College Station	78	12/08/92
Corpus Christi	Hoechst Celanese Corporation	L00409	Corpus Christi	51	12/16/92
Dallas	Loral Vought Systems Corporation	L02670	Dallas	12	12/14/92
Dallas	North Texas Heart Center, P.A.	L04608	Dallas	1	12/11/92
Dallas	Syncor International Corporation	L02048	Dallas	73	12/17/92
Dallas	Employers Casualty Company	L02004	Dallas	7	12/21/92
Dallas	Mallinckrodt, Inc.	L03580	Dallas	18	12/18/92
Dallas	Humana Hospital Medical City Dallas	L01976	Dallas	72	12/22/92
Denton	Denton Community Hospital	L04003	Denton	8	12/15/92
El Campo	Wharton Hospital Corporation	L02664	El Campo	9	12/14/92
Houston	McDonnell Douglas Space Systems Co.	L04595	Houston	1	12/09/92
Houston	AMI Heights Hospital	L01782	Houston	23	12/14/92
Houston	Trinity Industries, Inc.	L01539	Houston	24	12/14/92
Houston	Texas Endocrine and Diabetes Institute	L04371	Houston	1	12/16/92
Houston	Spring Branch Memorial Hospital	L02473	Houston	20	12/17/92
Houston	Memorial Care System	L00439	Houston	45	12/17/92
Houston	Forscan Corporation	L02866	Houston	7	12/16/92
Houston	DuMont Enterprises	L04444	Houston	4	12/18/92
Houston	Stewart C. Bushong, Sc.D.	L02397	Houston	8	12/18/92
Humble	American X-Ray of Texas, Inc.	L03758	Humble	6	12/16/92
Midland	West Texas Nuclear Pharmacy	L04573	Midland	3	12/17/92
Pasadena	Simpson Pasadena Paper Company	L00906	Pasadena	28	12/14/92
Pasadena	Pasadena General Hospital	L03504	Pasadena	11	12/17/92
Pasadena	N D S Products and Microtec Services	L00991	Pasadena	31	12/22/92
Port Arthur	Fina Oil and Chemical Company	L03498	Port Arthur	8	12/14/92
San Antonio	Cancer Therapy and Research Center	L01922	San Antonio	28	12/14/92
San Antonio	San Antonio State Chest Hospital	L02218	San Antonio	21	12/14/92
San Antonio	Southwest Texas Methodist Hospital	L00594	San Antonio	97	12/11/92
San Antonio	CTRC at Santa Rosa	L00556	San Antonio	27	12/11/92
San Antonio	Santa Rosa Northwest Hospital	L03983	San Antonio	12	12/11/92

San Antonio	Alamo Diagnostic Imaging Center	L04181	San Antonio	7	12/14/92
San Antonio	Cancer Therapy & Research Foundation of South Texas	L03350	San Antonio	8	12/11/92
San Antonio	Beta Diagnostics Services, LTD.	L03574	San Antonio	19	12/21/92
San Antonio	Santa Rosa Northwest Hospital	L03983	San Antonio	13	12/22/92
Throughout Texas	Kenneth E. Tand and Associates, Inc.	L03129	Houston	7	12/15/92
Throughout Texas	City of Bryan	L03002	Bryan	7	12/15/92
Throughout Texas	Corpus Christi Inspection & Engineering, Inc.	L04379	Corpus Christi	21	12/15/92
Throughout Texas	Mobil Oil Corporation	L00603	Beaumont	51	12/15/92
Throughout Texas	GCT Inspection, Inc.	L02378	South Houston	42	12/15/92
Throughout Texas	Halliburton Services	L01835	Duncan, Oklahoma	45	12/09/92
Throughout Texas	Lead Based Paint Testing Services, Inc.	L04586	Houston	1	12/09/92
Throughout Texas	HOMCO International, Inc.	L02827	Houston	16	12/10/92
Throughout Texas	Sharp Radiation Services	L03731	Corpus Christi	10	12/14/92
Throughout Texas	SGS Industrial Services	L04460	Seabrook	8	12/15/92
Throughout Texas	BIX Testing Laboratories	L02143	Baytown	52	12/16/92
Throughout Texas	French Well Surveys, Inc.	L04252	Houston	2	12/16/92
Throughout Texas	TERRA-MAR, Inc.	L03157	Houston	16	12/15/92
Throughout Texas	Southwest Research Institute	L00775	San Antonio	42	12/16/92
Throughout Texas	Berry Fabricators	L01575	Corpus Christi	21	12/16/92
Throughout Texas	Halliburton Services	L01835	Duncan Oklahoma	46	12/16/92
Throughout Texas	Longview Inspection, Inc.	L03720	Longview	40	12/14/92
Throughout Texas	Kooney X-Ray Inc.	L01074	Barker	64	12/18/92
Throughout Texas	Raba-Kistner Consultants, Inc.	L02337	El Paso	11	12/18/92
Throughout Texas	BIX Testing Laboratories	L02143	Baytown	53	12/18/92
Throughout Texas	Houston Department of Health and Human Services	L00149	Houston	47	12/16/92
Throughout Texas	Danny R. Anderson Consultants, Inc.	L02476	El Paso	9	12/16/92
Throughout Texas	Southwestern Laboratories	L01934	Dallas	34	12/16/92
Throughout Texas	Radiation Technology, Inc.	L04633	Austin	1	12/15/92
Throughout Texas	List & Clark Construction Company	L04385	Overland Park, KS	1	12/18/92
Throughout Texas	Ludlum Measurements, Inc.	L01963	Sweetwater	45	12/22/92
Tyler	East Texas Medical Center	L00977	Tyler	55	12/14/92
Tyler	Cardiovascular Consultants, P.A.	L04517	Tyler	2	12/18/92
Victoria	E I Du Pont De Nemours & Co., Inc.	L00386	Victoria	59	12/14/92
Waco	Texas State Technical College at Waco	L01926	Waco	26	12/17/92
Wichita Falls	Bethania Regional Health Care Center	L01844	Wichita Falls	39	12/11/92

RENEWALS OF EXISTING LICENSES ISSUED:

Location	Name	License#	City	Amend- ment #	Date of Action
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Greenville	Greenville Transformer Company	L03247	Greenville	2	12/22/92
Huntsville	Sam Houston State University	L00496	Huntsville	24	12/17/92
Longview	Marathon LeTourneau Company	L02304	Longview	11	12/21/92
Midlothian	Texas Industries, Inc.	L01421	Midlothian	28	12/15/92
Pasadena	N D S Products and Microtec Services	L00991	Pasadena	30	12/18/92
Throughout Texas	K & N Perforators	L02300	Victoria	21	12/14/92
Throughout Texas	Winn Engineering & Testing, Inc.	L04142	Longview	4	12/21/92
Throughout Texas	Diamond Wireline Services, Inc.	L04158	Corpus Christi	5	12/21/92
Throughout Texas	San Antonio River Authority	L02706	San Antonio	5	12/18/92
Throughout Texas	Allen Inspection Service	L03003	Odessa	4	12/16/92
Wichita Falls	Vetrotex Certaineed Corporation	L02269	Wichita Falls	19	12/11/92

Location	Name	License#	City	Amend- ment #	Date of Action
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Gainesville	Reed Perforating Inc.	L03302	Gainesville	3	12/16/92
Goldsmith	Kelt Oil and Gas	L04323	Goldsmith	1	12/18/92
Houston	Enseco - Houston	L04261	Houston	2	12/15/92
Pasadena	Pasadena Eye Associates	L01537	Pasadena	7	12/17/92
Sherman	J. L. Spears, Inc.	L04220	Sherman	3	12/14/92

NEW LICENSES DENIED:

Location	Name	License#	City	Amend- ment #	Date of Action
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Brownsville	BMA Brownsville	L04558	Brownsville	0	12/18/92

AMENDMENTS TO EXISTING LICENSES DENIED:

Location	Name	License#	City	Amend- ment #	Date of Action
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Houston	Bellaire Hospital	L02038	Houston	0	12/11/92
Throughout Texas	VIA NDT Engineering & Testing	L04322	Charnelview	0	12/15/92

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 31, 1992.

TRD-9317278

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

Filed: January 6, 1993

Texas Department of Housing and Community Affairs

Summary of Comments Received at Public Hearings and Department's Response

General. On August 25 and 26, 1992, the Texas Department of Housing and Community Affairs (the Department) held public hearings in Lubbock, Corpus Christi, Arlington, and Austin to solicit comments on the proposed use and distribution of federal fiscal year (FFY) 1993 funds provided under the Community Services Block Grant (CSBG) and the Low-Income Home Energy Assistance Program (LIHEAP) Block Grant. The Department outlined plans to use the state's LIHEAP funds to support the Weatherization Assistance, Energy Crisis, Home Energy Assistance, and proposed alternative utility assistance programs. The Department provided copies of the Intended Use Report to all affected subgrantees, utility companies, and state and federal officials for review and comment. The schedule of the four public hearings was announced in

the July 28, 1992, issue of the *Texas Register* (17 TexReg 5301).

I. CSBG COMMENTS. DISTRIBUTION OF FUNDS.

Three contractors stated that the CSBG allocation formula needed to be revised. One contractor asked that contractors be part of the process of revising the formula. Two contractors asked that the Department consider the impact of formula changes on Nest Texas and to consider population density or square miles of service area as factors in the formula. One contractor noted that any reduction in funds could reduce the capacity of Community Action Agencies to administer other programs. Three contractors expressed support for the CSBG formula change. One of the three stated that their support applied to the 1993 allocation only. Another contractor questioned basing 95% of the formula on the prior year's grant which used 1980 Census data. Because of its negative impact on Nest Texas, this contractor felt the new formula favored urban areas. One County Judge and eight CAA board members stated that the CSBG formula should consider transportation systems available in the service area, distance that must be traveled to receive or deliver services, lack of employment opportunities, and the unemployment rate. These individuals also expressed concern as to the inaccuracies of the 1990 Census data. Two contractors expressed concern relating to the short notice the Department provided to a meeting in Austin for informal discussion of the formula change prior to the public hearings. One contractor's board stated that their agency would lose \$138,345 in FFY 1993 due to the change in the CSBG formula. Board members stated that the substantial decrease in CSBG funds may result in the agency having to close its doors. The Board also questioned how the Department could determine funding levels 10 years in advance. Another contractor suggested that the formula have a base of \$100,000 and that the formula be applied after the base is allocated.

DEPARTMENT'S RESPONSE. The revised formula merely reflected changes in the concentrations of the poverty population in Texas and was not designed to favor urban or rural areas. Although some agencies would receive reduced CSBG grants in 1993, the most severe case did not exceed \$7,000. The projection over a 10-year period was provided for planning purposes only. The Department will use the proposed allocation formula for FFY 1993, but will consider revising the formula for FFY 1994. During the planning process for FFY 1994, the Department will appoint a committee of contractor representatives to assist in devising a formula which is fair to all recipients. The committee will consider different factors such as population density or minimum grants and evaluate how proposed changes would affect assistance to the poor throughout the State.

DISCRETIONARY FUNDS. One contractor asked that the Department allocate discretionary funds to assist migrant seasonal farmworkers to all contractors that serve members of that population group rather than just to a few specialized organizations. One contractor felt the plight of migrants was so serious that more resources must be applied in order to address long term solutions as well as immediate needs.

DEPARTMENT'S RESPONSE. The Department feels the assistance to migrants is better focused through a few contractors in order to better meet the special needs of that population group. On the other hand, contractors who do not receive a special allocation for this purpose are expected to provide the same level of service to those migrants passing through their areas as they would to any

other client. The Department will continue to work with the Texas Department of Commerce and Governor's Office in trying to mobilize sufficient resources to aid migrant and seasonal farmworkers obtain a decent standard of living.

COMMUNITY PARTICIPATION. One individual expressed concern that persons in need often do not know where to obtain assistance. One individual suggested that contractors be required to conduct public hearings prior to receiving funds from the State in order that the poor be better informed of the services offered and have the opportunity to express their needs. One individual stated that the poor often were unaware of the purposes for programs and the eligibility guidelines. Members of the Board of one contractor stated that the Department should require contractors to show evidence that the poor had participated in the planning process.

DEPARTMENT'S RESPONSE. In FFY 1994, the Department will consider requiring contractors to conduct public meetings and receive comments from the clientele it serves prior to submitting their proposed budget and performance statement.

CLIENT SELF-SUFFICIENCY. One contractor recommended that the Department explore the feasibility of developing a comprehensive plan that would address self-sufficiency of clients and suggested that clients receiving assistance be required to repay assistance provided or donate time and/or resources. One individual suggested that the self-sufficiency concept be incorporated into all Department grant programs. One contractor's Board stated that families that become self-sufficient often end up back in poverty because the wages they earn are too low and stressed the importance of placing people in jobs that pay a decent wage. One CSBG contractor asked that the Department form an advisory council to develop guidelines for implementing a self-sufficiency plan. One individual encouraged the Department to place greater emphasis on job training and job development.

DEPARTMENT'S RESPONSE. In FFY 1993, the Department will require contractors to report the number of individuals they assist in reaching incomes above the poverty level. The Department plans to provide training on methods of implementing in-depth case management systems. Contractors with an effective in-depth case management system in place will be more effective in assisting families out of poverty. The Department will seek input from contractors in developing guidelines for implementing self-sufficiency programs. Although the Department cannot require persons to repay assistance, voluntary donation of money or services would not be discouraged.

LEVERAGING. Two contractors asked that the Department clearly define the term "leveraging". Four contractors asked that the Department remove any reference of a match or leveraging requirement for CSBG funds. Two contractors asked that match requirements take into account geographic location since rural areas have more difficulty meeting matching requirements. One contractor stated that since the CSBG law does not require match, the Department should not require match.

DEPARTMENT'S RESPONSE. The Department strongly advocates the leveraging of CSBG funds to expand the resources available to the poor. The Department has no plans to require matching funds but would appreciate accurate reporting of other resources generated with CSBG funds.

COMMUNITY SERVICES, INC. Ten individuals expressed support for the programs offered by Community Services, Inc. (CSI) of Corsicana. One consultant representing three counties in the CSI service area stated that Kaufman, Collin, and Denton Counties planned to withdraw from CSI. The reason for this planned action is the belief that more funds can directly benefit persons in these counties if the counties administer the CSBG program directly. These counties feel that improvements might be made in response time to clients, documentation for expenditures, and the amount of funds used for administration.

DEPARTMENT'S RESPONSE. The Department will encourage CSI to provide acceptable services to all counties in its service area, but federal law offers very little opportunity for providing direct CSBG grants to the counties in question.

CARRY-OVER POLICY. One contractor asked that the Department review the 15% carry-over policy relating to CSBG funds and stated that the return of unexpended funds may cause a cash-flow problem. One contractor asked that the Department consider allocating the carry-over funds to agencies that receive reduced formula allocations.

DEPARTMENT'S RESPONSE. The Department must ensure adequate tracking of CSBG expenditures. In order to close out grants each fiscal year, the Department must require contractors to return all unspent funds. The Department feels that its carry-over policy is appropriate to ensure the efficient use of CSBG funds.

MISCELLANEOUS. One commenter suggested that the Department needs to coordinate programs with other state agencies, particularly the newly created Health and Human Services Commission. This could help at the local level with clients who have problems with recertification of AFDC or food stamp benefits. Two individuals expressed concern that too much CSBG funding goes towards administrative costs and not for direct client assistance. One contractor suggested that the Department not allow the Texas Association of Community Action Agencies (TACAA) to determine Department policies and asked that the Department not hold its training sessions in conjunction with TACAA.

DEPARTMENT'S RESPONSE. The Department serves on several state advisory councils whose purpose is to coordinate programs among state agencies. The Department encourages contractors to work at the local level to develop networks to better coordinate services among service providers. The primary purpose of the CSBG grant is to provide a mechanism by which contractors can administer a wide array of programs addressing the needs of low-income persons. The use of these forms for "administration" in order to achieve that goal is encouraged. In determining its policies, the Department accepts advice from all interested parties. The Department usually has held workshops with TACAA in Austin to help reduce travel expenses for contractors. Regional workshops are usually not held in conjunction with any other organizational event.

TDHCA received two letters from the Department subgrantees and one letter from an utility company containing comments regarding LIHEAP. The Department received 12 oral testimonies at the hearings specific to LIHEAP related programs.

II. WEATHERIZATION ASSISTANCE PROGRAM. Four weatherization Assistance Program (WAP) subgrantees and one NAP subcontractor expressed support of the Department's plan to set aside 15% of the FFY 1993 LIHEAP block grant funds for the Weatherization Assistance Program.

Two WAP subgrantees and one WAP subcontractor expressed support of the Department's decision to provide LIHEAP weatherization funds under separate contract and appreciation for the flexibility to utilize LIHEAP weatherization funds for enhanced weatherization activities.

Two consumers of a WAP subgrantee expressed support and gratitude for weatherization services to their homes.

One WAP subgrantee stated that 5.26% of the subgrantee's funds for administration of the Weatherization Assistance Program under LIHEAP is inadequate.

DEPARTMENT'S RESPONSE. The United States Department of Health and Human Services has an overall administrative cap for all programs funded by LIHEAP.

III. ENERGY CRISIS PROGRAM. Eight consumers of an ECP subgrantee expressed support and gratitude for payment of their utility bills during energy crises.

A subcontractor noted that the formula for providing ECP assistance is purportedly based on three factors, income level, household size, and relative energy cost; however, these factors are not taken into consideration in determining the amount of assistance per household.

DEPARTMENT'S RESPONSE. A household experiencing a bona fide energy crisis goes through an intake process by a local subgrantee to determine eligibility for the program. This intake process includes review of the factors such as household size, energy cost, and energy consumption as well as income. There is no set formula for providing energy crisis benefit to a household; there is, however, a cap on the amount of assistance an individual household may receive.

A subcontractor encouraged ECP providers to utilize a greater share of the energy crisis fund to provide safe and efficient heating and cooling appliances.

DEPARTMENT'S RESPONSE. According to the past performance reports of the ECP subgrantees, most energy crises occur when extraordinary events have created problems in meeting basic household expenses, particularly utility bills so as to constitute a threat to the health or well-being of the household. The Department supports providing households with safe and efficient heating and cooling appliances; however, since this is a crisis program, the type of assistance provided is primarily determined by the household's energy related emergency.

An ECP subgrantee expressed objections to using the 1990 census data in the FY '93 ECP funding allocation formula to the subgrantees, because of the possible litigation arising from the Texas Attorney General's office regarding this data.

DEPARTMENT'S RESPONSE. The 1990 Texas census figures the Department is utilizing for the ECP allocation formula was provided by the Texas Department of Commerce. If changes to the 1990 Texas census figure occur due to legal actions, then the Department will utilize the new data. There have been tremendous changes in the State's population and economy since 1980 and due to the

significance of these changes the Department opted to use the 1990 census as it is currently available.

Two subgrantees noted an error on the stated household's annual income level when determining amount of ECP assistance.

DEPARTMENT'S RESPONSE. The Department will restate "Less than 80% but not more than 50% of Poverty" to "Less than 80% but not less than 51% of Poverty" and "Less than 125% but not more than 80% of Poverty" to "Less than 125% but not less than 81% of Poverty".

IV. HOME ENERGY ASSISTANCE PROGRAM AND PILOT PROJECTS. A subcontractor expressed support of the Department's proposal to fund pilot projects to develop decentralized utility assistance programs.

A subcontractor stated that the HEAP program should require maximum interface with and participation of Texas utilities and should require that utilities provide either in-kind or direct financial contributions.

DEPARTMENT'S RESPONSE. The Texas Department of Housing and Community Affairs has no regulatory powers to mandate Texas utility companies and cooperatives to provide services to Home Energy Assistance program subgrantees and/or clients. The Department is working to develop relationships with major utility companies in the State in order to identify and merge resources available to the low-income energy consumers. The Department has encouraged partnerships between subgrantees and their local utility companies and will continue to provide support for the subgrantees concerning the HEAP program.

A subgrantee encouraged TDHCA to continue the involvement of the Department's committee of subgrantees in development of utility assistance programs.

DEPARTMENT'S RESPONSE. The Department will work closely with the committee during the HEAP transition year. The committee members will be asked to participate in the pilot projects

A subgrantee recommended that a percent of the HEAP allocation be used for subgrantee program support costs associated with the additional outreach and intake provisions required by United States DHHS.

DEPARTMENT'S RESPONSE. The Department will propose in the FFY 1993 LIHEAP State Plan that at least 5.0% of the LIHEAP funds allocated to the pilot projects be utilized to support subgrantee's outreach efforts.

A utility company stated its objection against any mandated programs.

DEPARTMENT'S RESPONSE. The Department is very much interested in developing partnership with the utilities and would be interested in building a long-term relationship of linking and exchanging of resources for our common customer. The final decisions regarding any mandated program for the utility companies must come from the regulatory bodies. It should be noted that the Department's energy assistance programs are not mandated.

A utility company has also raised concern for the impact of percentage of income payments plan (PIPP) on all customers. The utility company's two major concerns are: Any shortfall of revenues realized as a result of implementation of a PIPP must be borne by other ratepayers in order to maintain the revenue stability necessary to provide to all its customers.

A percentage of income payment plan (PIPP) could serve as a disincentive to conservation; a fixed amount to be paid (by the customer) might encourage customers to seek an increase in comfort rather than a decrease in usage. PIPP should also involve energy conservation education, coordination with weatherization program and a "cap" should be placed on energy usage by participants.

DEPARTMENT'S RESPONSE. Part of the purpose for funding PIPP demonstration projects is to identify any potential programmatic and/or management problems with PIPPs and to resolve those problem is used statewide.

COORDINATION OF ENERGY PROGRAMS. A subgrantee and a subcontractor expressed need for better coordination between Energy Crisis Program and Weatherization Assistance Program so that both energy conservation and consumption issues can be addressed.

A subgrantee recommended the Department explore and incorporate self-sufficiency into the Weatherization Assistance and Energy Crisis Programs. A subcontractor encouraged the Department to coordinate all the energy programs.

DEPARTMENT'S RESPONSE. With the transfer of LIHEAP Block Grant to TDHCA from the Texas Department of Human Services, TDHCA will house the majority of the energy assistance programs for low-income Texans. The Department and its subgrantees will establish procedures to better coordinate all the energy programs to ensure absence of duplication and maximum utilization of available resources.

Issued in Austin, Texas, on January 6, 1993.

TRD-9317264

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

Filed: January 6, 1993

Railroad Commission of Texas Correction of Error

The Railroad Commission of Texas proposed amendments to 16 TAC §9.29, concerning filings required for LP-gas installations. The rule was published in the January 1, 1993, *Texas Register* (18 TexReg 19).

In subsection (a) the sentence which begins "Except as provided following no [No] LP-gas container may be placed...." should read as follows. "Except as further provided in this section, no [No] LP-gas container may be placed...." The next sentence repeats and is a typographical error.

In proposed subsection (e)[(g)] the word "placed" was misspelled as "laced".

In proposed subsection (i)[(k)] the word "by" was misspelled as "bY".

Proposed subsection (l) was included at the end of proposed subsection (k)[(m)]. Subsection (l) should read as follows. "(l) If the division director or a delegate determines the completed installation varies materially from the application originally accepted, resubmission of the application for tentative approval may be required.

The division's review of such resubmitted application will follow the described procedure in this subsection."

The University of Texas System Consultant Proposal Request

The University of Texas M. D. Anderson Cancer Center (UTMDACC) request, pursuant to the provisions of Texas Civil Statutes, Article 6252-11C, the submission of proposals leading to the award of a contract for a comprehensive review of physician's fees at UTMDACC.

M. D. Anderson Cancer Center is seeking a consulting firm to provide competitive, price information of physician fees in the local, regional, and national market; recommend changes in policy and/or pricing where appropriate to maximize return for service; provide a replicable methodology for pricing procedures unique to M. D. Anderson; perform that methodology through the administrative organization of PRS during the first year; and to validate the charge coding process.

Consultant assistance is scheduled for commencement no later than March 1, 1993 (contingent upon a Finding of Fact, or waiver, by the Governor's Office), and will continue until completed (estimated completion date is September 1, 1993).

The University of Texas M. D. Anderson Cancer Center reserves the right to accept or reject any or all proposals submitted under this consultant proposal request, and to negotiate modifications to improve the quality or cost effectiveness of any proposal.

UTMDACC is an institution of higher education, a government entity, and a hospital, and as such should be offered any and all applicable discounts associated with such facilities or activities. These discounts, as applicable, should be identified and noted in proposals submitted.

Respondents must disclose in their proposal any relationship, whether by relative, business associate, funding agreement, or any other such kinship that exists, or is anticipated to exist, between respondent and any UTMDACC employee.

Respondents must disclose in this proposal if any key personnel, owner, major officer, or other employee contributing to this proposal, has been employed by UTMDACC, or other University of Texas Component, within the past 12 months prior to March 1, 1993.

Respondents must indicate in their proposal if their firm is considered a Small and/or Minority Business as defined by the State of Texas.

Proposal packages will be made available to interested parties on or after January 10, 1993, with responses to be submitted 50 days after the date. Proposal packages may be obtained from John Walker at the address following.

Proposals should be submitted as follows: mailing address: The University of Texas M. D. Anderson Cancer Center, Attention: John Walker or Rick Bryant, 1515 Holcombe Boulevard-Box 546, Houston, Texas 77030; office location: The University of Texas M. D. Anderson Cancer Center, Attention: John Walker or Rick Bryant, 1020 Holcombe Boulevard-Suite 230, Houston, Texas 77030.

For further information, please contact John Walker, Technical Procurement Specialist, at (713) 792-2413 or Lynn Wolfgram, Manager, Physicians Referral Service, at (713)

794-4406. UTMDACC specifically requests that all inquiries on this proposal be directed only to these individuals.

Issued in Austin, Texas, on January 7, 1993.

TRD-9317311

Arthur H. Dilly
Certifying Official
The University of Texas-M. D. Anderson
Cancer Center

Filed: January 7, 1993

Texas Water Commission Notice of Application For Waste Disposal Permit

Notice is given by the Texas Water Commission of public notices of waste disposal permit applications issued during the period of December 28, 1992-January 8, 1993.

No public hearing will be held on these applications unless an affected person has requested a public hearing. Any such request for a public hearing shall be in writing and contain the name, mailing address, and phone number of the person making the request; and a brief description of how the requester, or persons represented by the requester, would be adversely affected by the granting of the application. If the commission determines that the request sets out an issue which is relevant to the waste discharge permit decision, or that a public hearing would serve the public interest, the commission shall conduct a public hearing, after the issuance of proper and timely notice of the hearing. If no sufficient request for hearing is received within 30 days of the date of publication of notice concerning the applications, the permit will be submitted to the commission for final decision on the application.

Information concerning any aspect of these applications may be obtained by contacting the Texas Water Commission, P.O. Box 13087, Austin, Texas 78711, (512) 463-7906.

Listed are the name of the applicant and the city in which the facility is located, type of facility, location of the facility, permit number, and type of application—new permit, amendment, or renewal.

Angelina Savings and Loan Association; the wastewater treatment facilities; are on the west bank of Willis Creek, approximately one mile south of the Willis Creek crossing of FM Road 842 and approximately two miles northeast of the intersection of FM Road 842 and State Highway 103E near the City of Lufkin in Angelina County; renewal; 11588-01.

Boling Municipal Water District; the wastewater treatment facilities; are adjacent to Caney Creek, west of and adjacent to Rycade Avenue in the City of Boling in Wharton County; renewal; 10843-01.

Champion International Corporation; a lumber, chip, and plywood manufacturing plant; the plant site is on the south side of the intersection of FM 942 and FM 62 in the Town of Camden in Polk County; amendment; 01598.

Chelford City Municipal Utility District; the Brays Bayou Wastewater Treatment Plant; the plant site is on the south side of Alief-Clodine Road, approximately 2,000 feet due west of the intersection of Alief-Clodine Road and State Highway 6 in Harris County; renewal; 11599-01.

Colorado County Water Control and Improvement District Number 2; the Garwood Wastewater Treatment Facilities;

the plant site is approximately 25 feet east of the intersection of Mansfield and Wirtz Streets in the City of Garwood in Colorado County; renewal; 10152-01.

City of Corpus Christi; the Westside Wastewater Treatment Facilities; the plant site is located to the south of the State Highway 357 (Saratoga Boulevard), approximately one mile west of the intersection of State Highway 286 and State Highway 357 in the City of Corpus Christi in Nueces County; renewal; 10401-03.

D L Utility, Inc.; the wastewater treatment facilities; are approximately 3.5 miles east of the intersection of FM Road 149 and 1097 in Montgomery County; renewal; 12493-01.

Duval County Conservation and Reclamation District; the wastewater treatment facilities; the plant site is adjacent to and east of Benavides Street approximately 800 feet south of San Diego Creek; also 2,200 feet east of State Highway 359 and 3,300 feet south of State Highway 44 in Duval and Jim Wells Counties; renewal; 10270-01.

Emerald Forest Utility District; the wastewater treatment facilities; are approximately 0.5 mile southeast of the intersection of FM Road 1960 (Jackrabbit Road) and Perry Road in Harris County; renewal; 11201-01.

City of Falls City; the wastewater treatment facilities; are approximately 600 feet northwest of the intersection of Panna Maria Street and Maverick Street in the City of Falls City in Karnes County; renewal; 10398-01.

Gard, Inc.; the wastewater treatment facilities; are located in the Jacintoport industrial development, approximately 1.5 miles southwest of the confluence of the Houston Ship Channel and Carpenter's Bayou in the eastern part of Harris County; renewal; 12318-01.

Guadalupe-Blanco River Authority; the Canyon Park Estates Wastewater Treatment Facilities; the plant site is approximately 0.2 mile west of FM Road 306 and 3.5 miles southeast of the intersection of FM Road 484 and FM Road 306 in Comal County; renewal; 11496-01.

City of Hallsville; the wastewater treatment facilities; are approximately 6,200 feet east of the intersection of FM Road 450 and U.S. Highway 80 and 1,100 feet south of U.S. Highway 80 in Harrison County; renewal; 10460-01.

Houston Independent School District; the wastewater treatment facilities; are on the north shore of Lake Livingston, approximately seven miles east of the City of Trinity in Trinity County; renewal; 11898-01.

McLennan County Water Control and Improvement District Number 2; the wastewater treatment facilities; are approximately 4,000 feet east-northeast of the intersection of Interstate Highway 35 and FM Road 308 and approximately 1,500 feet southeast of FM Road 308 in McLennan County; renewal; 10344-01.

City of Magnolia; the wastewater treatment facilities; are on the northeast corner of the intersection of Arnold Branch and Nichols Sawmill Road, approximately 1.5 miles south of the intersection of FM Roads 1774 and 1488 in Montgomery County; renewal; 11871-01.

Theron L. Moore, Sr.; the Indian Hill Harbor Wastewater Treatment Facilities; the plant site is at a point approximately 3,000 feet north of FM Road 2457, and approximately 12 miles northwest of the City of Livingston on the east shore of Lake Livingston in Polk County; renewal; 11621-01.

Cal J. Myers; the wastewater treatment facilities; are approximately 1/4 mile west of the intersection of Vietnam Memorial Drive and Frick Road on the south side of Frick Road in Harris County; renewal; 12414-01.

North Belt Forest Utility District, Inc.; the wastewater treatment facilities; the plant site is on Wilson Road approximately 15 miles northeast of the City of Houston central business district at a point 2.7 miles east of U.S. Highway 59 and approximately 3/4 of a mile south of the intersection of Atascocita Road and Wilson Road in northern Harris County; renewal; 12571-01.

North Belt 25-A Joint Ownership and North Belt Venture; the wastewater treatment facilities; are approximately 2,000 feet northeast of the intersection of North Belt Drive and Hardy Road, approximately 13 miles north of downtown Houston in Harris County; renewal; 12405-01.

Nottingham Country Municipal Utility District; the wastewater treatment facilities; are at 19630 Stone Lodge, off of Fry Road and adjacent to Mason Creek in Harris County; renewal; 12479-01.

Town of Ponder; the Ponder Wastewater Treatment Plant; the plant site is approximately 9.5 miles southwest of the City of Denton central business district and 1,000 feet southeast of the intersection of FM Road 2449 and FM Road 156 and 1,200 feet east of FM Road 156, approximately 0.3 of a mile south of the Town of Ponder in Denton County; renewal; 11287-01.

City of Post; the wastewater treatment facilities; are approximately 0.75 mile southeast of the intersection of U.S. Highway 84 and U.S. Highway 380 in Garza County; renewal; 13048-01.

River Plantation Municipal Utility District; the wastewater treatment facilities; are approximately 1.5 miles downstream from the Interstate Highway 45 bridge, on the north bank of the West Fork of the San Jacinto River in Montgomery County; renewal; 10978-01.

Sarita Sewer Service and Water Supply Corporation; wastewater treatment facility; the plant site is approximately 3,400 feet west of the intersection of U.S. Highway 77 and La Parra Avenue in the Town of Sarita in Kenedy County; renewal; 13361-01.

Schenectady Chemicals, Inc.; an alkyl phenol/petrochemical plant; the plant site is on FM Road 523, approximately 0.5 mile southwest of the intersection of FM Road 523 and State Highway 332 (at 702 FM Road 523) in the City of Freeport, Brazoria County; amendment; 01961.

Specialty Sand Company; a sand dredging operation; the plant site is 0.25 mile west of State Highway 12 at a point approximately 0.5 mile northwest of Deweyville, Newton County; renewal; 01677.

Solvay Interlox, A Partnership of Solvay Peroxygen, Inc. and LaPorte Peroxygen, Inc.; the hydrogen peroxide, percarbonate soda and sodium perborate process and storage area; the plant site is at 1230 Battleground Road (State Highway 134) in the City of Deer Park, Harris County; renewal; 02544.

City of Texarkana; the Rollingwood Wastewater Treatment Facilities; the plant site is approximately 1,000 feet west of U.S. Highway 59 and approximately 9,500 feet north of Interstate 30 in Bowie County; 10374-08.

Texas Utilities Electric Company; the Stryker Creek Stream Electric Station; the plant site is on the west shore of Striker Creek Reservoir which is approximately 17

miles east of the City of Jacksonville, Cherokee County; renewal; 00946.

Thirty-Two Lake Conroe Real Estate, Limited; the wastewater treatment facilities; are approximately 100 feet south of FM Road 1097 and 1/4 mile east of Lake Conroe in Montgomery County; renewal; 13395-01.

Quail Valley Utility District; the wastewater treatment facilities; are 600 feet south of the terminus of Nancy Belle Lane at the confluence of Stafford Run and Oyster Creek, 2-1/2 miles south of the City of Stafford in Fort Bend County; renewal; 11046-01.

City of Waco; the Mount Carmel Surface Water Treatment plant; the plant site is on Lake Shore Drive between Mount Carmel Drive and Wooded Acres Drive, just east of Lake Waco in the City of Waco, McLennan County; renewal; 03570.

City of Waco; the Riverside Water Treatment Plant; the plant site is southwest of the Brazos River, just southwest of University Parks Drive, just southeast of Colcord Avenue in the City of Waco, McLennan County; renewal; 03571.

City of Waelder; the wastewater treatment facilities; are southeast of Waelder on the north bank of Baldrige Creek, approximately 1/2 mile south of U.S. Highway 90 and 1/2 mile east of State Highway 97 in Gonzales County; renewal; 10327-01.

Wallace A. Raynor; the Alta Vista Mobile Home Park Wastewater Treatment Plant; is approximately 13 miles north-northeast of the City of Fort Worth central business district and 1.9 miles east of Interstate Highway 35W on the north bank of Big Bear Creek, west of its crossing of Alta Vista Road and approximately 0.5 of a mile south of the intersection of Alta Vista Road and Keller-Hicks Road, in the City of Keller in Tarrant County; renewal; 11032-01.

Westwood Shores Municipal Utility District; the wastewater treatment facilities; are one mile north of FM Road 356 and three miles east of the City of Trinity in Trinity County; renewal; 11300-01.

Wharton County Water Control and Improvement District Number 1; the wastewater treatment facilities; are approximately 850 feet north of the intersection of FM Road 1160 and Loop 525, between FM Road 1160 and East Mustang Creek in Wharton County; renewal; 10849-01.

Windy Hill Utilities, Inc.; the wastewater treatment facilities; are approximately 800 feet north of Zaka Road, west of Windfern Road at the southeast corner of Maple Leaf Gardens in Harris County; renewal; 12342-01.

The Woodlands Corporation; the proposed wastewater treatment facilities will serve the Wood Trace Subdivision; the plant site is approximately 4,500 feet southeast of the intersection of Wright Road and State Highway 249,

within an area bounded by Wright Road on the west and by State Highway 249 on the east in Montgomery County; new; 13636-01.

Issued in Austin, Texas, on January 8, 1993.

TRD-9317431

Gloria A. Vasquez
Chief Clerk
Texas Water Commission

Filed: January 11, 1993

Public Hearing

The Texas Water Commission proposed new and amended sections to Title 31 Texas Administrative Code, §§288.1-288.7, 295.9, and 297.1 in the October 30, 1992, issue of the *Texas Register* (17 TexReg 7647). The sections related to water conservation plans. The commission has scheduled a public hearing as follows to receive comments on the proposed rules: Monday, January 25, 1993, at 1 p.m., Room 1149B, Stephen F. Austin Building, 1700 North Congress Avenue, Austin, Texas 78701. Persons participating in the public hearing are encouraged to summarize their testimony in written presentations.

If you have any questions concerning this hearing, you may contact Sharon J. Smith, Legal Division, Texas Water Commission, P.O. Box 13087, Austin, Texas 78711-3087, or call (512) 463-8069.

Issued in Austin, Texas, on January 11, 1993.

TRD-9317444

Mary Ruth Holder
Director, Legal Division
Texas Water Commission

Filed: January 11, 1993

Texas Workers' Compensation Commission

Discount Rate; Interest Rate

The Texas Workers' Compensation Commission has determined, pursuant to the authority and direction given under the Texas Workers' Compensation Act, Article 8308-1.04(b), that any interest or discount provided for in the Act shall be at the rate of 3.57%, a rate computed by taking the auction rate quoted at a discount basis for 52-week treasury bills, issued by the United States Treasury, as quoted on auction on December 10, 1992. The rate shall be effective January 1, 1993-March 31, 1993.

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

TRD-9317318

Todd K. Brown
Executive Director
Texas Workers' Compensation Commission

Filed: January 7, 1993

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 18
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 INIDEX	
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

70 Tuesday, September 14	Wednesday, September 8	Thursday, September 9
71 Friday, September 17	Monday, September 13	Tuesday, September 14
72 Tuesday, September 21	Wednesday, September 15	Thursday, September 16
73 Friday, September 24	Monday, September 20	Tuesday, September 21
74 Tuesday, September 28	Wednesday, September 22	Thursday, September 23
75 Friday, October 1	Monday, September 27	Tuesday, September 28
76 Tuesday, October 5	Wednesday, September 29	Thursday, September 30
77 Friday, October 8	Monday, October 4	Tuesday, October 5
Tuesday, October 12	THIRD QUARTERLY INDEX	
78 Friday, October 15	Monday, October 11	Tuesday, October 12
79 Tuesday, October 19	Wednesday, October 13	Thursday, October 14
80 Friday, October 22	Monday, October 18	Tuesday, October 19
81 Tuesday, October 26	Wednesday, October 20	Thursday, October 21
82 Friday, October 29	Monday, October 25	Tuesday, October 26
83 Tuesday, November 2	Wednesday, October 27	Thursday, October 28
Friday, November 5	NO ISSUE PUBLISHED	
84 Tuesday, November 9	Wednesday, November 3	Thursday, November 4
85 Friday, November 12	Monday, November 8	Tuesday, November 9
86 Tuesday, November 16	Wednesday, November 10	Thursday, November 11
87 Friday, November 19	Monday, November 15	Tuesday, November 16
88 Tuesday, November 23	Wednesday, November 17	Thursday, November 18
89 Friday, November 26	Monday, November 22	Tuesday, November 23
Tuesday, November 30	NO ISSUE PUBLISHED	
90 Friday, December 3	Monday, November 29	Tuesday, November 30
91 Tuesday, December 7	Wednesday, December 1	Thursday, December 2
92 Friday, December 10	Monday, December 6	Tuesday, December 7
93 Tuesday, December 14	Wednesday, December 8	Thursday, December 9
94 Friday, December 17	Monday, December 13	Tuesday, December 14
95 Tuesday, December 21	Wednesday, December 15	Thursday, December 16
96 Friday, December 24	Monday, December 20	Tuesday, December 21
Tuesday, December 28	NO ISSUE PUBLISHED	

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